

Legislative History for Connecticut Act

SB 295	PA 326	Scam	<u>1961</u>
Fed + Intergov. Relations		111-116	
Senate	1673		
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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WEDNESDAY

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Chairman Noyes, Farmington: Mr. Murphy, is there any reason why these three states were picked out--why not Massachusetts, for example?

Henry R. Murphy: This was originally brought into being, it is my understanding, by the State of New Jersey, and at that time they were particularly concerned about handling their situation with New York and Connecticut. We would like very much if eventually more states would come into the picture, but the original concept of this committee was to embrace only the states of New Jersey, New York and Connecticut. Those are the three states that originally had an interest in such a plan.

Chairman Noyes: Have the other two passed similar legislation?

Henry R. Murphy: Not that I know of. No, sir.

Chairman Noyes: Is ten thousand dollars from each state enough to make this effective?

Henry R. Murphy: We haven't gone into that. I'm just not sure what the story is on that.

Chairman McCarthy: Any other questions? Thank you, sir. Further proponents of S.B. No. 294 (Sen. Falsey) CREATING A TEMPORARY TRI-STATE TRAFFIC SAFETY COMMISSION AMONG THE STATES OF NEW YORK, NEW JERSEY AND CONNECTICUT. Seeing none, we will ask for the opponents of the bill, those wishing to speak against. Seeing none, we will close the hearing on S.B. No. 294 and open up under S.B. No. 295 (Sen. McCarthy) NEW ENGLAND INTERSTATE CORRECTIONS COMPACT. Those wishing to speak for.

Mark Richmond, Warden of the Connecticut State Prison: The compact proposed in S.B. No. 295 (Sen. McCarthy) NEW ENGLAND INTERSTATE CORRECTIONS COMPACT, provides the necessary legislative framework within which state correctional administrators can act to solve individual problems as they arise through the joint use of physical, professional and financial resources for the benefit of all cooperating states. For example, it would be possible under this compact to provide a means to place particular cases in new surroundings where their adjustment will be facilitated. In every institution there are individuals who are sworn enemies of other inmates; it is always necessary to keep these people separated, and sometimes it is particularly difficult to do it within the confines of a single institution. It's not at all unheard of at any prison that there are rather predatory gangs of inmates, which spring up for one purpose or another, and to break up

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Mark Richmond: such gangs by transfers to other institutions, is the best immediate solution for this kind of thing. Incidentally, in the larger states, such as California, New York, and the federal prison system, where they have many institutions this is a continuing practice. In a state like Connecticut and the other New England states, where there is just one state prison, it is impossible at present. Another thing that would be accomplished by this is that it would provide a means of allowing a prisoner from one state, confined in another state, to be transferred to his home state when parole is imminent or for family visiting purposes. This would be very much to the advantage of the parole authorities, very much to the advantage of the inmate, his family, and the community from which he actually comes and to which he will return. Also there is a need for making population adjustments from time to time. As a current example, I'm sure you must know that we are terribly overcrowded at Wethersfield, almost to a critical degree, while we are awaiting the completion of a new prison up in Enfield. Some of the state prisons in other New England states, for various reasons, have had quite a number of vacancies. It would be most helpful to us to be able to transfer, say to Maine, a handful of Maine prisoners that we have, and thus relieve our own overcrowding. This type of a compact would be a sort of a good insurance policy in emergencies; for example, last fall there was a fire at the Rhode Island state prison and it meant that there was one complete wing that was unusable for a number of months. If they had a large population, or if more of the institution had been involved, this could have been a crisis. This kind of crisis can occur at any time, of course, and to be able to transfer people to other institutions would be most helpful. I think one of the important things for the committee, the legislature to understand is that this compact is entirely permissive in character. It places no burden whatsoever on any party state. It allows for contracts within its framework; each state, each administrator can refrain for making their contract and cancel it whenever it is deemed advisable. The essential feature of the compact is to provide for beneficial cooperation; the implementation of it is left to the discretion of the administrators in each state, who certainly are going to be motivated to try to achieve whatever benefits accrue to them, only when economies can be realized in the process. Inherent in any contract for the care and custody of individuals is the protection of their rights, and the rights of the party states, and I think that you will find that S.B. No. 295 (Sen. McCarthy) NEW ENGLAND INTERSTATE CORRECTIONS COMPACT, has been drawn with specific

