

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-1195

Title: AN ACT ESTABLISHING SECONDARY TRAFFIC VIOLATIONS.

Vote Date: 3/27/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/13/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

The intent of this bill is to strengthen the community trust and free law enforcement resources by making eight offenses into secondary offenses. Black and Hispanic drivers experience higher stoppage rates when compared to white drivers and often lack further violations upon inspection by law enforcement officials. This bill would require a law enforcement officer to have a primary offense be present before they could pull a vehicle over and could not use a secondary violation as the reason for stoppage.

SUBSTITUTE LANGUAGE:

The substitute language adds language regarding head lamps in section nine.

RESPONSE FROM ADMINISTRATION/AGENCY:

Deborah Sullivan, Legal Counsel, Office of the Chief Public Defender: The Office of the Chief Public Defender supports the bill, mentioning the violations which are to become secondary, noting that they have a lesser impact on safety than the remaining primary violations such as speeding and running red lights. The testifier also notes the racial disparities which exist in traffic enforcement, and the need for racial justice to overcome this.

NATURE AND SOURCES OF SUPPORT:

Jennifer Bourn, Past President, CT Criminal Defense Lawyers Association: The testifier supports the bill with particular attention to disproportionate levels of black and brown drivers pulled over for secondary offenses and the dehumanizing impact that has on the community.

The testifier notes the lack of urgency of these stops, as individuals are free to continue driving in their own vehicles after the stop is completed.

Chris Burbank: The testifier disparages the belief that traffic stops are correlated to crime prevention. The testifier raises the case of New Haven reprioritizing dangerous drivers as the top concern and how crime levels reduced. The testifier does not assert that crime will plummet but instead that crime will likely not increase.

Robert Goodrich, Executive Director, R.A.C.C.E: The testifier supports the bill, with note to the death of Anthony Vega Cruz, who likely would be alive had he not been pulled over for a traffic violation. The testifier also supports the conclusions of the task force and states that the change in policy would help marginalized groups already disproportionately targeted.

Michael Harvey, Law Enforcement Action Partnership: The testifier supports the bill as it is their belief the change will strengthen community trust and free police resources to target real issues on the roads. The testimony notes the deaths of Anthony Jose Vega Cruz and Tyre Nichols, and the often-used minor violation pretext officers come up with after pulling a vehicle over. The testifier believes that officers are not having an impact on crime rates with traffic stops like these, and the increased number of encounters with people increases the risk of escalation by an officer to an avoidable altercation.

Max Markham, VP for Policy and Planning, Center for Policing Equity: The testifier notes the tragic deaths of numerous individuals who were originally stopped for traffic infractions. The testifier also notes data showing black people are twice as likely to be stopped and Hispanics are fifty percent more likely to be stopped compared to white people. The testifier supports the making of eight offenses into secondary offenses, requiring a primary offense to be present before an officer may pull the car over. The testifier raises the idea that certain infractions are already effectively secondary offenses and therefore the act is just clarifying their position in the law. The testifier notes that Virginia passed a law with more offenses being classified as secondary, such as the odor of marijuana. The testimony concludes by noting that after Newington reduced their lighting offence targeting, DUI arrests increased by 250%.

Stan McCauley, President, Greater Hartford African American Alliance: The testifier notes that black drivers are twice as likely and Hispanic drivers are fifty percent more likely to be pulled over for equipment-related violations as white drivers. Once stopped, black drivers are less likely to be in possession of contraband than white drivers, furthering the distrust between communities of color and police. The testifier supports the bill as it serves no safety purpose and wastes police resources in a counterproductive way.

Werner Oyanadel, Policy Director, CWCSEO: The testifier notes the statistical significance of race in traffic stops, despite no link between race and further criminal activities once stopped. The testifier supports the move to a tiered system, with administrative and equipment violations being moved to secondary offenses. The testifier does state their support for safety violations continuing to be primary offenses.

Olivia Rinkes: The testifier supports the bill, as current policy hurts black, brown, poor, and disabled persons especially hard.

Jess Zaccagnino, Policy Counsel, ACLU: The testifier notes the higher rates of stoppage for black and Hispanic individuals, with a double rate for black and fifty percent higher rate for Hispanics when compared to white drivers. The testifier also notes the lack of further violations found once vehicles of minorities have been searched; the higher targeting rate is unjustified and only a product of prejudice.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Police Chiefs Association: The association disagrees with the principal that police do not need to address secondary infractions, noting the danger that driving without working taillights or headlights would pose to other road users. Instead, the association suggests that if the General Assembly would like to reduce load, they could eliminate certain examples of infractions from the books, saving time on enforcement of them. The testifier notes the rise in traffic deaths in Connecticut since 2019. Finally, the testifier raises the 45,000 stops in a year, with 95% resulting in only a verbal warning, and reiterating the role of the police in ensuring safety on roadways.

Reported by: James McNealey

Date: March 29, 2023