

CCDLA
"Ready in the Defense of Liberty"
Founded 1988 P.O. Box 1766

**Connecticut Criminal Defense
Lawyers Association**

Waterbury, CT 07621-1776
(860) 283-5070 Phone/Fax
www.ccdla.com

March 31, 2014

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

**Re: Raised Bill 491, An Act Concerning Harassment of a Victim of
Violent Crime or a Relative of Victim of Violent Crime**

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 does not support Raised Bill No. 491, An Act Concerning Harassment of a Victim of Violent Crime or a Relative of Violent Crime.

Raised Bill No. 491 establishes the crime of harassment of a victim of a violent crime or the relative of a victim of a violent crime. Essentially, the proposal makes it a class A misdemeanor if a person "(4) with intent to harass, annoy or alarm a victim of violent crime or the relative of a victim of violent crime, ... communicates with such victim or the relative of such a victim regarding the violent crime by means of written, oral or electronic communication." This subsection is an addition to the already existing statute Sec. 53a-183. Harassment in the second degree: Class C. misdemeanor.

CCDLA objects to the addition of this provision for the following reasons. First, this provision is duplicative. The statute itself already makes it a crime to harass a person and is broad enough to cover any person whether they are a victim of a violent crime, a relative of a victim of a violent crime, or otherwise. Adding this provision to the statute and carving out an exception for a certain class of people is unnecessary. The statute as currently written protects all people from harassment.

Second, CCDLA questions the reasoning behind making harassing a victim of a violent crime or the relative of a victim of a violent crime a class A misdemeanor while harassing any other person is classified as a class C misdemeanor. Again, carving out a special class in this proposal appears unnecessary and discriminatory. Why should harassing a person of a violent crime garner a greater penalty or charge than harassing any other person?

Third, the proposal is redundant with other existing statutes that address the behavior that this proposal is intended to prohibit. Sec. 53a-151, Tampering with a Witness, a Class C felony, provides that it is a criminal offense to tamper with a witness, which also protects victims of violent crimes or any other witnesses for that matter from being harassed, annoyed and alarmed. Also, Sec. 53a-151a, Intimidating a witness, a Class C Felony, protects a witness if a person "uses, attempts to use or threatens the use of physical force against a witness or another person with intent to" influence, delay, or prevent the witness' testimony, induce the witness to testify falsely, or causing the witness to absent him or herself from a proceeding. Therefore, this provision is duplicative of the proposal to the harassment statute.

Based on the above, CCDLA objects to this Raised Bill 491. Thank you for your time and consideration.

Respectfully submitted,

CCDLA

By: 
Suzanne L. McAlpine
CCDLA President Elect