



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Christine Perra Rapillo, Chief Public Defender
Senate Bill 948 AN ACT CONCERNING THE RECOMMENDATIONS OF THE
SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES
Committee on the Judiciary
March 8, 2019

The Office of Chief Public Defender strongly supports Raised Bill 948, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences. This proposal would reduce the maximum sentence for a misdemeanor from 356 to 364 days, a one day reduction. A change to the maximum possible sentence is necessary to ensure that Connecticut's legislative definition of a misdemeanor offense is properly interpreted in federal proceedings

Under federal law, aggravated felonies are defined as being an offense for which a sentence of a year or more can be imposed. Federal law does not consider what the actual sentence was- if the crime was subject to a year or more imprisonment, the offender is considered to be a felon. This disregards Connecticut's legislative intent to classify these less serious offenses as misdemeanors and leads to serious consequences for our clients.

Our Constitution requires that all accused individuals must be fully informed of the consequences of their decision to plead guilty to a criminal offense. Felony convictions come with more serious collateral consequences, particularly in immigration matters. Individuals who plead to a misdemeanor charge should not later be surprised that the federal government considers them to be a felon. Over the last two years, The Sentencing Commission has heard testimony from many individuals who were surprised to find out that their misdemeanor conviction had unintended consequences. One of the most compelling witnesses was an Iraq War veteran, with legal status and a green card. His misdemeanor conviction resulting from a fight with another man has led to his status being revoked and deportation proceedings

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commenced. We heard from numerous people in the same situation. Individuals with legal status and those who were undocumented and seeking status were negatively impacted by misdemeanor convictions. It is critical that people pleading guilty to offenses in Connecticut do knowing the full impact of their plea on their immigration status. It has long been Connecticut law to treat crimes carrying a sentence of a year or less as a misdemeanor- a less serious offense. This change will ensure that Connecticut's sentencing policy is given full faith and credit by the federal government.