

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-5324

Title: AN ACT ESTABLISHING SECONDARY TRAFFIC VIOLATIONS.

Vote Date: 3/26/2024

Vote Action: Joint Favorable

PH Date: 3/6/2024

File No.:

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SPONSORS OF BILL:

Judiciary Committee

CO-SPONSORS:

Rep. Maryam Khan, 5th Dist.

Rep. Travis Simms, 140th Dist.

REASONS FOR BILL:

The intent of this bill is to strengthen the community trust and free law enforcement resources by making certain low-level 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. An officer could still issue a citation for a secondary violation via mail.

RESPONSE FROM ADMINISTRATION/AGENCY:

Patrick Griffin, Chief States Attorney, Division of Criminal Justice: The Division of Criminal Justice testified on this bill, stating they take no position on it but do offer their advice on proceeding with caution before passing this bill. They cautioned against the distinction of each offense as primary or secondary as many of the proposed secondary traffic violations do in fact pose actual threats to public safety.

NATURE AND SOURCES OF SUPPORT:

Werner Oyanadel, Policy Director, Connecticut General Assembly's Commission on Women, Children, Seniors, Equity, and Opportunity (CWCSEO): He testified in support of this bill and its aim to increase public safety and road safety while also promoting equality and public confidence. He suggested removing the failure to illuminate the rear registration plate and the operating of a vehicle without a functional horn from the list of proposed secondary traffic violations as both could pose a threat toward public safety.

Benedict R. Daigle, Assistant Public Defender, Office of Chief Public Defender (OCPD): The OCPD testified in support of this bill and stated this would be a legislative step toward stopping the punishment of citizens living in poverty. They stated that impoverished citizens may be unable to afford fixing car-related issues that would fall under this bill's list of secondary violations. They do not believe impoverished citizens should face additional financial obstacles when they do not pose actual threats to public safety.

Robert M. Goodrich, Executive Director, Radical Advocates for Cross-Cultural Education (RACCE): He testified in support of this bill and noted that this bill was recommended by the Police Transparency and Accountability Task Force, which was made up of members of both law enforcement and community organizations. He stated that the creation of secondary offenses would decrease the amount of racial profiling against drivers.

Captain Michael Harvey, Retired, Spotsylvania County Sheriff's Office, Executive Director, Rappahannock Regional Criminal Justice Academy, Speaker, The Law Enforcement Action Partnership (LEAP): He testified in support of this bill and stated his belief that strengthening community trust in its law enforcement would strengthen public safety. He stated that the shift toward enforcing primary offenses that pose actual risks to public safety would allow police to focus more on serious threats, avoid unnecessary violence, and reduce the amount of negative, racially biased interactions between police officers and citizens.

Krystan Hitchcock, Policing Project at NYU School of Law: She testified in support of this bill on behalf of the Policing Project with additional suggestion for amendments that would strengthen the current bill. The amendments classify additional offenses as secondary rather than primary. She stated that this bill with the included proposed amendments would further reduce racial discrimination of drivers by police.

Luis Mattei Jr., Smart Justice Leader, American Civil Liberties Union of Connecticut (ACLU-CT): He testified in support of this bill and stated this bill would improve police and citizen relations and end the over-policing of minorities. He included statistics on secondary violations that have resulted in crashes and traffic stops in Connecticut as well as reduced rates in crime when these secondary traffic violations were enforced.

Jess Zaccagnino, Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): She testified in support of this bill and in support of the improvements in enforcing public safety on roadways and reducing racially profiled policing. She included some recent statistics gathered on minority drivers in Connecticut in relation to how secondary traffic violations do not pose a threat to public safety and how the adoption of

these secondary offenses would reduce racial profiling, while also allowing police to focus on safety-related traffic enforcement.

Charlotte Resing, Government Affairs Manager, Center for Policing Equity: She testified in support of this bill as it would improve public safety on roadways and reduce racially profiled policing.

