

**PA12-080**

HB5145

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 6  
1743 – 2084**

**2012**

# COALITION OF CONNECTICUT SPORTSMEN

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HB 5145

SB 336

Testimony presented to the ENVIRONMENT COMMITTEE

IN OPPOSITION to H.B. No. 5263 (RAISED) AN ACT INCREASING THE PENALTY FOR POACHING.

by Robert T. Crook, Director  
 7, 2012

March

While we support increased penalties for poaching wildlife, we have serious concerns concerning language in Sec. (a) (2) although it is current law. While written permission is required for hunting and trapping to enter on any premises (see below), none is required for fishing unless posted, etc. found in subsection (3). Concerning fishing, we have concerns about riparian rights, fishing under docks, and other issues which may not be readily apparent to fishermen.

(Sec. 26-86a Deer may be so **hunted** at such times and in such areas of such state-owned land as are designated by the Commissioner of Energy and Environmental Protection and on privately owned land with the signed consent of the landowner, on forms furnished by the department, and such signed consent shall be carried by any person when so hunting on private land. --- Sec.26-72 No person shall set, place or attend any **trap** upon the land of another without having in such person's possession the written permission of the owner or lessee of such land, or such owner's or lessee's agent,)

**A substitute to this bill might read** (2) such person enters or remains in any premises for the purpose of hunting and [,] trapping unless granted written permission by the landowner, lessee, or agent of the landowner or fishing in violation of subsection (3); or

...

**This bill also singles out sportsmen for special treatment with no definitive reason! While we agree that persons who are on lands particularly for hunting and trapping are probably poachers - if they have not illegally taken wildlife they are just trespassers.** Sec 1 (b) raises the hunting, trapping, fishing penalty contrary to all other trespasses: "(b) Criminal trespass in the third degree is a class C misdemeanor, "except that any person found guilty under subdivision (2) of subsection (a) of this section shall be guilty of a class B misdemeanor and fined one thousand dollars "

**We urge rejection of Subsection (b).**

There are other bills updating fines for illegal activities concerning sportsmen's issues:

**H.B. No. 5145 (RAISED) AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION REGARDING THE CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS.** Judiciary Committee. **SUPPORT.** See Boating Sec. 3-9, 141; Hunting Sec 21-31, 103, 113-114, 133-139, 150-152; Fishing Sec 83-86; Misc 176; plus multiples on Shellfish.

**S.B. No. 336 (RAISED) AN ACT CONCERNING NEGLIGENT HUNTING.** Public Safety and Security Committee. **SUPPORT.**

Thank you.

**H – 1133**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2012**

**VOL.55  
PART 11  
3438 – 3771**

announcements or introductions?

Will the Clerk please call Calendar 354.

THE CLERK:

On page 21, Calendar 354, substitute for House  
Bill Number 5145, AN ACT CONCERNING THE  
RECOMMENDATIONS OF THE SENTENCING COMMISSION REGARDING  
THE CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS.  
Favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (148th):

Thank you, Mr. Speaker. I move for the  
acceptance of the joint committee's favorable report  
and passage of the Bill.

SPEAKER DONOVAN:

Question is on acceptance of the joint  
committee's favorable report and passage of the Bill.

REP. FOX (148th):

Thank you, Mr. Speaker. This bill was presented  
to the Judiciary Committee from the sentencing  
commission. It's the result of a significant amount  
of work that they did over the course of the past year  
involving the classification of misdemeanors.  
Currently, there are approximately 750 misdemeanors

which are -- fall under the category of unclassified. What the sentencing commission did is it took a look at all of these misdemeanors and it looked at which misdemeanors are actually being charged, which ones have penalties that may make sense or may not make sense, and it was a very long and thoughtful effort that they went into. I should give thanks to Judge Shortall who chairs the sentencing commission, also former ranking member of the Judiciary Committee, Bob Farr, who undertook this task together with his working group from both the Prosecutors and the Public Defender's office.

There was testimony from those two agencies in support of the bill as well as testimony from Attorney Bob Farr in support of the bill. Also, Mr. Speaker, what this bill does is it now classified misdemeanors. What it does is it says that "A" misdemeanors will be punishable up to one year in jail with a fine that's up to \$2,000; "B" misdemeanors will be punishable up to six months in jail with a fine of up to \$1,000; "C" misdemeanors will be punishable up to three months with a penalty of up to \$500. And what this bill also does is it creates a category of "D" misdemeanor for lower end crimes which will be punishable up to 30

days with a fine of up to \$250.

Mr. Speaker, the Clerk does have an amendment,  
LCO Number 3360. I would ask that that be called.

SPEAKER DONOVAN:

Clerk, please call LCO 3360, which will be  
designated House "A".

THE CLERK:

LCO 3360, House "A" offered by Representative  
Fox.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to  
summarize.

Any objection?

Hearing none, Representative Fox you may proceed.

REP. FOX (148th):

Thank you, Mr. Speaker. This amendment simply  
takes out one section of the overall bill, Section  
160, and the reason for that is it conflicted with  
another bill that is currently on the calendar and we  
wanted to make sure that it did not conflict, so I  
would move adoption of the amendment.

SPEAKER DONOVAN:

Question is on adoption.

Will you remark further? Remark further?



Representative Hetherington on the amendment.

REP. HETHERINGTON (125th):

Mr. Speaker, thank you. Actually, I reserve my comments to the bill.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Care to remark further on the amendment?

If not, let me try your minds.

All those in favor of the amendment, please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, Nay.

The Ayes have it. The amendment is adopted.

Remark further on the Bill?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I rise to urge strongly in support of this Bill. It represents a substantial amount of work by dedicated people, including Bob Farr who was formerly in this chamber, Judge Shortall and

others who worked diligently to try to clean up this scattered array of offenses that needed to be classified and eliminating those that no longer had any relevance, and I would strongly urge its adoption. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the Bill as amended? Care to remark further on the Bill as amended?

If not, staff and guests please come to the well of the 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 taking a roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted?

Please check the roll call board to make sure your votes were properly cast.

If all the members have voted, the machine will be locked and the Clerk will please take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 5145, as amended by House "A".

Total number voting	142
Necessary for adoption	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar 228.

THE CLERK:

On Page 11, Calendar 228, House Bill Number 5397,  
AN ACT CONCERNING THE MAXIMUM AMOUNT OF PURCHASES OF  
THE P-CARD. Favorable report by the Committee on  
Government Administration and Elections.

SPEAKER DONOVAN:

Representative Russ Morin, you have the floor,  
sir.

REP. MORIN (28th):

Good afternoon, Mr. Speaker.

Mr. Speaker, I move for acceptance of the joint  
committee's favorable report and passage of the Bill.

SPEAKER DONOVAN:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 3  
657 - 950**

**2012**

19  
ak/mb/gbr JUDICIARY COMMITTEE

March 5, 2012  
1:00 P.M.

limitations has run out?

JAMES P. WELSH: Well, not necessarily dischargeable. Their commitment is a civil commitment at that point. The Superior Court action takes us to a probate commitment of the individual. So the Probate Court oversees that, and in most -- although the court is required to review what we call "involuntary placement" at least every five years, it's fairly rare that someone is discharged and then voluntarily placed (inaudible).

REP. O'NEILL: Thank you, Mr. Chairman.

REP. FOX: Are there other questions?

Thank you very much.

JAMES P. WELSH: All right. Thank you.

REP. FOX: Next, we have Bob Farr and my understanding, also Brian Austin, Deborah Sullivan will be accompany you to discuss the sentencing commission?

ROBERT FARR: That's correct.

REP. FOX: Well, it's very nice of you to earlier yield your time for Judge Shortall, who wasn't here but..

Good afternoon.

ROBERT FARR: Good afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee. I'm Attorney Robert Farr, a member of the Classification Working Group of the Sentencing Commission. I am here to testify on behalf of the Sentencing Commission in support of House Bill 5145, AN ACT CONCERNING THE RECOMMENDATIONS OF THE

SENTENCING COMMISSION REGARDING THE  
CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS.

I am joined today by Executive Assistant Public Defender Deborah Del Prete Sullivan and Executive Assistant State's Attorney Brian Austin. All of us serve as members of the Classification Working Group. I have submitted written testimony, but I will now highlight some of that.

House Bill 5145 is the product of the Working Groups and was unanimously supported by the full Sentencing Commission. The Working -- the Classification Working Group was charged with classifying approximately 750 statutory misdemeanors that are not currently classified under Connecticut's Penal Code. After reviewing all of the unclassified crimes, the Working Group makes the following recommendations which are included in 5145, and you can see the details of the table we submitted electronically that's attached to my testimony.

Number one, repeal 13 absolute -- obsolete statutes. Number two, reduce 44 misdemeanor offenses to violations with fines payable by mail. Number three, classify 62 crimes by increasing the maximum fine to match those of the appropriate classification but with no change in the prison sentence. Number four, classify an additional 41 crimes by increasing the maximum prison sentence for 10 and decrease the maximum prison sentence for 31 to make them consistent with existing classes of crimes. Number five, classify 15 crimes by creating a new sentence structure which would increase penalties for subsequent violations. Number six, classify 31 crimes on making minor changes in the incarceration terms such as classifying a crime punishable by up to 12

months in prison as a Class A misdemeanor punishable by up to one year in prison. Number seven, creating a Class D, a new Class D misdemeanor punishable by up to 30 days in prison, a fine up to \$250 or both. Number eight, amend state law to require that any unclassified misdemeanor carrying a maximum penalty of incarceration equal to the penalty of an existing class of misdemeanors be deemed to be included in that class whether or not it's spelled out in the statute.

