



DIVISION OF PUBLIC DEFENDER SERVICES
State of Connecticut

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

Judiciary Committee – March 22, 2023
Raised H.B. 6887 – An Act Concerning Additional Legal Protections for
Victims of Domestic Violence

The Office of Chief Public Defender **strongly opposes** Section 1 and has concerns in regard to Sections 2 and 5 of **H.B. 6887 - An Act Concerning Additional Legal Protections for Victims of Domestic Violence**.

Section 1 – The Office of Chief Public Defender strongly opposes this section which would enhance the penalty for murder during a domestic violence offense to life imprisonment without the possibility of release. A person convicted of murder is already subject to a life sentence without the possibility of parole. A person so convicted of “murder with special circumstances” would be sentenced to the same penalty as those persons who previously were convicted for capital offenses, for which a sentence of death had been imposed prior to the statutory change.

The bill is vague and overbroad and will have unintended consequences. First the bill is vague and is not limited as to who the victim may be. Anyone could be the victim of physical or *threatened harm, including verbal abuse or argument*, where no physical harm has occurred, so long as a murder occurred during this *domestic violence* incident. Family violence is defined as:

“an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault,

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.

including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur."

See subsection (1) of *C.G.S. 46b-38a. Family violence prevention and response: Definitions.*

By definition, the bill is overbroad and overinclusive. The universe of family violence charges is much broader than many people imagine. It includes lower-level offenses. Anyone could be charged with this offense even if it occurs during an oral argument between family members.

In addition, as a member of the *Trafficking in Persons Council*, this office is concerned about persons who have been abused, sexually abused, or trafficked by a person with whom they reside or have resided with or have been in a dating relationship. Under this proposal, if the abused victim murders their abuser, they will be subject to life without possibility of release. That means that they will die in prison without any chance of release.

Section 2 - This office opposes this section which would eliminate eligibility for parole for persons who committed an offense while under the age of eighteen pursuant to P.A. 15-84. Also known as Miller-Graham hearings, these hearings permit a "second look" at a person so convicted and comply with U.S. Supreme Court caselaw and the current science of brain development and its implication for legal culpability and punishment.

Sections 3 and 4 - This office takes no position.

Section 5 - This office asserts that the language in lines 137 through 139 is vague and needs to be clarified. While aware of the constitutional and statutory rights of the victim to address the court in criminal proceedings, such rights are exercised in court and on the record. This office respectfully requests that the following substitute language (**bolded, underlined and in CAPS**) beginning at line 132:

132 (5) File a limited special appearance in any court proceeding for the
133 purpose of advocating for any right guaranteed to a crime victim by the
134 Constitution of the state or any right provided to a crime victim by any
135 provision of the general statutes, and, with respect to any matter in
136 which a limited special appearance has been filed, shall receive notice of
137 any scheduled court proceeding affecting the case and have the

138 ~~[affirmative]~~ right to participate in ~~[any]~~ court ~~[discussions]~~ ON THE
RECORD relating to such

139 proceeding

This office requests that Sections 1 and 2 be deleted from the bill and that substitute language be inserted in Section 5. Thank you for your consideration.