

Act Number:	09-138	
Bill Number:	6576	
Senate Pages:	2372-2382, 4625, 4641	13
House Pages:	2703-2706	4
Committee:	Judiciary: 3882-3884, 3988, 3991, 4127-4128, 4280, 4281, 4378-4383	15
	Page Total:	32

S - 584

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 8
2344 - 2636**

tmj
SENATE

29
May 19, 2009

(Laughter.)

THE CHAIR:

So, if there's no further comment, all in favor signify by saying Aye.

THE SENATORS:

Aye.

THE CHAIR:

Those opposed, Nay. The Ayes have it, the
Amendment passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. We move that the bill, as amended, be placed on the front of the Calendar.

THE CHAIR:

Without objection, so ordered. Mr. Clerk.

THE CLERK:

(Inaudible) -- Calendar page 13, Calendar Number 607, File Number 635, House Bill Number 6576, AN ACT CONCERNING LARCENY, Favorably Reported, Committee on Judiciary. Clerk has possession of Amendments.

THE CHAIR:

Senator McDonald.

tmj
SENATE

30
May 19, 2009

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committees' Favorable Report and passage of the bill.

THE CHAIR:

Thank you, you may proceed.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President and Members of the Circle. Under existing law, there are six degrees of larceny and under this legislation, the thresholds under which the various counts of larceny would be doubled. So that, effectively, the amounts in controversy for each of the charges would be doubled and would bring our statutes more in line with current values, if you will, of property taken. The values associated with these larceny charges have not been materially changed in approximately 20 years.

THE CHAIR:

Thank you, Senator McDonald. Is there further comment on the bill? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. A question, through you, to the proponent of the bill.

tmj
SENATE

31
May 19, 2009

THE CHAIR:

Yes, you may proceed.

SENATOR KISSEL:

Senator, I'm just wondering why, there's so many other areas of our municipal and state government that could be benefited if we actually acknowledged the aspect that inflation has had over the last ten to twenty years. And I'm just wondering why we're singling out criminal penalties to actually raise the threshold, which would have a, probably, (inaudible) result in having less individuals faced these charges. I haven't heard from any of my constituents or law enforcement that there's a crying need for this. And this would, actually, have the net impact of, I think, perhaps, maybe moving these charges in a direction many of my constituents would not agree with. Through you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Through you, to Senator Kissel. The concern was that individuals who are -- that the social and criminal aspects of charges

tmj
SENATE

32
May 19, 2009

against individuals under these statutes would be more in keeping, I should say, with the amount of value associated with the property taken. Certainly, property taken, whenever it is taken, is unlawful conduct. The question is what is the criminal penalty associated with that conduct. And prosecuting someone today, for instance, on larceny in the sixth degree for somebody who takes \$250 and charging them as a Class C misdemeanor would, at least in some people's minds, be excessive, given the value of the property at stake.

I should note, Mr. President, that this legislation was passed in the Judiciary Committee 41 to 1. And if I recall correctly, the individual who voted against that proposal is the proponent of the question. And I know Senator Kissel had expressed, in the Committee, that concern, but it was widely felt by the Judiciary Committee that updating these statutes would be in keeping with the best interests of the State. And I believe that this legislation also passed unanimously in the House.

THE CHAIR:

Thank you, Senator McDonald. Senator Kissel.

tmj
SENATE

33
May 19, 2009

SENATOR KISSEL:

Thank you very much. Well, I guess, you know, every once in awhile, there's a bill that comes down the road where I am the sole "No" vote.

I don't know if that's going to be the case today, but I'm going to just say that, you know, during my years as special Public Defender and doing some criminal practice in North Central Connecticut, it's quite common for individuals that stole, in particular. We have a large amount of retail and folks that went in there and stole a pair of sneakers or something else like that, they were uniformly charged with larceny in the sixth degree. And it was way to get -- especially young folks, and unfortunately, young folks from Massachusetts who had just come down Route 91, go into our retail section and start doing some shop lifting. And uniformly, when those individuals were picked up and charged, that was an opportunity to send them off through accelerated rehabilitation. Maybe they'd be granted probation for a year or two. Maybe they'd be given some community service. And it's my strongly held belief that that was a way to corral these folks and

tmj
SENATE

34
May 19, 2009

get them pointed in the right direction.