If H.B. 5145 is adopted, the penalties for all of the misdemeanors, including the current unclassified in the proposed new Class D misdemeanors, would be as shown in Table 8 of my testimony. And if you look at Table 8 of the testimony, it shows there -- there are now going to be four misdemeanor classes; A, B, C and D, with sentences for one year, six months, three months and 30 days respectively. Passage of 5145 will mean that, for the first time, all state misdemeanor crimes will be classified offenses.

We want to thank Chris Reinhart from the Office of Legislative Research, Rick Taff, legislative attorney from the Legislative Commissioners' Office and Jason DePatie, policy specialist at the Institute for Municipal and Regional Policy for the assistance to the Working Group, and I'll be happy, at this point -- thank you for your attention. I'd be happy to answer any questions. I'd just say it's a challenge to summarize a 192 section bill in three minutes, but I came pretty close.

REP. FOX: You did come pretty close. And first, I'd like to thank you and the other members of the commission for all of the hard work you did. We're here seeing what your summarized

in three pages of your written testimony, as well as three minutes, but I know that it was many meetings and a lot of work that went into this proposal that you've testified before us here today.

And I think it would be helpful to the members of the committee if you just wanted to sum up what the Sentencing Commission was all about because you're really the first -- it's the first time you're really coming before us, and I think it would be helpful if we know what you are looking to do, what your charge was, why you decided upon this for this -- this short session that we have now.

ROBERT FARR: Well, first of all, historically, if we look at the criminal laws in Connecticut, as in most states, behind every crime virtually there is a story. You'll see some statute that you wonder why they did that. For example, there was a statute in -- that we're proposing repealing which makes it a crime to commit the -- commit an illegal act on a fairground. It was -- apparently, it passed in the middle 1800s. Nobody knows why because it's never been used since then, but it -- in all likelihood there must have been some disturbance at a fairground, and the Legislature passed that to prevent that from happening again made it illegal to commit illegal acts on the fairgrounds. Why that was necessary, we don't know, but you could -- one could argue that it must have worked because it's never been used again, but we think it's more likely that it wasn't used because nobody knew it was there and it didn't -- it was a difficult crime to actually prosecute.

So what's happened with our criminal statutes in Connecticut, as in most states, that there's no consistency in terms of when you --



when you come up -- when the Legislature meets some crime -- there would be some high-profile case whether it domestic violence case or something else and the Legislature will propose a bill, and that bill will have penalties that are attached to it that aren't necessarily consistent with what we're doing to punish for those types of crimes. You have a lot of inconsistencies and problems with the enforcement of the statutes. And those people that actually have to apply them know about some of the problems.

So what the Sentencing Commission is just -- it consists of all of the players that actually have some -- some knowledge about the -- the implementation of these crimes. You've got judges on there, prosecutors, public defenders, representatives from other groups that are affected. And what we're trying to do is go through our statutes and make them more rational, more consistent, more enforceable. You want to look at the question of recidivism, whether or not they're actually working to see whether you can come up with other things that would help in those areas.

I apologize. It's not a very concise summary what we're doing. I wasn't -- I didn't expect -- wasn't prepared answer to that question. Maybe, Debbie or Brian, do you want to add?

REP. FOX: Well, you've kept us apprised, you know, during the course of the past year pretty much in terms of what you've been doing, and I know it's -- I just -- I mean, to me, I viewed it as a lot of work, but it's also something that -- that is important. I mean what we have here is a classification of misdemeanors where, in many cases, they were either wrongly classified or when they're unclassified. It's

difficult to explain to individuals what they're charged with, what -- what the potential ramifications are, et cetera. So I think this exercise that you put together and now that is, you know, in a bill form, is something that will be beneficial to attorneys and the people that -- that they represent. So I don't know if Attorney Sullivan or Attorney Austin has any comments or wants to add something.

BRIAN AUSTIN: I think it's just important to note to the committee that we met over 14 different times. We had various substantive debates on all of the different offenses that came before us. We invited in most of the agencies that have regulatory authority over these areas and certainly solicited their input and took that into careful consideration when we -- when we made our recommendations.

ROBERT FARR: And there are none -- there are -- none of the proposals here had any objections from any of the agencies, nor did they have an objection to either the public defenders or state attorneys. You can see we kind of come up with stuff, the low-hanging fruit, if you would, but we've come up with stuff that is -- everybody agrees ought to be corrected in our statutes and we're working on them.

REP. FOX: Okay. Are, are there any questions?

Representative O'Neill.

REP. O'NEILL: Good to see you again, Bob.

ROBERT FARR: Good to see you.

REP. O'NEILL: I noticed as you were testifying that there was a -- a series of inconsistencies between the written testimony

and what you were saying, and I think at various times you indicated that there were like, I think, 14 obsolete statutes or classified 61 crimes or 62. Your testimony has like a different number by one, and I'm wondering if -- if the written testimony is -- is the governing testimony or if that's the final result or if what you were saying to us represents an amendment or a modification of the written testimony.

ROBERT FARR: I believe that -- frankly, the bill is what controls so it's actually the account of the bill, and I went -- we had an earlier draft, and I changed some of these by recounting what I got from the summary that was prepared by the Legislative Commission to see many in those particular numbers there were, but it's the bill that's controlling -- that's controlling this. Legislative Commissioner -- I'm sorry -- legislative research will produce, in summary, has produced one that's been attached to the tables, but that's not in final form. So that should be the controlling document.

REP. O'NEILL: Okay. So it's not like you changed something recently that went into the bill just before -- after the testimony was done?

ROBERT FARR: I believe everything in the bill is the final. We changed four items where we had offenses for which there were fish and game type of situations where somebody -- we were making an offense payable by mail and it was only going to be a violation so there was no criminal record, but it turned out that the result of being convicted of that offense is that you lose your license. And so we thought it was important to change that so that instead of being payable by mail that you're still -- we still make it a violation but make

it payable -- but you have to go to court to do that so you'd be notified that you have another consequence which be the loss of your license. And I'm not sure in those four -- I know they're, they're done properly in the statute, in the bill before you. I don't know in the summary which one is correct.

REP. O'NEILL: Okay. Secondly, is this the product -- I remember sitting down with you five years ago or so to look at a bunch of unclassified misdemeanors. Is this the final culmination of that start -- of what started five years ago?

ROBERT FARR: Well, we proposed doing the Sentencing Commission in the Legislature about five years ago, and finally, this is -- we finally -- we created a task force that was working on this. Then the task force was replaced by the actual commission, and so yes, this sort of followed up on what we were trying to do at that point.

REP. O'NEILL: So it's been part of a five-year process then?

ROBERT FARR: Yes, but most of this was developed in -- in fairly quickly since last July.

REP. O'NEILL: Okay. And then this can be a lot of fun on the floor because, you know, violating the oleomargarine requirements, which is a \$100 maximum fine, and for a second offense, apparently, it's \$200 whereas operating an aircraft under the influence is also going to be a Class C misdemeanor and \$100 fine. And I guess I'm wondering when you were looking at it, was a lot of thought or much thought given to the idea of rationalizing these things. I mean, it seems like by flying an airplane while drunk is more dangerous than

oleomargarine.

ROBERT FARR: One would think, but we went to the agency that enforces the oleomargarine provisions and asked them if we thought that was perhaps an obsolete statute, and my -- my recollection is they felt that it was important to have that on the books. And so what we've given you is -- we did not create a new statute. That's just the existing statute. We made the penalty consistent with the -- on the oleomargarine, I think, consistent with other crimes in that class.

As far as the airline -- the flying a plane, I believe we, we increased the penalty. We made it a Class C penalty, which under the -- right now it's got a \$100 fine, but it's new fine will be up to \$500. So the change we're making under the reckless flying of an airplane is just increasing the penalty to \$500.

REP. O'NEILL: Thank you.

DEBORAH DEL PRETE SULLIVAN: And -- excuse me, that would also be -- there's also federal ramifications as well. When we had our discussions about any type of federal, you know, aviation, it would be federal penalties as well.

REP. O'NEILL: So this is what the federal government --

DEBORAH DEL PRETE SULLIVAN: No, no, it's just we're saying in addition to that, there's also some federal penalties.

ROBERT FAR: This is -- in all honesty, this is kind of like a first step. What we tried to do is get rid of some of the obviously

obsolete statutes, decriminalize some of the statutes, make some of them more rational, but we haven't -- this, this is not the end product. This is only something that the committee will continue to work on. And -- and that weighing of the ramifications is one of the things that concerned us a lot. There is still an awful lot of fishing and hunting violations for which you could end up with a criminal record. You know, if you fish from the wrong -- if you take shells from the -- shellfish from the wrong location, you end up with a criminal record. We had questioned whether that really ought to be the policy, whether we ought not to be getting -- enforcing that to a fine only, and -- but the DEEP decided that they wanted to stay with that for now, but we did make other changes.

REP. O'NEILL: Thank you, Mr. Chairman.

REP. FOX: Thank you.

ROBERT FARR: Could I give you one other example though? There is one bill that we repealed here which was the bathing in a reservoir where you get fined up to \$500. After we did this, I had a conversation with an attorney who told me the story about actually being in court one day at an arraignment, and they brought in four or five individuals who were nonEnglish speaking individuals who apparently had gone swimming in a reservoir without realizing that they weren't supposed to do that. And the -- the attorneys were all joking about well, all five of them should elect a jury trial, independent jury trial, ask for public defenders and a translator. Can you imagine how much it's going to cost the state of Connecticut to enforce that law? What we've done here is make it a \$500 mail-in violation.

