



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. NO. 6683: AN ACT CONCERNING THE ABATEMENT OF A PUBLIC NUISANCE

JOINT COMMITTEE ON JUDICIARY
April 15, 2013

The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT for H.B. No. 6683, An Act Concerning the Abatement of a Public Nuisance. The Division wishes to thank and commend Representative Grogins and others who have devoted much time and effort to this legislation, which would enhance and strengthen the Nuisance Abatement and Quality of Life Act codified as General Statutes Section 19a-343 *et. seq.*

Nuisance abatement combines civil remedies and innovative problem-solving with traditional policing and criminal prosecution to address quality of life issues in our communities. Prosecutors work with police departments, city and town government agencies and department sand community groups to clean up problem properties, or "hot spots" that are magnets for illegal activity.

The Nuisance Abatement and Quality of Life Act authorizes prosecutors to bring civil nuisance actions against persons or properties involved in specified types of illegal activity. The act requires a minimum of three arrests or the issuance of three arrest warrants indicating a pattern of criminal activity on the property during a one-year period before a nuisance abatement action is brought. The law specifies ten areas from which arrests must be made to precipitate a nuisance abatement action: drug trafficking; illegal gambling; prostitution; obscenity involving minors; illegal liquor sales; motor vehicle "chop shops"; inciting injury to persons or property; murder; sexual assault; or felonious assault.

Nuisance actions are filed in the Superior Court for the Judicial District where the property is located. The prosecutor will seek court orders or negotiate a stipulated agreement for whatever relief is necessary to stop the criminal activity underlying the nuisance. Many remedies may be possible, ranging from screening prospective tenants when, for example, the nuisance property is an apartment building, to as severe as closing a business operating on the property.

H.B. No. 6683 strengthens and enhances the Nuisance Abatement and Quality of Life Act by expanding the categories of predicate offenses or violations for which a nuisance abatement action can be brought. Notable among the new categories is the addition of firearms violations and the issuance of three or more citations for a violation of certain

municipal ordinances. In terms of municipal ordinances, the bill targets properties that generate excessive noise, create dangerous or unsanitary conditions from overcrowding, and massage parlors that essentially serve as a front for prostitution. The inclusion of municipal ordinance violations represents a bold initiative to build stronger partnerships with municipalities and municipal regulatory agencies to utilize nuisance abatement to address quality of life issues. Since its inception, nuisance abatement has been built on a state and local partnership that brings together police and prosecutors; the extension proposed in H.B. No. 6683 will further extend this approach and provide an even stronger tool for use by both state and municipal authorities.

H.B. No. 6683 further strengthens the Nuisance Abatement and Quality of Life Act by imposing a more appropriate burden of proof upon the state in bringing nuisance abatement actions. The bill requires the state to prove the existence of a nuisance by "a preponderance of the evidence" rather than by the more burdensome requirement of "clear and convincing evidence" incorporated in current law. The Division would recommend one revision to the bill as written, the deletion of the word "nonresidential" on lines 66 and 143. This change would allow for nuisance abatement actions in response to excessive noise generated from a residential property. The Division has received frequent complaints about college students generating loud noise at all-night parties in residential properties rented by those students. The removal of the word "nonresidential" in lines 66 and 143 would allow for nuisance abatement actions to address such quality of life problems.

In conclusion, the Division of Criminal Justice wishes to extend its appreciation to the Committee for this opportunity to provide input on H.B. No. 6683. The Division would be happy to provide any additional information the Committee might require regarding the Nuisance Abatement and Quality of Life Act or to answer any questions the Committee might have. Thank you.