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Mark Richmond: (cont'd) reference to these considerations. I think you would be interested to know that this is an idea that came from a group of New England correctional administrators, who were appointed by their respective governors in very early of 1960, following the New England Governors Conference where they came to the realization that there are mutual correctional problems throughout New England, that these should be explored and recommendations made. The Commissioners of Correction, or their counterpart, in each of the New England states, therefore were appointed by the governors, and since we had no such person in Connecticut I happened to be appointed to represent Connecticut. We began a long series of conferences and this was the first, and to date only specific recommendation that has been made. This recommendation and the proposed bill has had the unanimous approval of the New England Governors Conference on June 7, 1960; it has been sponsored by the Council of State Governments, which actually had a hand in helping to draw it up; it has already been approved and enacted by the Rhode Island legislature, and signed into law by the Governor of Rhode Island, where the law can become effective only when some other state takes the same action. An almost identical compact is now actually in operation in California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington and Wyoming; this is referred to as the Western Interstate Corrections Compact--as I say, almost identical with this. I think the significant note for us now is that we're not flying a kite, but this is something that is actually workable in other states. There is even some precedent for this kind of thing in New Hampshire and Vermont, for example, since 1941 have had a bi-state compact of this type, whereby New Hampshire boards its adult women prisoners in Vermont, paying the per diem rate for their care and custody. Massachusetts, for example, is party to a number of similar contracts, particularly in the mental health field. This type of reasoning is not without precedent; it is in actual use, and would be very beneficial to us here in Connecticut, I'm sure.

Chairman McCarthy: Any questions of the committee? Thank you, sir. Those further proponents of the bill, please.

Jerry Wagner, Commission on Intergovernmental Cooperation in the State of Connecticut: I am speaking in favor of S.B. No. 295 (Sen. McCarthy) NEW ENGLAND INTERSTATE CORRECTIONS COMPACT. The able presentation by the warden hardly needs any further elaboration, and I don't intend to do so. I simply wish to make several points. A sub-committee of the Commission diligently studied the language of this bill, its operation in

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Jerry Wagner (cont'd): the so-called Western States Compact, and the legislative history of the bill in Rhode Island. It studied, with the corrections officials of the State of Connecticut, the possibilities of working out various exchange programs under the bill. In all quarters it was found and came to the conclusion that this was a desirable compact to be entered into by the state at this time. As it has already been pointed out by the warden, it is permissive entirely in character. It preserves all the legal rights of any prisoner who was sentenced by any court in the state and thereafter changed to another state, by preserving the original jurisdiction of the state over that prisoner, and all matters with respect to that prisoner will remain in the hands of the sending state, with the single exception of crimes perpetrated by the prisoner in the state wherein he may be confined. Some other possible uses in addition to those mentioned by Warden Richmond under the compact are these: Certain prison quarters are overcrowded, but other prison quarters are undercrowded. Certain of the correction officials of the state indicated that they would be very happy in certain of their quarters to enter into an arrangement with other states, whereby prisoners of other states could be confined here in the state. There is a matter of certain necessary cost involved in the establishment of any correctional facility, and if they can be reduced by having more than the minimum amount of prisoners it would help certain of our facilities, especially when you get into the specialized types of penal confines. That just about finishes the comments I wanted to make in addition to those made by the warden. I do want to point out that every corrections official in the state has been contacted with respect to their opinion about this compact, and they are all in favor of it. I do understand that the State of New Hampshire is now considering this compact, and we're hoping for favorable action there. One further point, you will note under Article III (b) of the bill that it makes it possible at some future time to consider on an independent basis the establishment of joint correctional facilities, as well as the exchange of prisoners. This will take the first step in setting up the framework whereunder, in the future, two states might get together and say, "Now look, we both have a need for a certain specialized type of facility; perhaps we can sit down and talk about pooling our funds to set up this type of facility so that we both might use it." Now this may be something for the future; of course, it doesn't commit anything in this bill that would require separate legislative action at that time, but nevertheless, it does create in this bill the framework for that type of discussion for some time in the future. I think you will all agree,