So if somebody gets caught swimming in a reservoir, you're going to get a fine. You're not going to end up with a criminal record as a result of that. And I think that would probably be as effective as -- to, to make sure that people don't do something -- do that as taken into custody and go through the whole criminal process. I'm sorry.

REP. FOX: Thank you.

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

Welcome, Bob. Just a couple of questions. In the attempt to classify most of the misdemeanors, are there still numerous crimes that are -- that fall within the unclassified category?

ROBERT FARR: With the passage of this bill we believe every misdemeanor will fall into a class in terms of its actual sentence. The fines are still inconsistent. We tried to straighten out some of the fines, but we believe we picked up all of the, all of the misdemeanors. We -- it is possible -- I mean legislature in adopting new legislation could always come up with something that doesn't fall into that class, and then you're going to have another unclassified misdemeanor. We're hoping that the legislature won't be doing that.

REP. BARAM: That was actually my next point. I, I hope that there's some way to convey what you've done to the LCO Department so that when they draft legislation, they can use your paradigm to make sure that any new, you know, criminal statutes conform to what you've done.

My last question is a number of years ago, I don't remember all the details, but there was an issue about local parking tickets and whether the, the parking tickets themselves fit within certain misdemeanor classifications and whether or not they constitute a crime of the state, if in fact it's by virtue of a local ordinance. I was wondering if, if you've dug into any of that and you know whether or not there, there is some, you know, criminality.

ROBERT FARR: I believe there is a charge that you can be charged with for the violation of a local ordinance. Isn't there a separate crime, Brian?

BRIAN AUSTIN: Representative, there was an issue (inaudible) that occurred on state highway and the state traffic (inaudible) applied. There was a local ordinance that just related to local law then -- and a local street. There was a provision within the state statute that I -- which I do not believe we amended in any way that could make it, under certain conditions, a violation but not necessarily a crime.

REP. BARAM: So it really depends on whether it's a local street or a state road that it, it would be more likely that a state crime would be applicable?

BRIAN AUSTIN: And I don't believe there are a lot that would fall into the criminal category. They would probably fall into the violation category which is still an illegal act but not considered a crime.

REP. BARAM: And since you raised that, let's just get it out on the table, there is another



category known as violations which have fines but no criminal aspect to them leading to any jail time. Could you describe how those differ from a regular misdemeanor?

BRIAN AUSTIN: Those are offenses which are illegal in nature but are not considered criminal. There is no imposition of any prison time or not possibility of the imposition of any prison time. Fines can range, can be quite high actually. Some of the motor vehicle violations particularly involved in school busses and such can still have high fines, but if you were to be convicted of that offense, you would not be considered to have a criminal record. You would be having considered the conviction of a violation. A subcategory of the violation is an infraction which is probably what most people traditionally think of as a moving violation, a red light or a stop sign or a speeding infraction. And there the difference is a subcategory of a violation because the amount of the fine is limited.

And so you'll see in our proposal there, there are some current criminal activity that we looked at making -- increasing the fine but making it a violation so that the term imprisonment will no longer be available and so that was an appropriate remedy for some of those offenses and also some that were brought down to the infraction category when the fine falls below that, and I can't recall what that number is, but it's a subcategory (inaudible).

ROBERT FARR: And it's important to note that if you -- if the offense that you're paying your fine on has a punishment of incarceration, that's a crime, and that's become part of your criminal record. You're going to have that on your rap sheet and (inaudible) will have it on their -- if you look up somebody's criminal

record there, it will show up. If on the other hand it's reduced to an offense that has only a fine, that's no longer a crime, and it won't show up on your rap sheet and it won't show up on an official -- generally speaking, it won't show up on an individual's list as somebody having committed a crime.

REP. O'NEILL: Thank you very much.

REP. FOX: Thank you. Are there any other questions? Thank you very much. Next we have Laurie Julian.

LAURIE JULIAN: Good afternoon, Representative Fox, Representative Coleman, members of the Judiciary Committee. My name is Laurie Julian with the Alzheimer's Association Connecticut Chapter, and the Alzheimer's Association is a donor-supported non-profit organization serving the needs of families, healthcare professionals and those individuals who are affected with Alzheimer's and related dementias.

HB 5150

I believe you have the written testimony prepared by Christine Andrew and Richard Fisher who are public policy committee members, former board chairs. So I'm just going to basically give a few points from the standpoint of patients with Alzheimer's and (inaudible).

This legislation is established in (inaudible) have a set of uniformed set of rules for determining jurisdiction by simplifying the process for determining jurisdiction between multiple states. It establishes a framework that allows state court judges in different states to communicate with each other, and this has really been a compilation over the years of the American Bar Association,

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 4  
951 - 1300**

**2012**



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice  
Joint Committee on Judiciary  
March 7, 2012**

**In Support of:**

**S.B. No. 100: An Act Concerning the Recommendations of the Sentencing Commission with Respect to Sexual Assault in the Fourth Degree and Kidnapping in the First Degree with a Firearm**

**H.B. No. 5145: An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors**

The Division of Criminal Justice supports S.B. No. 100, An Act Concerning the Recommendations of the Sentencing Commission with Respect to Sexual Assault in the Fourth Degree and Kidnapping in the First Degree with a Firearm, and H.B. No. 5145, An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors. These bills are excellent examples of exactly what the General Assembly and other policymakers had in mind when the Sentencing Commission was established - to provide a means for the various components of the criminal justice system to come together and reach consensus on sentencing issues.

S.B. No. 100 is more of a technical "fix" in that it corrects inconsistencies in two existing statutes. This bill is essentially one step beyond the Revisor's Technical Corrections. Section 1 removes one word - "intentionally" -- to bring consistently to the statute governing Sexual Assault in the Fourth Degree. Section 2 is a provision the Division of Criminal Justice has repeatedly proposed in the past without success. This would remove an irreconcilable conflict in the kidnapping statutes. As it now stands, Kidnapping in the First Degree is a class A felony, and as such it carries a mandatory minimum sentence of ten years imprisonment (Section 53a-35a). Kidnapping in the First Degree with a Firearm - a more serious crime in that it involves an aggravating factor - actually carries a lower mandatory penalty because of the way the statute is written. S.B. No. 100 simply deletes the inconsistent language, which would provide the same penalty for both of these class A felony crimes.

H.B. No. 5145 is an example of how much can be accomplished when we work together in collaboration through the process envisioned when the Sentencing Commission was established. This bill represents the consensus results of an intense and thorough examination of the host of unclassified misdemeanors that have been enacted over the years and scattered throughout the General Statutes. The bill eliminates some provisions that have become obsolete

while setting new penalties for others and creating a new class of misdemeanor, that being a class D misdemeanor punishable by a penalty of up to a maximum of 30 days in jail and a fine not to exceed \$250. In some cases, jail terms are eliminated altogether as a means of punishment, in others fines are increased. Again, this is the consensus product of a comprehensive examination and the Division is proud to stand with the others on the Sentencing Commission in recommending its passage.



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CHIEF PUBLIC DEFENDER

**Testimony of  
Susan O. Storey, Chief Public Defender**

*H.B. 5145, An Act Concerning the  
Recommendations of the Sentencing Commission Regarding the  
Classification of Unclassified Misdemeanors.*

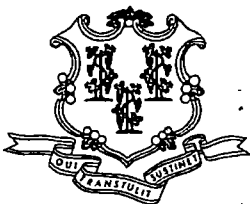
*Raised Bill No. 100, An Act Concerning the  
Recommendations of the Sentencing Commission With Respect to  
Sexual Assault in the Fourth Degree and Kidnapping in the First Degree with a Firearm and*

**Judiciary Committee Public Hearing  
March 5, 2012**

The Office of Chief Public Defender supports both Raised Bill No. 100, An Act Concerning the Recommendations of the Sentencing Commission With Respect to Sexual Assault in the Fourth Degree and Kidnapping in the First Degree with a Firearm and Raised Bill 5145, An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors. As a member of the Sentencing Task Force, I wish to thank the leadership of the co-chairs and the task force membership and its subcommittees who have worked tirelessly to produce these recommendations for you.

Raised Bill 100 makes the statutes pertaining to these offenses consistent with current law. Raised Bill 5145, among other things, would classify unclassified misdemeanors and provide for the mailing in of payments for violations, thereby decreasing court resources and in some instances increasing revenue. Passage of 5145 would also provide for greater consistency in the application of these laws in the state. Therefore, this office requests that these bills receive a favorable report.

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LINE 14



**Connecticut  
Sentencing  
Commission**

[www.ct.gov/opm/csc](http://www.ct.gov/opm/csc)

The Honorable  
Joseph M. Shortall, Chair

Under Secretary  
Mike Lawlor, Vice Chair

Andrew J. Clark,  
Acting Executive Director

**TESTIMONY IN SUPPORT OF HB 5145**

**By Attorney Robert Farr**

Member: Classification Working Group of the Sentencing Commission  
3-5-2012

Good afternoon Chairman Coleman, Chairman Fox, and members of the Judiciary Committee:

I am attorney Robert Farr, a member of the Classification Working Group of the Sentencing Commission. **I am here to testify on behalf of the Sentencing Commission in support of House Bill # 5145, An Act Concerning The Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors.**

I am joined today by Executive Assistant Public Defender Deborah Del Prete Sullivan and Executive State's Attorney Brian Austin. All of us served as members of the Classification Working Group.

House Bill 5145 is the product of the Working Group and was unanimously supported by the Working Group, as well as by the full Sentencing Commission.

