



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

#### Office of Chief Public Defender

55 Farmington Avenue, 8<sup>th</sup> Floor  
Hartford, Connecticut 06105  
(860) 509-6405 Telephone  
(860) 509-6495 Fax

#### Christine Perra Rapillo

Chief Public Defender  
[Christine.Rapillo@pds.ct.gov](mailto:Christine.Rapillo@pds.ct.gov)

#### Deborah Del Prete Sullivan

Legal Counsel, Director  
[deborah.d.sullivan@pds.ct.gov](mailto:deborah.d.sullivan@pds.ct.gov)

### Testimony of Nicole Van Lear, Legal Intern Office of Chief Public Defender

#### Judiciary Committee - March 14, 2022 Raised S.B. No. 388 - An Act Concerning the Defense of a Person or a Person's Dwelling, Place of Work or Motor Vehicle

#### *Mission Statement of the Division of Public Defender Services*

*Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.*

---

The Office of the Chief Public Defender opposes *Raised Bill 388, An Act Concerning the Defense of a Person or a Person's Dwelling, Place of Work or Motor Vehicle*. This proposal aims to supplant Connecticut's current "use of physical force in defense of person law," which is commonly known as the "Castle Doctrine." (Sec. 53a-19). A hallmark of the Castle Doctrine is a duty to retreat, except when a person is in a dwelling or place of work, i.e., their "castle." This proposal would create a duty to retreat exception for unoccupied motor vehicles; the language is so broad that this law would create a danger rather than act as a protective tool. This bill will only serve to promote violent altercations in the commission of unoccupied motor vehicle thefts rather than prevent them in the first place. This danger is further bolstered by the addition of a presumption that the use of deadly physical force was necessary. (Sec 3(b)).

March 14, 2022

## Testimony of Nicole Van Lear, Legal Intern, Office of Chief Public Defender

The real issue is the broadness of the language in this bill. The new language in Section 3(b) states that reasonable physical force is justified “to prevent or terminate an unlawful entry by force” into a person’s motor vehicle; it makes no attempt to specify whether a person needs to be *inside* or even *near* the motor vehicle in order to use physical force. The current doctrine under Sec. 53a-19 allows a duty to retreat exemption for a person “*in*” their dwelling or place of work. While Section 1 of the bill retains this language, the language is clearly granting a right, not limiting one. Section 1 is also not read to be applied to Section 3. Section 3 creates a new and broader exception that is in no way limited by Section 1. If Section 1 is intended to limit the use of physical force to only *occupied* vehicles, the language of the current bill does not accomplish this intent.

The logical purpose of the Castle Doctrine is to enable the use physical force to defend your home when you are inside of it and cannot safely retreat. This bill defies that logic and creates a scenario where a person may be justified in using deadly force to stop an unoccupied car theft.

Car thefts are not always a violent endeavor. The language of this proposal does not limit the use of force to a carjacking situation. As written, the proposal, if enacted, could allow the use of deadly force during non-violent and unoccupied car thefts. Car thefts, unlike carjackings, are not inherently violent endeavors. Allowing the Castle Doctrine to apply to a theft of an unoccupied motor vehicle will have unintended consequences.

53a-21(a) of this bill specifies that the use of force need be reasonable and only to the extent necessary to prevent or terminate unlawful entry. However, the subsequent presumption undermines all of this language by presuming that the use of *deadly* force is necessary. It also allows use of force to stop a theft and does not require the element of imminent harm. If the goal is to allow people to defend themselves when faced with imminent harm while *inside* of their vehicle, then the drafting of this bill has not accomplished this.

The Office of the Chief Public Defender requests that this Committee take no action on this bill.