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Jerry Wagner (cont'd): members of this committee, that with the smallness of the New England area in terms of mileage and compactness, such a compact would have very, very desirable ramifications. Certainly it is working out very well in the big western states, where so much more mileage is concerned, and I think that a favorable report should come out of this committee. Thank you very much.

Chairman McCarthy: Thank you. Any questions of the committee, please. Seeing none, we'll take further proponents of S.B. No. 295, (Sen. McCarthy) NEW ENGLAND INTERSTATE CORRECTIONS COMPACT.

B. J. Gates, Director of Connecticut Prison Association: I am speaking in favor, on behalf of the Association, of this legislative proposal. I do not care to take any of your time and just repeat what has been said, but I'd like to state that we have had this sort of a program under study for some time. We've been working with Mr. Wagner during the culmination of this proposal. It is my understanding that almost identical legislative proposals are now under consideration of each legislature in the New England states, except Rhode Island, of course, which has already passed it. We feel that this is the logical approach toward this problem in a concentrated area like New England, and we would urge your committee to consider a favorable report on the proposal. Thank you.

Chairman McCarthy: Thank you, sir. Any further proponents of S.B. No. 295? Any opponents, those wishing to speak against?

Chairman Noyes: Senator, while he's here, could I ask Warden Richmond a question?

Chairman McCarthy: Certainly.

Chairman Noyes: Mr. Richmond, has any consideration been given to any problem of administrative cost in connection with this?

Mark Richmond: There would be no administrative cost, whatever. It would be per capita cost for the care of prisoners, as we might receive prisoners or transfer them. This would be a subject of negotiation in formulating the contract. Our per capita cost is so much per day, Maine's might be so much; whether we pay the difference or how it is handled.

Chairman Noyes: I hope you're right. I find it difficult to believe that any governmental body can arrange for the transfer of a human being from Connecticut to Maine without spending some money in the course of doing so.

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Mark Richmond: Well, there would be the cost of transferring him there.

Chairman Noyes: I don't mean the physical transfer. I was thinking about the paper work and the records, and that sort of thing, which I would think would be in addition to whatever you're doing now.

Mark Richmond: Well, I can give you an illustration of what has already happened. The 1957 Session of the General Assembly enacted a bill which we requested, making it possible to transfer Connecticut state prisoners to federal prison. Now one time we took a fellow all the way to Alcatraz, and there was no cost other than his transportation out there, and the per diem cost of keeping him there. He's since come back to us. But the administrative machinery already exists. In other states, except Connecticut, you have a Department of Correction or a Department of Institutions and the framework is already there.

Chairman Noyes: Would a Department of Correction--and I don't want to take it too far afield here--be more sensible? Would this compact be another argument in favor of a Department of Correction?

Mark Richmond: No, I don't think that will make any difference, except that I think we have to assume that if we had a Department of Correction, the administrative authority would rest with the department, rather than an institution head.

Chairman Noyes: Thank you.

Chairman McCarthy: We will now close on S.B. No. 295 (Sen. McCarthy) NEW ENGLAND INTERSTATE CORRECTIONS COMPACT, and open under H.B. No. 2474 (Rep. Wallace) INTERSTATE PARTICIPATION IN REGIONAL PLANNING. Those in favor, please.

