



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. No. 6948 (RAISED) AN ACT CONCERNING NUISANCE ABATEMENT

JOINT COMMITTEE ON PLANNING AND DEVELOPMENT

March 11, 2015

The Division of Criminal Justice respectfully recommends the Committee's **Joint Favorable Report** for S.B. No. 829, An Act Concerning Nuisance Abatement. This legislation makes a relatively minor but important change to further promote utilization of the Nuisance Abatement and Quality of Life Act codified in General Statutes Section 19a-343 et. seq.

The Nuisance Abatement act authorizes state prosecutors to bring civil nuisance actions against persons and property that are involved in certain types of illegal activity. Unlike ordinary criminal prosecutions, nuisance abatement actions focus on cleaning up properties that are magnets for illegal activity, in addition to punishing wrongdoers. Public nuisance actions are filed in the Superior Court for the Judicial District where the property is located. The prosecutor will seek court orders or negotiate a stipulated agreement for whatever relief is necessary to stop the criminal activity underlying the nuisance. Many remedies may be possible, ranging from screening prospective tenants for a property to closing the premises altogether.

In order to bring a Nuisance Abatement action, the act requires a minimum of three arrests or the issuance of three arrest warrants indicating a pattern of criminal activity on the property during a one-year period before the action is brought. Not every criminal arrest or arrest warrant makes a property eligible for nuisance abatement. The law specifies ten areas in which arrests must be made to precipitate a nuisance abatement action: (1) Drug trafficking (2) Illegal gambling (3) Prostitution (4) Obscenity involving minors (5) Illegal liquor sales (6) Motor vehicle "chop shops" (7) Inciting injury to persons or property (8) Murder (9) Sexual assault, and (1) Felonious assault.

With regard to illegal liquor sales, Section 19a-343(c)(5) makes arrests for violations of Section 30-74 (unauthorized sale of alcoholic liquor) and 30-77 (disposing of liquor without permit) eligible offenses for purposes of a nuisance abatement action. Over the years, however, it has become obvious that violations of Section 30-86(b)(1) (underage sale by permittee) and 30-86(b)(2) (underage alcohol delivery/sale-no permit) should be added to the list of eligible alcohol offenses.

The Nuisance Abatement Unit in the Office of the Chief State's Attorney has proceeded in the past with cases where the underage sale was charged as a violation of Section 30-74 or Section 30-77, but there have been quite a few occasions where the seller was charged with the violation under Section 30-86, and not Section 30-74, and we have been unable to use the unlawful sale to a minor for nuisance abatement purposes. H.B. 6948 would correct this situation and help make nuisance abatement a more effective tool against property locations and businesses that become a magnet for problems by allowing minors to purchase alcohol. It is a simple, yet important, change.

In conclusion, the Division wishes to thank the Committee for its consideration of this legislation and for affording the opportunity to provide testimony in support of it. We would be happy to provide any additional information the Committee might require or to answer any questions that you might have.