



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

**S.B. No. 1105 (RAISED) AN ACT CONCERNING MINOR REVISIONS TO THE
CRIMINAL JUSTICE STATUTES**

JOINT COMMITTEE ON JUDICIARY

March 20, 2015

The Division of Criminal Justice respectfully requests the Committee's JOINT FAVORABLE REPORT for S.B. No. 1105, An Act Concerning Minor Revisions to the Criminal Justice Statutes. This bill was presented to the Committee as one of the Division's 2015 Legislative Recommendations and is the result of our ongoing review of criminal statutes conducted with input from prosecutors and other Division employees throughout the State.

The bill may best be explained by examining its various sections:

Section 1 addresses the issue raised by our Appellate Court in *State v. Moore*, 85 Conn. App. 7 (2004) and clarifies that when a court imposes a sentence that includes a period of incarceration and a period of probation the probation does not begin until the individual has completed his or her incarceration. Since the purpose of probation is to provide supervision in the community, a period of probation should not be allowed to be substantially reduced or run out entirely when the probationer is in custody of the Department of Correction.

Section 2 of the bill makes a professional bondsman, surety bail bond agent or insurer responsible for paying the costs of returning to Connecticut a person for whom they post bond who absconds and becomes a fugitive. These costs are now borne by the taxpayer at an annual expense of approximately \$190,000, which is reflected in the Division's budget. When a professional bondsman, surety agent or insurer issues a bail bond, he or she is, in effect, extending a guarantee that the person will appear in court. It is the professional bondsman, surety bail agent or bail insurer who should be held financially responsible to assure the appearance of their client – not the taxpayer. If the bondsman, surety agent or insurer makes what basically turns out to be a bad business decision, then he or she should bear the consequences, not the taxpayers.

Section 3 of the bill is essentially a technical change to the statutes reflecting an apparent oversight in the drafting of the Home Invasion statute enacted as Public Act 08-1, January

Special Session, and since codified as Section 53a-100aa of the General Statutes. Section 3 would include Home Invasion among the predicate offenses for the crime of Felony Murder. In layman's terms, Home Invasion is simply a more serious form of the crime of Burglary, and since Burglary is already a predicate offense (among others) for Felony Murder, Home Invasion should be as well.

Section 4 of the bill allows for a more serious and appropriate penalty for the crime of Assault in the Second Degree when the victim suffers serious physical injury. Under current law the maximum penalty for intentionally beating someone into a coma with one's fists is the same as for causing a person pain by kicking him or her in the shin with a boot. This bill does not change the definition of what constitutes Assault in the Second Degree, which is now classified as a class D felony. All that it does is change the classification to a class C felony and the applicable maximum penalty when the assault results in serious physical injury.

Sections 5 through 7 of the bill clarify when the registration begins for those sexual offenders required to register with the Sex Offender Registry for ten years. This bill would start the ten-year period upon the offender's release into the community. The reason that an offender is placed on the Sex Offender Registry is to protect the public safety. The public should receive the benefit of notification for the full ten years; the registration period should not be reduced or allowed to expire altogether when the offender is incarcerated and poses no risk or danger to the public.

Section 8 of the bill is intended to provide for a more appropriate means of disposition in certain cases of Simple Trespass as defined in Section 53a-110a of the General Statutes. There have been criminal cases where the arrestee was charged with the misdemeanor crime of Criminal Trespass (Sections 53a-107 through 53a-109). This includes incidents where the defendant not only entered the property with no intent to harm any property but *remained unlawfully*. The most appropriate disposition in such a case would be to substitute the lesser infraction of Simple Trespass, which would move the case from the regular docket to a magistrate and allow for the lesser penalty for an infraction. However, the current language precludes this. The change proposed in Section 8 benefits all parties concerned; the court, the defendants and the state.

Sections 9 through 11 of the bill clarify the statutes dealing with Tampering with a Witness, Intimidating a Witness, and Tampering with Physical Evidence to address the anomaly resulting from the decision of our Supreme Court in *State v. Jordan*, 314 Conn. 354 (2014). In that case, the court ruled that evidence that the defendant tampered with the evidence to escape detection and avoid being arrested was insufficient to establish the crime of Tampering with Evidence. The bill clarifies that the three statutes noted would be violated when the defendant attempts to influence investigations as well as official proceedings.

In conclusion, the Division respectfully requests the Committee's JOINT FAVORABLE REPORT for S.B. No. 1105. The bill addresses several outstanding issues and concerns affecting the criminal justice system and the effective and efficient operations of the system. The Division wishes to thank the Committee for its consideration of this legislation and we would be happy to provide any additional information or answer any questions