



Legislative Testimony
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**Written Testimony Opposing House Bill 5400, An Act Concerning the
Preservation of Stone Walls in the State**

Senator Lopes, Representative Gresko, Ranking Members Harding and Callahan,
and members of the Environment Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 5400, An Act Concerning the Preservation of Stone Walls in the State.

Criminal penalization through both fines and prison sentences is an outrageously disproportionate response to the vandalization of stone walls. Rather, this committee should consider bills that help to address the preservation and restoration of Connecticut's stone walls.

The ACLU-CT is dedicated to ending mass incarceration. Mass incarceration over the past four decades has been driven in large part by increasing the lengths of prison sentences.¹ Longer prison sentences have persisted, despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction initiatives.”² Moreover, longer sentences do not appear to have any significant deterrent effect.³ Systems that have reduced sentences—notably, the federal criminal

¹ JEREMY TRAVIS, BRUCE WESTERN & STEVE REDBURN, *THE GROWTH OF INCARCERATION IN THE UNITED STATES*, 70 (2014), available at <https://www.nap.edu/read/18613/chapter/5>.

² Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, SENTENCING PROJECT (Nov. 5, 2018), available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scalepunishment/>.

³ *Id.*

system—have not noticed any effect on public safety.⁴ In short, there is no empirical evidence to suggest that creating a new crime with criminal penalties, including prison time, will deter people from vandalizing our state’s historic stone walls. The lack of evidentiary support demonstrates that this proposed change is neither needed nor wise.

Ending mass incarceration requires that the General Assembly continue making progress toward reducing the number of people who enter the criminal legal system and reducing the amount of time that people who do not enter the system serve. This bill should be amended to remove the aforementioned criminal penalties and should instead support methods of conservation that do not contribute to mass incarceration. The ACLU-CT opposes House Bill 5400 and urges this Committee to do the same.

⁴ *Id.*