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**Judiciary Committee Public Hearing**  
**RAISED BILL NO. 1224**  
**AN ACT CONCERNING COURT OPERATIONS AND VICTIM**  
**SERVICES**  
**April 1, 2011**

**TESTIMONY OF JON L. SCHOENHORN, FORMER PRESIDENT OF**  
**THE CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION,**  
**IN OPPOSITION TO CERTAIN PROVISIONS, AND IN FAVOR OF**  
**OTHER PROVISIONS OF RAISED BILL NO. 1224**

Chairman Coleman, Chairman Fox, and Distinguished Members of the  
Judiciary Committee:

CCDLA generally supports most of the administrative changes suggested by the Judicial Department in Raised Bill 1224, as an effective means of making the court system more user-friendly, and by streamlining otherwise cumbersome procedures. For example, CCDLA strongly believes that new Section 3(g) will eliminate unnecessary use of courtroom time by allowing persons who plead not guilty to infractions to work out an appropriate disposition with a prosecutor without appearing in front of a judge or magistrate. This sensible time-saving proposal will also allow persons charged with infractions to resolve their matters more quickly, rather than waiting until the judge or magistrate takes the bench.

At the same time, the CCDLA strongly opposes Sections 9, 10, 11 and 12 of Raised Bill 1224, that seek to codify the recently decided 4-3 ruling by the Connecticut Supreme Court in *McCoy v. Commissioner of Motor Vehicles*. In *McCoy*, the Supreme Court for the very first time held that a second conviction for driving under the influence was a felony offense, despite statutory language in the statutes going back at least 40 years to the adoption of the Penal code that motor vehicle offenses were not crimes.

*CCDLA Testimony Re: Raised Bill 1224 (page two)*

For at least 40 years, lawyers and judges have understood that motor vehicle offenses were defined as "violations;" rather than crimes, regardless of the penalty. The fact that penalties for motor vehicle violations have increased did not change their status or make them "crimes."

Obviously, the legal consequences to persons convicted of a "felony" go well beyond the loss of driving privileges, incarceration, or even the indignity of submission of a DNA sample. Besides the stigma of being a "convicted felon," anyone now who either pleads or is found guilty of such motor vehicle offenses may find that he or she is precluded from obtaining or keeping many professional licenses; it will preclude employment in many industries; and may lead to deportation or exclusion from the United States by legal resident aliens, including the parents or children of U.S. citizens. The CCDLA also submits that it will result in more jury trials and the consumption of judicial resources, because defendants charged with motor vehicle offenses will be less inclined to plead guilty once informed about the collateral consequences that felons face in our society. This will also drive up the cost of defense, and lead more persons to seek the services of public defenders.

Therefore CCDLA opposes Sections 9-12 of the Bill and proposes that substitute language be used instead that makes clear that notwithstanding any penalties imposed under motor vehicle statutes, the resulting conviction is a motor vehicle violation and not a "crime" or "felony".

Respectfully submitted,  
CCDLA

By \_\_\_\_\_  
Jon L. Schoenhorn, Esq.