



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

Office of Chief Public Defender

55 Farmington Avenue, 8th Floor
Hartford, Connecticut 06105
(860) 509-6405 Telephone
(860) 509-6495 Fax

Deborah Del Prete Sullivan

Legal Counsel, Director
deborah.d.sullivan@pds.ct.gov

**Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director and
John DelBarba, Executive Assistant Public Defender
Office of Chief Public Defender**

COMMITTEE ON PUBLIC SAFETY AND SECURITY - MARCH 11, 2025

Raised Bill No. 7204

AN ACT CONCERNING LIGHTS ON VEHICLES, PENALTIES FOR VIOLATIONS OF CERTAIN STATUTES, STOPS AND SEARCHES, A PHLEBOTOMY PROGRAM STUDY, INSPECTIONS OF CERTAIN VEHICLES, TRAFFIC SAFETY CORRIDORS, A PILOT PROGRAM TO EQUIP POLICE VEHICLES WITH CERTAIN DEVICES AND POLICE REVIEW OF CERTAIN RECORDINGS.

The Office of Chief Public Defender (OCPD) is opposed to Sections 2, 3, 5, 6, 7 and 11 of R.B. 7204, An Act Concerning Lights On Vehicles, Penalties For Violations Of Certain Statutes, Stops And Searches, A Phlebotomy Program Study, Inspections Of Certain Vehicles, Traffic Safety Corridors, A Pilot Program To Equip Police Vehicles With Certain Devices And Police Review Of Certain Recordings and respectfully requests that these sections be deleted from the bill.

Section 2 - This Office opposes this section which would enhance the penalties for a violation the tinted window statute, now an infraction, to the same level as contained in *C.G.S. 14-222, Reckless Driving*. As a result, a person who violates *C.G.S. 14-99g. Definitions. Tinted or reflectorized windows. Obstruction of view prohibited. Exceptions. Sale or delivery of motor vehicles having tinted or reflectorized windows prohibited. Stickers required. Penalty. Window tinting businesses. Regulations*, will be subject to a sentence of incarceration as contained in subsection (b) in C.G.S. 14-222 for a first or subsequent offense as follows:

Deborah Del Prete Sullivan, Legal Counsel, Director

John R. Delbarba, Assistant Legal Counsel

March 11, 2025

Public Safety and Security Committee

Raised H.B. 7204 **An Act Concerning Lights On Vehicles, Penalties For Violations Of Certain Statutes, Stops And Searches, A Phlebotomy Program Study, Inspections Of Certain Vehicles, Traffic Safety Corridors, A Pilot Program To Equip Police Vehicles With Certain Devices And Police Review Of Certain Recordings**

(b) Any person who violates any provision of this section shall be fined not less than one hundred dollars nor more than three hundred dollars **or imprisoned not more than thirty days or be both fined and imprisoned for the first offense** and for each **subsequent offense shall be fined not more than six hundred dollars or imprisoned not more than one year or be both fined and imprisoned.**

The Office of Chief Public Defender opposes elevating these traditionally minor offenses into offenses subject to sentences involving incarceration and **asks that this section be deleted from the bill.**

Sections 3, 5 and 6 – This Office opposes these sections which propose to enhance and add minimum mandatory sentences to certain offenses. Consistent with the position taken by this agency in years past, the Office of Chief Public Defender opposes the creation of mandatory minimum sentences within this bill. Mandatory minimums strip the courts of its discretion to sentence persons by requiring a sentence to be imposed. As a result, all persons so charged are treated the same, as one size fits all, regardless of the factual situation underlying the offense. In addition, the existence and required imposition of a mandatory minimum ignores whether mitigation exists to depart from the sentencing scheme. In essence, the court has no choice but to impose the mandatory minimum. **The Office of Chief Public Defender requests that Sections 3, 5, and 6 be stricken from the bill.**

Section 7 – This Office opposes this section as it strips away language codified in *C.G.S. 54-33p, Restrictions on cannabis-related stop or search of a person or motor vehicle*, which prohibited motor vehicle stops based upon the odor of cannabis being present. The language in the current statute was passed after a public hearing and careful consideration by this legislature. This section would now allow the odor of cannabis or burnt cannabis to be a basis in determining whether probable cause or reasonable suspicion exists for law enforcement to conduct a stop or search of a person or motor vehicle. It would permit law enforcement officials to stop motor vehicles based on such officials' assertion that they perceived the odor of cannabis or burnt cannabis emanating from such vehicles. The reasons for which recent legislation was passed, including the disparate impact of such odor-based stops on communities of color, have not changed such that the proposed reversions would be warranted. **The Office of Chief Public Defender Section 7 is stricken from the bill.**

Page 3 of 3

Deborah Del Prete Sullivan, Legal Counsel, Director

John R. Delbarba, Assistant Legal Counsel

March 11, 2025

Public Safety and Security Committee

Raised H.B. 7204 An Act Concerning Lights On Vehicles, Penalties For Violations Of Certain Statutes, Stops And Searches, A Phlebotomy Program Study, Inspections Of Certain Vehicles, Traffic Safety Corridors, A Pilot Program To Equip Police Vehicles With Certain Devices And Police Review Of Certain Recordings

Section 11 - This Office opposes **Section 11**, which would allow, not later than October 1, 2025, the Department of Emergency Services and Public Protection to establish a one-year pilot program allowing three municipal police department to install a device on such departments' police vehicles that permits a police Officer to launch a global positioning system ("GPS") onto another vehicle. There is simply no question that permitting a police Officer to launch or place a GPS system onto another vehicle **WITHOUT A WARRANT** is unconstitutional. The United States Supreme Court has held this exact conduct unconstitutional in *United States v. Jones*, 132 S. CT 945 (2012). In *Jones*, the Supreme Court, Justice Scalia, held that attachment of Global-Positioning-System (GPS) tracking device to a vehicle, and subsequent use of that device to monitor vehicle's movements on public streets, was a search within meaning of Fourth Amendment and therefore required a valid warrant.

The Office of Chief Public Defender respectfully requests that Sections 2, 3, 5, 6, 7 and 11 be stricken from the bill for the reasons aforesaid. Thank you.