

CCDLA  
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March 12, 2015

The Honorable Eric D. Coleman  
The Honorable William Tong  
Chairmen  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, Connecticut 06106

**Re: Testimony In Support Of Governor's Bill 952 - An Act Concerning A Second Chance Society**

Dear Senator Coleman, Representative Tong and Committee Members:

The CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, the CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, the CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

The CCDLA strongly supports **Governor's Bill 952 - An Act Concerning A Second Chance Society**. This bill would make simple possession of drugs a misdemeanor and would make it easier for non-violent offenders to avail themselves of a pardon. Both of these embody notions that define what it means to be a citizen of Connecticut and the United States: that everyone should get a second chance.

This bill would alleviate several problems:

- It would recognize that people who simply possess drugs are not automatically dangerous and not automatically worthy of being punished by incarceration.
- It would not attach the stigma of a felony conviction to someone who simply possessed drugs.

- It would provide such an individual, by virtue of being convicted of a misdemeanor, a better chance at securing employment upon release from custody and allow them to remain connected to their families and communities.
- It would save the taxpayers of Connecticut a significant amount of money by not having to pay approximately \$50,000 per year per inmate.
- It would allow us to put that money toward preventing and reducing serious, violent crime.
- It would allow us to put that money toward treatment of those who are drug dependent and mentally ill, rather than lock them up in jails where rehabilitation and successful reintegration into society is more difficult.
- It would provide notice to non-violent offenders that they are eligible for pardons.
- It would put teeth into our pardon provisions and make the process easier to follow and more efficient, thereby increasing the chances that non-violent offenders would utilize the process to prove to the board that they are worthy of being freed from the restrictions imposed by a conviction.
- It would allow deserving citizens of Connecticut a second chance at being respected, productive members of our society.

It is also important to point out that this bill does not *decriminalize* drug possession - it would still be a crime - and it does not provide for any *automatic* pardons - victims would still be able to request a hearing and object to any pardons being granted.

**Section 1** of the bill would amend C.G.S. 21a-279 to make possession of any drug a Class A misdemeanor, which carries a maximum penalty of 1 year in jail. A judge would be free to sentence someone who possesses drugs to all of that year, none of it, or something in between. The judge would also be able to sentence the defendant to up to 3 years of probation. This bill makes *no changes* to penalties for possession *with intent to sell* and for *sale of drugs*.

Making possession of drugs a misdemeanor would mean that not every person would end up incarcerated for a significant portion of time. It would, however, retain judicial discretion to decide whether prison or treatment was appropriate on a case-by-case basis. This would result in financial savings that the State could put toward the real problems: violent crime and treatment of drug addicted individuals. One 2012 study conducted by Temple University and RTI International found that nearly half of all inmates are drug abusers or drug dependent, but only 10% receive treatment while

incarcerated.<sup>1</sup> One can easily see how this failure to treat drug dependent felons has long-term repercussions not only for them but also society as a whole.

The racial disparities in drug laws are also well documented: according to a 2013 ACLU study,<sup>2</sup> blacks are 3.3 times more likely to be arrested for marijuana possession than whites, despite using the drug at the same rate. According to that same study, Connecticut spent approximately \$50 million in 2010 to enforce marijuana possession laws.

Felony convictions carry with them a variety of restrictions: According to a 2003 CT OLR report,<sup>3</sup> a felony conviction results in 1) an individual being disqualified from jury service for seven years; 2) the loss of ability to have firearms; 3) eviction from public housing; 4) ineligibility for higher education federal assistance like loans or work study; 5) potential loss of a professional license or permit such as architects, detectives, watchmen, surgeons, physical therapists, nursing, nurse's aides, dentistry, psychologists, marital and family therapists, clinical social workers, massage therapists, barbers, hairdressers and cosmeticians, licensees for electrical work, plumbing and piping work, The Department of Consumer Protection can suspend, revoke, or refuse to grant or renew a permit for the sale of alcoholic liquor if convicted of a felony. Additionally, statutes permit the revocation of licenses for felony convictions in the following fields: consumer collection agencies, real estate appraisers, occupational therapists, real estate brokers and salespersons, service dealers, electronics technicians, apprentice electronics technicians, antenna technicians, radio electronics technicians, sanitarians, landscape architects, interior designers, hearing aid dealers, community association managers, pharmacy licensees, physical therapy assistants.

Finally, private organizations are usually free to discriminate against individuals with felony convictions, denying them jobs because of that conviction.

With onerous reporting requirements, housing problems, a drug addiction and the lack of an opportunity to obtain and keep a job, a felony conviction overburdens someone who is convicted of merely possessing drugs. This bill would reduce that burden while at the same time strengthen the resources our communities have to treat those who are ill and to catch those who pose a real danger.

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<sup>1</sup> *Lifetime Benefits and Costs of Diverting Substance-Abusing Offenders From State Prison*, Crime & Delinquency November 5, 2012, 0011128712461904, available online at: <http://cad.sagepub.com/content/early/2012/10/15/0011128712461904.abstract>

<sup>2</sup> *The War on Marijuana in Black and White*, available online at: <https://www.aclu.org/sites/default/files/assets/1114413-mj-report-rfs-rel1.pdf>

<sup>3</sup> *Consequences of a Felony Conviction*, 2003-R-0333, available online at: <http://www.cga.ct.gov/2003/olrdata/jud/rpt/2003-r-0333.htm>

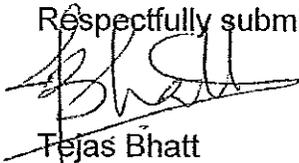
**Section 9** of the bill permits the pardons board to decide on the pardon application of any non-violent offender without conducting a hearing. This would permit the board to consider a greater number of pardon applications from low-level, non-violent offenders and consider them more frequently. The bill keeps intact the ability of victims to request a hearing on a pardon application.

**Section 10** provides for notice to be given to an individual who is eligible for a pardon and is a common sense provision to ensure that people are aware of their ability to seek relief before the pardon board.

The CCDLA strongly supports this bill because our drug policies over the decades have led to mass incarceration, skyrocketing corrections budgets and racial disparities in our prisons. This bill is a small, common sense step on the road to rectifying those problems. It provides low-level, non-violent offenders an opportunity to break free from the cycle of drugs and prison and gives them a second chance.

For all the reasons stated above, the CCDLA supports Governor's Bill 952.

Respectfully submitted,



Tejas Bhatt  
Executive Board Member,  
CCDLA