



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel

Public Safety and Security Committee - February 28, 2012

Raised Bill No. 5247

An Act Concerning the Penalty for Assault of Public Safety, Emergency Medical, Public Transit or Health Care Personnel

The Office of Chief Public Defender opposes the creation of a 2 year mandatory minimum sentence if a person is convicted for this offense. Currently a person so convicted for violation of C.G.S. §53a-167c, a class C felony, can be sentenced up to 10 years in prison. The proposal contains two exceptions to the imposition of the 2 year mandatory minimum sentence. The first is if the person is under 18 years of age. The second is if the "person's mental capacity was significantly impaired, but not so impaired as to constitute a defense to prosecution". However, even with these exceptions, the proposal would remove the discretion of the court presiding over a criminal proceeding to sentence a person after consideration of all the facts including the offense and mitigating information pertaining to the defendant.

Prosecutors have, not only the power to charge a person with the commission of an offense, but whether the discretion to charge a person with a crime for which mandatory sentence of incarceration would be required. The court, as the neutral arbiter, should be able to exercise its discretion when sentencing a person and consider facts such as whether the person is a high school or college graduate, employment history, work in the community, family support and family impact and other factors, including whether this is a first arrest.

The threat of the imposition of a mandatory minimum sentence can act coercively to induce a person to plead to the commission of a crime, even if a person pleads to a crime of a lesser degree. A person might even plead guilty to a lesser offense even if not guilty just to avoid a mandatory sentence. This coercive power actually reduces the number of cases that ultimately go to trial and increases the number of plea bargains. It also creates "assembly line" justice rather than focusing on a person's individual frailties and vulnerabilities. For these reasons, this office urges this Committee to reject this proposal.