

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-7259

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING

**Title:** CRIMINAL JUSTICE.

**Vote Date:** 4/8/2025

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/31/2025

**File No.:** 808

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### SPONSORS OF BILL:

Judiciary Committee

### CO-SPONSORS:

Rep. Kerry S. Wood, 29th Dist.

Rep. Savet Constantine, 42nd Dist.

Rep. Michael D. Quinn, 82nd Dist.

Rep. William Heffernan, 115th Dist.

Rep. Tom Delnicki, 14th Dist.

Rep. Anne M. Hughes, 135th Dist.

### REASONS FOR BILL:

There have been discussions between the Office of the Chief Public Defender, Department of Criminal Justice, Connecticut Sentencing Commission, the Department of Consumer Protection, the Department of Emergency Services and Public Protection, the Connecticut Council on Problem Gambling, and the Connecticut Police Chiefs Association on their legislative proposals. This bill includes their proposals related to juror compensation, the DNA data bank, sexual assault evidence collection kits, failure to appear, acquittee applications for discharge, credit for presentence confinement, use of an electronic defense weapon by a peace officer, use of force, pretrial diversionary programs for persons with IDD, underage internet gambling, accelerated pretrial rehabilitation for gambling addiction-related violations, and failure to stop for or eluding a police officer.

### SUBSTITUTE LANGUAGE:

The substitute language strikes the third, thirteenth, and fourteenth sections of the bill regarding juror compensation (Sec. 3), accelerated pretrial rehabilitation for gambling addiction related violations (Sec. 13), and failure to stop for or eluding a police officer (Sec. 14). It also makes a wording change (adds “of” before the definitions in line 57), and it corrects an erroneous section reference and clarifies that the age of the person must be the age of participation in online gaming and retail sports wagering in the eleventh section.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Andrea Barton Reeves, Commissioner, Department of Social Services:** Commissioner Reeves testified in opposition to Section 10 of HB 7259, stating that while the Department of Social Services (DSS) supports the concept of specialized diversionary services for individuals with autism spectrum disorder, the responsibilities outlined in the bill fall outside the agency’s scope of work. She explained that while DSS supports certain services for individuals with autism spectrum disorder the agency does not diagnose or develop treatment plans. In order to do so, DSS would need to hire an external consultant, which would require an unbudgeted appropriation. Commissioner Reeves noted that the department’s current fee-for-service rate for autism evaluations—typically conducted over three to five hours—is \$636.48. Without knowing how many individuals would require assessments, DSS is unable to provide a specific fiscal estimate but anticipates a cost impact not accounted for in the Governor’s recommended budget.

**Bryan Cafferelli, Commissioner, Department of Consumer Protection:** Commissioner Cafferelli expressed support for HB 7259, specifically highlighting that Section 12 promotes consistency across gaming statutes. He raised one concern regarding how the section is currently drafted. The bill prohibits individuals under the age of 21 from opening, maintaining, or using an account with an online gaming operator, or from placing wagers on internet games or with a sports wagering retailer. This language conflicts with the current eligibility age for iLottery participation, which is 18. He requested that the section be revised to clarify that the age threshold should align with the legal age permitted for participation.

**State of Connecticut Judicial Branch, External Affairs Division:** The External Affairs Division expressed support for Section 3 of HB 7259, stating that the proposal would improve accessibility to jury service and help advance the right to a fair trial. Regarding Section 10, the division raised concerns about implementation challenges but indicated a willingness to work with proponents to address them. For Section 13, they noted that the proposal could have a fiscal impact on the Judicial Branch if the intent is for the Court Support Services Division to contract with a gambling addiction-specific treatment provider.

**Patrick Griffin, Chief States Attorney, Division of Criminal Justice:** Mr. Griffin stated that the Division of Criminal Justice takes no position regarding Sections 6, 10, and 14, but is in broad support of all remaining sections of H.B. No. 7259.

