



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

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### Testimony of Deborah Del Prete Sullivan, Legal Counsel Office of Chief Public Defender

Judiciary Committee - March 31, 2021

### H.B. 6670 - An Act Concerning a Mandatory Minimum Sentence for Injury or Risk of Injury of a Child

The Office of Chief Public Defender (OCPD) strongly opposes *H.B. 6670 - An Act Concerning a Mandatory Minimum Sentence for Injury or Risk of Injury of a Child*. Passage of this bill, which would add a mandatory minimum sentence to an already substantial punishment, is not necessary. The penalties for these crimes, all classified as serious felonies under current law, have been enhanced over time and are already substantial, resulting in years of incarceration. In addition, consistent with previous opposition, the OCPD opposes mandatory minimum sentencing because it eliminates the discretion of the Judge at sentencing.

The Risk of Injury statute (C.G.S. 53-21) is comprised of 3 sub-sections:

A person is guilty of violating subsection (a) (1), a **Class C felony**, if they "*wilfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child.*" A person convicted under this subsection can be sentenced to between **1 and 10 years in prison**, in addition to being placed on probation for up to 5 years.

Testimony of Deborah Del Prete Sullivan, Legal Counsel, Office of Chief Public Defender  
Judiciary Committee – March 31, 2021

Re: H.B. 6670 - An Act Concerning a Mandatory Minimum Sentence for Injury or Risk of Injury of a Child

A person is guilty of violating subsection (a) (2) of this statute, a **Class B felony**, if they have “*contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child*”. A person convicted pursuant to this subsection can be sentenced to between **1 and 20 years in prison**, in addition to being placed on probation for up to 5 years. In a case where the victim is under the age of 13 years, the court is required to sentence the person to a **mandatory minimum sentence of 5 years** in prison.

A person is guilty of violating subsection (a)(3), a **Class C felony**, if they transfer, permanently, “*the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803*”. A person convicted pursuant to this subsection can be sentenced to between **1 and 10 years in prison**, in addition to being placed on probation of up to 5 years.

A person convicted under any of these subsections is already subject to very severe penalties. At a time when states are reviewing their statutes in an effort to eliminate the damaging impact of mandatory minimum sentences, the Office of Chief Public Defender requests that no action be taken on this bill.