



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
HARTFORD, CONNECTICUT 06106

DEBORAH DEL PRETE SULLIVAN
LEGAL COUNSEL, DIRECTOR
(860) 509-6405 Telephone
(860) 509-6495 Fax
deborah.d.sullivan@jud.ct.gov

Testimony of
Deborah Del Prete Sullivan, Legal Counsel, Director
Office of Chief Public Defender

Proposed Bill No. 651
An Act Concerning A Temporary Hold for Certain Family Violence Arrestees

Judiciary Public Hearing - March 16, 2015

The Office of Chief Public Defender is opposed to *Proposed Bill No. 651, An Act Concerning A Temporary Hold for Certain Family Violence Arrestees* and concurs with the written testimony as submitted by the Connecticut Criminal Defense Lawyers Association (CCDLA). As drafted this bill would violate a person's right to bail, due process and equal protection under the state and federal constitutions. The bill requires police to hold any person arrested and accused of a family violence crime, *without bail* for 12 hours, based upon a police officer's discretion after his/her consideration of certain factors in the bill. However, constitutional safeguards require that an adversarial hearing be held at which the defendant is represented by counsel. Only after such a hearing and a court order entered should a defendant be held.

The bill would permit even persons charged with a breach of peace in a family violence situation to be held for 12 hours without bail. In Connecticut a defendant has a constitutional right to bail pending a trial in all but certain capital offenses. Persons charged with a crime are presumed innocent until proven guilty. The state has the burden of proving a person guilty beyond a reasonable doubt. However, pursuant to this bill, a person's alleged conduct or his prior conduct, whether proven beyond a reasonable doubt or not, will require that he/she be held without bail. This bill will result in the unequal application of bail as it will permit bail for persons charged with more serious offenses, but just not in family violence matters.

While understanding the public safety intent of this bill, this bill goes too far. Because this bill is contrary to the constitutional protections as guaranteed to all, the Office of Chief Public Defender is opposed to this bill.