The Classification Working Group was charged with classifying approximately 750 statutory misdemeanors that are not currently classified under Connecticut's penal code. The working group gathered data on the number of times individuals were charged with these crimes over the last 10 years, and solicited comments from agencies responsible for enforcing them. The Working Group considered which of these crimes might be obsolete, which could be reduced from a crime to a fine-only violation, and which could have penalties adjusted to fit into the various misdemeanor classifications in the penal code.

The Commission believes several benefits will accrue to the criminal justice system from classifying the unclassified misdemeanors. First, classification will make it easier for law enforcement, the legislature and the public to understand the relative severity of each offense and answer the question, "Does the penalty fit the crime?" Second, it will make it simpler to target diversionary programs to the less serious offenses and to assign appropriate periods of probation. Finally, reducing some less serious statutory misdemeanors to violations, with fines payable by mail, will reduce the number of offenses requiring court appearances, allowing court time to be concentrated on more serious crimes.

**MEMBERS**

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The Honorable  
Gary White

Thus, the Commission suggests that its recommendations in this area will make the criminal laws in Connecticut more understandable, easier to enforce and less expensive to administer. The Working Group met over 14 times from July 2011 through February 2012. The Working Group solicited comments from State agencies involved with enforcing the unclassified misdemeanors that it identified. Also, staff from 11 State agencies attended Working Group meetings, submitted comments, and reviewed the Working Group's recommendations. Those agencies included:

Department of Agriculture (DOAG), Department of Banking (DOB), Department of Consumer Protection (DCP), Department of Emergency Services and Public Protection (DESPP), Department of Energy and Environmental Protection (DEEP), Department of Labor (DOL), Department of Motor Vehicles (DMV), Department of Public Health (DPH), Department of Revenue Services (DRS), Department of Transportation (DOT), and the Secretary of the State's Office (SOTS).

The Judicial Branch and DESPP also assisted the Working Group by providing information on criminal records databases.

**Recommendations:**

After reviewing all of the unclassified crimes, the Working Group makes the following recommendations which are included in HB 5145.

1. Repeal 14 obsolete statutes.
2. Reduce 45 misdemeanor offenses to violations with fines payable by mail. This would (a) reduce the number of cases in our courts, (b) make enforcement of violations of these statutes more convenient for our citizens by not requiring court appearances, and (c) reduce the cost to the state while bringing in more revenue, with no reduction in public safety.
3. Classify 61 crimes by increasing the maximum fines to match those of the appropriate classification, but with no change in the prison sentence each carries.
4. Classify an additional 40 crimes by increasing the maximum prison sentence for 10 and decreasing the maximum prison



sentence for the remaining 30 to make them consistent with the existing classes of crimes.

5. Classify 15 crimes by creating a new sentencing structure, which would increase penalties for subsequent violations.
6. Classify 30 crimes by making minor changes in the incarceration terms, such as classifying a crime punishable by up to 12 months in prison as a Class A misdemeanor punishable by up to one year in prison. In some instances, the maximum fine for a crime would change, but the Working Group recommends that other fines remain as they are currently in the statutes.
7. Create a new Class D misdemeanor, punishable by up to 30 days in prison, a fine of up to \$250, or both. This change would make many unclassified misdemeanors currently punishable by up to 30 days in prison into Class D misdemeanors.
8. Amend State law to require that any unclassified misdemeanor carrying a maximum penalty of incarceration equal to the penalty in an existing class of misdemeanors be deemed to be included in that class of misdemeanor. This would avoid having to redraft many of these statutes. The fines for such crimes deemed classified would not change.

If HB 5145 is adopted, the penalties for all misdemeanors, including the currently unclassified and the proposed new Class D misdemeanors, would be as shown in Table 1.

**Table 1: Penalties for Classified Misdemeanors**

Misdemeanor	Prison Term	Fine
A	Up to 1 year	Up to \$2,000
B	Up to six months	Up to \$1,000
C	Up to three months	Up to \$500
D	Up to 30 days	Up to \$250

In order to implement the recommendation for a new Class D misdemeanor, the Working Group recommends amending the probation statute to set the possible probation term for a Class D misdemeanor at 'up to one year', the same as the law currently provides for a Class B or C misdemeanor. This Working Group recommendation reflects the need for a period of probation that is

long enough for offenders to be able to participate in programs while still under probation supervision.

When classified, the possible probation term for a number of currently unclassified misdemeanors would change. Presently, unclassified misdemeanors can have a probation term of up to one year if the crime is punishable by up to three months in prison, or up to two years if the crime is punishable by over three months in prison. Probation terms would change when some crimes are deemed classified. For example, the maximum probation term would decrease from two years to one year if an unclassified misdemeanor currently punishable by up to six months in prison is deemed a Class B misdemeanor. This legislation would amend the probation statute to also provide for one year probation for Class D misdemeanors.

Passage of HB 5145 will mean that, for the first time, all State misdemeanor crimes will be classified offenses, with all of the benefits previously stated that would come from fully classifying misdemeanors.

We want to thank Chris Reinhart from the Office of Legislative Research, Rick Taff, legislative attorney from the Legislative Commissioners' Office, and Jason DePatie, policy specialist at the Institute for Municipal and Regional Policy, for their assistance to the Working Group.

## TABLES

A crime shaded in the tables indicates that there were no initial charges for this crime from FY 02 to FY 10 based on charging information the Judicial Branch provides to the Office of Fiscal Analysis. In some instances, a crime has different penalties based on prior convictions for the offense. We indicate whether a penalty is for a 1<sup>st</sup> offense, 2<sup>nd</sup> offense, or subsequent offense (SBS). We also include a separate entry for a crime where the law doubles the fine if the crime is committed in a construction or utility zone (C/U)

Table 1: Statutes or Misdemeanor Penalties Recommended for Repeal

Statute	Description	Current Prison Term				Current Fine	
		Min		Max		Min	Max
7-46	FALSE ENTRY IN VITAL RECORDS	0	M	3	M	\$0	\$50
7-313b	FAILURE TO LEAVE SCENE OF FIRE/EMERGENCY	0	D	7	D	\$0	\$50
13b-346	DAMAGE TO RAILROAD SIGN	0	D	30	D	\$0	\$10
22-125	ILLEGAL ACTS ON FAIRGROUND	0	D	30	D	\$0	\$25
22-306	VIOLATE BRUCellosis CONTROL REGS	0	D	30	D	\$0	\$100
22-319	VIOLATE SWINE SLAUGHTER REQS	0	D	30	D	\$0	\$100
25-38	DEAD ANIMAL IN WATER SUPPLY	0	D	30	D	\$0	\$50
29-9	BRIBERY OF POLICE OFFICER	0	M	6	M	\$0	\$100
31-28	FAIL TO REGISTER MANUFACTURING/MECHANICAL ESTABLISHMENT (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is fine only)	30	D	60	D	\$100	\$500
31-33	VIOLATE INDUSTRIAL HOME WORK REQS	0	D	30	D	\$0	\$25
31-89a	FAIL TO CONTRIBUTE TO WELFARE FUND	0	D	30	D	\$0	\$200
53-332	BURIAL TOO NEAR DWELLING	0	D	30	D	\$0	\$50
53-333a	BURIAL TOO NEAR SURFACE	0	D	30	D	\$0	\$100

Table 2: Misdemeanors Recommended for Reduction to Violations

(All Recommendations Are for Mail-In Violations Unless Noted)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation (Violation Fine)
		Min		Max		Min	Max	
14-283(h)	OBSTRUCT EMERGENCY VEHICLE	0	D	7	D	\$0	\$200	Up to \$250, subject to doubling in construction/utility zone
15-25	INJURY TO NAVIGATIONAL AID	0	D	60	D	\$250	\$500	Up to \$1,000
15-144(h)(2)	ILLEGAL USE VESSEL REG OR DECAL	0	D	30	D	\$0	\$100	Up to \$250
15-154(d)*	OPERATE VESSEL OBSTRUCT LAW ENFORCEMENT/FIRE VESSEL	0	D	7	D	\$0	\$200	Up to \$250
16-44	FAIL TO REPORT CHANGE OF NAME PUBLIC UTILITY	0	D	60	D	\$0	\$200	Up to \$250
19a-113	VIOLATE SCUBA COMPRESSED AIR REQUIREMENTS	0	M	5	M	\$0	\$500	Up to \$500
20-249	ACT AS MASTER BARBER W/O LICENSE	0	D	30	D	\$0	\$100	Up to \$250
20-366	VIOLATE SANITARIAN REQUIREMENTS	0	M	3	M	\$0	\$300	Up to \$500
21-1	SELLING AT AUCTION WITHOUT LICENSE	0	D	60	D	\$0	\$50	Up to \$250
22-12b	VIOLATE FUR BREEDING REQS	0	D	30	D	\$0	\$100	Up to \$250
22-167	VIOLATE LOCAL ORDER RE MILK SALES	0	D	30	D	\$0	\$100	Up to \$250
22a-363	VIOLATE COASTAL WATER DREDGING REQ	10	D	30	D	\$15	\$50	Up to \$250
25-43(a)	BATHING IN RESERVOIR	0	D	30	D	\$0	\$500	Up to \$500
25-45	VIOLATE LOCAL RESERVOIR ORDINANCES	0	M	6	M	\$0	\$50	Up to \$250
25-135, health code violation, see 19a-36(a)(7)	UNREGISTERED WELL DRILLING	0	M	3	M	\$0	\$100	Up to \$250
26-18	FALSE STATEMENT-APPLICATION FOR FISH/GAME	0	D	30	D	\$0	\$100	Up to \$250
26-42	DEAL IN RAW FURS WITHOUT LICENSE	0	D	10	D	\$100	\$250	Up to \$250
26-43	ILLEGAL SALE RAW FURS TO DEALER	0	D	10	D	\$100	\$250	Up to \$250 (not mail-in)

