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Good Morning Sen. Coleman, Representative Tong, and members of the Judiciary Committee. I would like to express my support for SB 469 AN ACT CONCERNING NONVIOLENT MISDEMEANOR DRUG VIOLATIONS OR CONVICTIONS and SB 18 AN ACT CONCERNING A SECOND CHANCE SOCIETY.

Under SB 469, a person charged with a nonviolent misdemeanor drug violation would be released by the court without having to post a bond. The bill would also ensure that the records of any person convicted of such a violation would be automatically erased if the person is not convicted of another crime or known to have used illegal drugs for five years after the conviction. SB 469 is consistent with the progressive approach to our criminal justice system in which our goal should be rehabilitation wherever possible as well as punishment. In general, those who commit misdemeanors and violations are not wealthy and even a low monetary bail can leave them with no option but pretrial incarceration. This separates them from their families, and has adverse effects on employment. It serves no purpose to allow a misdemeanor drug charge to become a downward life spiral. This is the wrong answer for the individual as well as for society.

SB 18 builds on last year's landmark legislation. This bill makes certain reforms to the bail system and increases the age to which defendants can be considered juveniles. It adds the class of "youthful offender" which will include adults up to age 21. While certainly there are

young people who have committed crimes of such severity that they belong in adult court, many young people can be rehabilitated and should still be afforded protection from lifelong stigma as well as an incentive not to reoffend. This is consistent with what is now known about brain development and would move our justice system toward the goal of rehabilitation when possible.

This legislation generally eliminates monetary bail for anyone charged with a misdemeanor except for those charged with domestic violence offenses or failure to appear. The legislation also allows the judge discretion to determine that the accused poses an immediate threat to the health or wellbeing of another person and in those cases require bail. Essentially, the bail system is highly discriminatory against those without the means to pay for bail. Remaining incarcerated for lack of bail money can create a downward cascade in the lives of these accused persons. They will likely lose their jobs as they miss work and they will be isolated from their families and other positive influences. Remaining incarcerated increases the rate of recidivism substantially. This legislation would make positive changes that would benefit the individual and the entire state.

In addition, the bill would provide every defendant with the opportunity to make a cash deposit of 10% of the bail set by a judge in order to be released while awaiting trial. If a bond with surety is set as a condition for release by the court, the accused would have the option of either making a 10% cash deposit to be held by the court OR of accessing the services of a bail bondsman. A judge would have the opportunity to deny the accused the option of a 10% cash deposit should the judge feel the defendant poses a significant threat to another individual or to public safety. The cash deposit would be deposited into an interest bearing account. Upon disposition of the case and the successful appearance at each court date, the accused would have the deposit returned, and any interest that accrued on that deposit would be deposited into the

Interest on Lawyer's Trust Account (IOLTA) to assist in the delivery of legal services to the poor. Should the accused fail to appear for any court date, the cash deposit would be forfeited, and the total amount of that deposit, in addition to any interest accrued, would be transferred to IOLTA. Not only would this policy assist defendants by allowing them to have their deposits returned, it would provide additional funding for legal services. This is another progressive proposal to improve our criminal justice system. Thank you for hearing these important legislative proposals.