



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of John R. DelBarba, Assistant Legal Counsel

Government Oversight Committee Public Hearing - March 10, 2026

**Raised Bill No. 5477 - AN ACT CONCERNING THE WELL-BEING OF
EMPLOYEES OF THE DEPARTMENT OF CORRECTION AND PERSONS WHO
ARE INCARCERATED IN CORRECTIONAL INSTITUTIONS**

The Office of Chief Public Defender (OCPD) supports only those sections in *Raised Bill 5477, An Act Concerning the Well-being of Employees of the Department of Correction and Persons who are Incarcerated in Correctional Institutions*, which (1) institute various measures in correctional institutions concerning the reporting and investigation of sexual abuse incidents, including establishing a hotline for the reporting of such incidents, (2) require additional training for correctional officers, (3) require the Department of Correction to submit additional legislative reports and (4) penalize Department of Correction employee failure to intervene or report sexual abuse, sexual assault, or sexual contact. Public Defenders represent more than 100,000 individuals annually. Based on our state-wide representation, a percentage of our clients will unfortunately be incarcerated for various periods of time ranging from days to years. OCPD supports any efforts on the part of the Department of Correction that carry out the intent of this proposal.

OCPD **does not support Sections 4 and 5** of this bill which modify the crimes of sexual assault in the second and fourth degree, and further enhance the penalty of sexual assault in the second degree. This office **strongly opposes** language in Section 4(b) which would create and expand a mandatory minimum sentence. This office is consistent in opposing minimum sentencing throughout the years because of the damaging impact of such. Mandatory minimums remove all discretion from a judge to

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suspend or reduce a sentence. In this case, there is a proposed increase from a nine-month mandatory minimum sentence to a two-year mandatory minimum sentence. Information is lacking as to why any enhancement is necessary regardless of whether it would be a mandatory sentence.

In addition, "agency of the state" is not defined. Without a definition, or even a reference to "agency" as currently defined, the language is unconstitutionally vague. It lacks clarity for an average person to understand its meaning. As a result, it may violate the Due Process Clauses of the Fifth and Fourteenth Amendments.

While this office supports in part this Raised Bill, it **requests that the increased penalty in Section 4 be deleted and that "agency of the state" language be stricken, if not defined**, in both sections. Thank you.