And by heightening these levels, while I understand the impact that inflation has -- and I understand, it's my understanding that it's the Public Defender's office that championed this, predominantly. And while many of my colleagues, clearly, the vast majority in the House and those on the Judiciary Committee as well, have supported bumping up all these things, essentially, doubling the thresholds right up the line, I cannot in good consciousness support this at this time.

I think there's nothing wrong with where these levels were going into this year. I think that having people, unfortunately, if they want to go out there and commit a life of crime, the earlier we get them, and we get them pointed in the right direction, that's why I've been such a strong supporter of diversionary programs. I'm not one to say that these individuals should have a record against their life forever going forward, but if we continue to bump up the thresholds, I think that sends exactly the wrong signal and that's why I can't support the bill at this time. Thank you, Mr. President.

tmj
SENATE

35
May 19, 2009

THE CHAIR:

Thank you, Senator Kissel. Further comment or questions on the Bill. Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. It's interesting that today's discussion regarding an inflation, a doubling of the fines for those that commit these acts. And I agree that inflation has a lot of impact on our society in a lot of different avenues. It's one of the things that affects us on a daily basis. There are costs associated with that. And because I think it's so important that we may need to increase things due to inflation, I'm asking that the Clerk has in his possession and now share number 7103. I ask that I be called on and be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7103, which will be designated Senate Amendment, Schedule "A" as offered by Senator Witkos of the 8th District.

THE CHAIR:

Senator Witkos.

tmj
SENATE

36
May 19, 2009

SENATOR WITKOS:

Thank you, Mr. President. Basically, this bill --

THE CHAIR:

Senator Witkos, would you move adoption?

SENATOR WITKOS:

I move adoption.

THE CHAIR:

Thank you. You may proceed.

SENATOR WITKOS:

Thank you, sir. Basically, this bill does, basically, the same thing that the underlying bill does, in that it impacts and takes into consideration inflation. And it doubles something. And what it doubles is, it doubles the threshold for prevailing wage contracts. It goes from \$400,000 for new construction to \$800,000. And for rehabs, refurbishing, it increases it from \$100,000 to \$200,000.

Mr. President, we've heard through the Chair of the Judiciary Committee that inflation must be taken into account in the underlying bill because it does have an impact. Well, so does the expenses of our

tmj
SENATE

37
May 19, 2009

communities, inflation has an impact. All we're doing is doubling those thresholds. And I believe it's so important, Mr. President, that the roll is taken. I ask the roll be taken -- the vote be taken by a roll.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Speaking on behalf of the Amendment, I think this is a very common sense Amendment that fits very well with the underlying logic of this bill, which is, basically, to say that when it comes to economic issues, just like it comes to judicial area issues, we must take inflation into account. And whereas, you know, Senator McDonald's, in this bill, noted that \$250 today is not the same as \$250, you know, back when this bill was originally written. So, the prevailing wage, the threshold now is exceedingly low, relative to the original intent of prevailing wage. And therefore, Senator Witkos' Amendment simply seeks to restore the original intent of the prevailing wage law by making it more in line with what the actual dollar amount should be.

I think it's a very common sense Amendment, as

tmj
SENATE

38
May 19, 2009

are most of the things that Senator Witkos proposes. I would encourage adoption of the Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Debicella. Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I, too, rise in favor of this Amendment. It just -- it's actually a very appropriate time for us to be talking about this. Prior to being elected to the State Senate, I served on the town council in my home town for six years. And back then, I think, many of these same legislators you see around us provided the town with a STEAP grant to do a field turf project, locally, at our high school. And this project, if it had fallen under the auspices of this Amendment, would have saved the town a great deal of money.

