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**Testimony of Frank J. Riccio II,
President, Connecticut Criminal Defense Lawyers Association**

Committee on the Judiciary – March 31, 2021

RE: Raised House Bill 6670: AN ACT CONCERNING A MANDATORY MINIMUM SENTENCE FOR RISK OF INJURY TO A CHILD.

Members of the Judiciary Committee:

The Connecticut Criminal Defense Lawyers Association, a statewide organization of over 350 criminal defense attorneys, opposes RIASED HOUSE BILL 6670. This proposed bill which would add a mandatory minimum sentenced to an already substantial punishment, and it is submitted that such a proposal is unnecessary, punitive and excessive.

The Risk of Injury statute, which is arguably overbroad to begin with, is a felony offense that have serious penalties assigned to them. Subsections (a)(1) and (a)(3) both require sentences of between 1 and 10 years in prison. Subsection (a)(2) requires a sentence of 1 to 20 years in prison, with a five year mandatory minimum if the victim is under 13 years of age. A probationary period of up to five years of probation also are required. These penalties have been enhanced over time and are already substantial, resulting in years of incarceration.

In addition, this particular statute is typically charge in combination with other criminal statutes (for example, sexual assault 1 or sexual assault 2) which also carry mandatory minimum periods of incarceration. Consequently, there would be an unnecessary stacking of mandatory sentences that would be overly punitive.

In addition, consistent with previous opposition, CCDLA opposes mandatory minimum sentencing because it eliminates the discretion of the trial judge at the time of sentencing.

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