Table 2 (continued)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation (Violation Fine)
		Min		Max		Min	Max	
26-56	IMPORT RABBIT WITHOUT PERMIT	0	D	30	D	\$0	\$100	Up to \$250
26-58	TAXIDERMISTRY WITHOUT LICENSE	0	D	30	D	\$1	\$100	Up to \$250
26-87	HUNT RABBIT WITH FERRET	0	D	30	D	\$10	\$50	Up to \$250
26-91	MIGRATORY BIRD HUNTING	0	D	30	D	\$0	\$50	Up to \$250
26-94	SWAN HUNTING	0	D	30	D	\$0	\$100	Up to \$250
26-98	HUNTING NON-GAME BIRDS; ILLEGAL BIRD TRAPPING AND TRAP SHOOTING; FALSE STATEMENT-BIRD HUNTING PERMIT (see 26-92, -95, and -96)	0	D	30	D	\$10	\$200	Up to \$250
26-104	HUNTING-BANTAM LAKE SANCTUARY	0	D	30	D	\$0	\$100	Up to \$250
26-105	ILLEGAL HUNTING LAKE WONOONSCOPOMUC	0	D	30	D	\$0	\$100	Up to \$250
26-217	ILLEGAL USE CHAIN BAGS OYSTER BEDS	0	D	30	D	\$0	\$50	Up to \$250
26-232	SHELLFISHING-RESTRICTED AREA-HOUSATONIC/SAUGATUCK	0	D	30	D	\$0	\$100	Up to \$250
26-244	IMPROPER REDESIGNATION-OYSTER GROUNDS	0	M	6	M	\$0	\$300	Up to \$300
26-257a	VIOLATE LOCAL SHELLFISH COMMISSION REGS	0	D	30	D	\$0	\$50	Up to \$250
26-260	ILLEGAL CLAMMING-MILFORD/WEST HAVEN	0	D	30	D	\$0	\$7	Up to \$250
26-276	ILLEGAL OYSTERING-HAMMONASSET RIVER	0	D	60	D	\$0	\$20	Up to \$250
26-284	ILLEGAL OYSTER TAKING-THAMES RIVER	0	D	30	D	\$0	\$7	Up to \$250
26-285	ILLEGAL OYSTER TAKING-OLD LYME	0	D	30	D	\$0	\$50	Up to \$250
26-286	ILLEGAL OYSTERING-EAST LYME/WATERFORD	0	D	30	D	\$7	\$20	Up to \$250
26-287	ILLEGAL SHELLFISHING-NIANTIC RIVER	0	D	10	D	\$0	\$200	Up to \$250 (not mail-in)
26-288	VIOLATE ESCALLOP REGS	0	D	60	D	\$0	\$50	Up to \$250
26-290	ILLEGAL ESCALLOP TAKING-GROTON	0	D	60	D	\$0	\$50	Up to \$250 (not mail-in)
26-291a	ILLEGAL SHELLFISHING-STONINGTON	0	D	30	D	\$0	\$25	Up to \$250 (not mail-in)
26-292	ILLEGAL ESCALLOP TAKING-STONINGTON	0	D	60	D	\$0	\$50	Up to \$250 (not mail-in)

Table 2 (continued)

Statute	Description	Current Prison Term		Current Fine		Sentencing Commission Recommendation (Violation Fine)
		Min	Max	Min	Max	
29-25	FAIL TO REPORT STYLE LAUNDRY MARKS	0	3	\$0	\$100	Up to \$250
45a-283	EXECUTOR FAIL TO APPLY FOR PROBATE	0	30	\$0	\$100	Up to \$250
53-199	THEATER SEATING CAPACITY	0	30	\$0	\$50	Up to \$250
53-280	OPERATE POOL ROOM W/O MUNICIPAL PERMIT	0	6	\$0	\$50	Up to \$250

- It is unclear whether there are any charges for this crime.

Table 3: Misdemeanors Recommended for Classification with No Change in Sentence Length but with Fines Increased to Match Their Classification

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation
		Min		Max		Min	Max	
1-1h	ILLEGAL USE OF IDENTITY CARD	0	D	30	D	\$0	\$50	D misdemeanor
9-56	ILLEGAL ACT-UNAFFILIATED VOTER	0	D	30	D	\$0	\$200	D misdemeanor
9-64	FAIL TO REGISTRAR TO ERASE NAME	0	D	30	D	\$0	\$200	D misdemeanor
9-236	PROHIBITED ACTS NEAR POLLING PLACE	0	M	3	M	\$0	\$50	C misdemeanor
9-396	ILLEGAL ACT-BALLOT VOTE AT CAUCUS	0	D	30	D	\$0	\$200	D misdemeanor
9-625	FAIL TO APPEAR AS WITNESS-ELECTIONS	0	D	30	D	\$0	\$25	D misdemeanor
12-53-see (c)(4)	FAIL TO ANS TAX ASSESSOR QUESTION	0	D	30	D	\$0	\$100	D misdemeanor
14-36a(d)-penalty in (F)	VIOLEATE MOTOR VEHICLE LICENSE CLASS (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is infraction)	0	D	30	D	\$0	\$100	D misdemeanor
14-37a(d), penalty in 14-147	VIOLEATE SPECIAL OPERATOR PERMIT	0	D	30	D	\$0	\$100	D misdemeanor
14-40a(a)	OPERATE MOTORCYCLE WITHOUT ENDORSEMENT (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is infraction)	0	D	30	D	\$0	\$100	D misdemeanor
14-40a(b)	MOTORCYCLE ENDORSEMENT PROVISIONS (2 <sup>nd</sup> and SBS)(1 <sup>st</sup> is infraction)	0	D	30	D	\$0	\$100	D misdemeanor
14-40a(d)	MISUSE LIMITED MOTORCYCLE ENDORSEMENT(2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is infraction)	0	D	30	D	\$0	\$100	D misdemeanor
14-44a-refers to 14-36a(f) penalty	OPERATING COMMERCIAL VEHICLE WITHOUT CDL (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is infraction)	0	D	30	D	\$0	\$100	D misdemeanor
14-66c*	MINI-MOTORCYCLE VIOLATIONS (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is infraction)	0	D	30	D	\$50	\$100	D misdemeanor
14-67	OPERATE AUTOMOBILE CLUB WITHOUT LICENSE	0	D	30	D	\$0	\$100	D misdemeanor
14-103	OBSTRUCT MOTOR VEHICLE INSPECTION	0	D	30	D	\$0	\$50	D misdemeanor

Table 3 (continued)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation
		Min		Max		Min	Max	
14-112(h)	FORGERY-FINANCIAL RESPONSIBILITY	0	D	30	D	\$0	\$100	D misdemeanor
14-314b	DAMAGE TRAFFIC CONTROL DEVICE	0	D	30	D	\$0	\$100	D misdemeanor
19a-36(a)(7)	VIOLATE PUBLIC HEALTH CODE	0	M	3	M	\$0	\$100	C misdemeanor
19a-180(d)	PROHIBITED ACT-EMERGENCY MEDICAL SERVICE	0	M	3	M	\$0	\$250	C misdemeanor
19a-228	ILLEGAL ANCHORING OF HOUSEBOAT	0	D	30	D	\$0	\$50	D misdemeanor
19a-230	VIOLATE MUNICIPAL HEALTH REQS	0	M	3	M	\$0	\$100	C misdemeanor
20-278	VIOLATE ELECTROLOGIST REQS	0	D	30	D	\$0	\$100	D misdemeanor
20-609	ILLEGAL USE OF PHARMACY TITLE	0	D	30	D	\$0	\$200	D misdemeanor
21-13	JUNK DEALER VIOLATIONS	0	M	3	M	\$0	\$50	C misdemeanor
21a-11	REFUSE ACCESS TO RECORDS	0	D	30	D	\$0	\$25	D misdemeanor
21a-25	VIOLATE IMPURE VINEGAR REQ. (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is fine only)	0	D	30	D	\$0	\$100	D misdemeanor
21a-155	BREAD/PASTRY SALES VIOLATIONS	0	D	30	D	\$0	\$25	D misdemeanor
22-277	INTERFERE WITH INSPECTIONS	0	D	30	D	\$0	\$200	D misdemeanor
22-321	VIOLATE ANIMAL DISEASE CONTROL REQ OR OBSTRUCTS DOAG	0	D	30	D	\$0	\$100	D misdemeanor
22-329	OBSTRUCT CANINE CONTROL OFFICER	0	D	30	D	\$0	\$50	D misdemeanor
22-332c	PENALTIES FOR MISUSE OF DOGS (violations of 22-332(a), -332a, and -332b)	0	D	30	D	\$0	\$100	D misdemeanor
22-363	POSSESS VICIOUS/BARKING DOG (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is infraction)	0	D	30	D	\$0	\$100	D misdemeanor
22-365	OBSTRUCT ANIMAL CONTROL OFFICER	0	M	3	M	\$0	\$100	C misdemeanor
22-366	ILLEGAL CROP DOG'S EARS (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is fine only)	0	D	30	D	\$0	\$50	D misdemeanor
26-45	SALE OF BAIT WITHOUT LICENSE	0	D	30	D	\$10	\$100	D misdemeanor



