



Legislative Testimony  
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**Written Testimony Opposing House Bill 5052,  
An Act Concerning the Theft of Waste Vegetable Oil or Animal Fats**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel & Rebimbas, and distinguished members of the Judiciary Committee:

My name is Kelly McConney Moore, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in opposition to House Bill 5052, An Act Concerning the Theft of Waste Vegetable Oil or Animal Fats. The bill alters the definition of a larceny in the fourth degree, changing it from a theft of property or services valued at more than \$1,000, to now include theft of waste vegetable oil or animal fats of any value.

Let's be clear. Theft of anything – including used cooking oils – is already a crime in Connecticut.<sup>1</sup> Even proponents of this bill admit that such thefts are already being prosecuted as larcenies of a different degree. Making this offense a more severe crime would do nothing more than contribute to the rampant problem of overcriminalization in the United States. Over the last 30 years, the number of federal laws on the books has doubled.<sup>2</sup> Sentences have increased.<sup>3</sup> And many activities that are now crimes “lack the traditional hallmarks of criminal activity.”<sup>4</sup> At the same time, experts believe we are reaching a point where additional incarceration will have little, if any, effect on crime.<sup>5</sup>

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<sup>1</sup> Conn. Gen. Stats. § 53a-125b (2019).

<sup>2</sup> See Alex Berger, “Congress Takes much Needed Step Forward on Over-Criminalization,” ACLU (May 15, 2013), available at <https://www.aclu.org/blog/smart-justice/mass-incarceration/congress-takes-much-needed-step-forward-over-criminalization>.

<sup>3</sup> The number of people spending 10 years or more in state prisons nearly tripled between 1999 and 2015. Jorge Renaud, “Eight Keys to Mercy: How to Shorten Excessive Prison Sentences.” Prison Policy Initiative (Nov. 2018), available at <https://www.prisonpolicy.org/reports/longsentences.html>.

<sup>4</sup> Hope Metcalf & Sia Sanneh, “Overcriminalization and Excessive Punishment: Uncoupling Pipelines to Prison” at 15. Yale Law School (July 2012), available at [https://law.yale.edu/sites/default/files/area/center/liman/document/liman\\_overcriminalization.pdf](https://law.yale.edu/sites/default/files/area/center/liman/document/liman_overcriminalization.pdf).

<sup>5</sup> Susan Urahn, “One in 31: The Long Reach of American Corrections” at 17. The Pew Center on the States (Mar. 2009), available at [https://www.pewtrusts.org/~media/assets/2009/03/02/pspp\\_lin31\\_report\\_final\\_web\\_32609.pdf](https://www.pewtrusts.org/~media/assets/2009/03/02/pspp_lin31_report_final_web_32609.pdf).

The proposed change would mean that thefts of waste oils would be class A misdemeanors, instead of the current class C level misdemeanors. Class C misdemeanors are punishable by up to three months' imprisonment, while Class A misdemeanors are punishable by up to four months' imprisonment.<sup>6</sup> Unlike all other fourth degree larcenies, this bill does not set a minimum value of the used cooking oil to reach this level of severity. This bill proposes to quadruple the maximum punishment for a theft of used cooking oil of any or no value. This is an unnecessary overcriminalization that would contribute to mass incarceration, diminishing returns on criminal punishments, and a budget for the Department of Corrections that closed the last fiscal year more than \$38 million in the red.<sup>7</sup>

For these reasons, the ACLU-CT opposes House Bill 5052 and we urge this Committee to do the same.

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<sup>6</sup> Christopher Reinhart, "Connecticut Penal Code-Updated and Revised." OLR Research Report (Mar. 7, 2012), available at <https://www.cga.ct.gov/2012/rpt/2012-R-0134.htm>.

<sup>7</sup> Lisa Backus, "CT Corrections Department \$38M over Budget." CT Post (May 13, 2019), available at <https://www.ctpost.com/local/article/CT-corrections-department-38M-over-budget-13840557.php>.