



State of Connecticut

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Testimony of
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Raised Bill No. 1014
An Act Concerning the Penalty for Certain Nonviolent Drug Offenses

Public Hearing - Judiciary Committee, March 14, 2011

The Office of Chief Public Defender supports *Raised Bill No. 1014, An Act Concerning the Penalty for Certain Nonviolent Drug Offenses*. Section 1 of the bill would provide that a person is guilty of an infraction if he/she person possesses a small amount, less than 1 ounce, of marijuana. Instead of facing up to 1 year incarceration for this small amount of marijuana, a person can be fined. The most recent *Quinnipiac University Poll* released on March 10, 2011 found that 65% of those polled favored decriminalization of possession of small amounts of marijuana compared to 55% just 2 years ago in March of 2009.

Section 2 of the bill does not eliminate the penalties for persons charged with possession of greater amounts of marijuana. A person arrested for possession of 1 or more ounces but less than 4 ounces of marijuana would still be prosecuted and if convicted, imprisoned up to 1 year for a first offense and up to 5 years for a subsequent offense. Fines and probation can also be imposed in addition to a period of incarceration.

Section 3 provides that a person is guilty of an infraction if he/she violates C.G.S. 21-267(a), only as it is related to less than one ounce of marijuana. A person can still be charged with a C misdemeanor for which a person can be imprisoned up to 90 days for paraphernalia related to the use of delivery of controlled substances. This section distinguishes this bill from another bill on the agenda today, Raised Bill No. 953, because this would pertain only to paraphernalia related to marijuana. This Office believes that distinguishing marijuana from controlled substances is appropriate.

This Office asks that the Committee support this proposed legislation.