



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Opposition to:

S.B. No. 336 (RAISED) An Act Concerning Negligent Homicide with a Motor Vehicle

Joint Committee on Judiciary

March 24, 2010

The Division of Criminal Justice cannot support S.B. No. 336, *An Act Concerning Negligent Homicide with a Motor Vehicle*. We do not doubt that this bill comes before the Committee with the best of intentions; however, it would result in an inconsistent and imbalanced statutory scheme.

S.B. No. 336 would amend Section 14-222a of the General Statutes to effectively increase the penalty for the negligent operation of a motor vehicle that results in the death of another from an unclassified misdemeanor to an unclassified felony. As a result of this change, the possible term of incarceration allowed for this offense would be increased from the current maximum of six months to a maximum of two years.

This penalty cannot be examined in a vacuum. It must be viewed in the context of the existing penalties for other offenses that would not be changed by the bill. Does the resulting statutory scheme where one offense carries a lesser penalty than another make sense? With the passage of S.B. No. 336, the penalty for simple negligence with a motor vehicle would be a felony punishable by up to two years incarceration, while criminal negligence (i.e., gross negligence) would be a misdemeanor punishable up to one year incarceration. While the intentions behind the bill may be the best, the resulting statutory scheme simply does not make sense.

The Division recognizes that this issue may warrant further examination. As such we stand ready to work with the proponents of this legislation to examine their specific concerns in an effort to produce workable legislation. S.B. No. 336 as now written is not that legislation.

Respectfully submitted,

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