



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

Office of Chief Public Defender
55 Farmington Avenue, 8th 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

**Testimony of the Office of Chief Public Defender
Michael Alevy, Senior Assistant Public Defender**

JUDICIARY COMMITTEE - March 11, 2024

Raised Bill No. 5418

AN ACT CONCERNING ELIGIBILITY FOR PARTICIPATION IN A PRETRIAL FAMILY VIOLENCE EDUCATION PROGRAM

The Office of Chief Public Defender (OCPD) supports *Raised H.B. 5418, An Act Concerning Eligibility for Participation in a Pretrial Family Violence Education Program*. The bill would permit persons charged with certain violations of *C.G.S. §53-21, Injury or Risk of Injury to a Minor (RIM)*, to participate in the pretrial family violence education program, (FVEP), when good cause is shown for such participation.

Currently, persons charged with a violation of RIM, a Class C felony, are precluded from participating in the FVEP. The FVEP, one of several diversionary programs open to first offenders, and those charged with minor crimes, is intended to reduce domestic violence crime and recidivism rates through a series of educational classes educating offenders regarding the dynamics of family violence and the law associated with such cases.

The experience of attorneys who handle these cases makes it clear that many minor misdemeanor incidents, verbal disputes, breaches of peace, trespassing, etc. result in the inclusion of the Class C felony RIM charge simply because a minor may be present at the scene of the incident, a presence that may be tangential to the underlying conduct.

The proposed bill simply allows the court to exercise its discretion, when considering the granting of the FVEP, to consider the totality of the circumstances of any specific incident or allegation, particularly the impact upon minor children when assessing good cause for participation.

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Raised H.B. 5418 - An Act Concerning Eligibility for Participation in a Pretrial Family Violence Education Program

March 11, 2024

Testimony of Michael Alevy, Senior Assistant Public Defender

The office of the Chief Public Defender is fully aware that incidents of domestic violence present serious challenges to the citizens of our state. We strongly believe that the FVEP is an important tool with which to combat this problem and should be utilized in every appropriate instance. In this case, we believe that the Court is in the best position to determine when there is good cause and a benefit to granting an offender participation in the FVEP. Consequently, this office requests that the committee vote favorably on this legislation.