Horace H. Brown, Senior Planner with the Connecticut Development Commission: On behalf of the Commission I am appearing in favor of H.B. No. 2474 (Rep. Wallace) INTERSTATE PARTICIPATION IN REGIONAL PLANNING. I wish to report that the Connecticut Development Commission has officially voted to support this bill which would permit interstate participation in regional planning. Under present statutes, the Connecticut Development Commission is required to define the logical economic and planning regions of the state, promote the establishment of regional planning agencies within such defined regions and assist such agencies as may be established. The Commission has been actively engaged in this program since 1957 and indeed has been encouraged by the

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THE CLERK:

Cal. No. 644, file 736, SB No. 295. An Act concerning the New England Interstate Corrections Compact. Favorable report of the JSC on Federal and Intergovernmental Relations.

THE CHAIR:

Senator McCarthy of the 17th District.

SENATOR McCARTHY:

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

THE CHAIR:

Will you remark?

SENATOR McCARTHY:

This bill, Mr. President, creates just as it says a New England Interstate Corrections Compact. In order to allow Connecticut to join with its sister New England states in rehabilitation and health for inmates of our various institutions and also join them if necessary, and if we wish to, in creation of rehabilitory institutions. I feel it's a good bill, Mr. President, and ought to pass.

THE CHAIR:

Are there further remarks? No further remarks, the question is on the acceptance of the committee's favorable report and passage of the bill. Those in favor will signify by saying AYE, opposed, the bill is passed.

THE CLERK:

Cal. No. 645, file 735, Sub. for SB No. 642. An Act concerning birth certificates of adopted persons born in this state. Favorable report JC on Judiciary & Governmental Functions.

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Mr. Speaker, this is a very simple change in the existing law that allows a city whose population is 25,000 to become a central city for the formation of a Metropolitan District whereas the present law required a population of 50,000. It is a good bill and I urge its passage.

THE SPEAKER:

Will you remark further? If not all those in favor say aye, opposed no. The ayes have it, the bill is passed.

THE CLERK:

S. B. 294 Federal and Intergovernmental Relations. An Act creating a Temporary Tri-State Traffic Safety Commission among the States of New York, New Jersey and Connecticut.

GENTLEMAN FROM FARMINGTON:

Mr. Speaker, may this be passed retaining until tomorrow until we can ascertain from the Senate information not now available? (The bill was passed retaining its place)

THE CLERK:

S.B. 295. Federal and Intergovernmental Relations. An Act concerning the New England Interstate Connections Compact.

GENTLEMAN FROM FARMINGTON:

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill. This is a bill which was proposed by the Connecticut Commission on Intergovernmental Cooperation and by the Council of State Governments. It has obtained the unanimous approval of the New England Governors' Conference on June 7, 1960. At the public hearing, Warden Richmond and the Connecticut State Prison Association as well as the Com-

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missions previously referred to supported the bill. Very briefly what it attempts to accomplish is to permit the transfer of inmates in any New England state of a penal institution to confinement in a similar institution in another New England state. It looks to the future towards the possibility of the New England states sharing in the cost of construction of specialized penal institutions provided legislative authority is given thereto. It provides for holding of hearings either in the sending states or in the receiving states depending upon the choice of the sending states and preserves its complete jurisdiction over the prisoner. The appropriate authorities referred to in the bill are the Directors of the State Prisons, the Connecticut State Farm and the Connecticut Reformatory and it will be administered by the Warden and the superintendent of those institutions. It would appear to be a forward step to permit this greater flexibility in the housing of prisons at the time when penal expenses and specialized ^{programs} ~~costs~~ are becoming more and more necessary. I urge passage of the bill.

THE SPEAKER:

Will you remark further? If not all those in favor indicate by saying aye, opposed no. The ayes have it, the bill is passed.

THE CLERK:

Modified H.B. 3286, General Law. An Act providing for Official Maps for Municipality. This bill was passed retaining after adoption of House Amendment Schedule A.

GENTLEMAN FROM GREENWICH:

Mr. Speaker, I would ask that the House reconsider its action on House Amendment Schedule A.