



DIVISION OF PUBLIC DEFENDER SERVICES
State of Connecticut

OFFICE OF CHIEF PUBLIC DEFENDER
55 FARMINGTON AVENUE, 8TH FLOOR
HARTFORD, CT 06105

ATTORNEY TASHUN BOWDEN-LEWIS
CHIEF PUBLIC DEFENDER
TEL: (860) 509-6429
FAX: (860) 509-6499

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

Judiciary Committee – March 8, 2023
Raised S.B. 1181 - An Act Concerning the Statute of Limitations
for Crimes Committed Against the Elderly

Consistent with its position in the past, the Office of Chief Public Defender urges the Committee not to support **S.B. 1181 - An Act Concerning the Statute of Limitations for Crimes Committed Against the Elderly**. This proposal would extend the statute of limitations for an offense against an elderly person to *“within 5 years next of the **discovery of the commission** of the offense in the course of an investigation of exploitation . . . or the death of the elderly person, whichever is sooner.”* The bill would be applicable prospectively and retroactively to any conduct committed on or after October 1, 2023, or prior to October 1, 2023, for which the statute of limitations is in effect and not expired on October 1, 2023.

The Office of Chief Public Defender is concerned that by creating a limitation beyond the **discovery of the offense** and not the offense date itself, the ability to provide a defense becomes more difficult, if not impossible. Under this legislation, a decade or more may pass between an offense and an accused person’s opportunity to gather exculpatory evidence. Evidence, including exculpatory evidence, may be unable to be located, destroyed, or may deteriorate. In addition, memories of witnesses fade and sometimes no longer exist. It may be difficult or impossible to locate witnesses who may have moved or have passed on. The time within which a prosecution can be brought under the bill may be impossible for an innocent person to fairly defend themselves, decades after the **“discovery”** of the offense.

This office requests that the Committee take no action on this bill. Thank you.

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.