Testimony in Support of HB 5390

Dear Chairs Winfield and Stafstrom, Vice Chairs Flexer and Blumenthal, Ranking Members Kissel and Fishbein, and members of the Judiciary Committee,

My name is Kenny Foscue, and I am a resident of North Haven. I am a member of Connecticut Organized for a New Connecticut (CONECT).

I am writing to support H.B. 5390, which will repeal statutory provisions that impose liability on formerly incarcerated individuals for the costs of their incarceration.

The current incarceration lien, or pay-to-stay-law, C.G.S. 18-85, allows the state to take up to 50% of inheritances and lawsuit proceeds received by people who have been formerly incarcerated. In addition, when a formerly incarcerated person dies, the state can, in certain cases, take their entire estate. The fear of state collection haunts formerly incarcerated people for up to 20 years after their release from prison. Connecticut and Maine remain the only states in New England and the tri-state area to impose a post-incarceration lien. Connecticut must end this punitive practice.

I support H.B. 5390 and the repeal of C.G.S. 18-85 for the following reasons:

1. **The current places undue burden on people reentering society.** The collecting of inheritances, lawsuits proceeds, and estates, creates financial stress and prevents individuals from using these funds to access housing, education, employment, and medical treatment. Taking away these critical lifelines diminishes the likelihood of a person's successful reentry into society.

2. **The current law perpetuates intergenerational poverty**. The lien makes building generational wealth nearly impossible. Many formerly incarcerated individuals are unable to pass along inheritances, estates, or lawsuit proceeds to their children, thus stagnating economic mobility.

3. **Pay-to-stay laws are being repealed across the country.** Connecticut has the harshest pay-to-stay law in the Northeast. Maine is the only other state in the Northeast to charge a post-incarceration room and board. New Hampshire and Illinois repealed pay-to-stay laws in 2019 and California eliminated an incarceration lien in 2020. The sponsor of Illinois' repeal law aptly said, "[p]ay-to-stay is morally wrong. These folks are already being punished for their crimes by being locked up. It's unconscionable that we would place them into indentured servitude upon their release." Many other states, as recently as Florida, have introduced legislation that would repeal incarceration liens.

In short. This law is grossly unfair and does not make common sense if we are trying to rehabilitate formerly incarcerated people who are trying to get back on their feet. I urge you and your colleagues to repeal C.G.S. 18-85 and give members of our society a fair and equal chance to re-enter society after serving a carceral sentence.

Sincerely,

Kenneth Foscue
North Haven, CT