Table 3 (continued)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation
		Min		Max		Min	Max	
26-74	HUNT WITH MOTOR VEHICLE/ATV/SNOWMOBILE	0	D	30	D	\$0	\$200	D misdemeanor
26-127	ILLEGAL TRANSPORT OF BAIT SPECIES	0	D	30	D	\$50	\$200	D misdemeanor
26-149	COMMERCIAL HATCHERY W/O LICENSE	0	D	30	D	\$0	\$200	D misdemeanor
26-157a	VIOLATE LOBSTER TAKING REGS	0	D	30	D	\$25	\$200	D misdemeanor
26-213	ILLEGAL TAKE SHELLFISH W/O LICENSE-COMMERCIAL PURPOSES	0	D	30	D	\$0	\$100	D misdemeanor
26-215, penalty in 26-216	ILLEGAL USE OF POWER DREDGE (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is fine only)	0	D	30	D	\$50	\$200	D misdemeanor
26-219	TAKING CONCH WITHOUT LICENSE	0	D	30	D	\$0	\$200	D misdemeanor
31-4	DEFRAUD IMMIGRANT WORKERS OF WAGES	0	Y	1	Y	\$0	\$100	A misdemeanor
31-48b(b) - penalty is in (c)	EMPLOYER-ILLEGAL EAVESDROPPING (3 <sup>rd</sup> and SBS) (1 <sup>st</sup> and 2 <sup>nd</sup> are fine only)	30	D	30	D	\$0	\$0	D misdemeanor with up to \$1,000 fine
43-9	IMPERSONATING WEIGHT AND MEASURES INSPECTOR	0	Y	1	Y	\$100	\$500	A misdemeanor
46a-64	DISCRIMINATION-PUBLIC ACCOMMODATION	0	D	30	D	\$25	\$100	D misdemeanor
46a-64c	DISCRIMINATION-PUBLIC HOUSING	0	D	30	D	\$25	\$100	D misdemeanor
46a-81d	SEX ORIENTATION DISCRIMINATION-PUBLIC ACCOMMODATIONS	0	D	30	D	\$25	\$100	D misdemeanor
46a-81e	SEX ORIENTATION DISCRIMINATION-HOUSING	0	D	30	D	\$25	\$100	D misdemeanor
50-10	VIOLATE FINDER'S DUTY-LOST PROPERTY	0	D	30	D	\$0	\$100	D misdemeanor
52-571bb*	DISCRIMINATE AGAINST ARMED FORCES	0	D	30	D	\$25	\$100	D misdemeanor
53-37	RIDICULE-RACE/COLOR/CREED	0	D	30	D	\$0	\$50	D misdemeanor
53-132	SALE EQUIPMENT-DEFECTIVE ID	0	M	3	M	\$0	\$100	C misdemeanor
53-142a	ILLEGAL POSSESSION OF MASTER CAR KEY (1 <sup>st</sup> )	0	D	30	D	\$0	\$100	D misdemeanor
53-142a	ILLEGAL POSSESSION OF MASTER CAR KEY (2 <sup>nd</sup> and SBS)	0	M	6	M	\$0	\$500	B misdemeanor

Table 3 (continued)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation
		Min		Max		Min	Max	
53-203	ILLEGAL DISCHARGE OF FIREARM	0	M	3	M	\$0	\$250	C misdemeanor
53-205	LOADED GUN IN MV/SNOWMOBILE	0	D	30	D	\$10	\$100	D misdemeanor
53-215	ABANDON REFRIGERATOR	0	D	30	D	\$0	\$100	D misdemeanor
53-249	CRUELTY TO POULTRY	0	D	30	D	\$0	\$100	D misdemeanor
53-250	ILLEGAL USE OF ANIMALS	0	D	30	D	\$0	\$100	D misdemeanor
53-370	FRAUDULENT SALE LIQUID FUEL/OIL	0	D	30	D	\$0	\$200	D misdemeanor

\* It is unclear whether there are any charges for this crime.

**Table 4: Misdemeanors Recommended for Classification with Increased Sentences**

Statute	Description	Current Prison Term		Current Fine		Sentencing Commission Recommendation
		Min	Max	Min	Max	
13b-85	VIOLATE MOTOR BUS REGULATIONS	0	60	\$0	\$100	B misdemeanor
15-41, penalty in 15-100	VIOLATE AERONAUTICS REGULATIONS	0	60	\$0	\$100	C misdemeanor
15-52	OPERATE AIRCRAFT WITH SUSPENDED LICENSE	0	60	\$0	\$100	C misdemeanor
15-71a, penalty in 15-100	FAIL TO REPORT AIRCRAFT ACCIDENT	0	60	\$0	\$100	C misdemeanor
15-72, penalty in 15-100	RECKLESS FLYING	0	60	\$0	\$100	C misdemeanor
19a-347	CRIMINAL CONTEMPT-VIOLATE INJUNCTION-HOUSE OF ASIGNATION	0	2	\$0	\$500	C misdemeanor
26-78	POSSESSION/SALE OF ANIMALS	0	60	\$0	\$200	C misdemeanor
26-88, penalty in 26-90(b)	KILLING ANIMAL WITH EXPLOSIVE	0	60	\$25	\$200	C misdemeanor
47a-52	UNFIT SANITATION-RENTED DWELLINGS	0	60	\$0	\$200	C misdemeanor
51-88	ILLEGAL PRACTICE OF LAW	0	2	\$0	\$250	C misdemeanor

Table 5: Misdemeanors Recommended for Classification with Decreased Sentences

Statute	Description	Current Prison Term		Current Fine		Sentencing Commission Recommendation
		Min	Max	Min	Max	
7-169, penalty in 7-169(k)(5)	BINGO GAME WITHOUT PERMIT	0	60	\$0	\$500	D misdemeanor
7-169, penalty in 7-169(k)(5)	FALSE STATEMENT-BINGO GAME PERMIT	0	60	\$0	\$500	D misdemeanor
7-169a, penalty in 7-169(k)(5)	FAIL TO REGISTER BINGO GAME PERMIT APPLICATION	0	60	\$0	\$500	D misdemeanor
8-12	WILLFUL VIOLATION ZONING REGULATIONS. (**penalty is per day of violation)	0	10	\$100	\$250	Up to 30 days total (deemed a D misdemeanor)
9-361 (subdivisions 3-6)	PRIMARY/ENROLMENT VIOLATIONS	0	60	\$0	\$100	D misdemeanor
12-6	HINDER STATE'S ATTORNEY AUDIT MUNICIPAL ACCOUNTS	0	60	\$0	\$200	D misdemeanor
14-146	THROW OBJECT AT VEHICLE (2 <sup>nd</sup> AND SBS) (1 <sup>st</sup> is fine only)	0	60	\$0	\$0	D misdemeanor
15-15	OPERATE BOAT WITHOUT PILOT	0	60	\$500	\$1,000	D misdemeanor with \$2,000 fine
19a-109	VIOLATE HOME/OFFICE HEALTH REQS	0	60	\$0	\$100	D misdemeanor
19a-553	FAIL TO REPORT PATIENT CRIMES	0	60	\$0	\$200	D misdemeanor
20-265	VIOLATE HAIRDRESSER REQS (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is fine only)	0	60	\$0	\$100	D misdemeanor
21-33	FALSE STATEMENT-ITINERANT VENDOR	0	60	\$0	\$50	D misdemeanor
21-35	ITINERANT VENDING WITHOUT LICENSE	0	60	\$0	\$50	D misdemeanor
22-319a	ILLEGAL SALE OF HOG CHOLERA SERUM	0	1	\$5,000	\$10,000	B misdemeanor but keep fine
22-342(d)	OPERATING KENNEL AFTER LICENSE REVOKED OR SUSPENDED	0	1	\$0	\$1,000	B misdemeanor

Table 5 (continued)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation
		Min		Max		Min	Max	
22-342(e)	KENNEL LICENSE/INSPECTION - VIOLATIONS	0	Y	1	Y	\$0	\$1,000	B misdemeanor
22-344e	PROCURE DOG/CAT WITHOUT PET SHOP LICENSE	0	Y	1	Y	\$0	\$1,000	B misdemeanor
22-358(d)	PERMITTING DOG TO PURSUE DEER	0	D	60	D	\$25	\$200	D misdemeanor
26-47	CONTROL NUISANCE WILDLIFE WITHOUT LICENSE	0	D	60	D	\$25	\$200	D misdemeanor
26-57	TRANSPORTING ANIMALS WITHOUT PERMIT	0	D	60	D	\$10	\$200	D misdemeanor
26-61(d)	HUNT/FISH-LICENSE SUSPENSION (1 <sup>st</sup> )	0	D	60	D	\$200	-	D misdemeanor
26-71	VIOLATE WILD GAME HUNTING AND WILDLIFE MANAGEMENT REQS, TAKING OF CERTAIN WILDLIFE (SEE 26-66 AND 26-70(a) and (b))	0	D	60	D	\$0	\$200	D misdemeanor
26-72	WILD GAME TRAPPING VIOLATIONS	0	D	60	D	\$0	\$200	D misdemeanor
26-81	VIOLATE HUNT/FISH/TRAP REGS, SUNDAY HUNTING, AND USING SILENCER WHILE HUNTING (see 26-73 and -75)	0	D	60	D	\$10	\$200	D misdemeanor
26-90(b)	VIOLATE QUADRUPED HUNTING REQS, DEER HUNTING REQS, AND FALSE STATEMENT IN PERMIT (see 26-86b, -86e, -86f, and -90(a))	0	D	60	D	\$25	\$200	D misdemeanor
26-101	WILDLIFE REFUGE VIOLATIONS	0	D	60	D	\$0	\$200	D misdemeanor
26-159a	VIOLATE STRIPED BASS REG (3 <sup>rd</sup> and SBS) (1 <sup>st</sup> and 2 <sup>nd</sup> are fine only)	0	D	60	D	\$0	\$500	D misdemeanor
26-228	TAKING SHELLFISH AT NIGHT	0	D	60	D	\$100	\$500	D misdemeanor
26-229	DAMAGE SHELLFISH MONUMENT	0	D	90	D	\$0	\$150	D misdemeanor
29-243	VIOLATE STEAM BOILER REQ (2 <sup>nd</sup> and SBS) (1 <sup>st</sup> is fine only)	0	M	4	M	\$0	\$500	C misdemeanor
43-9	OBSTRUCT WEIGHT/MEASURE INSPECTOR	0	D	90	D	\$2	\$200	D misdemeanor

