



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

#### Office of Chief Public Defender

55 Farmington Avenue, 8<sup>th</sup> Floor  
Hartford, Connecticut 06105  
(860) 509-6405 Telephone  
(860) 509-6495 Fax

#### Deborah Del Prete Sullivan

Legal Counsel, Director  
[deborah.d.sullivan@pds.ct.gov](mailto:deborah.d.sullivan@pds.ct.gov)

### Testimony of the Office of Chief Public Defender Jeffrey LaPierre, Senior Assistant Public Defender

#### JUDICIARY COMMITTEE - MARCH 4, 2024

#### Raised Bill No. 5258

### AN ACT REQUIRING STATE COURTS TO EXTEND FULL FAITH AND CREDIT TO MILITARY PROTECTION ORDERS

I am Veteran and a current member of the Connecticut Army National Guard with over 32 years of service. I have commanded Army National Guard units at the company level three times, Battalion, and Brigade level twice. I am also a Senior Assistant Public Defender of over 23 years, practicing criminal indigent defense in multiple offices throughout the state and testify on behalf of the Office of Chief Public Defender.

The Office of Chief Public Defender **opposes** any and all changes raised in *Raised Bill No. 5258, An Act Requiring State Courts to Extend Full Faith and Credit to Military Protection Orders*. Adding the language expanding the scope of foreign orders of protection to include military protection orders [lines 10-14 of H.B. 5258] is unnecessary as currently both the state civil and criminal court systems have procedures in place to sufficiently protect victims as well as ensure those accused of crimes or are the subject of civil protective orders receive the required and necessary constitutional due process. Expanding the definition of foreign orders of protection to include military protection orders [lines 10-14 of H.B. 5258] likely violates or conflicts with the preexisting law in another section of GS 46b-15a(b) [lines 15-16 H.B. 5258]. In order to provide full faith and credit to foreign order of protection, it must be consistent with 18 USC 2265. [lines 15-16 H.B. 5258] 18 USC 2265 states:

**Raised Bill No. 5258 - An Act Requiring State Courts to Extend Full Faith and Credit to Military Protection Orders**

**March 4, 2024**

**Testimony of Jeffrey LaPierre, Senior Assistant Public Defender**

(b) PROTECTION ORDER. – A protection order issued by a State, tribal, or territorial court is consistent with this subsection if –

(1) **such court has jurisdiction** over the parties and matter under the law of such State, Indian tribe, or territory; and

(2) **reasonable notice and opportunity to be heard** is given to the person against whom the order is sought **sufficient to protect that person's right to due process**. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

Military protection orders are not issued by a court, rather they are issued by commanders including company commanders who could be officers with 3-4 years of service with no legal experience. Since military protection orders are not ordered by courts, they do not qualify as a valid foreign order under 46b-15a(b) [lines 15-16 of HB 5258] as they are not consistent with 18 USC 2265. Thus, this requested amendment creates an unnecessary legal conflict within the same statute.

Any issue related to domestic violence that has come to my attention or the attention my subordinate commanders is normally **after** an arrest and imposition of a protective or civil order of protection. In instances where Soldiers are the victim, we refer them to local authorities and or Office of Victim Services (OVS) who are trained and resourced to assist victims of domestic violence.

As a criminal defense attorney for over 23 years, this bill does nothing to increase safety of victims nor protect the rights of accused. It attempts to solve a problem that does not exist with language that at best will create confusion by law enforcement and at worst is legally inconsistent with the same statute. We have a judicial process with protections, safeguards, support and funding to address issues of domestic violence for all citizens including Servicemembers and their families. We should not simultaneously increase criminal responsibility for Servicemembers while reducing legal safeguards that other Connecticut citizens rightly enjoy.

For the above reasons, the Office of Chief Public Defender strongly opposes this bill and asks that this Committee take no action on this bill. Thank you.