State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
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Judiciary Public Hearing – March 13, 2015
Bill No. 952 - An Act Concerning a Second Chance Society

The Office of Chief Public Defender supports ***Bill No. 952, An Act Concerning a Second Chance Society.*** In supporting the bill in its entirety, the Office of Chief Public Defender applauds the Governor for proposing specific legislation in Section 1 of the bill which would amend the current statutes so that simple possession of narcotics is no longer penalized as a felony. While not decriminalizing simple possession, the Governor has proposed legislation which the Office of Chief Public Defender believes strikes a balance between public safety and the need for substance abuse treatment for persons arrested for possession of narcotics due to their dependency. The proposal removes the obstacles that have for many years stood in the way of persons convicted of possession to become productive members of society. Although under the proposal a person can still be convicted of possession, conviction of such will not obliterate his/her chance to obtain treatment to assist in their recovery from their addiction, obtain education and housing and obtain and maintain employment.

The current penalty for simple possession pursuant to C.G.S. §21a-279 is up to 7 years incarceration if convicted of possessing <u>any</u> quantity of any narcotic substance, even if the quantity is residue. See <u>State v. McNeil</u>, (AC 34491) released January 13, 2015; <u>State v. McCarthy</u>, 25 Conn. App. 624, 629 cert. denied, 220 Conn. 925 (1991). Pursuant to this bill, a person so convicted of possession could be sentenced to up to 1 year incarceration and probation for up to 3 years. As a result, financial resources currently spent to incarcerate persons convicted of simple possession can instead be utilized to assist persons to obtain substance abuse treatment for their addiction. This is a positive result not only for the person trying to get their life on track but because a savings should be realized as less people will be incarcerated for lengthy periods of time for simple possession. The Office of Chief Public Defender urges that this Committee act favorably on this bill.