He emphasized the divisions support for section one, which establish clear authority and procedures for handling investigatory DNA matches when a profile in the state’s DNA data bank—maintained by the Division of Scientific Services—is found to have been included in

error. As he explained occasionally, a DNA sample collected during a criminal investigation matches a profile that was not legitimately in the data bank. He explains that upon discovery the profile must be expunged, all related records removed, and the original sample destroyed as required by law (§ 54-102I). Mr. Griffin explains that the current law prevents the Division of Scientific Services from sharing information about DNA matches involving improperly stored profiles—even when the information could prove someone else’s innocence. The proposed change would allow the Division of Scientific Services to disclose such matches to the Division of Criminal Justice’s Conviction Integrity Unit for review. If the information is found to be exculpatory, it must then be shared with the affected individual or their attorney, ensuring compliance with the State’s constitutional duty to disclose exculpatory evidence under *Brady v. Maryland*.

The division supports section 2, a proposal it put forth on behalf of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations. He explains that in practice this third “identified” category has already evolved and specifically identifying this third category would ensure uniformity throughout the state in terms of how this category of evidence is handled. Mr. Griffin emphasizes that establishing a uniform procedure for testing these “identified” kits is essential for survivors of sexual assault. It offers them the flexibility to decide if or when they want to report the assault to law enforcement. He adds that trauma-informed practices should give survivors the time they need to make that decision on their own terms. Citing a report from End Violence Against Women International, he notes that “the prospect of an investigation and possible prosecution may feel less daunting if the victim knows there are others who were victimized by the same person.” The department also believes that section 2 of the bill provides the Division of Scientific Services greater flexibility to decide which evidence to retain at the lab and which to return to law enforcement, based on preservation needs.

Mr. Griffin testified in support of Section 3, emphasizing that jury service can create a financial burden for members of the public. He stated that the Division broadly supports efforts to ensure that jury duty does not place an undue hardship on those who are called to serve. He also testified in support of section 5 which puts into law the standard that is already being used in practice, based on the Connecticut Supreme Court’s decisions in *State v. Metz* and *State v. Dyous*. Regarding Section 12 of H.B. No. 7259, the Division of Criminal Justice notes that the reference on line 462 to “section 12-580 of the general statutes” is incorrect and should instead refer to section 12-850.

**Deborah Del Prete Sullivan, Legal Counsel Director, Office of Chief Public Defender:**

The Office of the Chief Public Defender (OCPD) expressed support for HB 7259, particularly Sections 3, 4, 5, 6, and 10. While OCPD does not object to the remaining sections, it noted opposition to Section 11.

OCPD believes that the proposed amendment in section 3 would result in the system being fairer as it would expand access to persons in the community to serve as jurors and mentions that part-time or per diem employees generally are unable to bear the hardship of not working as they will not be paid. OCPD believes that the changes in section 4 acknowledges that individuals may miss court dates for legitimate reasons beyond hospitalization or incarceration. Under the proposal, only subsequent failures to appear would remain classified as Class A misdemeanors. OCPD supports Section 5, which updates subsection (f) of C.G.S.

§ 17a-593 to align with the Connecticut Supreme Court's holding in *State v. Metz* (1994). The amendment clarifies that, in petitions for continued commitment of an acquittee, the burden is on the State—not the acquittee—to prove by clear and convincing evidence that the individual still has psychiatric disabilities and poses a danger. OCPD mentioned that although this standard has been applied in practice since *Metz*, the statute has never been formally revised to reflect it. OCPD voiced their support for sections 6 and 10.

OCPD raises concerns with Section 12, which creates a Class C misdemeanor—punishable by up to three months of incarceration—for knowingly allowing individuals under 21 to engage in online gambling or wagering. OCPD recommends reducing the penalty to a fine or a lower-level misdemeanor.

