



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Judicial Branch  
Judiciary Committee Public Hearing  
March 14, 2016

**S.B. 444, An Act Concerning Penalties for Family Violence Crimes that a Child Witnesses and Establishing a Working Group Concerning Information and Communications Related to Victims of Family Violence**

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch regarding S.B. 444, *An Act Concerning Penalties for Family Violence Crimes that a Child Witnesses and Establishing a Working Group Concerning Information and Communications Related to Victims of Family Violence*. The Judicial Branch has some concerns with the bill as drafted.

The Branch is concerned that the language in section 1 of this proposal takes sentencing discretion away from judges. This section would raise the mandatory minimum sentence for a family violence crime that was committed within the vision or hearing of a minor child by 25%. It should be noted that the increased penalty does not apply to family violence crimes that do not have mandatory minimum sentences. It should also be noted that the bill would take away a judge's discretion to provide a sentence that did not include incarceration for a defendant who was convicted of committing a family violence crime within the vision or hearing of a minor child. We believe that judges should have discretion when sentencing defendants, as the judges are in the courtroom hearing all of the evidence and they can better assess the gravity of the offense.

Regarding Section 2 of the bill, should the Committee decide to act favorably upon this proposal, we suggest that a judge assigned to the family division be included among the members of the new working group established in this section.

Thank you for your time and attention to this matter.