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Testimony of
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Raised Bill 5635
An Act Concerning Fraud Committed Through Telephone Solicitation and Access to Telephone Records

Judiciary Committee Public Hearing
March 21, 2016

The Office of Chief Public Defender is opposed to Section 7 of *Raised Bill 5635, An Act Concerning Fraud Committed Through Telephone Solicitation and Access to Telephone Records.* Section 7 would amend *C.G.S. §54-47aa, Ex parte court order to compel disclosure of certain telephone and Internet records.* The original 2005 legislation was the result of an agreement between law enforcement, Criminal Justice and this office. However the amendment to subsection (b) in this bill would reduce the threshold criteria necessary to show that exigent circumstances exist, because the proposal uses the word "or" instead of "and" when referring to relevant and material.

Instead the Office of Chief Public Defender submits that the Committee act favorably on *Raised Bill 5640, An Act Concerning Compelled Disclosure of Cellular Telephone and Internet Records.* That bill is scheduled for a public hearing on March 23, 2016 before

this Committee. The language of Bill 5640 strikes a balance between the required constitutional safeguards while affording a tool for use by law enforcement and reflects an agreement between state police, municipal police chiefs, prosecutors, the private criminal defense bar and this office. The proposed language changes in Bill 5640 are the result from several meetings of this group after thorough discussion and review of current case law.

Therefore the Office of Chief Public Defender asks that Section 7 of the bill as drafted be deleted and that the Committee support the language as contained in Bill 5640. Thank you.