



PROPOSAL 8

Public Hearing: 11-27-07

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: NOVEMBER 27, 2007

**RE: OPPOSITION TO IMMUNITY PROVISION IN PROPOSAL 8 – AN ACT
STRENGTHENING CRIMINAL LAWS CONCERNING PERSISTENT OFFENDERS,
BURGLARY, THE JUSTIFIABLE USE OF DEADLY FORCE AND PAROLE
RELEASE**

The CTLA **opposes section 15(4)(b) of Proposal 8** in today's public hearing regarding criminal justice reform, and respectfully contends that this immunity provision be removed.

This section attempts to grant immunity to the state, its political subdivisions and employees from civil liability for disclosing information in relation to the persistent offender registry created in an earlier section of the proposal. The immunity granted is unnecessary as the state is already precluded from being the subject of lawsuits. In addition, although wanton, reckless and malicious conduct is excluded from the immunity in the case of employees or officers, the state and its political subdivisions would remain immune, even when it acted wantonly, recklessly or maliciously!

The CTLA respectfully contends that immunity for liability should be reserved for those well trained and certified to perform the tasks required in emergency situations. This fundamental idea is evidenced by the need for certification presently included in C.G.S. 28-13 and in the good Samaritan law found at C.G.S. 52-557b. In both instances immunity is afforded to trained individuals who can reasonably be expected to successfully perform an emergency task. Immunity from suit should be reserved for such rare occasions.

The CTLA also contends that such immunity should be reserved for instances where there is more than a theoretical or imaginary threat of liability.

**WE RESPECTFULLY URGE YOU TO REMOVE THE IMMUNITY PROVISION FROM
PROPOSAL 8. Thank you.**