

Legislative History for Connecticut Act

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HB 1402	PA 502	1957
Gen'l Law	pp. 226-8, 234	(4)
Senate	p. 3376-7	(2)
House	p. 2646-7	(2)

total 8p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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JOINT  
STANDING  
COMMITTEE  
HEARINGS

GENERAL LAW  
PART 1  
CGS 1-377

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GENERAL  
ASSEMBLY  
1957

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GENERAL LAW COMMITTEE

THURSDAY

10:00 a.m.

FEBRUARY 28, 1957

Members Present: Representatives: August, Bascom, Bundock, Carpenter, Cook, Elliott, Krawiecki, Koskoff, Larson, Lupton, Swanson, Turner and Winnick.

Senators: Filer, Cooney and Minetto.

Presiding: Senator Filer and Representative August.

Sen. Filer: We will take two of the bills out of order because Dr. Blasko, for one, has an appointment at 10:30. However, if there are other legislators who have previous commitments, I will be glad to have them heard now.

Rep. Henry Kucharski, Windham: I want to talk for a moment on H. B. No. 1377 concerning suspension of execution of sentence. This particular bill was introduced because in certain cases, from talking to public defenders and some of the judges, they felt that when the Acts were revised two years ago, they weren't able to suspend execution of persons in County jails. It refers to County jails. The judges had this authority before. This is to clarify it in these situations. Sometimes a defendant is sentenced to the County jail, sometimes for six months, on not too serious an offense. Something may happen in the family. There may be a death, illness, numerous situations which may arise, which would be beneficial to society to suspend and put the man on probation and let him out. Under the present setup, the judge can't do it. It would be contradictory to it. The judges have had the power to do it in the past but now hesitate to do it because of the Act two years ago. Basically, that is what it is. I would be glad to take the time to come to Executive Session. I hope the Committee comes out with a favorable report on this non-controversial matter.

Sen. Filer: We will take H. B. No. 1402 and H. B. 946 out of order at this time. An Act Concerning Divorces, when Granted; and An Act Concerning Grounds for Divorce in a Case of Mental Illness.

Dr. Blasko:

I am here this morning as Commissioner of the Department of Mental Health and representing the Mental Health Council. H. B. No. 946 is an official Department of Mental Health bill and should be considered with H. B. No. 938 which is referred to your Committee and as yet has not be scheduled for hearing. I would like to speak in favor of both bills this morning. I would also like permission to make comments on H. B. No. 1402. I believe in reading H. B. No. 1402 that this particular bill, using the phrase "an accumulated period totaling 5 years within the period of 6 years next preceding the date of the complaint" might be better language than the phrase in our Department bill for these reasons. A patient may be in a mental hospital for 4-1/2 years continuously and then leaves, like going to some activity in the evening - a movie, leave without permission. On the hospital records, he would be recorded as absent without leave and it would be an interruption of hospitalization and would be a technicality. I would also be afraid that if the doctors at the hospital knew that the patient's spouse is contemplating divorce on some occasion, would hesitate to let the patient home for the weekend. He would be deprived of the permission to do so. In H.B. No. 1402, Section 2 has reference to 1953 Supplement, whereas Section 3033d of the 1955 supplants that. That is the one which would be considered by this Committee. Thank you very much.

Sen. Cooney:

I appear as attorney for the Hartford Roman Catholic Diocese and also express views of the Bridgeport and Norwich Catholic Dioceses and a large segment of the State of Connecticut. Insofar as H. B. No. 946 is based on the medical premise that this phrase is archaic and that no doctor wants to take an oath that a person is incurable, I don't express any opposition to it. It may be that lawyers and doctors tell you that no doctor wants to certify that any condition in the light of medical knowledge today is incurable. However, H. B. No. 1402 makes a very radical change in the concept of divorce in the State of Connecticut. The instance that the good doctor who preceded me gave could be matched by others. Suppose a spouse is in a sanitarium for two years and then is home for six months, and then is in for two years and then home for five months. The ground of action

Sen. Cooney (Continued): becomes episodic mental illness. Governor Ribicoff two years ago vetoed a bill of similar proport. It would have an unfortunate bearing on persons having mental illness and who hope to rejoin their families. People could be sued for divorce even though in the interim they have lived apparently a normal life. I don't need to dwell on the implications of it. I want to show the injustice that would be done. You would say that we would naturally oppose an extension for grounds of divorce. There is a serious underlying philosophy anyway if you are going to make mental illness a grounds for divorce that is already on the books. There has been a change in concepts of mental illness in recent years. It would be just as logical to say that an incurable cancer patient should be divorced, or for multiple sclerosis, or some other disease which impairs his ability to live a normal married life in his household. There are very, very serious implications in this bill and calls for a very extreme evidence and new grounds for the divorce.

Senator Filer: Do you feel the wording could be adjusted in some respects?

Sen. Cooney: I thought that was a rather stupid instance the doctor gave. To say a man is not confined to the State Prison because he escapes for a few weeks, he is still in the institution even if he is allowed to go to a movie. If he is in their care and custody. I think the unfortunate instance he made about the man who goes to the movies, that is like saying the boys going to college go to a movie and instead go to a burlesque show. He is still a college boy. This person is still a hospital patient. You understand the underlying philosophy is deeper than the language.

Senator Filer: Anyone else who wishes to be heard?

Rep. Cipriano, North Haven: I submitted two bills for Mr. Thomas Robinson who is publid defender in New Haven. He is in Mexico and I suppose the bill should be heard for anyone who appears this morning. He did request before he left for Mexico that he be permitted to address the Committee upon his return.