OCPD does not support section 11 as drafted and believes the proposed penalty is not appropriate, as Class A misdemeanors are typically reserved for more serious offenses such as assault in the 3rd degree and sexual assault in the 4th degree. They proposed fines for first offenses and Class D misdemeanors for repeat violations. OCPD is continuing discussions with the Department of Consumer Protection to refine the language and reach a compromise for the Committee's consideration.

**Nancy Navarretta, Commissioner, Department of Mental Health and Addiction Services (DMHAS):** Commissioner Navarretta stated that DMHAS opposes the bill language as written, specifically lines 360 to 366, stating that the described role exceeds current practice and would create an unbudgeted fiscal impact. DMHAS noted that it does not participate in every assessment for psychiatric disabilities and requested that this section not move forward. The agency urged proponents to engage with impacted agencies outside of session to develop language that is both operationally and fiscally practical.

**Jordan Scheff, Commissioner, Department of Developmental Services (DDS):** Commissioner Scheff expressed concerns with Section 10 of HB 7259 on behalf of the Department of Developmental Services (DDS). While affirming the importance of offering diversionary options for individuals with intellectual disabilities as a matter of parity, he noted that the current bill language includes several references that are not applicable or appropriate for individuals with ID. He explained that the process for developing supports for individuals with intellectual disabilities differs significantly from that used for individuals with psychiatric disabilities. As a result, the diversionary program outlined in the bill may not be appropriate for individuals with ID. He noted that the full scope and parameters of such a program remain unclear, making it difficult for DDS to determine how it would comply. Additional information on current practices, proposed programming, and implementation details would be needed to move forward. Commissioner Scheff respectfully requested that the Committee remove Section 10 from the bill to allow DDS time to work with proponents on how best to support individuals with intellectual disabilities. He noted that DDS is currently providing information to Disability Rights CT for a forthcoming report under Public Act 23-137, which may help identify best practices, successful programs, and the potential impact such a diversionary program would have on the DDS system.

**Natasha M. Pierre Esq., State Victim Advocate, Office of the Victim Advocate (OVA):** The Office of the Victim Advocate (OVA) supports several provisions in HB 7259 that

promote balance and fairness in the criminal justice process. Specifically, they support Section 2, stating that the proposal is victim-sensitive, maintains confidentiality, and supports potential use of the evidence in court proceedings.

## **NATURE AND SOURCES OF SUPPORT:**

**Connecticut Hospital Association:** The Connecticut Hospital Association testified in support of the changes proposed in Section 2 of the bill, emphasizing that the revisions take a survivor-centered approach to evidence collection in sexual assault cases. CHA noted that the bill provides survivors with greater flexibility in deciding when to report an incident to law enforcement, without delaying the analysis of collected evidence by the state laboratory. This added time, they explained, can be crucial for survivors still processing their trauma. CHA recommended clarifying language in Line 57 revising the language to clarify that the victim may choose either an “anonymous,” “identified,” or “reported” designation when consenting to the handling of their sexual assault evidence collection kit. They suggested adding the word “either” to ensure it is clear that the victim is selecting one of the available options.

**De’Andre Brown, Executive Director of Evolve Love and Affiliate of BLM860:** Mr. Brown testified in support of Raised Bill No. 7259, sharing his lived experience as a formerly incarcerated person and current parolee. He expressed hope that the bill would help shift Connecticut’s correctional facilities toward a more rehabilitative and humane model. He emphasized that reforms like those in 7259 have the potential to save lives and improve conditions for incarcerated individuals, and urged the committee to weigh both the positive and negative impacts of proposed legislation through an ethical and community-focused lens.

**Stacy Cascante, Board Member, Center for Family Justice:** Mrs. Cascante testified in support of the bill, emphasizing the importance of creating a process that fosters trust and makes survivors feel safe and supported. She stated that the bill will strengthen the collection and preservation of evidence, which is critical since many victims delay reporting their assaults—sometimes until physical evidence is no longer available. The bill, she noted, allows survivors to come forward when they feel ready and empowered to do so.