But because of prevailing wage, the town had to go out for more money than was allowed in the STEAP grant, which cost us longer -- in the long run. So in turn, this became an issue for our town and we had to go out to referendum for additional funds just to finish this project. We all know how important these

tmj
SENATE

39
May 19, 2009

projects are to our towns, how important this field turf project was in our town. So, I could honestly say that this is a very good Amendment. It would have helped our town a great deal, had we had this six years ago. I would, again, speak in favor of this Amendment and would like to see passage. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kane. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I ask at this time to be "passed temporarily."

THE CHAIR:

Yes, thank you, Senator Looney. Mr. Clerk.

THE CLERK:

Calendar page 14, Calendar Number 612, File 776, substitute for House Bill 6286, AN ACT SHIELDING FIRE DEPARTMENTS THAT INSTALL SMOKE AND CARBON MONOXIDE DETECTORS FROM LIABILITY, Favorable Report from the Committee on Public Safety and Judiciary.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

S – 590

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 14
4324 – 4666**

ch/ks/hl
SENATE

98
May 29, 2009

struggled with as a Legislature for almost a decade on how to deal with this. I think we have reached a good resolution which will allow Lyme literate doctors to treat and care for patients as they see fit and will finally allow those people who are struggling and suffering with Lyme disease much relief.

So I want to thank Senator Harris and all those who've worked so hard on this. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 6200?

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. If there's no objection, I move that this matter be placed on the Consent Calendar.

THE CHAIR:

The Senator has a motion on the floor to place this item on the Consent Calendar. Without objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar 607, File Number 635, House Bill 6576,

ch/ks/hl
SENATE

114
May 29, 2009

The bill passes.

Mr. Clerk.

THE CLERK:

Calendar page 14, Calendar Number 640, File
Number 784, Substitute for House Bill 6700, AN ACT
CONCERNING THE APPOINTMENT OF FAMILY SUPPORT
MAGISTRATES, favorable report of the Committee on
Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I move
acceptance of the Joint Committee's favorable report
and passage of the bill.

THE CHAIR:

Acting on acceptance and approval of the bill
will you remark further sir?

SENATOR MCDONALD:

Yes, Mr. President. Mr. President under this
legislation, that's already been passed by the House,
family support magistrates would be appointed by the
Governor with the approval of the Legislature.
Currently the Governor appoints family support
magistrates for a term of three years, but under this

H – 1045

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 9
2608 – 2924**

rest of the chamber will join me in welcoming three young ladies here that are from the field of social services. We have Annie Nunez-Ortiz from the EPS Program, Catholic Charities and Connecticut FSA in New Haven. We have Chan Albert, Bridgeport Safety Net Consumer Program, and we have Iris Negron, case manager for Family Services Woodfield and they all contribute in the -- from social services. We do appreciate the work they do. Thank you and welcome.

SPEAKER DONOVAN:

Will the Clerk please call calendar 416.

THE CLERK:

On page 14, calendar 416, House Bill number 6576, an act concerning larceny, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Representative Jerry Fox.

REP. FOX (146th):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, Representative.

REP. FOX (146th):

I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

law
HOUSE OF REPRESENTATIVES

97
April 30, 2009

SPEAKER DONOVAN:

Questions on the acceptance of the Joint
Committee's favorable report in passage of the bill.
Will you remark?

REP. FOX (146th):

Thank you, Mr. Speaker. Our current statute is dealing with the crime of larceny. I broke it up into six degrees ranging from larceny in the first degree which is the most serious, all the way down to larceny in the sixth degree. Those -- the different degrees and how those charges are determined is by the value of the property or service that is acknowledged to be stolen. And what this bill does is it increases those values and it actually doubles those values. And the reason for that is that since 1982 those values have remained the same.

So for the past 25 -- 27 years there have been no changes to the value of the service or property that has been stolen. And what this does is it brings it more in conformity with today's market rates. The analysis that was done and that was testified to before the Committee was the Consumer Price Index. And what was determined is that that would have more than doubled the values.

