



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

Office of Chief Public Defender
30 Trinity Street, 4th Floor
Hartford, Connecticut
(860) 509-6405 Telephone
(860) 509-6495 Fax

Christine Perra Rapillo
Chief Public Defender
Christine.Rapillo@jud.ct.gov

Deborah Del Prete Sullivan
Legal Counsel, Director
deborah.d.sullivan@jud.ct.gov

**Testimony of Christine Perra Rapillo, Chief Public Defender
Raised Bill 996 - AN ACT CONCERNING REVISIONS TO
VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM
Committee on the Judiciary - March 25, 2019**

While taking no position on the bill in its entirety, the Office of Chief Public Defender has concerns with the changes proposed in Sections 2 and 3. This office asks that no action be taken on these two sections. We are willing to engage in conversations with the Division of Criminal Justice to understand the intent of the proposals and possibly agree to substitute language, if such is necessary.

Section 2 amends C.G.S. 46b-150d pertaining to the effect of emancipation. Currently a minor may be emancipated if he/she has reached the age of 16 years. (See C.G.S. §46b-150). Once a minor has been emancipated, he/she is able to enter into contracts, *execute releases in their name pursuant to C.G.S. §14-188*, purchase and sell real property, engage in legal proceedings, consent to medical, psychiatric and dental treatment, enroll in a school and enlist in the military, all without their parent's consent. An emancipated minor forfeits their right to be treated as a juvenile and will be prosecuted in adult court if charged with a crime. In addition, the minor is "deemed" to be over 18 years of age and able to be married and obtain a license. Current law authorizes the minor to do this all, as stated, without the consent of their parent and relieves parents of any liability over the conduct of the emancipated minor.

At lines 57 and 58, the ability of the minor to "execute releases in such minor's own name under section 14-118" is deleted. It is unclear as to the intent of this deletion **but the effect of eliminating an emancipated minor's right to execute releases in their own name leaves them with no ability to release information, since emancipation severs their legal relationship with any parents or guardian** C.G.S. §14-118 has been repealed since at least 1989, if not earlier. **This office suggests that only the reference to the repealed statute (§14-118) be deleted so as not to create confusion as to the absolute right of an emancipated minor to execute releases in their own name generally.**

Section 3 amends subdivision (1) of subsection (b) of C.G.S. §52-570d to permit "agents"

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of law enforcement to record telephonic communications. We are concerned that the term "agent" is very broad and could dilute the requirement that the police have probable cause and to obtain communication where an individual may have a reasonable expectation of privacy. The concern is whether agents may include the public who will be requested to record conversations surreptitiously. Another concern is that word "lawful" has not been added in line 68 before the word "performance". **This office requests that the Committee take no action on this section.**