



State of Connecticut

## DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of Michael Alevy  
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*Raised Bill No. 6391*

**An Act Concerning Penalties For Certain Driving Under the Influence  
Offenses, Offender Risk Reduction Earned Credits and Home  
Confinement For Certain Nonviolent Drug Offenders**

**Judiciary Committee Public Hearing - March 14, 2011**

The Office of Chief Public Defender supports passage of Sections 1, 2, 3, and 4 of *Raised Bill No. 6391, An Act Concerning Penalties For Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement For Certain Nonviolent Drug Offenders*.

**Section 1** of this raised bill amends subsection (g) of *C.G.S. §14-227a, Operation Under the Influence*, with respect to the penalties that must be imposed by the court upon a first conviction of this offense. Currently, the statute requires that the operators' license of a person convicted be suspended for one year. The raised bill allows the court, as an alternative, to reduce the period of license suspension to three months and thereafter prohibit, for the nine month period following completion of that suspension, a person from operating a motor vehicle unless the vehicle is equipped with a functioning, approved ignition interlock device.

The Office of Chief Public Defender supports implementation of the proposed alternative license suspension provision. Such a provision will permit a sentencing court to exercise its

*Re:            Raised Bill No. 6391, An Act Concerning Penalties For Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement For Certain Nonviolent Drug Offenders*

discretion in appropriate cases. A reduction in the suspension period may be appropriate to permit a convicted person the ability to maintain or seek employment or educational opportunities as well as maintain potential obligations regarding the care of children, family or others. At the same time public safety considerations can be met by requiring that any motor vehicle operation take place within the constraints and under the control of an ignition interlock system.

**Section 2** of the raised bill makes technical changes to C.G.S. §14-227a(i) supported by the Office of Chief Public Defender.

**Section 3** of the raised bill provides new language that creates a “house arrest” option in lieu of incarceration for individuals convicted of operating under the influence. Currently, in most cases the law requires that a person, convicted pursuant to section C.G.S. §14-227a, serve a period of incarceration. The proposed language permits the Department of Corrections to release a person to their residence subject to conditions that (1) they not leave such residence and (2) they are monitored electronically by use of a global positioning and remote alcohol consumption monitoring systems.

The Office of Chief Public Defender supports the creation of such an alternative to incarceration option. A “house arrest” provision will permit the Department of Corrections, to exercise its discretion regarding the utilization of its resources. The Office of Chief Public Defender anticipates a savings to the Department of Correction with respect to overall cost of incarceration as a result.

**Section 4** of the raised bill provides new language requiring the Department of Correction to establish an incentive plan for inmates to earn credit toward a reduction in their sentence and possibly early release from their incarceration. The Office of Chief Public Defender supports this effort to provide incentives for good behavior and compliance with rules that lead to the possibility of early release.

**Section 5** of the raised bill provides new language that creates a “house arrest” option in lieu of incarceration for individuals convicted of C.G.S. §21a-267 or subsection (c) of C.G.S. §21a-279. The Office of Chief Public Defender supports, in general, the concept of a “house arrest” option in lieu of incarceration for persons convicted under these sections.

Currently pursuant to section C.G.S. §18-100(c), the Department of Corrections may release a person serving a sentence of 2 years or less to an outpatient program or other authorized residence upon completion of one-half of the sentence originally imposed by the court. A concern with the proposed language is how the Department of Corrections might afford a person released on “house arrest” to treatment under the conditions established in section C.G.S. §18-100(c). The Office of Chief Public Defender proposes that specific language be included in **Section 5** that makes clear that any person released to a “house arrest” status remain eligible for treatment pursuant to §18-100 (c).