So what this does is it raises the level of the theft or service that has been alleged stolen from for example in larceny in the sixth it'd be 250 and now goes to 500. And the corresponding values also double. So I urge the passage of this bill.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the bill? Remark further on the bill? Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. I would have to say that I agree with the co-Chair of the Judiciary Committee's description of the bill and the history of it. It has been awhile since we have increased the amounts of money that trigger various levels of penalty within our larceny statutes. And like most other things the amounts of money should probably be adjusted periodically to reflect changes in the rate of inflation and -- and the dollar -- what a dollar really can purchase today. And so I would urge the assembly to support the bill. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the bill? Remark further on the bill? If not, staff and

guests come to the well. House members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all the members voted? Please check the board to make your votes were properly cast. If all the members have voted the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 6576.	
Total number voting	139
Necessary for pass	70
Those voting Yea	139
Those voting Nay	0
Those absent or not voting	12

SPEAKER DONOVAN:

Bill is passed. Will Clerk please call Calendar 417.

CLERK:

On page 41, Calendar 417. House Bill Number

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 12
3621 - 3942**

2009

jr JUDICIARY COMMITTEE

10:00 A.M.

important, it would do nothing to decrease crime. Criminals don't care about your laws. Instead of affecting my Second Amendment rights, keep criminals in jail.

I want the ability to trade in my guns for a new one or the ability to transfer my guns to my children, and this Bill 353 takes away that right.

I urge you to pass legislation that does some Good and stops crime instead of passing ridiculous laws that impact law-abiding citizens, like the people in this room. Thank you.

REP. FOX: Thank you for your testimony. Are there any questions? Seeing none, thank you.

Next, back to the public officials list, is Renee Cimino here? There you are. Good afternoon.

RENEE CIMINO: Good afternoon, Representative Fox, Senator McDonald and members of the Judiciary Committee.

My name is Renee Cimino. I'm an assistant public defender, and I'm here on behalf of the Office of the Chief Public Defender in support of Raised Bill 6576, An Act Concerning Larceny.

And with your permission, I am asking if Christine Rapillo, also from the Office of the Chief Public Defender, can sit with me. She's interested in testifying on Raised Bill 6384 after my very brief larceny testimony.

REP. FOX: Okay. Let's go ahead.

RENEE CIMINO: Thank you.

Again, I am here on behalf of the Office of the Chief Public Defender regarding Raised Bill 6576, which is An Act Concerning Larceny. This is one of our agency proposals, but I want to thank the committee for raising this.

Each year our field offices send us suggestions regarding legislative proposals. One of this year's suggestions asks that we look into when the last time the larceny statute's monetary value has been updated. The legislative history, we found out that the amounts have not been updated since 1982.

So we took those 1982 amounts, used United States Department of Labor Consumer Price Index calculator, and we calculated them into present-day value.

United States Department of Labor's Consumer Price Index calculator uses inflation. Taking into consideration -- they take into consideration inflation. And with application of this calculator shows that 1982's values more than doubled.

The reason why having accurate, up-to-date values in our larceny statute is so important is because Connecticut's larceny statutes are based upon the value of the property [inaudible] taken.

Larcenies first, second and third are felonies. Fourth, fifth and sixth degrees are misdemeanors. The general rationale being the greater the value, the more serious the crime, and hence the more serious the penalty.

So having out-of-date monetary value thresholds in our larceny statutes will result

in people being charged and convicted of felonies based upon 27-year-old dollar amounts.

Having a felony charge, as many of you are aware, has serious consequences. It results in a higher bonded arraignment, dispositions with a greater likelihood of incarceration, and for 16- and 17-year-olds, under our current YO statute, it's a very real possibility for their case to be transferable to the adult docket.

Many plea agreements involve restitution, because obviously the victims want to be made whole. Having a felony conviction can prevent people from obtaining meaningful employment to satisfy restitution orders and support their families. It also has immigration consequences.

Lastly, I want to make sure -- clear to all the members of the committee that this legislation does not change any of the existing subsections of the larceny statute, such as larceny by extortion, defrauding a public community or property taken from a person or property or services taken from the elderly, nor does it decriminalize any larceny act.

Simply put, it just updates the values in the statute so that we are ensuring that if we are charging and convicting people, we are basing it on 2009 values, not on 27-year-old values.

In closing, I would like to thank you for your time and respectfully request you support our agency's proposal.