**Pamela Dale, Board of Directors, The Center for Family Justice:** Mrs. Dale supports the bill and emphasizes its importance in enhancing the effectiveness of our criminal justice system.

**Cara During, Chief Program Officer, The Center for Empowerment and Education:** Ms. During testified in support of Lines 1–98 of HB 7259, stating that the bill addresses a critical gap in the current system by giving survivors the option to have their evidence kits tested without immediately filing a police report. She emphasizes that for some, the presence of DNA evidence is essential to making an informed decision about coming forward. Ms. During pointed out that many survivors of sexual assault face numerous challenges when deciding whether to report the crime to law enforcement. She mentions that some are not emotionally ready to navigate the criminal legal process and that the act of reporting can often be more harmful than healing. She states that additionally the cost of time, money, and the burden of providing detailed testimony can make the process even more daunting. Over half of women and nearly one in three men will experience sexual violence in their lifetime, yet more than two-thirds of assaults go unreported. Given these realities, Ms. During stressed the

importance of creating trauma-informed pathways that respect survivor autonomy. She noted that five other states currently allow testing of evidence kits prior to formal reporting, where DNA evidence from non-reporting SAKs aid the criminal legal system in identifying and holding perpetrators of harm accountable. She also mentions that this bill would prevent evidence kits from remaining untested for years, allowing for timely analysis that can support investigations and potentially link cases.

**Barbara Fair, LCSW, Stop Solitary CT:** She submitted testimony in support of the bill.

**Isabella Gilmour, Sexual Assault Advocate, Susan B. Anthony Project:** Ms. Gilmour strongly supports HB 7259 in advocating for the autonomy of victims and survivors of sexual violence. Gilmour highlights that according to the CDC, over half of women and nearly one in three men experience sexual violence, yet more than two-thirds of assaults go unreported. She explained that many survivors struggle pursuing legal action due to factors such as fear of the perpetrator, confidentiality concerns and uncertainty of being believed. She explained that currently, there are two ways which CT handles sexual assault kit evidence, neither of which allow for evidence to be tested without filing a police report. She explained that for some, the existence of DNA evidence is critical to deciding whether to file a report because, so few cases result in a conviction. She emphasized that victims deserve to be comprehensively informed when deciding to make a report, as it can risk the quality and safety of their lives. Ms. Gilmour also pointed out that other states already allow survivors to consent to DNA testing prior to making a report—an option that has enhanced public safety and led to the resolution of cold cases while still respecting survivor agency.

**Diana Goode, Executive Director, CT Council on Problem Gambling:** Director Goode testified in strong support of HB 7259, specifically the provision that allows courts to consider whether a gambling addiction contributed to a defendant's actions and to order treatment as a condition of probation. Goode noted that gambling disorder is a recognized behavioral health condition that can drive individuals to commit financial crimes they otherwise would not have. She emphasized that acknowledging addiction as an underlying factor allows courts to hold individuals accountable while also addressing the root cause of their behavior. Noting the success of similar approaches in drug and mental health courts, she stressed that this provision offers a meaningful opportunity for rehabilitation, rather than perpetuating cycles of incarceration without treatment. She added that this approach not only supports individual recovery, but also reduces the broader financial and social costs associated with untreated gambling addiction.

**Debra Greenwood, President and CEO, Center for Family Justice:** Ms. Greenwood urged the committees support for lines 1-98 of HB 7259. She noted that this change provides survivors with greater autonomy and a trauma-informed pathway to decide if and when they want to engage with law enforcement. She mentions that currently in Connecticut, evidence collected in a Sexual Assault Evidence Collection Kit, is only analyzed when a victim reports to law enforcement. She emphasized that this change is important because some survivors feel that the presence of DNA evidence is critical in their decision to pursue legal action. She also emphasizes that this bill gives survivors more options and autonomy in the SAK process. Greenwood mentions that this approach not only removes barriers to reporting but also

enhances public safety by helping identify repeat offenders and solve cold cases, as demonstrated in other states with similar provisions.

