

Legislative History for Connecticut Act

SB 1234	PA 670	1967
House	5192-5193	(2)
Senate	2076-2077	(2)
Judiciary	501-503, 526, 528-529	(6)
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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
1967

VOL. 12

PART II

4937 - 5501

Tues, June 6, 1967

44-6

This bill would establish a board of landscape architects which is authorized to conduct hearings and establish certain procedures to provide for the examination of the applicant and for their registration providing they meet certain educational and experienced standards that are set forth in Sec. 4 of the bill. There is a grandfather clause for those engaged in the practice prior to Oct. 1, 1967, that is, if they qualify with a period of four years of experience. Persons who do qualify and meet the standards described by the bill may bear the designation of registered landscape architects. I move passage of the bill as amended.

mbs

MR. SPEAKER:

Will you remark further? If not, the question is on acceptance and passage of the bill as amended by House Amend. Sch.A, all those in favor will say aye, all those opposed, the bill is passed.

THE CLERK:

Calendar 1534. Senate Bill No. 1233. An Act concerning Parole.

W. RATCHFORD, 167th:

May calendar 1534, file 1474 be placed at the foot of the calendar?

MR. SPEAKER:

Is there any objection to that request. If not, it will be so ordered.

THE CLERK:

Calendar 1535, Sub. for SB 1234, An Act concerning Psychiatric Examination of Defendant with respect to Mental Disease or Defect.

Tues., June 6, 1967

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mbs

J. PAPANDREA, 78th:

I move acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate.

MR. SPEAKER:

Question is on acceptance and passage of the bill in concurrence with the Senate, will you remark?

J. PAPANDREA, 78th:

Briefly, this act expands the existing circumstances when a psychiatric examination of a defendant can be ordered, it does three things, it allows the judge to order the examination on his own motion, it spells out definitely that the examinations must be made by a psychiatrist and not simply a medical doctor and also permits commitment of the person for the purposes of the examination. It is a good bill and it should pass.

MR. SPEAKER:

Will you remark further? If not the question is on acceptance and passage of the bill in concurrence with the Senate, all those in favor will say Aye, all those opposed, the bill is passed.

THE CLERK:

Calendar 1536. SB 1324. An Act concerning purchase of rights to access to and egress from land abutting state highways.

P. SHAPERO, 157th:

I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate/

MR. SPEAKER:

Question is on acceptance and passage of the bill in concurrence with the Senate, will you remark?

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CONNECTICUT
GEN. ASSEMBLY
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PART 5
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report and passage of the bill. In recognition of the outstanding performance of our military department, funds that are so essential for its operation are set forth in this bill. It's a good bill and should pass. Bill Passed

THE CLERK:

Calendar 1371, file 1558, SB 372, An Act concerning a Payment of a Pension to Clifford A. Kyle, Favorable report of the Joint Committee on Public Personnel.

SENATOR JANOVIC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill is self-explanatory and I urge its passage.

THE CHAIR:

All those in favor of the acceptance of the committee's favorable report and passage of the bill, signify by saying Aye. AYE. Opposed?
The Bill is passed.

THE CLERK:

Calendar 1373, file 1562, substitute SB 1234, An Act concerning Psychiatric Examination of Defendant with respect to Mental Disease or Defect. Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR PICKETT:

Mr. President, I move acceptance of the committee's favorable report and the passage of the bill. This bill provides that a psychiatric examination of a defendant may be made by motion of the court itself, not waiting for a motion by defense counsel. This is a good bill and should pass.

THE CHAIR:

All those in favor of the acceptance of the committee's favorable

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report and passage of the bill, indicate by saying Aye. AYE. Opposed?

The bill is passed.

THE CLERK:

Calendar 1374, file 1563, substitute SB 1702, An Act providing for Regulation of Bodies of Water by Municipalities. Favorable report of the Joint Committee on Water Resources and Flood Control.

SENATOR IVES:

Mr. President, I move the acceptance of the joint committee's favorable report and the passage of the bill. This bill allows two or more towns to establish a commission to work with the State Boating Commission on boating safety. I'd like to pay tribute to the Senate Chairman and the House Chairman of Water Resources and also to Representative for the work they have done on this bill.

THE CHAIR:

All those in favor of the acceptance of the committee's favorable report and passage of the bill, indicate by saying Aye. AYE. Opposed?

The bill is passed.

THE CLERK:

Calendar 1375, file ¹⁵⁷⁴ SB 1596, SB 1596, An Act concerning Collection of Tolls on Hartford Bridges. Favorable report of the Joint Committee on Roads and Bridges.

