



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

H.B. NO. 6686: AN ACT CONCERNING THE ALLOCATION OF SEIZED CRIMINAL ASSETS TOWARD THE PAYMENT OF PAST-DUE CHILD SUPPORT OBLIGATIONS

JOINT COMMITTEE ON JUDICIARY
April 5, 2013

The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on H.B. No. 6686, An Act Concerning the Allocation of Seized Criminal Assets Toward the Payment of Past-Due Child Support Obligations. While this bill is clearly well-intended, it carries practical impediments as well as a major negative impact on the State of Connecticut's drug asset forfeiture program.

The bill envisions that past-due child support payments will be satisfied, at least in part, from any monies ordered returned to the owner in criminal cases, or monies forfeited under General Statutes Section 54-36h, 54-36o or 54-36p. The practical impediment arises from the fact that Support Enforcement would have to run an ad hoc check for every criminal disposition where property is ordered return to owner, or for every claimant that was the subject of a civil forfeiture judgment, to determine if the defendant or claimant is an obligor owing child support. Further complicating the situation is the fact that the alleged owner of property to be returned often is not the defendant in the criminal case.

Of equal concern is the potential negative impact on the state drug asset forfeiture program. The bill would primarily impact Section 54-36h, which governs drug asset forfeitures. While some may consider any unallocated monies as a potentially attractive revenue source, the pool of forfeiture money is actually quite modest. Typically in any given year a total of approximately \$1.25 million from approximately 1,200 cases is distributed over all participating police departments in the state. Moreover, police departments have come to rely on forfeiture to help pay overhead and for equipment not covered by tight municipal budgets. It goes without saying that if the municipal departments learn that they will be losing a share of forfeitures they will be less likely to go the extra effort to seize assets or submit forfeiture requests. While the bill is clearly well-intentioned, its practical implications warrant its rejection.

In conclusion, the Division expresses its appreciation to the Committee for this opportunity to offer input on this matter and would be happy to answer any questions or to provide any additional information the Committee might require. Thank you.