CHRISTINE RAPILLO: Thank you.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 13
3943 - 4275
2009**

of someone who is a substance user when they -- when they leave prison. I can't point to any.

And, in fact, I think that committee last year heard testimony from someone from Philadelphia, and I can't remember if it was part of the Siting Incentives Committee, that said specifically that we need to find more innovative ways of working with individuals with substance abuse disorders who are in our DOC population.

So I -- I think just extending that time in prison isn't -- isn't going to help the root cause, which is the -- the substance abuse. In this case, alcohol.

REP. GREEN: Thank you.

SENATOR McDONALD: Thank you very much. Are there any other questions? If not, thank you for your time.

FRANK FORTUNATI: Thank you.

SENATOR McDONALD: Senator Looney. And after Senator Looney is Dr. Ellen Eden here? How about Michael Day? Okay. You'll be next, Mr. Day.

SENATOR LOONEY: Good afternoon, Senator McDonald and vice chairman and Representative Fox and members of the Judiciary Committee.

My name is Martin Looney. I represent the 11th Senate District, also serving as Senate majority leader, and I would like to express my support for several bills on the committee's agenda today. Two of these, Senate Bill 358, An Act Concerning Prohibiting the Transfer of Assault Weapons or Machine

SB 353
SB 732
HB 6576
HB 6664

Therefore, if these offenders were released to house arrest, the state to save more than \$17 million on this basis.

I would also like to express my support for House Bill 6576, An Act Concerning Larceny. This bill would increase the amount a person would have to steal in order to be charged with the varying degrees of larceny.

As we know in many cases, the seriousness of a larceny crime is pegged to the value of the amount stolen, and those amounts have not been adjusted for some time, and this would reflect an inflation adjustment for those various offenses where the seriousness of the crime is pegged with a dollar value of the item stolen.

I finally would ask that House Bill 6664, An Act Concerning Revisions to the Various Statutes Concerning the Criminal Justice System be amended to include the federal public offenders as one of the federal agencies with access to the CGIS system. And this is a reasonable change, as US attorneys currently have access but the public defenders do not.

But thank you for hearing these important bills and for your attention to a wide range of important legislation in this session.

SENATOR McDONALD: Thank you very much, Senator. There were a number of people -- the room is actually much less crowded than it was earlier in the day, and most of the people who came and testified earlier were opposed to the microstamping bill for a variety of reasons, but one of the issues was the -- was the nature of the -- of the transfer of a semiautomatic weapon.

SB 358

NANCY KUSHINS: No. Actually, in the State of Iowa, where they've done some similar banning of past legislation where sex offenders couldn't live a thousand feet from a library or a school, that it has driven sex offenders underground.

And instead of having them as a part of the supervision process and where law enforcement can keep track of them and supervision of -- in probation and parole, they lose track of them, because then they're living under bridges and they're leaving the area. Unintended consequences.

SENATOR McDONALD: That happens around here sometimes. Thank you very much, Nancy. Thank you for your testimony.

NANCY KUSHINS: Thank you.

SENATOR McDONALD: Conrad Seifert. And is Robert Miller here? [Inaudible] Kosack? Dawn Titus? Christopher Sullivan? A.J. Campofiore? David Hodgman? You'll be next, Mr. Hodgman.

Good evening, sir.

CONRAD OST SEIFERT: Good evening, Chairman McDonald and distinguished committee members. My name is Conrad Seifert. I'm an attorney practicing in Old Lyme. I primarily practice appellate and criminal law. I am the president elect of the Connecticut Criminal Defense Lawyers Association, the CCDLA.

HB 6009

I filed written testimony on behalf of Bill No. 6576, An Act Concerning Larceny. And just very briefly as to that, in a sentence or two, in 1982, \$10,000 was worth \$10,000. In 2008, that same \$10,000, due to inflation, is worth

\$22,300. I think this raised bill is policy-neutral. It adjusts for inflation. The last time the financial thresholds were set was back in 1982.