SENATOR PICKETT:

MR. President, I move acceptance of the joint committee's favorable report and passage of the bill. This act concerns the collection of tolls on Hartford bridges. I move for its passage.

THE CHAIR:

Senator Amenta, do you have any remarks on calendar 1375? Senator

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
382-664

1967

THURSDAY

JUDICIARY

MARCH 16, 1967

Kenneth Ward: talking about the weekly papers, most of the throw aways, he can say any figure he wants, nobody can prove it. Now when you try to compare the circulation of a throw away or shopper, which is strictly an advertising shopper and nothing else, against another one, no one knows how many he sends out and what happens to them after they get it. Now if you pay for a newspaper, the assumption is you're going to read it.

Rep. Shapero: Well, excuse me. In doing your advertising and selling, don't you prepare figures to submit to prospective advertisers in which you say you have a certain circulation, and the circulation of whatever the shopper is, is thus and so?

Kenneth Ward: We have nothing to go by. There's no where they go together. Not that I know of.

Rep. Shapero: Your space sales must have a tough time then.

Kenneth Ward: No, we don't.

Chr. Pickett: Mr. Grogan.

Kenneth F. Grogan: Mr. Chairman, members of the Committee. Kenneth F. Grogan, classified manager of the Hartford Times. I would like to speak against H. B. No. 3694 (Reps. Calchera and Allen) AN ACT CONCERNING THE PUBLICATION OF LEGAL NOTICES and would like to point out that the present law allows these legal notices to be read by the greatest number of people by having them published in a daily newspaper. Anybody can claim circulation but the daily newspaper must prove their claim to the Audit Bureau of Circulation and a yearly audit is conducted by ABC. The daily newspaper is well read as proved by readership surveys and the object of publishing legal notices is to have them read by the public not just to cover the law by having them published anywhere. Therefore it is my feeling that legal notices should continue to be placed in daily newspapers where the legal notice has the best chance of being seen. We do have a breakdown, by the way, town by town, of our circulation, which we sell from but we do not make a comparison with throw aways, etc. We have a comparison with our competitor.

Chr. Pickett: Will you leave that with the committee, please?

Kenneth F. Grogan: Glad to.

Chr. Pickett: Thank you. We're going to interrupt the schedule for just a minute to take up S. B. No. 1234 (Sen. Pickett) AN ACT CONCERNING PSYCHIATRIC EXAMINATION OF DEFENDANT WITH RESPECT TO MENTAL DISEASE OR DEFECT Commissioner.

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Wilfred Bloomberg, Commissioner of Mental Health: Mr. Chairman, ladies and gentlemen of the committee. Wilfred Bloomberg, Commissioner of Mental Health, and I appreciate the opportunity to appear before you out of order but I do have some business in my office. I want to support very strongly the intent of S. B. No. 1234 (Sen. Pickett) AN ACT CONCERNING PSYCHIATRIC EXAMINATION OF DEFENDANT WITH RESPECT TO MENTAL DISEASE OR DEFECT. Seems to me, it's legislation to give impartial examination, psychiatrically, of persons accused of crime if in the opinion of the judge such examination is necessary or desirable. Many of the states have this and I think we should have it. We do see a great many patients under similar circumstances already but I don't know exactly whether there's legislation that covers it or it's simply grown up. There are a few points about the bill itself that I would suggest having another look at. One, it seems to me that sixty days or longer is much longer than is needed to acquire the information under these circumstances. Massachusetts has traditionally used a 35 day period with the idea that the actual stay in the hospital is 30 days and the five days remaining give time for the writings and report and I would assume this would probably be a sufficient time. In the last sentence of Sec. 1, it says "the court may direct that a qualified psychiatrist retained by the defendant be permitted to witness and participate in the examination", and I appreciate the intent of this but an examination over a period of 30 or 60 days will be, in fact, going on over that whole time. It will consist, of course, of interview by the psychiatrist in charge but it will also consist of nurse's notes and observations made during the whole 24 hour period and their psychological examinations, and social work reports and it is difficult to see how a psychiatrist could, in fact, participate in the total examination because he'd have to go and live at the hospital for the 30 or 60 days. I think if this were re-written to say that he may participate in what portions of it or have access to the records, it would be more realistic. And finally, I think that when the security treatment center is completed and as you know, construction has already started on that, and it should be ready within the next year and a half to two years, I think it's that 400 day working day contract. This will offer diagnostic services and it may be that this bill will duplicate something that is already in the security treatment center legislation. I call this to your attention not because duplication is necessarily bad, but it may be that it would be better to have this on the books until that legislation becomes active and then to remove it in favor of the other. I just don't know the legislation well enough but I thought I'd call it to your attention.

