



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of Deborah Del Prete Sullivan,
Legal Counsel/Executive Assistant Public Defender
Office of Chief Public Defender**

**Public Safety and Security Committee
February 18, 2010 Public Hearing**

Raised Senate Bill No. 146, An Act Concerning the Collection of DNA

While not opposed to this bill in its entirety, this office is opposed to 2 provisions of this proposed legislation. First, this proposed legislation would authorize a person to be charged for failure to "submit to the taking of a blood or other biological sample" even if the person's failure was unintentional. This office suggests that any penalty should only be imposed if a person "intentionally" fails to comply with the statute.

In addition, the proposed legislation enhances the penalty for noncompliance with submitting a DNA sample from a class A misdemeanor to a class D felony. Consistent with its position taken in the past, the Office of Chief Public Defender opposes the enhancement of another offense from a Class A misdemeanor to a Class D felony. A large number of offenses, initially codified as misdemeanors, have been enhanced to felonies in past years. As a result, the number of persons arrested and convicted of felonies has increased. Being charged with a felony can result in a higher bond being set at pretrial, a greater risk of incarceration upon conviction and a greater likelihood that a person will pursue postconviction remedies. All of these can result in a greater cost to the criminal justice system.

In addition, a felony conviction has collateral sanctions which impact upon the person upon reentry into the community. These include barriers to employment, education and housing. Accordingly, such felony convictions will not only impact those convicted but may impact that person's family.