



State of Connecticut

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Testimony of
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Raised Bill No. 1166
An Act Concerning the Length of Pretrial Detention

Public Hearing - Judiciary Committee
March 21, 2011

The Office of Chief Public Defender supports *Raised Bill. No. 1166, An Act Concerning the Length of Pretrial Detention*. This proposal would prohibit a person from being held pretrial in a correctional facility for a misdemeanor beyond the maximum amount of time for which he/she could be sentenced to if found guilty of the misdemeanor. The proposed bill requires that once an accused person serves the maximum amount of time which can be imposed if found guilty, the court shall release him/her on a Promise to Appear with any conditions the court deems appropriate to assure his/her appearance in court. The case is not dismissed and continues through the legal process. The only change is that the person who could not afford to post his/her bond is released from incarceration.

This Office supports this legislation which will assure that no person is incarcerated for a longer period of time than could have been imposed if found guilty. By restricting the time period for which a person may be held pretrial to the maximum amount of time that a person could be sentenced to if found guilty, this office believes that persons will not plead guilty to offenses for which they may not be guilty. Instead, this Office believes that more people will exercise their constitutional rights and not feel pressured into pleading guilty just to gain their release from incarceration to go back to their jobs, families, or educational pursuits.

RE: Raised Bill No. 1166 , An Act Concerning the Length of Pretrial Detention
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Testimony of Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant Public
Defender, Office of Chief Public Defender

In addition, this Office believes that if adopted, this legislation may result in a decrease in the pretrial population of the Department of Corrections and 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:

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

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.

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