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Rep. Carrozzella: Commissioner, this legislation, reminds me of the legislation that is presently on the books which refers to a defendant after he has been convicted that there is an application to the court for a psychiatric examination, etc. Are you familiar with that?

Wilfred Bloomberg: Yes. In a general way but not in detail.

Rep. Carrozzella: Well, this is present law but there's no money to put this into effect. Would you care to comment on that because I ran into that problem.

Wilfred Bloomberg: I don't know how you pay a private psychiatrist, presume that the court has some resources or they wouldn't appoint them. If patients at any time are sent to our hospitals for examination and diagnosis, there is of course, no charge. I came here from Massachusetts where we operated under the Briggs law and there were examinations done by psychiatrists paid by the county. We were paid \$4.00 per examination plus 20¢ a mile, one way, and we were accused of having set up a program to fatten psychiatrist's pocket books and accomplish nothing else until the later commissioner, Clifton Perkins, kept track of the number of hours that he spent in examining a man charged with murder and he figured out, he had 99 hours at one \$4.00 fee.

Chr. Pickett: Thank you, commissioner.

Wilfred Bloomberg: Thank you again for letting me appear.

Chr. Pickett: The Rep. Thomas Mondani asked me to register him in favor of S. B. No. 97...967 (Sen. Repko) AN ACT CONCERNING PUBLICATION OF LEGAL NOTICES for the record Group 2, the speakers in this order. Miss Lavieri, Mr. Cohn, Mr. Cooney.

Carmine Lavieri: Ladies and gentlemen of the committee, my name is Carmine Lavieri. I'm here representing the Conn. Society of Architects and Conn. Society of Professional Engineers. Bill No. 220 S. B. No. 220 (Sen. Fauliso) AN ACT CONCERNING A STATUTE OF LIMITATIONS is the statute of limitations and I might say that **summary** in the schedule of hearings listed here, yes. For the hearing has a very good, concise summary of the provisions of the bill and the reason for the request for this bill is that in many states there have been a number of court cases and they seem to be building up and we're afraid that we'll have the same trouble here in Connecticut. Wherein actions are brought against architects and engineers for injuries resulting, many years in some cases as long as 15 years after the building was built and occupied. We have a situation where a retiring architect or engineer for instance, can never stop carrying his liability

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Sen. Hull: What do you think?

Arnold Markle: I don't think, I think that if a prosecutor does delay and we find out it's just merely for the purpose of delay, I'd have him removed.

Sen. Hull: You wouldn't have it in the statement, would you?

Arnold Markle: No. I don't think it's necessary in the statement

Sen. Hull: I think it's rather weird to have it in the statement of a prosecutor.

Arnold Markle: I think that, you know, the men that we have in the 18 circuits are, have been picked, hand picked and they remain dedicated to their job and I do think it is an unfortunate statement. But, anything to get it through....to get that right of appeal. As to the other bills that I would address myself to very briefly, there is one here which is number 1234 S. B. No. 1234 (Sen. Pickett) AN ACT CONCERNING PSYCHIATRIC EXAMINATION OF DEFENDANT WITH RESPECT TO MENTAL DISEASE OR DEFECT that's the psychiatric examination of the defendant. I know Mr. LaBelle is here and assigned to address himself to it but I would just state that as the chief prosecutor of the State of Connecticut, we are in favor of this and think that it would aid both the State and the Defendant. And I would also address myself, needless to say to S. B. No. 1463 (Sen. Fauliso) AN ACT CONCERNING CRIMINAL DISCOVERY which is criminal discovery. This is Senator Fauliso's bill and I think that, in my own humble opinion, that it might be very well, be unconstitutional and I would ask that a close-examination be made of this because what this basically does, and the reason that I address myself to it is, makes available to the defendant the entire state's case or the entire state's trial. I don't mind certain things being (inaud) but for instance it says "when presented with a motion of defendant which is as specific as is reasonable" that language is going to lead us into more appeals than can be believed. It says the defendant shall examine any exculpatory information or material. It may very well be in an honest, candid judgment by the prosecution that it's not exculpatory and we've seen it happen in the Federal Court with the Jenks Act where they've asked for the analyzation of all statements taken by, made by defendants after they've testified and more appeals have come about because of that, that congress enacted what they call 33-55 which allows a statement only under certain circumstances after examination by a Judge. But this means basically, we'd have to impound the entire State file because it would be putting a heavy burden on the prosecutor to make sure that he complied with

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Francis M. McDonald: if criminal defendants were to be told in advance of trial who the witness are to be against him. This is especially true, I think, both in certain types of organized criminal activity and serious crimes such as we have in the Superior Court. Thank you.

