



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN OPPOSITION TO:

**H.B. NO. 5344: AN ACT CONCERNING CHILD ENDANGERMENT WHILE  
OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE  
OF INTOXICATING LIQUOR OR DRUGS**

JOINT COMMITTEE ON JUDICIARY  
March 17, 2014

The Division of Criminal Justice opposes H.B. No. 5344, An Act Concerning Child Endangerment While Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor or Drugs, and would respectfully recommend the Committee take NO ACTION on this bill.

H.B. No. 5344 would reduce the penalty for operating a motor vehicle under the influence while a child was in the vehicle from a Class C felony, punishable by up to ten years' incarceration, to a Class D felony, which carries a maximum sentence of five years' incarceration. The Division is at a loss to explain the reasoning behind this request to reduce the penalty for such egregious conduct.

To elaborate, Section 53-21 of the General Statutes already defines risk of injury as a class C felony for any person who "wilfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered." Drunken or drugged driving with a child in a vehicle is already clearly prohibited by this section and motorists who act as such are already being arrested and charged with the class C felony offense.

H.B. No. 5344 proposes to add a new provision that would no longer include drunken driving with a child in the vehicle under the existing 53-21 (a) (1) but would instead carve out a new offense as a Class D felony, with the lower penalty. The Division opposes this lessening of the penalty for which we can see no justification whatsoever.

In conclusion, the Division recommends the Committee take NO ACTION on H.B. No. 5344. We would be happy to provide any additional information or to answer any questions the Committee might have.