State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
HARTFORD, CONNECTICUT 06106
(860) 509-6405 Telephone
(860) 509-6495 Fax

DEBORAH Del PRETE SULLIVAN
LEGAL COUNSEL/
EXECUTIVE ASSISTANT PUBLIC DEFENDER
deborah.d.sullivan@jud.ct.gov

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

Raised Bill No. 961
An Act Concerning the Enforcement of the Ban on Using a Cellular Telephone or Electronic Device While Driving

Public Hearing - Judiciary Committee - March 18, 2011

The Office of Chief Public Defender opposes passage of **Raised Bill No. 961, An Act Concerning the Enforcement of the Ban on Using a Cellular Telephone or Electronic Device While Driving.** This bill would require law enforcement to "**seize** the hand-held mobile telephone or mobile electronic device being used" and **impound it for 48 hours** after arrest. (See lines 92-96 of the bill).

This Office is concerned that the impoundment of these devices may violate the federal and state constitutional rights against illegal search and seizure. Current law defines a mobile electronic device as including laptops and personal digital assistant regardless of whether for business or personal usage. With the existing state of technology, such devices contain incredible amounts of personal identifiable information about a person, including family information, contacts, business information, schedule, pictures, travel, and email and internet usage.

In addition, the proposed bill contains no safeguards for the storage of the mobile telephone or mobile electronic device which is seized. It is unknown where and how the device would be stored or how one could reclaim his/her property.

Lastly, the storage of these devices in any way, even in a confidential manner, is extremely likely to impact upon municipal and state police departments. 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*). Therefore, this Office respectfully requests that this bill not be favorably reported out of Committee.