

CCDLA
“Ready in the Defense of Liberty”
Founded 1988

**Connecticut Criminal Defense
Lawyers Association**
P.O. Box 1766
Waterbury, CT 07621-1776
(860) 283-5070 Phone/Fax

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The Honorable Gerald M. Fox, Co-Chairman
The Honorable Eric D. Coleman, Co-Chairman
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

RE: RAISED BILL NO. 6643
An Act Concerning the Failure of a Witness to Report a Serious Crime

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice. By way of this testimony, CCDLA objects to passage of Raised Bill No. 6643 “An Act Concerning the Failure of a Witness to Report a Serious Crime.”

Raised Bill No. 6643 essentially requires the public to step into the shoes of a law enforcement officer and assess whether a crime is being committed. This is not only unreasonable to require the public to become involved in an alleged crime, but also may put a person at risk of personal harm if that person is required, by law, to remain in the vicinity of the alleged crime to determine whether, in fact, a crime is being committed and then report it.

Furthermore, this bill is essentially requiring a person to be a “mandated reporter” without the relationship status required under the mandated reporting laws. Under the mandated reporter laws, the reporter has a duty because of a designated relationship to protect another person. This is an unreasonable request to place upon the general public with criminal consequences imposed if the person does not comply. If the person reports what they believe to be a criminal offense and it is not, can that person be held liable for falsely reporting a crime? Can they be civilly liable for defamation or malicious

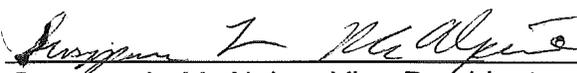
prosecution? This is essentially a "Good Samaritan" law imposed on the general public without the safeguards that protect the typical "Good Samaritan" law that applies to medical personnel who render assistance to people who are injured. Quite the opposite, this law criminally penalizes the public and puts them at risk.

The bill is also overly broad as to the determination of the proof that the person, who supposedly observed the alleged offense and did not report it, actually did observe the offense or knew that an offense was being committed and then did not report it. If there are several witnesses in the vicinity of an alleged offense and the person assumes that another one of the witnesses reported the offense, can the person who did not report it be charged with this crime?

In addition, the terms of the bill are vague and overbroad. The phrases in Section 1 (a), "or should reasonably know" and "as reasonably practicable" are so vague and overbroad such that the public does not have notice and fair warning of what is required of them if, in fact, an alleged offense is observed. The bill requires a person to report the crime "as soon as reasonably practicable" to a law enforcement agency. What time frame does this cover and who determines when "it is reasonably practicable" to report the offense. Also, the bill requires a person to report an attempted crime. It is unreasonable to require the public to report an alleged crime never mind an attempted crime. An **attempted** crime is even more difficult for a layperson to determine.

One would hope that if a person did observe a crime being committed and knew it was a crime, that ethically and morally the person would report it. However, making it a criminal offense if the person does not report places an undue and unreasonable burden on the public based on the above reasons.

Respectfully submitted,
CCDLA

By, 
Suzanne L. McAlpine, Vice-President