



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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

JUDICIARY COMMITTEE - MARCH 31, 2025

Raised Bill No. 7259

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING CRIMINAL JUSTICE

The Office of Chief Public Defender (OCPD) supports *Raised H.B. 7259, An Act Concerning Revisions to Various Statutes Concerning Criminal Justice.* Except for Section 11, OCPD especially supports Sections 3, 4, 5, 6 and 10 and does not object to the remaining sections.

Section 11. OCPD does not support this section as drafted which amends C.G.S. 30-113 to create 10 new A misdemeanor offenses which are punishable for up to 1 year incarceration. Current law provides for a fine. OCPD believes the proposed penalty is not appropriate as it is reserved for more serious offenses such as assault in the 3rd degree and sexual assault in the 4th degree. OCPD has met with the Department of Consumer Protection (DCP) and discussed this proposal and the 10 statutes. OCPD had suggested to DCP the imposition of a fine for a first offense and the imposition of a class D misdemeanor for a second. In its most recent communication, DCP suggests it may consider reserving the class A Misdemeanor penalty for only certain of these and maintaining the fine in certain others. As a result, OCPD will have further discussion pertaining to this section with DCP in the hope of working out JFS language for the consideration of the Committee.

March 31, 2025

Judiciary Committee

Deborah Del Prete Sullivan, Legal Counsel, Director, Office of Chief Public Defender
R.B. 7259 An Act Concerning Revisions To Various Statutes Concerning Criminal
Justice

Section 3 would amend C.G.S. § 51-247 to permit jury selection to be more inclusive of persons who work part-time or are per diems by increasing the current compensation payable to jurors. Juror compensation is structured so individuals who are employed full-time can serve. However, part-time or per diem employees generally are unable to bear the hardship of not working as they will not be paid. The bill would provide just compensation for part-time, per diem and unemployed persons, resulting in the system being fairer as it would expand access to persons in the community to serve as jurors.

Section 4 would amend C.G.S. § 53a-173, the failure to appear statutes pertaining to misdemeanor court appearances. Under current law, the offense of Failure to Appear in the Second Degree, in a case wherein a person is charged with a misdemeanor, is a class A misdemeanor. Defendants are considered to have willfully failed to appear unless hospitalized or incarcerated - a framework indifferent to other legitimate barriers. This proposal provides that failure to appear in a case in which a person is charged with a misdemeanor for the first time would constitute a class D misdemeanor and subject to a penalty of up to 90 days incarceration. The bill provides that any subsequent failure to appear would constitute a class A misdemeanor and be subject to a higher penalty of up to 1 year incarceration..

Section 5 would amend subsection (f) of C.G.S. § 17a-593. Current law places the burden on an acquittee to prove by a preponderance of evidence that the acquittee is a person who should be discharged. This proposal would amend the statute to reflect the holding in State v. Metz, 230 Conn. 400 (1994) which shifted the burden to the State on a petition for continued commitment of an acquittee.

Thirty years ago, the Metz decision shifted the burden to the State for petitions to extend an acquittee's commitment beyond the original term set by the Court. On such a petition, the State must prove by clear and convincing evidence that the acquittee currently has psychiatric disabilities and is a danger to themselves or others. However, since Metz, the statute has never been amended to reflect its holding which created a different burden and standard of proof for petitions for continued commitment, (as opposed to an application for early discharge filed by the acquittee).

Section 6. This amends subsection (a) of C.G.S. 18-98d and would provide a person held in another state, awaiting extradition to Connecticut, to credit for the time spent incarcerated there.

Page 3 of 3

March 31, 2025

Judiciary Committee

Deborah Del Prete Sullivan, Legal Counsel, Director, Office of Chief Public Defender
R.B. 7259 An Act Concerning Revisions To Various Statutes Concerning Criminal
Justice

Section 10. OCPD supports this section which amends C.G.S. § 54-56l to include persons with intellectual disabilities or autism spectrum disorders to be eligible to apply for the supervised diversionary program for persons with psychiatric disabilities.

Section 12. This section creates a class C misdemeanor offense, punishable by up to 3 months incarceration, for anyone who “knowingly” allows a person under twenty-one years of age to participate in online gambling or wager on such. OCPD suggests that the penalty be changed to a fine or a lesser degree misdemeanor for violating this section.