Now, moving on to a bill the CCDLA and I personally strongly oppose, I'm speaking to Raised Bill 6009, An Act Concerning the Failure of a Witness to Report a Serious Crime. This proposed act criminalizes the failure to report serious crimes by any person who merely witnesses these crimes but was otherwise not involved.

It makes all citizens who witness serious crimes mandatory reporters to law enforcement. And this would be a dramatic and radical change and would give law enforcement a powerful investigative tool, compelling people to tell police what they witness or else face criminal arrest.

If this bill is passed, you have enacted something that the State of Connecticut I don't think ever had. The old British common law crime of misprision of a felony. In 13th century England, it was a citizen's duty to raise the hue and cry by reporting felonies. And the failure to report a crime was itself a crime. And in those days, it's before police, so you were duty-bound to join a group and chase the bad guy.

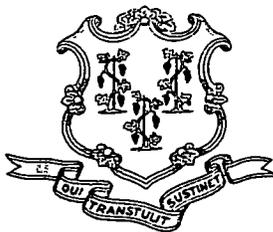
Connecticut and 48 states don't recognize this to be a crime. There is a federal misprision of felony statute, 18 United States Code Section 4, still on the books. But please note that the federal misprision of felony statute is rarely prosecuted, but it does require that a defendant take affirmative steps to conceal someone else's felony, such as destroying evidence or lying to a police

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 14
4276 - 4597
2009**

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State of Connecticut

SENATE
11th District

March 16, 2009

Good Morning Senator McDonald, Representative Lawlor and members of the Judiciary Committee. I would like to express my support for several bills on the agenda today.

HB 6576
HB 6664

Two of the bills, S.B. No. 358 AN ACT CONCERNING PROHIBITING THE TRANSFER OF ASSAULT WEAPONS OR MACHINE GUNS TO MINORS and S.B. No. 353 AN ACT CONCERNING THE MICROSTAMPING OF SEMIAUTOMATIC PISTOLS would create better regulation of firearms. I proposed SB 358 in response to the tragedy at the gun show in Massachusetts. It is of vital importance that we keep children safe from assault weapons and machine guns. Children should not be in possession of these powerful weapons which they may not be strong enough to control. It is unclear under current law whether children are strictly prohibited from possessing assault weapons and machine guns and this legislation would leave no doubt that Connecticut will protect its youth from this obvious danger. SB 353 would require microstamping of semiautomatic pistols. Microstamping uses lasers to make engravings on the firing pin or inside the firing chamber which are transferred to the casings when the gun is fired. This process allows police to link the evidence to the specific gun that fired the bullet. Microstamping technology will help law enforcement identify and apprehend perpetrators of gun crime because, at times, the only evidence at a crime scene is a spent cartridge case. Microstamping will allow police to link used cartridge cases recovered at a crime scene to a specific firearm and to the criminal who fired it. In addition, microstamping will help reduce gun trafficking of new semi-automatic handguns because legal purchasers who buy guns in Connecticut for traffickers (known as straw buyers) will be deterred by the knowledge that crimes committed with the guns can be traced directly back to them.

I have also proposed S.B. 732 AN ACT CONCERNING THE SENTENCING OF DRUNKEN DRIVERS which would require the use of an ignition interlock device by a person convicted for the first time of drunken driving and it would give judges the discretion in certain cases to sentence a person convicted of

drunken driving to house arrest and monitoring by a global positioning system device and an alcohol consumption device rather than sending such person to prison. This bill proposes common sense changes to our laws regarding driving under the influence and would restore reasonable judicial discretion. While DUI represents a serious violation of the law, the state should not create laws that entice citizens to break the law. The ignition interlock allows these violators to remain productive citizens and it keeps our state safe from intoxicated drivers. This bill would also create a significant savings. There are approximately 400 people who are incarcerated with 14-227a as their most serious offense. The average cost of incarceration per year is approximately \$44,000; therefore if these offenders were released to house arrest, the state would save more than \$17,600,000.

