



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 23, 2016

**S.B. 469, An Act Concerning Nonviolent Misdemeanor
Drug Violations or Convictions**

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch regarding S.B. 469, *An Act Concerning Nonviolent Misdemeanor Drug Violations or Convictions*. The Judicial Branch has concerns with the bill as proposed.

The bill mandates that judges impose nonfinancial conditions of release in misdemeanor possession of drug cases. Most laws of this state recognize the importance of giving judges discretion to make the best possible decision, based upon the facts and circumstances of each specific case. This bill removes a judge's ability to use his or her discretion in these cases. It is important to note that judges are obligated pursuant to statute to order the release of any arrested person upon the least restrictive means of reasonably ensuring that the arrested person appears in court. Judges do that every day.

Additionally, this provision is not necessary, as judges are not routinely setting monetary bail in these cases. In fact, as of Friday, March 18, 2016, there were no defendants held in the custody of the Department of Correction solely on the charge of a misdemeanor under C.G.S. Sec. 21a-279.

We believe that it is critically important for judges to maintain discretion and would suggestion that in line 30, after the word "court," the words "unless good cause is shown" be added to the new language.

Additionally, the bill as proposed would require the Court Support Services Division (CSSD) to maintain a listing of any person convicted of a misdemeanor violation of section C.G.S. Sec. 21a-279, and to have the records of the person erased if the person is not arrested during a five-year period and is not known to have used illegal drugs during that period. This would require the Judicial Branch to expend scarce resources to develop a database of every person convicted of C.G.S. Sec. 21a-279 to be checked on the fifth year anniversary of that conviction to determine if there were any other arrests during that period. In addition, a person convicted of C.G.S. Sec. 21a-279 may have also been convicted of other charges at the same time. Would only the misdemeanor charge be erased? Also, CSSD would have no mechanism to track drug usage for persons who were not under probation supervision during the five-year period following a conviction. Finally, the bill would require the addition of staff resources to approve erasure, and if such erasure is approved, to notify the appropriate holders of the records of the erasure including law enforcement, the court and state's attorneys.

Given the current budget crisis, the Branch would be unable to meet the mandate as proposed in the bill without additional resources.

We thank you for your time and attention to this matter.