



State of Connecticut

## DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan,  
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*Raised Bill No. 5497*

*An Act Concerning the Recommendations of the Speaker of the House of  
Representatives' Task Force on Domestic Violence*

Judiciary Committee Public Hearing  
March 15, 2010

While not opposed to *Raised Bill No. 5497, An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence*, in its entirety, the Office of Chief Public Defender is opposed to language in the new subsection (h) of Section 3 that would prohibit a person from participation in the pretrial family violence education program if charged with threatening in the 1<sup>st</sup> degree, specifically C.G.S. §53a-62(a)(1). A person so charged with this *A misdemeanor* would be prohibited from the program while another person who is charged with an actual physical assault or a D felony or an unclassified felony, if good cause is shown, would be permitted to participate. In fairness, a person who makes such a threat should be afforded at least the same diversionary program as a person who has committed a physical assault.

In addition, this office requests that language be inserted in Section 1 (at line 23) and subsection (f) of Section 3 (at line 200) that the cost of electronic monitoring shall be waived upon a determination by the court that the defendant is indigent.

Testimony - Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant Public Defender, Office of Chief Public Defender  
R. B. 5497 - An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence  
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The language as drafted requires that the court may order a person to be subject to electronic monitoring, "provided the cost of such electronic monitoring is paid by the respondent who is subject to such electronic monitoring." A person who is indigent would likely be incarcerated in lieu of being subject to the electronic monitoring as he/she could not pay the cost of such. By waiving the cost for those who are indigent, the legislation will not benefit only those who have financial resources while those who are poor lose their liberty for those who are poor. Therefore, the following amendment is suggested to be inserted:

SECTION 1:

21 electronic monitoring is necessary to protect the applicant, provided  
22 the cost of such electronic monitoring is paid by the respondent who is  
23 subject to such electronic monitoring **EXCEPT THAT THE COURT SHALL WAIVE**  
**THE COST OF THE ELECTRONIC MONITORING IF THE DEFENDANT IS**  
**INDIGENT.**

SECTION 3:

199 the victim, provided the cost of such electronic monitoring is paid by  
200 the person who is subject to such electronic monitoring **EXCEPT THAT THE**  
**COURT SHALL WAIVE THE COST OF THE ELECTRONIC MONITORING IF THE**  
**DEFENDANT IS INDIGENT**

Thank you for your consideration.