Mr. Jacobs:

H. B. No. 1374 and H. B. No. 1363 is the same thing. No. 1374 was proposed by the New Haven Bar Association. It provides for the limits of petty larceny under \$200. Before it was \$50. Values have changed quite substantially since the previous larceny Statutes and I think the minimum should be raised.

There are two bills here on Divorces, H. B. No. 946 and H. B. No. 1402. I would like to talk on No. 1402 because I think it meets the problem that comes up occasionally. In and out of a hospital over a period of years. They don't have a straight five-year period preceding date of complaint where they have been confined to the mental hospital. It is hard to find them in there five years straight. I think this H. B. No. 1402 would meet this problem. That would cover the short periods of time where they allow them out for short visits, but they shouldn't interrupt the running of the five year period. I recall a man who had been in the same situation. His wife had been in Middletown several years. He didn't have five years continuous before the date of institution of the complaint. This is a man who for the rest of his life will be unable to get a divorce because you will possibly in the next five years have these short lapses where they put them out and give them a trial. The trials don't work out and they are put back in the hospital. I think it would be a good change in our law.

Sen. Filer:

Thank you, Mr. Jacobs. Is there anyone else who wishes to appear in favor or in opposition to any bill?

Rep. Koskoff:

I want to talk about H. B. No. 280. This is AN ACT CONCERNING SUSPENSION OF EXECUTION OF SENTENCE. The section of this law that this concerns was by mistake left out of the new probation law which I introduced. I want to assure you it was completely unintentional. This gives the power, as Mr. Jacobs told you, to judges to place persons in jail on probation. I conferred with the Commission on Adult Probation about this omission and they felt it should be replaced in the law. It was an oversight - it was a mistake - it was never intended. I regret it very much and I think it is very important to give this power back to the judges because otherwise persons from the County jail cannot be

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able report, General Law.

THE CHAIR:

The Senator from the 23rd.

SENATOR BUNDOCK:

I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

The question is on acceptance of the committee's favorable report and passage of the bill. Will you remark?

SENATOR BUNDOCK:

This keeps the filing fee for foreign corporations at Fifty Dollars annually and is merely a clarifying statute.

THE CHAIR:

Will you remark further? If not, the question is on acceptance of the committee's favorable report and passage of the bill. All those in favor say AYE, those opposed? The "AYE's" have it and the bill is passed.

THE CLERK:

Cal. No. 1517, File 1107, Substitute for House Bill 1402.

An Act concerning divorces on the ground of mental illness.

Favorable report, General Law.

THE CHAIR:

The Senator from the 23rd.

SENATOR BUNDOCK:

I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

The question is on acceptance of the committee's favorable report and passage of the bill. Will you remark?

SENATOR BUNDOCK:

This bill would change the grounds for divorce for incurable mental illness to merely, it would make the grounds mental illness. It has certain safeguards. Two psychiatrists would be appointed by the court who would report back to the court and state their opinion of the subject's mental condition and as to the possible duration of that illness, and also the bill provides that anyone who would be liable for the support of that person would be subject to an order of the court and any town or city could make such application for support. I think it's a good bill and should pass.

THE CHAIR:

Will you remark further? If not, the question is on acceptance of the committee's favorable report and passage of the bill. All those in favor say AYE, those opposed? The "AYE's" have it and the bill is passed.

Outstanding job and I'm very happy to have adoption of the joint

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HOUSE

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Thursday, May 23, 1957

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MR. SWANSON: (WEST HAVEN)

Comments were just made. (record #2 inaudible)  
did not record speech).

THE SPEAKER:

Will you remark further. If not, question is on acceptance  
and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1488. File 1021. Sub. for H.B. 1782. Concerning  
recording fees of foreign corporations.

GENERAL LAW.

MR. SWANSON: (WEST HAVEN)

I move for acceptance and passage of the bill.

Due to the interpretation of the original statutes it was  
found that foreign corporations coming into the State before  
passage of the original act were not included. Therefore,  
as it stands now all corporations will have to pay the \$50 fee  
annually.

THE SPEAKER:

Will you remark further. If not, question is on acceptance  
and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1547. File 1107. Sub. for H.B. 1402. Concerning  
divorces on the ground of mental illness.

GENERAL LAW.

MR. ELLIOTT: (CLINTON)

I move the acceptance and passage.

This bill re-defines one of the causes of granting a divorce

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under our law. The Committee has heard testimony that there is no such thing as incurable mental illness. Change in the bill makes confinement in a hospital or similar institutions for at least 5 years legal grounds for divorce.

THE SPEAKER:

Will you remark further. If not, question is on acceptance and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1548. File 1136. H.B. 1456. Concerning personnel and officers' salaries of the Town Court of East Hartford.

JUDICIARY AND GOVERNMENTAL FUNCTIONS.

MR. SCHWOLSKY: (WEST HARTFORD)

This bill has to do with the salaries of the various court officials. They remain the same except that of the Clerk which is raised \$100, but it does authorize the Judge to appoint 2 assistant clerks who will be employed on the same salary basis with the same benefits.

THE SPEAKER:

Will you remark further. If not, question is on acceptance and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1596. House Joint Resolution No. 183. Appointing Harry H. Lugg Legislative Commissioner.

JUDICIARY AND GOVERNMENTAL FUNCTIONS.

MR. PRUYN: (COLEBROOK)

This resolution appoints Harry H. Lugg as Legislative