**Beth Hamilton, Executive Director, Alliance to End Sexual Violence:** The Alliance strongly supports the changes to sexual assault evidence collection contained in HB 7259. Ms. Hamilton explained that the proposed “identified” option would enable survivors to make informed, trauma-informed decisions by allowing evidence to be tested without requiring an immediate police report. She highlights the widespread prevalence of sexual violence — stating that sexual violence impacts over half of women and nearly one in three men—and the reality that more than two-thirds of assaults go unreported, with fewer than 4% resulting in conviction nationwide. Ms. Hamilton emphasized that perpetrators often target individuals perceived as vulnerable or lacking credibility, making early engagement with law enforcement especially difficult. Many survivors fear retaliation, worry about confidentiality, or face legal concerns such as immigration status or prior substance use. She notes that similar measures have already been implemented in other states, where testing non-reporting kits has helped law enforcement identify serial offenders, solve cold cases, and enhance public safety. Hamilton also emphasizes that the analysis of evidence from a SAK in Connecticut is conducted in a cost-effective manner, focusing on the most probative evidence. Additional rounds of testing occur only at the request of law enforcement during an active investigation. She concludes that this change would remove barriers for survivors and strengthen public safety.

**Lindsey Jones, Volunteer Program Manager, YWCA New Britain SACS:** Ms. Jones urged the committee to support HB 7259 emphasizing the importance of allowing survivors to submit sexual assault kits for testing without requiring a police report. She mentions that HB 7259 may seem minor to someone who has not experienced assault themselves, but this bill gives survivors increased autonomy and empowers them to be able to make life-changing decisions. She cited the reality that over half of women and nearly one in three men experience sexual violence in their lifetimes, yet more than two-thirds of these assaults go unreported—and less than 4% of reported cases result in a conviction. Survivors often choose not to report due to fear of retaliation, confidentiality concerns, uncertainty about being believed, or fear of consequences like arrest or deportation. For those who were unconscious or have memory gaps due to trauma, the decision becomes even more complicated. Ms. Jones emphasized that having access to these results helps survivors make more informed decisions about reporting, and that many survivors feel that the presence of DNA evidence is critical to their decision to move forward in the criminal legal process. She also mentions that access to the results will also equip victims with information about their experiences of sexual violence, which can be crucial to healing.

**Michael Lyngaas, Treasurer, Center for Family Justice:** Mr. Lyngaas testified in support of section 2 stating that many victims choose not to report their assaults due to fears of being retraumatized and that DNA evidence from non-reporting kits has helped law enforcement identify serial offenders, solve cold cases, and hold perpetrators accountable.

**Anne Malisk, Director Sexual Assault Services, Women and Families Center:** Ms. Malisk testified in strong support of Lines 1–98 of HB 7259. She emphasized that this legislation

removes a significant barrier for survivors by allowing them to have sexual assault evidence kits tested without the immediate requirement of filing a police report. She mentions that this is important for those who wish to remain anonymous due to fear, stigma or past trauma. She gives the example of a college student who may worry about retaliation, social ostracization or consequences for underage drinking. She emphasizes that this is especially important for those who believe the presence of DNA evidence may later influence their decision to pursue legal action. She pointed out that other states have implemented similar measures and have seen clear benefits, including the identification of serial sexual offenders, resolution of cold cases, and broader improvements in public safety outcomes. Ms. Malisk also highlighted the prevalence of sexual violence and the barriers survivors face when deciding whether to report. She shared that over half of women and nearly one in three men experience sexual violence, yet more than two-thirds of assaults go unreported. Of the cases that are reported, fewer than 4% result in a conviction nationwide. Survivors who may have previously hesitated to report due to fears of retaliation, concerns over confidentiality, uncertainty about being believed, or potential legal consequences now can contribute to evidence collection without immediate legal pressure. She concluded by stating that granting survivors more time and control over their options not only supports individuals but also strengthens public safety by aiding in the identification of perpetrators and holding them accountable.

