State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

H.B. NO. 6691: AN ACT CONCERNING THE ISSUANCE OF A WRITTEN COMPLAINT AND SUMMONS FOR THE COMMISSION OF A MISDEMEANOR OR VIOLATION

JOINT COMMITTEE ON JUDICIARY
April 15, 2013

The Division of Criminal Justice respectfully recommends the Committee's REJECTION of H.B. No. 6691, An Act Concerning the Issuance of a Written Complaint and Summons for the Commission of a Misdemeanor or Violation. This legislation strips the police of the ability to set bail or conditions of release for an individual who is charged with any of a host of serious offenses as long as the person can produce a driver's license, identity card issued pursuant to Section 1-1h of the General Statutes or a U.S. or foreign passport.

What offenses would be covered by this legislation? Any misdemeanor or offense for which the maximum penalty is one year or less incarceration and/or a fine of up to $1,000. Thus this would prohibit the police from setting bail for an individual charged, for example, with Criminally Negligent Homicide (53a-58), Assault in the Third Degree (53a-61); Assault of an Elderly, Blind, Disabled or Pregnant Person or a Person with Intellectual Disability in the Third Degree (53a-61a), Threatening in the Second Degree (53a-62), Strangulation in the Third Degree (53a-64cc), Sexual Assault in the Fourth Degree (53a-73a), Custodial Interference in the Second Degree (53a-98), Riot in the First Degree (53a-175), Stalking in the Second Degree (53a-181d), or Failure to Appear in the Second Degree (53a-173).

The police need to have the discretion to set a bond and evaluate each case individually. It is common for a defendant to have files already pending in court and continue to be arrested, or to have committed multiple crimes, which individually are misdemeanors but collectively for one incident make it more serious. H.B. No. 6691 ignores these realities as well as the fact that in most cases people who are charged for the first time with a non-serious offense are already released on a written promise to appear.

The purpose for setting bail is to assure the appearance of the defendant in court. So what is the sanction for someone who is released without bail under this bill and then fails to appear in court? H.B. No. 6691 would simply require the police to issue that individual another "written complaint and summons." The person would be subject to being charged with Failure to Appear under Section 53a-173, but because that also is a misdemeanor all the police could do is issue another summons.

Further, there is no exception in H.B. 6691 for domestic violence or Driving Under the Influence (DUI) cases. In many if not most instances, domestic violence cases involve misdemeanor charges, and H.B. No. 6691 strips the police of any ability to set conditions of release appropriate and necessary to protect the victim and public safety. Likewise there is no exception for DUI cases where custody is necessary not only for testing but also to protect the public safety. Under this bill, as long as the offender can produce a valid driver's license, state ID or passport, all he or she gets is a summons.

This bill essentially allows those charged with serious offenses to use a driver's license, state ID or passport as a "stay out of jail" card. It removes the setting of bail to encourage compliance or other appropriate conditions of release to protect the public safety. The bill is badly misguided and should be rejected. In conclusion, the Division of Criminal Justice wishes to thank the Committee for providing this opportunity to offer comment on this matter. We would be happy to provide any additional information the Committee might require or to answer any questions you might have.