I would also like to express my support for H.B. 6576, AN ACT CONCERNING LARCENY. This bill would increase the amount a person would have to steal in order to be charged with the varying degrees of larceny. It has been some time since this statute was adjusted for inflation and this bill is simply common sense. Finally I would ask that H.B. 6664, AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM be amended to include the Federal Public Defenders as one of the federal agencies with access to CJIS. This is a reasonable change as the U.S. Attorneys currently have access but the defenders do not.

Thank you for hearing these important bills.



State of Connecticut

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Testimony of Renee Cimino

Assistant Public Defender

Office of Chief Public Defender

Raised Bill No. 6576 - An Act Concerning Larceny

Judiciary Committee Public Hearing

March 16, 2009

The Office of Chief Public Defender supports Raised Bill No. 6576, An Act Concerning Larceny, which is an agency proposal. The proposed legislation if enacted, adjusts the monetary values utilized in the larceny statutes to amounts that more accurately reflect current dollar values.

The larceny statutes establish six degrees of larceny depending upon the value of the property or service taken. Larceny first, second and third degree are classified as felonies, while larceny fourth, fifth and sixth as misdemeanors. The degree of the felony or misdemeanor is further based upon the value of the property or service taken. The general proposition being the greater the value taken, the more serious the crime, and hence the more serious the penalty.

The monetary values associated with the larceny statutes have not been updated in the past 27 years. This proposed legislation uses the United States Department of Labor's Consumer Price Index calculator to convert the 1982 monetary values to present day values by factoring in inflation. Application of this calculator to the existing amounts notes that these values have more than doubled since 1982.

The Office of Chief Public Defender believes this proposed legislation will have a significant impact on its indigent clients. A criminal statute that accurately reflects the current real dollar values prevents individuals from being charged with felonies based upon artificially low larceny values. A felony charge can, among other things, result in a higher bond being set at arraignment, an increased likelihood of incarceration as part of any disposition and/or, for 16 and 17 year olds, a possibility of being prosecuted as an "Adult" versus a "Youthful Offender".

Page 2 of 2 - Judiciary Committee Public Hearing - March 16, 2009
Testimony of Renee Cimino, Assistant Public Defender, Office of Chief Public Defender
Re: Raised Bill No. 6576 - An Act Concerning Larceny

Lastly, most larceny plea agreements include restitution as a condition of the disposition. A felony conviction can prevent clients from obtaining employment to satisfy their restitution orders and can hinder their ability to financially support their families. Felony convictions also have ancillary impacts ranging from housing implications to federal immigration consequences.

Connecticut's larceny statutes are structured so that the charges and penalties increase upon the value of the property or service taken. It is prudent that those values are properly indexed to insure that the punishment more accurately fits the crime. In conclusion, the Office of Chief Public Defender requests this Committee support Raised Bill No. 6576, An Act Concerning Larceny.

CCDLA
"Ready in the Defense of Liberty"
Founded 1988

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March 16, 2009

Hon. Andrew J. McDonald, Senator
Hon. Michael P. Lawlor, House Representative
Chairmen, Judiciary Committee
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: **Raised House Bill No. 6576, An Act Concerning Larceny**

Dear Chairmen and Committee Members:

My name is Conrad Ost Seifert and I am an attorney practicing in Old Lyme. I am the President-Elect of the Connecticut Criminal Defense Lawyers Association, CCDLA, and I am submitting this testimony on behalf of the CCDLA, as well as on behalf of myself.

CCDLA is a statewide organization of approximately 350 lawyers in both the public and private sectors dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States Constitutions are applied fairly and equally, and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to the criminal justice system.

The CCDLA supports Raised Bill Number 6576, an Act Concerning Larceny. The Act increases many of the threshold dollar amounts in the larceny statutes, starting with C.G.S. §53a-122, Larceny in the first degree and going in order to Larceny 2nd, Larceny 3rd, Larceny 4th, Larceny 5th and Larceny 6th degree. Larcenies in the first, second and third degrees are felonies. Larcenies in the fourth, fifth and sixth degrees are misdemeanors. The last time this set of statutes was substantively and uniformly changed was 1982. Prior to 1982, Larceny 5th and Larceny 6th degree did not exist as offenses. These two statutory crimes were created by Public Act 82-271. These two statutes have not been modified in any way since their enactment in 1982. So the current larceny sixth statute, C.G.S. §53a-125b, states that “a person is guilty of larceny in the sixth degree when he commits larceny...and the value of the property or service is two hundred fifty dollars or less.” The proposed Bill raises the dollar amount to \$500.00 or less.

