



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
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Raised Bill No. 1117 - An Act Concerning Misdemeanors

Judiciary Committee Public Hearing
March 30, 2015

The Office of Chief Public Defender supports that portion of **Raised Bill No. 1117, An Act Concerning Certain Misdemeanors** which would redefine a class A misdemeanor as less than 1 year. However, as drafted, certain misdemeanor statutes would actually be redefined as *unclassified* misdemeanors and contrary to the recent changes as recommended by the Sentencing Commission and endorsed by the legislature in the few years As a member of the working group which helped draft these recommendations along with Brian Austin, of the Chief State's Attorney Office and Attorney Robert Farr. A second unintended consequence of the change would be to create a gap that did not previously exist. As drafted, anyone sentenced to a 1 year sentence for these articulated offenses would now be considered as convicted of a felony.

As a result, the Office of Chief Public Defender thanks the co-chairs for raising this bill to address the issue of deportation of persons convicted of a misdemeanor and sentenced to 1 year. However, the ramifications of the bill as drafted illustrate that the solution sought is more complicated than originally thought. This office therefore, respectfully requests that this issue be submitted to the Sentencing Commission for a thorough review. There a detailed discussion can be had of the implications of any change and hopefully a recommendation as to how to provide the requested relief.

This agency proposed that a class A misdemeanor be redefined by amending the maximum sentence that could be imposed on a person who is convicted of a class A misdemeanor by **1 day**. Currently, the maximum sentence that could be imposed if a person is convicted of a class A misdemeanor is 1 year or 365 days. This proposal would reduce this

maximum sentence from 1 year by 1 day to 364 days. As a result, the 1 day reduction could be the difference between whether a person convicted of a class A misdemeanor, even where the sentence resulted in a suspended sentence of 1 year, is facing deportation.

The reason why the Office of Chief Public Defender initially requested a change in the time period is that currently a person convicted of a “crime involving moral turpitude”, such as shoplifting, can face deportation if the offense is committed within 5 years of the person’s entry to the United States and the offense is punishable by a sentence of 1 year or more. The proposed change will assist persons convicted of a misdemeanor and sentenced to 364 days not to be subject to deportation. In addition, it will reduce the risk that a conviction for which a 1 year sentence has been imposed will qualify as an aggravated felony, even though the conviction was for a misdemeanor. California recently passed SB 1310 which just took effect this past January of 2015.