

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-1098

**Title:** AN ACT CONCERNING THE TESTIMONY OF JAILHOUSE WITNESSES.

**Vote Date:** 4/9/2019

**Vote Action:** Joint Favorable

**PH Date:** 3/25/2019

**File No.:** 844

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

The purpose of this bill would be to address the rise of falsified claims made by jailhouse informants. This bill would require trial judges to hold a pre-trial hearing to determine credibility of a witness's testimony.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### [Division of Criminal Justice at State of CT](#)

The Division of Criminal Justice opposes SB 1089 highlighting Section 2 of the bill as changing the role of a jury panel to become the "ultimate arbiter of witness credibility." The Division of Criminal Justice cited State v. Ritrovato which decided "the witness testimony must only meet the minimum standard of credibility necessary to permit a reasonable person to put any credence in that testimony." They further explained it is the job of the state to look for the minimum standard of credibility which is competency and not reliability of testimony.

### [Chief Public Defender, State of CT, Christine Perra Rapillo](#)

The Division of Public Defender Services is in support of SB 1098. The Chief Public Defender stated the proposal would require a prosecutor to notify the defense counsel on any testimony that would be utilized by a jailhouse informant. She further supported the bill as it would determine credibility as well as track the use of jailhouse informant witnesses. The Chief Public Defender supports as it corrects wrongful convictions due to incentives.

## **NATURE AND SOURCES OF SUPPORT:**

[Innocence Project, Michelle Felman](#)

Michelle Feldman testified in support of the need for stronger protections against false jailhouse witness testimony. Ms. Feldman believes this legislation would improve transparency for better assessments made by prosecutors, judges, and juries. She further identifies three pros to this bill: 1) Clarifies when and what types of jailhouse witness evidence the state must disclose to the defense; and 2) Requires each state's attorneys' office to maintain a central list of jailhouse witnesses who testify, and the benefits provided to them. The list will be available to prosecutors statewide through the Office of Policy and Management; 3) Require judges hold pre-trial reliability hearings. Attached to her testimony are supporting cases, current laws in other states, and further clarification on jailhouse witnesses.

**American Civil Liberties Union of CT, Executive Director, David McGuire**

David McGuire testifies in support of SB 1098 with the belief that this legislation would add safeguards against falsified or unreliable testimony. It would also inform defense counsels on any deals made with the witnesses. The Executive Director mentions this legislation would eliminate unreliable testimony that could impact the outcome of the case. The ACLU-CT chapter requests the following amendments: 1) The Office of Policy and Management will post reports on its use of jailhouse witnesses to its website; 2) An annual reporting to the Office of Policy and Management and an annual publication of reports on OPM's website.

**Cheryl D. White-Mink** is in support of SB 1098.

**Noemi Soto** is in support of SB 1098.

**NATURE AND SOURCES OF OPPOSITION:**

None Offered.

**Reported by: Cassandra Gallion**

**Date: 04/15/2019**