**Jett Moxley, Assistant Director, YWCA New Britain Sexual Assault Crisis Service:** Ms. Moxley submitted testimony in strong support of HB 7259. As both a service provider and a survivor of sexual violence, she emphasized the critical importance of this legislation. Having worked with survivors for nearly a decade, she shared that she has lost count of how many times a survivor underwent a forensic evidence collection at a Connecticut hospital with no intention of reporting to law enforcement. She explained that for many survivors, engaging with the criminal justice system is not the support they are looking for indicated by the fact that over two-thirds of sexual assaults go unreported and fewer than 4% of reported assaults result in convictions. Ms. Moxley noted that survivors often seek answers and personal accountability within their families and communities without police intervention, which is very difficult when these clients need the police to get the answers that will help them. She shared a story highlighting the devastating impact the current system can have—when she once watched a survivor be walked out of the hospital room in handcuffs immediately after undergoing a forensic exam. Experiences like these, she stressed, erode trust of the police and retraumatize victims. She urged the committee to support the needs of survivors—providing them with safety, autonomy, and information.

**Olivia Needham, Sexual Assault Victim Advocate, YWCA New Britain Assault Crisis Service:** Testifying as an advocate and survivor, Ms. Needham supports HB 7259. Reflecting on her experience as an advocate she shared that many clients hesitate to involve law enforcement due to safety concerns, confidentiality issues, fear of disbelief, or possible legal consequences. She emphasizes that making a survivor feel like they have command over what happens to them is essential to their healing process and survivors will feel more comfortable coming forward and telling their stories, instead of feeling forced to.



**Scott Redfern, Secretary - Board of Directors, The Center for Family Justice:** Mr.

Redfern testified in support of HB 7259, specifically Section 2. He emphasized that the update is critical, as many victims choose not to report their assaults due to fears of being retraumatized—particularly from victim-blaming often seen in media coverage of trials. He also noted that even when a crime isn't reported, DNA evidence from non-reporting kits can still aid the criminal legal system in identifying and holding perpetrators accountable, including helping to solve cold cases and identify serial offenders.

**Alex Tsarkov, CT Sentencing Commission:** Mr. Tsarkov testified in support of Sections 9 and 10 of HB 7259. He emphasized that Section 9 addresses a gap in current law by allowing police officers to use a chokehold not only in self-defense but also in defense of a third person, a provision unanimously endorsed by the Connecticut Sentencing Commission. Mr. Tsarkov requested additional time to refine the language of Section 10. He mentioned that while the current language reflects a recommendation from the Commission's January 2025 meeting, additional discussions with involved agencies have raised fiscal and procedural concerns regarding implementation. He emphasized that the Commission is actively working to reach a consensus on language that would eliminate fiscal burdens on state agencies and affirmed their commitment to continuing discussions with all relevant stakeholders.

**NATURE AND SOURCES OF OPPOSITION:**

**Connecticut Police Chiefs Association (CPCA) opposed the bill as written.** While they supported sections 7, 8, and 11, they opposed Section 14, which introduces a tiered approach to penalizing individuals who elude an officer's attempt to initiate a traffic stop. While they acknowledged that this approach may address situations where drivers are unaware they're being pulled over, they argued that reducing the felony level for repeat offenders is counterproductive to improving roadway safety. CPCA emphasized that "individuals who repeatedly ignore an officer's attempt to perform a traffic stop not only show their disregard for law enforcement but also show their lack of care for the safety of other drivers and pedestrians on the road." They urged the committee to maintain the Class C felony classification at all times when such violations result in serious injury or death, particularly in light of rising traffic fatalities and significant injuries caused by motor vehicle accidents.

**Reported by:** Oliver Stevens

**Date:** April 17, 2025