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Office of Chief Public Defender
Testimony of Michael S. Wagner, Sr. Assistant Public Defender

Raised Bill 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
Judiciary Committee Public Hearing – March 14, 2016

The Office of the Chief Public Defender opposes **Section 1** of *Raised Bill 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 section mandates "a term of imprisonment that is not less than 25% greater than the minimum term of imprisonment authorized for such crime or more than 25% greater than the maximum term of imprisonment authorized for such crime." This proposal would impose a mandatory minimum sentence and also increase the maximum penalty for a variety of crimes as provided by law.

The bill would create an entirely new sentencing scheme for "any family violence crime" which is committed within the "vision or hearing" of a minor child." The Office of Chief Public Defender believes it to be unnecessary, and contrary to ongoing legislative efforts at adopting more consistent sentencing schemes which allow for greater judicial discretion in fashioning alternative sentences. The bill would preclude a court from considering the circumstances of an individual case where they provide a basis for departing from the mandatory requirement, including the possibility of a suspended sentence where probation is appropriate.

The Office of the Chief Public Defender urges this Committee to delete Section 1 of this bill.