



State of Connecticut

## DIVISION OF PUBLIC DEFENDER SERVICES

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### Testimony of

Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant Public Defender

Raised Bill No. 6366 An Act Concerning the Penalty for Using a Cellular Telephone  
While Operating a Motor Vehicle  
Public Hearing - Judiciary Committee - March 18, 2011

The Office of Chief Public Defender opposes passage of *Raised Bill No. 6366, An Act Concerning the Penalty for Using a Cellular Telephone While Operating a Motor Vehicle*. This bill enhances the penalty for a second or subsequent violation of C.G.S. §14-296aa. This office is opposed to a sentence of incarceration up to 3 months for anyone, including persons under the age of 18, if he/she has violated this statute by using either a cell phone or other mobile device. This office is not aware of any other state, including Connecticut's sister states, which provide for a period of incarceration for *using a cell phone* without a hands free device. Secondly, in regard for *texting* violations, only Alaska and Utah provide for a sentence of incarceration. (See *Distracted Driving: Penalties for Hand-Held and Text Messaging Violations from the National Conference of State Legislatures - 2010*)

In addition, this Office is concerned that by enhancing the penalty, additional financial resources would be required in order to provide representation to indigent persons accused of committing a second or subsequent violation of the statute. The Judicial Department reported that between "January 1, 2007 and September 30, 2009, there were 103,294 court cases involving violations of various provisions of this law. (The data does not distinguish between mobile electronic device and cell phone violations)". (See, *OLR Report 2010-R-0094, Procedural Outcome of Cell Phone Use Violations, February 22, 2010*). Once a person can lose his/her liberty, he/she would have the right to court appointed counsel, if indigent, through the Division of Public Defender Services. The report does not appear to distinguish between 1<sup>st</sup> and subsequent violations in the numbers reported by Judicial. However, even if one were to make a conservative assumption that 10% (*just over 10,000*) of the 103,294 court cases were second offenders, such would impact upon the caseloads of the Division *which already exceed over 92,000*. Therefore, this Office respectfully requests that this bill not be favorably reported out of Committee.