Table 6: Misdemeanors Recommended for a New Sentencing Structure

Statute	Description		Current Prison Term				Current Fine		Sentencing Commission Recommendation
			Min		Max		Min	Max	
15-77	OPERATE AIRCRAFT UNDER INFLUENCE	1 <sup>st</sup>	0	D	60	D	\$0	\$100	1 <sup>st</sup> C misdemeanor
		2 <sup>nd</sup> and SBS	0	Y	1	Y	\$0	\$500	2 <sup>nd</sup> and SBS A misdemeanor
15-97	VIOLATE AIRPORT ZONING REQS		0	D	60	D	\$0	\$25	1 <sup>st</sup> Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS D misdemeanor
21a-19	VIOLATE OLEOMARGARINE REQS	1 <sup>st</sup>	0	D	60	D	\$0	\$100	1 <sup>st</sup> Up to \$250 mail-in violation
		2 <sup>nd</sup> and SBS	0	M	4	M	\$0	\$200	2 <sup>nd</sup> and SBS C misdemeanor
21a-159	VIOLATE BAKERY REQS	1 <sup>st</sup>	0	D	10	D	\$0	\$50	1 <sup>st</sup> Up to \$250 mail-in violation
		2 <sup>nd</sup>	0	D	10	D	\$0	\$100	2 <sup>nd</sup> and SBS D misdemeanor
		3 <sup>rd</sup> and SBS	0	D	30	D	\$0	\$200	3 <sup>rd</sup> and SBS D misdemeanor
22-362	PERMIT DOG ANNOYANCE ON HIGHWAY	1 <sup>st</sup>	0	D	30	D	\$25	\$50	D misdemeanor for all offenses
		2 <sup>nd</sup> and SBS	0	D	60	D	\$50	\$100	
23-65(c)	ILLEGAL ADVERTISEMENT DISTRIBUTION		0	M	6	M	\$0	\$50	1 <sup>st</sup> Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS C misdemeanor
26-76	POSSESS GAME OVER LIMIT		0	D	60	D	\$0	\$200	1 <sup>st</sup> Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS D misdemeanor
26-80a*	ILLEGALLY TAKING A MOOSE OR BEAR	1 <sup>st</sup>	0	D	90	D	\$500	-	1 <sup>st</sup> D misdemeanor with current fine
		2 <sup>nd</sup>	0	D	120	D	\$750	-	2 <sup>nd</sup> C misdemeanor with current fine
		3 <sup>rd</sup>	0	D	180	D	\$1,000	-	3 <sup>rd</sup> and SBS B misdemeanor with current fine

Table 6 (continued)

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation	
		Min		Max		Min	Max		
26-186	VIOLATE COMMERCIAL FISHERIES REGS (Violations of 26-158, -166, -169 to -171, -174 to -175, and -177 to -185)	0	D	30	D	\$0	\$250	1 <sup>st</sup> . Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS: D misdemeanor	
26-226	DAMAGE OYSTER ENCLOSURE	1 <sup>st</sup>	0	D	30	D	\$0	\$50	1 <sup>st</sup> . Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS: C misdemeanor with no minimum sentence
		2 <sup>nd</sup>	30	D	90	D	\$50	\$100	
		3 <sup>rd</sup> and SBS	0	M	6	M	\$0	\$150	
26-231	TOWING DREDGE NEAR SHELLFISH	1 <sup>st</sup>	0	D	30	D	\$0	\$50	Up to \$250 (not a mail-in violation) 2 <sup>nd</sup> and SBS: C misdemeanor
		2 <sup>nd</sup> and SBS	0	D	60	D	\$0	\$100	
29-198	VIOLATE ELEVATOR/ESCALATOR REQUIREMENTS	1 <sup>st</sup>	-	-	-	-	\$25	\$100	1st offense Up to \$250 mail-in violation
		2 <sup>nd</sup> and SBS	30	D	180	D	\$100	\$500	2 <sup>nd</sup> and SBS B misdemeanor
35-20	USE FILED DEVICE/NAME/MARK	1 <sup>st</sup>	0	D	30	D	\$0	\$5	1 <sup>st</sup> . Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS: C misdemeanor
		2 <sup>nd</sup> and SBS	0	Y	1	Y	\$0	\$10	
43-9	<ul style="list-style-type: none"> <li>ILLEGAL USE FALSE WEIGHING DEVICE</li> <li>43-43 SUBJECTS LIQUEFIED PETROLEUM GAS PROVISIONS UNDER 43-37 to -42 TO THESE PENALTIES</li> <li>THREAD PROVISIONS UNDER 43-45 SUBJECT TO THESE PENALTIES</li> <li>43-52 SUBJECTS WEIGHT DEALER PROVISIONS UNDER 43-46 TO -50 TO THESE PENALTIES</li> </ul>	1 <sup>st</sup>	0	M	3	M	\$50	\$300	1 <sup>st</sup> . C misdemeanor 2 <sup>nd</sup> and SBS B misdemeanor
		2 <sup>nd</sup> and SBS	0	Y	1	Y	\$100	\$1,000	
43-34	VIOLATE PETROLEUM PRODUCT WEIGHING, DELIVERY TICKET, AND TARE WEIGHT OF VEHICLE REQUIREMENTS (violations of 43-31, -32, and -33)	1 <sup>st</sup>	0	M	3	M	\$20	\$200	1 <sup>st</sup> . C misdemeanor 2 <sup>nd</sup> and SBS: B misdemeanor
		2 <sup>nd</sup> and SBS	0	Y	1	Y	\$50	\$500	

\* It is unclear whether there have been any charges for this crime

Table 6 (continued)

Table 7: Misdemeanors Recommended for Minor Sentencing Changes to Fit into Classifications

Statute	Description	Current Prison Term				Current Fine		Sentencing Commission Recommendation
		Min		Max		Min	Max	
2-46	FAIL TO COMPLY WITH LEGISLATIVE INVESTIGATION	1	M	12	M	\$100	\$1,000	A misdemeanor
4-151(e)- refers to 2- 46 for its penalty	FAIL TO ANSWER SUBPOENA-CLAIMS COMMISSIONER	1	M	12	M	\$100	\$1,000	A misdemeanor
9-365	THREAT BY EMPLOYER OF VOTER	6	M	12	M	\$100	\$500	A misdemeanor
10a-224(g)	ILLEGAL FINANCIAL INTEREST-CHESLA	0	M	1	M	\$50	\$1,000	D misdemeanor, keep fine
14-35a	MOTOR CARRIER OPERATING VEHICLE WITH SUSPENDED OR REVOKED REGISTRATION OR OPERATING WITHOUT AUTHORITY (1 <sup>ST</sup> )	0	D	90	D	\$500	\$1,000	C misdemeanor, keep fine
14-67v	MOTOR VEHICLE RECYCLER VIOLATIONS (violations of 14-67i et seq)	0	D	90	D	\$0	\$100	C misdemeanor
14-215(a)- see additional penalty	OPERATE MOTOR VEHICLE UNDER SUSPENSION (1 <sup>ST</sup> )	0	D	90	D	\$150	\$200	Class C, Keep fines same
14-215(a)- see additional penalty	OPERATE MOTOR VEHICLE UNDER SUSPENSION-C/U (1 <sup>ST</sup> )	0	D	90	D	\$300	\$400	Class C, Keep fines same
14-215a	OPERATE MV UNDER 14-140 SUSPENSION (1 <sup>ST</sup> )	0	D	90	D	\$150	\$200	Class C, Keep fines same
14-299a(e)	VIOL TRAF SIG PREEMP DEV REQS	0	D	90	D	\$0	\$5,000	C misdemeanor, Keep fines same
15-7	VIOLATE BRIDGEPORT HARBORMASTER ORD	0	D	90	D	\$0	\$1,000	C misdemeanor
15-115(b)	FALSE STATEMENT-REPORT OF AIRCRAFT ACCIDENT	0	D	90	D	\$100	\$1,000	C misdemeanor
15-156(b)	OPERATE BOAT WHILE CERT REV/SUSP (1 <sup>ST</sup> )	0	D	90	D	\$150	\$200	C misdemeanor, keep fine
19a-92a	ILLEGAL TATTOOING OF PERSON	0	D	90	D	\$0	\$100	C misdemeanor
20-407	VIOLATE HEARING AID DEALER REQS	0	D	90	D	\$0	\$500	C misdemeanor
21-35h	VIOLATE CLOSING-OUT SALE REQS	0	D	90	D	\$0	\$500	C misdemeanor



Table 6 (continued)