Alicia Strong, Director, New Britain Racial Justice Coalition (NBRJC): She testified in support of this bill as it would reduce the amount of racial profiling of drivers during traffic stops and improve and redefine the role of police enforcement within our state. She stated that this bill would promote equality for all citizens.

Anthony Dillulio: He testified in support of this bill and for the reduction of driver and police interactions in situations when public safety is not being threatened. He is in support of minority drivers having more protection and for police officers having more time to assist on other important matters.

NATURE AND SOURCES OF OPPOSITION:

Representative Vincent J. Candelora, 86th Dist., House Republican Leader, Connecticut General Assembly: Rep. Candelora testified in opposition to this bill. He stated that this bill would restrict police officers from protecting the safety of citizens and the state. He gave several examples of traffic violations that would be deemed "secondary" under this bill and the dangerous consequences that could follow. Examples included a driver operating a motor vehicle without the use of headlights, taillights, or brake lights and a driver operating a motor vehicle without a license, registration, or insurance, all of which could result in serious accident and/or injury to the driver and other persons involved. He stated these are just a few of the consequences that would be faced if the bill was passed.

Florencio Cotto Jr., President, Police Officers Association of Connecticut (POACT): The president of the POACT testified in opposition to this bill. He provided statistics on Connecticut motor vehicle related fatalities reported by Forbes in 2023 and stated that this bill would hinder police officers from being able to keep the public safe.

Connecticut Police Chiefs Association (CPCA): The CPCA testified in opposition to this bill on behalf of Connecticut police officers. They expressed concern against the categorization of motor vehicle offenses into primary and secondary class violations because these offenses were originally written into statute with the intent of protecting public safety and splitting them up into tiers would only add complexity to the current system.

Michael Darcy, Retired Connecticut State Police Major: He testified in opposition to this bill and stated that motor vehicle accidents have been steadily increasing while police traffic enforcement has been decreasing. He stated that removing police officers' ability to pursue secondary traffic violations is unfair, unequitable, unsafe, and goes against the interest of citizens.

Dr. Linda Dalessio: She testified in opposition to this bill and shared two personal experiences to support her testimony. The first involved her husband, who became permanently disabled as a result of a motor vehicle accident in which the other driver was

reportedly operating an unregistered car. The second involved the death of her niece in a motor vehicle accident caused by another individual who was under the influence of drugs.

Debbie Esposito: She testified in opposition to this bill. She stated that police need to be able to maintain their authority to combat criminal activity and that currently, she feels unsafe when driving on roadways and having her car in public areas.

Justine Grandpre: She testified in opposition to this bill and stated that police officers need to be allowed to keep their authority as it is now so that they can continue to keep citizens safe. She stated that this bill threatens that authority.

Lisa Gregory: She testified in opposition to this bill and stated that this bill would promote criminal activity rather than promote safety for this state and its citizens.

Michael Guglielmo: He testified in opposition to this bill and stated that in the last few years, this state and its citizens have faced increasingly dangerous and hazardous driving threats due to irresponsible drivers. He stated these threats can only be stopped if police officers are able to perform their jobs duties in their entirety.

Paul Huntley: He testified in opposition to this bill. He stated that in recent years, there have been significant increases in traffic violations and that we need more police enforcement on our roadways.

Lisa Jolley: She testified in opposition to this bill and stated that secondary traffic violations allow police to identify and stop crimes before they escalate. She stated that taking away this police authority would make our communities unsafe.

Rick M.: He testified in opposition to this bill. He stated that less severe violations typically do lead to larger, more serious consequences and that police should have more ability to combat crime, not less.

Sandra Normand: She testified in opposition to this bill and stated that police officers need to be allowed to stop unlawful driving activity to keep our citizens safe.

Maureen Zollo: She testified in opposition to this bill and stated his belief that this bill would take away important tools that police need and use to identify criminals.

Anonymous: Testimony without attribution was submitted in opposition to this bill. They stated that under current statute, police officers can discover serious criminal activity by way of secondary traffic violation stops and that this intervention has kept law abiding citizens safe.

Reported by: Cathleen Collins

Date: 3-22-24