



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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

**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
April 15, 2013**

House Bill 6699, An Act Concerning Pretrial Diversionary Programs and Solicitation of Clients in Criminal Matters

Thank you for the opportunity to submit written testimony, on behalf of the Judicial Branch, on **House Bill 6699, *An Act Concerning Pretrial Diversionary Programs and Solicitation of Clients in Criminal Matters***. The Judicial Branch supports sections 1 and 2 of the bill, but has concerns with sections 4, 5 and 7.

Section 4 would mandate that mediation programs be established in all twenty G.A. courts. While the Branch supports the concept of mediation in criminal courts, we are opposed to this legislative mandate. The Branch has never been provided with sufficient funding to establish mediation in all our courts. Up until a couple of years ago, mediation was provided in five court locations through contracted providers, at a total annual cost of \$560,000. However, even these limited programs had to be eliminated approximately a year-and-a-half ago because of budget cuts.

Section 5 of the bill would divert money from the Criminal Injuries Compensation Fund (CICF) by allowing prosecutors to consider monetary donations to other nonprofit organizations. Currently, the statute mandates that these donations be made to the CICF, which provides monetary compensation to crime victims throughout the state. This provision would negatively impact the CICF, thereby impairing the Branch's ability to assist victims.

Finally, we wanted to bring to the Committee's attention to the fact that restrictions similar to that proposed by **section 7** of the bill, which would require criminal defense attorneys to wait thirty days after an arrest of a defendant before sending a written communication to solicit the defendant as a prospective client, have been held to be unconstitutional in other jurisdictions.

Thank you for your consideration.