



**CONNECTICUT
CRIMINAL
DEFENSE LAWYERS
ASSOCIATION**

Connecticut Criminal Defense Lawyers Association
P.O. Box 1766
Waterbury, CT 06721
203.805.8541
CCDLA.com

March 19, 2018

Senator Doyle, Co-Chair Judiciary Committee
Senator Kissel, Co-Chair Judiciary Committee
Representative Tong, Co-Chair Judiciary Committee

RE: H.B. No. 5544 (RAISED) AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

Dear Members of the Judiciary Committee:

The Connecticut Criminal Defense Lawyers Association ("CCDLA") is a statewide organization of approximately 350 attorneys, both private and public, who are dedicated to defending people accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally, and that those rights are not diminished.

The CCDLA supports H.B. 5544 (Raised), An Act Concerning With Recommendations of the Connecticut Sentencing Commission With Respect To Misdemeanor Sentences. This bill remedies many issues that are brought with pleas by non-citizen defendants in our courts. Specifically, this bill makes any misdemeanor (where a term of imprisonment could be imposed of up to one year or 365 days) punishable by imprisonment for a period not to exceed 364 days. This proposal makes this retroactive to its effective date and provides a mechanism of how to seek a modification of prior sentences.

The CCDLA supports this bill for the following reasons:

- **This avoids adverse immigration consequences for non-citizens.** There are two classification of criminal convictions that carry severe consequences to non-citizens – “aggravated felonies” and “crimes involving moral turpitude”. This bill will provide certain relief to certain non-citizens convictions of one of the classified offenses.



**CONNECTICUT
CRIMINAL
DEFENSE LAWYERS
ASSOCIATION**

Connecticut Criminal Defense Lawyers Association
P.O. Box 1766
Waterbury, CT 06721
203.805.8541
CCDLA.com

- **Aggravated Felonies.** “Aggravated felony” is a term of art used to describe a category of offenses carrying particularly harsh immigration consequences for noncitizens convicted of such crimes. Regardless of their immigration status, noncitizens who have been convicted of an “aggravated felony” are prohibited from receiving most forms of relief that would spare them from deportation, including asylum, and from being readmitted to the United States at any time in the future.
- **Aggravated felonies/“one year or less”.** This bill seeks to resolve confusion between state and federal law. A misdemeanor in Connecticut is defined as an offense punishable by imprisonment of one year or less (C.G.S. § 53a-36) and a felony is defined as an offense punishable by imprisonment of more than one year. In the aggravated felony context (via INA 1101(a)(43)), many offenses are considered “aggravated felonies” if “a sentence of a year or more has been imposed. Efforts have been made over time by defense attorney to *avoid any one count from being punished by a one-year sentence*, if the offense is the type that will be made an aggravated felony under the INS laws. This bill will remedy this problem.
- Therefore, despite what the name may suggest, an “aggravated felony” does not require the crime to be “aggravated” or a “felony” to qualify. Instead, an “aggravated felony” is simply an offense that Congress sees fit to label as such, and today includes many nonviolent and seemingly minor offenses. All it takes is committing a crime that can be punished with up to one year in prison.
- **Crimes Involving Moral Turpitude.** A conviction for a “crime involving moral turpitude” could cause either deportation or inadmissibility. Federal immigration laws make removable a non-citizen who has been convicted of a crime involving moral turpitude (CIMT) that was committed within five years after the date of admission to the U.S. and resulted in a sentence of imprisonment **for at least one year**. This bill will make misdemeanor offenders not subject to this removal provision as it lowers the maximum to 364 days.



**CONNECTICUT
CRIMINAL
DEFENSE LAWYERS
ASSOCIATION**

Connecticut Criminal Defense Lawyers Association
P.O. Box 1766
Waterbury, CT 06721
203.805.8541
CCDLA.com

The CCDLA supports legislation that would make the maximum sentence for a misdemeanor 364 days instead of 365. The one-day reduction of the possible maximum sentence for misdemeanors would keep non-citizen immigrants, including green card holders who are convicted of misdemeanor crimes, from being subjected to detention and deportation under federal regulations.

For these reasons, the CCDLA supports H.B. 5544. We are happy to answer any questions or engage in further discussion about this topic, and we thank you for your consideration.

Respectfully Submitted,