



Connecticut Criminal Defense Lawyers Association
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Testimony of Attorney James O. Ruane
Connecticut Criminal Defense Lawyers Association
S.B. 469, An Act Concerning Nonviolent Drug Violations or Convictions; and
H.B. 5641, An Act Concerning Provisional Pardons
Judiciary Public Hearing – March 23, 2016

The Connecticut Criminal Defense Lawyers Association is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA strongly supports S.B. 469 and H.B. 5641 and urges passage of these 2 important bills.

The State of Connecticut has been a thought leader nationally in the area of recognizing that criminal convictions should not have dramatic lifelong consequences for minor offenses and is currently addressing the impact these convictions have on the rehabilitative process and the ability of the convicted person to establish a good life beyond their criminal past. These bills continue that worthy goal.

As criminal defense attorneys, we see firsthand the impact that a criminal conviction has on our clientele. Our membership regularly appears before the Pardon's Board to advocate for our clientele. Some of the applications we submit include petitions for pardons for offenses which now have become decriminalized, for convictions for offense for which now exist special diversionary programs that would avoid a conviction altogether that were not available to petitioners at the time of their offense and for events decades in the past. These convictions, while legitimate in their accuracy, do not define the accomplishments over years of the applicants who seek pardons.

While it is safe to assume that most criminal legislation presumes that a person has paid their debt to society upon the completion of any sentence of probation or incarceration they serve, reality shows us that the requirements of disclosure of criminal convictions precludes many job opportunities, negatively impacts credit histories, and even impacts a parent's ability to participate in extra curricular activities of their child dozens of years after criminal convictions.

We therefore support S.B. 469's proposal to erase misdemeanor criminal records for people who are neither arrested nor charged with drug offenses for five years after their initial convictions. Similarly, we support H.B. 5641's proposal to create a provisional pardon system with a pathway toward absolute pardons. Through S.B. 469, if someone who has been convicted of a misdemeanor has neither new arrests nor new illegal drug

charges within five years after the initial conviction, the Judicial Department and law enforcement will erase the original misdemeanor record. Under H.B. 5641, the Board of Pardons and Paroles would be able to extend provisional pardons to some individuals who are released from prison, thereby sealing their criminal records. If, after five years, an individual with a provisional pardon was not convicted of another crime, he or she would be eligible for an absolute pardon, which would erase all of his or her past criminal records. This tiered approach continues to safeguard society while also preserving the social contract and allows people to truly pay their debt to society and move on with their life.

In addition, as a defender of equal justice under the law, the CCDLA endorses S.B. 469's proposal to eliminate cash bail requirements for people charged with misdemeanors. Our current bail system penalizes people for being poor, and it has no place in a modern society. As this bill rightfully proposes, bail should be based on a person's flight risk or danger to society, not on the money in his or her pocket. Recent estimates have shown that thousands of people are being held in Connecticut jails, many of these people are accused of minor, non-violent crimes and yet they remain in jail because they lack the resources to pay their way free. The detention of these individuals, who enjoy a **Constitutional Presumption of Innocence** impacts the resources of the state of Connecticut. When a defendant is incarcerated, they inevitably lose whatever employment they had prior to being detained. This negatively impacts their prospects for self support and employment upon their release. And these defendants will be released, as they are routinely detained on minor offenses, not offenses that yield sentences of years in prison. While detained, and lacking resources, they inevitably are appointed counsel as indigent. This is a second burden on the state's financial resources. Our members can speak to the fact that perhaps every single member has represented a person who lacked the financial resources to post bail and simply plead guilty to get released from jail rather than fight a legally defensible arrest. Routinely even if a person is attempting to gather the funds to post bail and hire counsel, the court will appoint counsel to avoid delay in the administration of justice. In either situation, the state pays....twice.

S.B. 469 and H.B. 5641 are fantastic opportunities for our state to remain at the forefront nationally to provide for people who have made mistakes to return home with clean slates and immediately begin giving back to society and rejoin society as functional members, not outcasts on the periphery. S.B. 469 would also ensure that Connecticut does not jail people simply for being poor. We ask you to support both bills.

Respectfully submitted,

James O. Ruane
President, Connecticut Criminal Defense Lawyers Association