

CCDLA
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Connecticut Criminal Defense
Lawyers Association
P.O. Box 1766
Waterbury, CT 07621
(860) 283-5070 tel/fax
www.ccdla.com

April 1, 2015

Senator Eric Coleman, Co-Chair
Representative William Tong, Co-Chair
Judiciary Committee
Room 2500, Legislative Office Building,
Hartford, CT 06106

Re: Testimony Opposing Raised Bill 1128, An Act Prohibiting the Use of Accelerated Rehabilitation in the Case of Animal Abuse

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 opposes Raised Bill 1128, An Act Prohibiting the Use of Accelerated Rehabilitation in the Case of Animal Abuse. This bill would make anyone charged pursuant to any section of C.G.S. 53-247, Cruelty to Animals, ineligible for participation in the Accelerated Pretrial Rehabilitation (AR) program pursuant to subsection (c) of C.G.S. 54-56e. Currently the penalties for violations of C.G. S. 53-247 range from an unclassified misdemeanor under subsection (a) to an unclassified felony under subsection (e) providing for up to ten years imprisonment and up to \$10,000 in fines. AR is a pretrial diversionary program for individuals who have no prior convictions and have not used the program within the last ten years. This is a discretionary program that may be granted upon a finding by the court that the charges are not serious in nature and the defendant is not likely to offend in the future. If the charges are determined to be of a serious nature, the court has the discretion to grant the program upon a showing of good cause. Additionally, subsection (c) of C.G.S. 54-56e precludes the use of AR for a number of offenses because either the legislature has determined that the charges inherently are too serious in nature to qualify for AR consideration or because there exist more “offense appropriate” diversionary programs, i.e., the Family Violence Education program, the Drug Education Program, and Alcohol Education Program.

The CCDLA opposes this bill because the animal cruelty statute includes separate sections for distinct types of conduct with corresponding penalties. Given the structure of the statute it would be inappropriate for the legislature to impose a blanket prohibition against the use of AR for anyone charged under C.G.S 53-247. Fact scenarios under the animal cruelty statute may include relatively non-serious circumstances of negligent animal care to serious allegations of intentional abuse. Given this wide range of potential fact patterns it would be inappropriate for the legislature to presume that any allegation under C.G.S. 53-247 is inherently too serious in nature to be eligible for treatment under the AR statute.

The CCDLA would make three more observations to support its opposition to this bill: (1) there currently exists no other pretrial diversionary program that might be more appropriate to address the underlying issues in an animal cruelty case; (2) the AR statute gives the court discretion to deny the program in cases that are too serious in nature; and (3) the court has the authority to incorporate appropriate conditions of supervision when granting the program to ensure rehabilitation.

For all the reasons stated above, the CCDLA opposes Raised Bill 1128, An Act Prohibiting the Use of Accelerated Rehabilitation in the Case of Animal Abuse. If you have any questions, please feel free to contact me at 860-655-9434.

Respectfully submitted,

Elisa L. Villa, President
CCDLA