



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of the Office of Chief Public Defender
Benedict R. Daigle, Deputy Assistant Public Defender

Committee on Judiciary – March 21, 2022

Raised H.B. 5472 – An Act Concerning Sexual Assault and the Absence of Consent

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

The Office of Chief Public Defender (OCPD) opposes H.B. 5472 (LCO 3385). This office concurs with the testimony submitted by Attorney Jennifer Bourn, President of the Connecticut Criminal Defense Lawyers Association (CCDLA). This bill is unnecessary since all sexual contact without consent is already a criminal action under state statute. This proposal will create unnecessary legal issues and challenges, as it contains terms which are vague and unconstitutionally shifts the burden of proof of consent to the defendant.

In all criminal prosecutions, it is the *State's* burden to prove every element of the crimes charged. It is already a crime in Connecticut to engage in sexual activity with someone absent consent. As criminal defense attorneys, respect for the Constitution and the rule of law is reflected in the zealous defense provided to each individual represented. When the State is required to meet its burden in criminal cases – especially cases in which the accused is indigent and otherwise marginalized – convictions are more certain, the criminal legal system has greater legitimacy, and society is safer.

Because H.B. 5472 would effectively shift that legal burden, and for the other reasons articulated in CCDLA's testimony, OCPD respectfully opposes H.B. 5472 and asks that no action be taken by the Committee.

Thank you for considering OCPD's position on this legislation.