State of Connecticut

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Testimony of
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Raised Bill No. 6537
An Act Concerning Speedy Trials

Public Hearing - Judiciary Committee
March 9, 2011

The Office of Chief Public Defender supports *Raised Bill. No. 6537, An Act Concerning Speedy Trials.* This proposal would reduce the time after which a person may file a Motion for a Speedy Trial in a case in which the most serious charge is a misdemeanor. Current law requires a person charged with either a felony or a misdemeanor who is incarcerated pretrial to wait **8 months** before being allowed to file a Motion for a Speedy Trial. During this time a person risks the loss of his/her employment and housing. In addition, a number of persons so charged will serve out their sentence and plead to time served just to obtain release from incarceration. The proposal would reduce the time period after which a person can file a motion from 8 months to 90 days only in those cases where the most serious charge is a misdemeanor and where the person desires to exercise his/her state and federal constitutional rights to a trial.

This Office believes that if adopted, this legislation will result in a decrease in the pretrial population of the Department of Corrections and result in a fiscal savings. Numbers obtained by this Office indicate that as of January 1, 2011, there were approximately 518 persons incarcerated pretrial for misdemeanors as follows:

Misdemeanor type	No. of inmates incarcerated pretrial
Unclassified misdemeanor	14
Class C misdemeanor	83
Class B misdemeanor	74
Class A misdemeanor	344

RE: Raised Bill No. 6537 , An Act Concerning Speedy Trials,
Public Hearing - Judiciary Committee, March 9, 2011

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

In Connecticut, the classifications of a misdemeanor are: (1) C misdemeanor which carries a sentence of incarceration up to 3 months or 90 days; (2) B misdemeanor which carries a sentence of incarceration up to 6 months or 120 days; (3) A misdemeanor which carries a sentence of incarceration up to 1 year; or, (4) an unclassified misdemeanor which can carry incarceration of 1 day or more. Probation may also be imposed up to 1 year for any misdemeanor conviction. By reducing the time period, persons who wish to challenge the arrest and go to trial will not be required to serve the maximum sentence which can be imposed for certain misdemeanors just to exercise their constitutional rights. The proposal permits the person to file a motion after 90 days has passed. The court is required to release the person upon a conditional promise to appear with the conditions the court deems appropriate. The trial is then required to commence within 1 year of the arrest.

This Office requests that this bill receive a joint favorable vote from this committee.