



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
April 15, 2013

**House Bill 6697, An Act Concerning the Forfeiture of a Motor Vehicle
Operated While Consuming or Under the Influence
of Intoxicating Liquor or Drugs**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to **House Bill 6697, *An Act Concerning the Forfeiture of a Motor Vehicle Operated While Consuming or Under the Influence of Intoxicating Liquor or Drugs***. This bill, which provides for the seizure and forfeiture of a motor vehicle in certain instances, raises a number of questions.

On a most fundamental level, although the bill refers several times to motor vehicles being seized as a result of an arrest for driving under the influence or the other listed offenses, it does not appear to provide the necessary authority for the vehicle to be seized. Once this threshold question is disposed of, a number of unanswered questions arise as to how the Judicial Branch would implement the bill's provisions.

For example, while the bill speaks of notifying an individual who may have a lien, lease or security interest in the seized vehicle, it is unclear how this information will be obtained. Will it be done by the prosecutors and presented to the court? Also, there are references in several sections to bonds posted as security for the release of the seized vehicle; would that bond be posted with the court clerk? How will the value of the vehicle be determined and by whom in order to establish the bond amount? These are just a few of our questions.

The Branch also has a number of concerns with the subsection pertaining to remittance of proceeds to municipalities. Initially, we would respectfully note that lines 29-30 refer to this action being deemed a civil suit in equity. Monetary amounts related to civil suits are not

deposited in the General Fund – since the funds are not considered revenue – so there is a conflict with line 66, which calls for the proceeds to be deposited in the General Fund.

We suggest that perhaps the disbursement of funds could be modeled on the language found in section 54-36h(e) and (f) – the sections that govern disbursement of funds relating to drug asset forfeiture – so that General Fund involvement can be avoided.

Lastly, we would note that these civil matters will be handled in criminal courts; unless resources are provided to expand the civil computer system to our criminal courts and modifications are made to that system to accommodate these actions, these matters will be handled manually.

Thank you for the opportunity to submit testimony on this bill.