Similarly, the current larceny fifth statute, C.G.S. §53a-125a currently states “a person is guilty of larceny in the fifth degree when he commits larceny...and the value of the property exceeds two hundred fifty dollars.” The proposed bill doubles the threshold amount to \$500 or more.

Similarly, larceny in the fourth degree, C.G.S. §53a-125, was last amended in Public Act 82-271 and as currently written makes it a Class A misdemeanor when the value exceeds \$500. The proposed Bill raises the dollar amount that must be exceeded to \$1,000.

Larceny first, second and third degrees are all felony offenses. Larceny third degree is a Class D felony and currently under C.G.S. §53a-124(a)(1), as regards a motor vehicle, the dollar amount is \$5,000 or less and under C.G.S. §53a-124(a)(2), the value must exceed \$1,000 for other property or services. The proposed Bill doubles these amounts to \$10,000 or less for the motor vehicle and more than \$2,000 for other property or services.

Larceny second degree, C.G.S. §53a-123, is a Class C felony and is very similar to larceny third degree except that as regards motor vehicles it criminalizes values above \$5,000 and as regards other property or services it criminalizes value above \$5,000. The proposed Bill doubles these amounts to \$10,000.

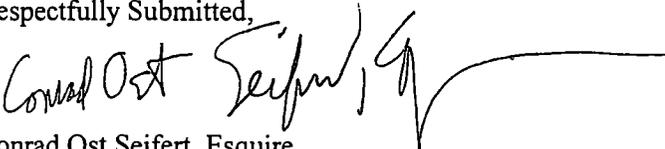
As regards larceny in the first degree which is a Class B felony, the proposed Bill increases the threshold values from greater than \$10,000 to greater than \$20,000 as regards both motor vehicles and other property. However, please note that under C.G.S. §53a-122(a)(4), the threshold amount relative to defrauding a public community remains the same, greater than \$2,000.

According to the Consumer Price Index, \$1.00 in say October of 1982 is equal to \$2.23 in 2008. Putting it another way, because of inflation, *it takes \$22,300 in today's dollars to purchase what \$10,000 bought in 1982.* The proposed Bill therefore adjusts for inflation after a 27 year span of the statutory amounts not being adjusted. It should be considered policy neutral. Using the 1982 dollar amounts as a baseline, an \$1,100 larceny in 1982 or an \$1,100 larceny today in March of 2009 are both Class D felonies in violation of C.G.S. §53a-124(a)(2). Adjusted for inflation, the 2009 \$1,100 larceny is equivalent to taking \$493.27 in 1982 dollars. ($\$1,100/2.23 = \493.27 .) However, under

the proposed Bill, the larceny of \$1,100 in 2009 would fall under C.G.S. Section 53a-125(a) because the amount exceeds \$1,000 but does not exceed \$2,000. It would be a violation of larceny in the fourth degree. Thus, a defendant found guilty of an \$1,100 larceny under the proposed Bill would not lose their right to vote and would not be a felony convict. Under the current statute, such a person loses their right to vote and becomes a felon.

In conclusion, when you analyze the spectrum of statutory dollar amount increases, passing this Bill makes a great deal of common sense. In 1982 I suspect that were several types of new cars that could be bought for \$10,000 and today in 2009 there are a few new cars that can be bought for \$20,000, so focusing on larceny in the first degree for a moment, by raising the dollar amounts as proposed, the original intent from 1982 regarding seriousness of the statutory offense will be largely restored. Doing nothing and leaving the statutory amounts as they are now and as they have been since 1982 causes the unintended consequence of imposing more severe convictions and punishments because of the impact of inflation. Thank you for your time and consideration.

Respectfully Submitted,


Conrad Ost Seifert, Esquire

President-Elect, Connecticut Criminal Defense Lawyers Association