Statute	Description	Current Prison Term		Current Fine		Sentencing Commission Recommendation		
		Min	Max	Min	Max			
22-272a	USE ILLEGAL SLAUGHTER METHODS	0	D	90	D	\$0	\$500	C misdemeanor
22a-45c	OBSTRUCT MOSQUITO CONTROL	0	D	90	D	\$0	\$100	C misdemeanor
26-6b	FAIL TO OBEY CONSERVATION OFFICER	0	D	90	D	\$50	\$500	C misdemeanor
26-61(d)	Procuring hunting or fishing license while under suspension (2 <sup>nd</sup> and SBS)	0	Y	1	Y	\$200	\$500	A misdemeanor
26-192e- penalty is in 26-192f	SHELLFISHING-CLOSED AREA	0	M	12	M	\$0	\$1,000 +	A misdemeanor
26-235(d)	TAKE CLAMS FROM CLOSED AREA	0	M	12	M	\$75	\$1,000	A misdemeanor
29-357	SALE FIREWORKS W/O PERMIT	0	D	90	D	\$0	\$100	C misdemeanor
29-366	FAIL TO COMPLY WITH FIREWORKS REQS	0	D	90	D	\$0	\$100	C misdemeanor
38a-734	INS CONSULTANT-RECEIVE ILLEGAL FEE	30	D	90	D	\$250	\$2,500	C misdemeanor
42-115u	VIOLATE UNFAIR SALES PRACTICES REQ	0	D	90	D	\$0	\$500	C misdemeanor
42-141	VIOLATE HOME SOLICITATION SALE ACT (see 42-135a and -138(a))	0	D	90	D	\$0	\$500	C misdemeanor
43-16q(a)	SOLICIT FALSE WEIGHT CERT (2 <sup>nd</sup> and SBS)  (1 <sup>st</sup> is fine only)	30	D	90	D	\$100	\$500	C misdemeanor
43-16q(b)	ILLEGAL ACT-LICENSED PUBLIC WEIGHER	30	D	90	D	\$50	\$500	C misdemeanor
53-329	ILLEGAL SALE PRISONER PRODUCTS	0	D	90	D	\$0	\$1,000	C misdemeanor
PA 11-213, § 43(c), penalty in (d)*	FALSE STATEMENT OF INSPECTING VEHICLE (1 <sup>st</sup> )	0	D	90	D	\$0	\$1,000	C misdemeanor, keep fine

\* It is unclear whether there are any charges for this crime.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 16  
5004 – 5323**

**2012**



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice  
Joint Committee on Judiciary

March 29, 2012

HB 5145  
HB 5553

S.B. No. 446: An Act Concerning the Amount of Bond that May Be Set for Misdemeanor and Violation Offenses

H.B. No. 5505: An Act Concerning Indecent Exposure to Persons under the Age of Sixteen

H.B. No. 5360: An Act Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property

H.B. No. 5547: An Act Concerning Release from Arrest Without Further Criminal Complaint

H.B. No. 5552: An Act Concerning the Penalties for Failure to Report Child Abuse

H.B. No. 5555: An Act Concerning Diversionary Programs

The Division of Criminal Justice respectfully opposes the above bills for the following reasons:

S.B. No. 446, An Act Concerning the Amount of Bond that May be Set for Misdemeanor and Violation Offenses: The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on this bill. The bill would place artificial limitations on the amount of bail for certain classes of crimes with no justification for doing so. Bonds in excess of the limits proposed in the bill are rare. In most misdemeanor cases the bond is usually low if not a promise to appear. The bill is not necessary since the factors that would have to be considered by the court or bail commissioner in setting a higher bail are already those considered in setting bail. This bill could impinge on the judge's discretion to set bond, which in any given case could prevent the court from setting a bond which is both reasonable and necessary. The Division of Criminal Justice is not aware of any instance where an individual was held on bond for a prolonged period on a misdemeanor count only. If there are such cases we would ask that they be brought to our attention so that we may review the circumstances. The language of the bill is also problematic. By requiring the court to make "specific findings of fact," rather than merely stating its reasons on the record, the question arises of whether some type of evidence or

hearing would be required, resulting in the need for additional prosecutors, investigators and court or other staff.

H.B. No. 5505, An Act Concerning Indecent Exposure to Persons under the Age of Sixteen: The Division of Criminal Justice questions the need for this bill. The bill proposes to establish a new crime of Indecent Exposure in the First Degree, which would be designated a class D felony. It would appear that the conduct that would be deemed a class D felony under this legislation is already proscribed by section 53-21 (a) (1), Risk of Injury to, or Impairing the Morals of, Children, which is a class C felony. Accordingly, the Division would recommend the Committee take NO ACTION on H.B. No. 5505.

H.B. No. 5360, An Act Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property: The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill to revise subsection (a) to incorporate substitute language that we understand is being submitted to the Committee by Representative Frey. As we stated in testimony to the General Law Committee, the present language of subsection (a) would amend the social host law by limiting the liability for underage drinking to a person having possession of, or exercising dominion and control over, any dwelling unit or private property, "while being physically present in such dwelling unit or on such private property." This would seem to absolve a parent from liability or responsibility if he or she leaves the home before the drinking begins. It would seem to say that if the parent leaves and goes on vacation, goes to the grocery store or even goes to visit another person in a different apartment in a multi-unit building, he or she would not be responsible for the underage drinking that occurred in their dwelling, even if they were aware of it, as long as they were not physically present. Further, it would appear to absolve from liability a landlord who rents a unit to one or more students under age 21 or a group or organization that includes persons under 21. If at some point the landlord has knowledge that underage drinking is going on in the unit, as long as he/she is not physically present, the landlord would have little, if any, liability or responsibility for the activity. It is our understanding that the substitute language prepared by Representative Frey would address our objections and accomplish what was originally intended by this bill.

We would further recommend the Committee amend section 2 of the bill to designate the offense as a class A misdemeanor (or other class of misdemeanor as deemed appropriate by the Committee) rather than specifying a specific maximum fine and term of imprisonment as proposed in the bill and as is the current law for a subsequent violation. To assign a specific class of misdemeanor is consistent with the recent efforts to classify crimes when possible as opposed to maintaining unclassified misdemeanor offenses, building upon the work of the Sentencing Commission and the Judiciary Committee through the Committee's approval of H.B. No. 5145, An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors.

H.B. No. 5547, An Act Concerning Release from Arrest Without Further Criminal Complaint: This bill is another case where it would appear that good intentions can have very bad results. The Division would respectfully recommend the Committee take NO ACTION on this bill. It would appear that the bill is being offered to provide a means for the police to release an individual who should not have been arrested. While that may be the intention, the untold

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
SAFETY AND  
SECURITY  
PART 2  
318 – 658**

**2012**

## COALITION OF CONNECTICUT SPORTSMEN

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Testimony presented to the PUBLIC SAFETY AND SECURITY COMMITTEE

IN SUPPORT OF \*S.B. No. 336 (RAISED) AN ACT CONCERNING NEGLIGENT HUNTING.

by Robert T. Crook, Director

March 6, 2012

We fully SUPPORT this bill. Increases in penalties fines for illegal activities concerning sportsmen's issues have not been increased in decades. We do have suggested substitute language.

In 53a-26 Sec. 1, 2 & 3 lists Misdemeanor sentences and fines. A **Class A Misdemeanor equates to \$2000 fine/1 year imprisonment**; Class B is **\$1000 fine/6 months imprisonment**; Class C is **\$500 fine/3 months imprisonment**.

**We would suggest the following correction:** Sec 1 (c) "(2) Negligent hunting in the second degree is a class [ A ] B misdemeanor and any person found guilty under subparagraph (A) of subdivision (1) of this subsection shall be fined not less than one thousand dollars and any person found guilty under subparagraph (B) of subdivision (1) of this subsection shall be fined not less than [ four ] five hundred dollars.

Explanation: Changing the Class A to a B Misdemeanor corresponds with Sec 53a-26 and the fine of \$1000; changing the \$400 to \$500 corresponds with a Class C misdemeanor.

Note: Sec. 26-85 referred in Sec. (c) (1) is Jacklighting for deer.

Other than this suggested correction, the bill appears to have balance with other proposals submitted in both Environment and Judiciary Committees.

Thank you.

\* Other bills updating fines for illegal activities concerning sportsmen's issues:

**H.B. No. 5145 (RAISED) AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION REGARDING THE CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS.** Judiciary Committee. **SUPPORT.** See Boating Sec. 3-9, 141; Hunting Sec 21-31, 103, 113-114, 133-139, 150-152; Fishing Sec 83-86; Misc 176; plus multiples on Shellfish.

**S.B. No. 336 (RAISED) AN ACT CONCERNING NEGLIGENT HUNTING.** Public Safety and Security Committee. **SUPPORT.**

**S - 648**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2012**

**VOL. 55  
PART 13  
3941 - 4222**

rc/law/gdm/gbr  
SENATE

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May 8, 2012

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 14, Calendar 438, House Bill 5347.  
Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 15, where we also two items. First  
is Calendar 441, House Bill 5501. Madam President, move  
to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 15, Calendar 442, House Bill 5536.  
Madam President, move to place this item on the consent  
calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 16. The first item is Calendar  
445, House Bill 5145. Move to place the item on the  
consent calendar.



rc/law/gdm/gbr  
SENATE

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May 8, 2012

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

A second item on calendar page 16 is Calendar 446, House Bill 5395. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 16, Calendar 448, House Bill 5414. Move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 17, Calendar 451, House Bill 5548. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 18, Calendar 456, House Bill 5285. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

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On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

Immediate roll call has been ordered in the Senate. Will senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

rc/law/gdm/gbr  
SENATE

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Total Number Voting	35	
Necessary for passage	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or announcements? Are there any points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or points of personal privilege, we will, of course, be in session tomorrow -- or actually it's later today but -- but not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will have a -- announce the Democratic caucus at eleven followed by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at 12:32 a.m. adjourned subject to the call of the chair.