



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

H.B. No. 5251 (RAISED) An Act Concerning Payment of the Costs of Forensic Sexual Assault Evidence Examinations

Joint Committee on Judiciary
February 26, 2010

The Division of Criminal Justice respectfully recommends and requests the Committee's Joint Favorable Substitute Report for H.B. No. 5251, An Act Concerning Payment of the Costs of Forensic Sexual Assault Evidence Examinations. This bill is strictly technical and is needed to clarify a change made as part of the adoption of the current budget.

In the 2009 budget deliberations, the General Assembly enacted Section 178 of Public Act 09-7, September Special Session. The intent of this section was to transfer from the Division of Criminal Justice to the Office of Victim Services in the Judicial Branch the responsibility for the payment for examinations conducted for the collection of evidence in sexual assault investigations. The public act also transferred from the Division to the Office of Victim Services the line item funding for this purpose and as such there was no fiscal impact.

The Division of Criminal Justice extends its appreciation to the General Assembly for its recognition of the need to address this issue. We also wish to thank the Judicial Branch, and specifically the Office of Victim Services, for stepping forth and agreeing to accept this responsibility. The Office of Victim Services is a more appropriate agency to process medical claims presented for the provision of medical services to victims, both in terms of better serving the victims and from a legal standpoint. The Division of Criminal Justice, as the agency responsible for the ultimate prosecution of the crime for which evidence is collected, should be a long arm's distance from what is essentially a medical process and not an investigative process.

Although the intent of the 2009 legislation was clear, the specific language of the public act is not as clear. Section 178 of the 2009 budget act reads:

The funds appropriated to the Judicial Department in sections 1 and 3 of this act, for Forensic Sex Evidence Exams, shall be administered by the Office of Victim Services for the fiscal years ending June 30, 2010, and June 30, 2011.

This language would raise the question of what happens after the fiscal year ending June 30, 2011. H.B. No. 5251 amends Section 19a-112a of the General Statutes to permanently assign this responsibility to the Office of Victim Services to remove any doubt. To further clarify the intent, the Division would respectfully recommend an amendment to H.B. No. 5251 to specifically repeal Section 178 of P.A. 09-7, September Special Session, again to eliminate any doubt or question of the intent or where this responsibility should rest.

In conclusion, the Division would respectfully recommend and request the Committee's Joint Favorable Substitute Report for H.B. No. 5251, incorporating the amendment proposed herein. The Division also wishes to again thank the Committee and the Judicial Branch for their assistance and cooperation on this issue. We would be happy to provide any additional information or to answer any questions the Committee might have.

Respectfully submitted,
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Chief State's Attorney