State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. No. 5527 (RAISED) AN ACT CONCERNING CRIMES COMMITTED WHILE ON PRETRIAL RELEASE

JOINT COMMITTEE ON JUDICIARY
March 7, 2016

The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE REPORT for H.B. No. 5527, An Act Concerning Crimes Committed While on Pretrial Release. This bill is submitted to the Judiciary Committee as part of the Division's 2016 Legislative Recommendations to the General Assembly. The need for this legislation was brought to the attention of the Division by prosecutors working both at the trial court level and in our Appellate Bureau.

This legislation is offered to resolve an issue raised by our Supreme Court's decision in *State v. Apt*, 319 Conn. 494 (2015). In *Apt,* our Supreme Court held that a defendant who commits a crime while released on bond in another case is subject to a sentence enhancement under section 53a-40b, which allows the court to impose an additional term of imprisonment of up to one year for a misdemeanor committed while on pretrial release or up to ten years if the crime is a felony, even if the crimes for which he was on release are dismissed prior to the disposition of the later crime. The court also ruled, however, that the criminal erasure statutes prohibit the state from using records of dismissed charges to establish that the defendant was, in fact, on release. The effect of the Court's ruling is that while the state may seek a sentence enhancement in the circumstances described above, in many cases, it may effectively be deprived of the means of proving the most basic of facts, that the defendant was released on bond. H.B. No. 5527 proposes a reasonable and necessary exemption to the erasure of criminal records statute. The use of the erased records would only be for the specific purpose described in the bill.

In conclusion, the Division respectfully requests the Committee's JOINT FAVORABLE REPORT for H.B. No. 5527. We also wish to express our appreciation to the Committee for your consideration of this legislation and would be happy to provide any additional information or answer any questions the Committee might have.