

STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

*Colonel Danny R. Stebbins
Acting Commissioner*

*Captain Edwin S. Henion
Chief of Staff*

March 14, 2011

Rep. Gerald M. Fox, Co-Chairman
Sen. Eric D. Coleman, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

SB 1014 AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES

The Department of Public Safety supports this bill.

This proposed bill would decrease the statutory penalty for a person who possesses or has under his control less than one ounce of a cannabis-type substance. Under current law, the maximum penalty is a fine of not more than \$1000.00, and imprisonment of not more than one year. This bill would make such possession an infraction.

There would be significant procedural changes from a law enforcement perspective that would result in savings throughout the criminal justice system. These savings would come about through reduced paperwork and staff time for police, prosecutors and the courts if possession of less than one ounce is treated as an infraction.

Currently, there are there are about 60 people actually serving time in the state's corrections system for possession of small amounts of marijuana. There are as many as 1,000 people on probation for that offense.

The proposed bill would essentially put in place in Connecticut the same procedure adopted by our neighbors to the north, Massachusetts, in making possession of small amounts of marijuana an infraction. This bill would not legalize possession of marijuana, and significant penalties would remain in place for possession of larger amounts.

The position of the Department of Public Safety in supporting this bill is not merely a position of supporting cost savings, or supporting the bill because it will make for easier police procedures for minor cases. This bill and all bills about how the state is spending scarce dollars for criminal justice must be looked at in the larger context of the entire criminal justice system and how the state is choosing to spend scarce dollars. Passage of this bill will save millions of dollars. Within the criminal justice system, those saved dollars could be spent in an area that will help in the solving the most violent of crimes through DNA analysis. While

the state has been spending millions in arrests, prosecution and post conviction probation for possession of small amounts of marijuana, it has been failing to fund necessary staffing for DNA analysis that will solve cold cases and bring to justice the state's most violent criminals.

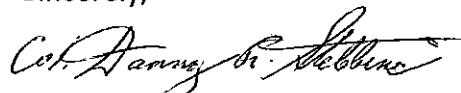
In 2003, the Connecticut General Assembly amended Connecticut General Statute 54—102g to require that all persons convicted of felonies be required to submit to the taking of DNA samples. The Connecticut Department of Public Safety received no additional staffing positions and or funding to acquire and process DNA supplies into the CODIS databank. As a result a backlog in convicted offender samples ensued, culminating in a backlog of over 22,484 unprocessed offender samples in August 2009. The State of Connecticut devoted 1.4 million dollars in American Recovery Re-Investment Justice Assistance Grant Funding to hire 9 durational positions to address this backlog and that backlog was eliminated in June 2010. These durational positions have now been diverted to address the criminal backlog of DNA evidence which continues to increase monthly and stands at over three years. Additionally, the ARRA federal grant funding is set to expire in June 2011, jeopardizing the continuation of nine durational positions.

At a time when the state is backlogged in processing convicted offender DNA samples and on the cusp of losing nine talented scientists whose federal funding is running out in June, it is time to take a hard look at how we are spending available criminal justice dollars.

It is not good public policy to be spending millions on non-violent minor drug possession cases while you are failing to fund the greatest criminal justice tool available to get violent murderers and rapists off the streets.

This is a bill whose time has come.

Sincerely,

A handwritten signature in black ink, appearing to read "Col. Danny R. Stebbins". The signature is written in a cursive, flowing style with a long horizontal flourish extending to the right.

Colonel Danny R. Stebbins
ACTING COMMISSIONER