Rep. Strada: Mr. LaBelle.

John D. LaBelle: John D. Labelle. I'm States Attorney for Hartford County. I'm speaking on S. B. No. 1234 (Sen. Pickett) AN ACT CONCERNING PSYCHIATRIC EXAMINATION OF DEFENDANT WITH RESPECT TO MENTAL DISEASE OR DEFECT Senator Pickett has no pride of authorship in that so that if you find any language changes you might want to make why I'm sure he'd have no objections. I did have something to do with the drafting of it. I'd like to say that, if you probably read the papers you'll note that every time we have a murder case here or every time we've had one in Connecticut in the last two months, we've been having the question of mental competency raised and it always comes up to the point where the State would like to have an examination by a psychiatrist and we haven't been able to get one. It happens to be my position, that I think that the law is such that we would be entitled to it anyway but our courts have ruled that, and as recently as two weeks ago in my county, that they cannot order it because there's no statute that authorizes them to do it. Now the anomaly of this situation is that a defendant bases his defense on insanity and all he has to do is raise it and the burden shifts back to the state to prove that he's sane. Now there's a presumption of sanity so far as the state is concerned (inaud) but if the defense raises the defense of insanity, then the burden shifts back to the state again to prove beyond a reasonable doubt that the defendant is competent, and at that point if we can't have a mental examination by psychiatrists, we're somewhat handicapped and I can tell you from experience that we're going to get more and more of this defense. Now this bill that has been prepared was adopted somewhat, from the model penal code. I would guess half the states have a similar bill. A decision just came down from the United States Court, District of Columbia, just in January implying 260 sets up, page 804, where this question is gone into quite a bit and there's a New Jersey case, a recent New Jersey case, the question has been (inaud) requiring the defendant to submit to an examination, violate his right against self-incrimination and the law seems to be clear that it does not. After all, he elects to set forth that defense and when he does we ought to have the right to have an examination. With respect to the right

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John D. LaBelle: to appeal on motion to suppress, you've got a lot of bills on that. I think the state ought to have it. As Senator Hull has mentioned, you don't need that certificate that it's not privileged or to delay if you have the other certificate that says that "we can't go forward without that evidence" Obviously we're taking the appeal to delay if we've got nothing else. So if you don't need only that one certificate that we can't go forward with the case without the suppressed evidence, then if that's the certificate, then we ought to have the right to appeal on that one question. Thank you very much.

Rep. Strada: Close the hearing on Group 7. Now Group 8. Miscellaneous. I believe, Mr. Yudkin.

Harold Yudkin: With respect to S. B. No. 501 (Sen. Buckley) AN ACT CONCERNING NOTICE OF INTENT, LIEN ON SUBCONTRACTORS AND MATERIALMAN Mr. Yudkin, New Haven County Bar Association. I represent a woman who's made a down payment on a home. I represent people who furnish materials on a home. And now I find that the man who sought to build the home has taken off to Hialeah where he can make bets easier in the winter season. How do I serve a notice of intent to file a mechanic's lien on him? We want to be able to do it upon his last known place of residence in addition to the other places which the statute allows us to make notice of intent to file a mechanic's lien. I've been asked to tell this committee that the New England Lumbermens Assoc. called me on the telephone this morning and asked me to speak in their favor.

Rep. Strada: Excuse me, Mr. Yudkin, what bill are you speaking on?

Harold Yudkin: 501

Rep. Strada: Didn't you speak the last two sessions on this, Mr. Yudkin?

Harold Yudkin: On various aspects of this.

Sen. Hull: I wondered why it didn't get through. Just trying to remember.

Harold Yudkin: I can never discern what happened to the legislature on the last day when most of these bills are supposed to be passed. Some of them get through and some don't. I think this one should be added to good legislation. I'd like to call the attention of the committee to two other matters. H. B. No. 3990 (Rep. Carrozzella) AN ACT CONCERNING THE RULE OF LAW GOVERNING CIVIL ACTIONS FOR DAMAGES WHERE TORT WAS COMMITTED IN ANOTHER STATE