

Legislative History for Connecticut Act

SB 53 PA 699 1969

House - 5289-5290, 5362A-5367A (8)

Senate: 2837-2839, 3358-3360 (5)

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1969

VOL. 13
PART 6
2565-3073

THE CHAIR:

Question is on passage of this bill. Will you remark.

SENATOR CALDWELL:

Mr. President, this bill would permit the Commissioner of Community Affairs to make payments in lieu of taxes to those cities to which the state takes title to housing projects through the fault of the municipality. I urge its passage.

THE CHAIR:

Further remarks on this bill. If not, as many who are in favor signify by saying aye, opposed. The bill is passed.

THE CLERK:

Calendar No. 1171, File No. 1395. Favorable report of the Joint Standing Committee on Appropriations on Senate Bill No. 53. An Act concerning Adopting a Medicolegal Investigations Act.

SENATOR CALDWELL:

Mr. President, I move the acceptance of the Committees favorable report and passage of the bill.

THE CHAIR:

Question is on passage of this bill. Will you remark Senator.

SENATOR CALDWELL:

Mr. President, I just comment briefly and then refer the matter to Senator Jackson. This bill creates a Commission on medical legal investigations. An office on medical legal investigations and oblishes the coroners office with its duties to be absorbed by the office of medical legal investigations.

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THE CHAIR:

Further remarks. Senator Jackson from the 5th District.

SENATOR JACKSON:

Mr. President, I am very happy to comment on and support this bill. Its a result of a long series of meeting with the bar association and the medical society and other interested parties.

As the distinguished Senator from the 23rd has already pointed out, it abolishes the present coroner system as we know it in the state of Connecticut. It abolishes the coroners inquest and replaces it with a chief medical examiner who is of necessity a qualified pathologist.

In my opinion, the adoption of this bill will truly benefit the public. The proposed act outlines in detail deaths which must be investigated and these provisions are far more specific than under the present law and it will, I believe, provide greater protection.

The extent of the investigation made, in each case, will depend upon the nature of the circumstances involved. However, unlike the present system, the Chief Medical Examiner will not make a finding that a specific individual is or is not criminal responsible for any death. I feel that in death cases just as in other instances that claim criminal conduct, such a determination of criminal responsibility should be made only by a proper constituted court after full protection of the rights of the parties.

It is also my belief that the present system, whereby an individual can be proclaimed to be publicly guilty of the death of

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another person with no recourse and without adequate judicial safeguard, is totally inconsistent with our fundamental concept of justice. The fact that the coroners finding is not binding upon the prosecuting authority, does not prevent serious harm to the individual involved.

I think that the provisions of the act that spell out the guidelines and I also believe that this legislation is in the best interest of the state of Connecticut and while the present coroner system has performed well and many of the present coroners have been very capable and dedicated in their tasks, I think that we must move forward to a more up to date system which will utilize medical legal experts and a more modern criminology technics. I also move adoption of the bill.

THE CHAIR:

Will you remark further on this bill. If not, as many who are in favor signify by saying aye, opposed. The bill is passed.

THE CLERK:

On page 9. Calendar No. 1200, File No. 1115. Favorable report of the Joint Standing Committee on Appropriations on Modified House Bill No. 6459. An Act concerning the Board of Parole.

SENATOR CALDWELL:

Mr. President, I move for the acceptance of the Committees favorable report and passage of the bill.

THE CHAIR:

Question is on passage of this bill. Will you remark.

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Clerk please read it Mr. President,

THE CLERK:

Strike out section 4.

SENATOR PICKETT:

Thank you Mr. President, section 4 makes it effective on passage and its a meritorious amendment and I move for its passage.

THE CHAIR:

Further remarks on the amendment. If not, as many who are in favor signify by saying aye, opposed. The ayè's have it and the amendment is adopted and becomes part of the bill and may be taken up at this time.

SENATOR PICKETT:

Mr. President, I move for suspension of the rules for immediate consideration of the bill as amended.

THE CHAIR:

If there is no objections the rules will be suspended and you may take up the bill, as amended. Will you remark.

SENATOR PICKETT:

Mr. President, we have seen this bill before, the amendment is a very technical one and therefore I move for its adoption.

THE CHAIR:

Any further remarks. If not, as many who are in favor signify by saying aye, opposed. The aye's have it and the bill is adopted as amended.

THE CLERK:

Favorable report of the Joint Standing Committee on Appropria-

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tions on Senate Bill No. 53. An Act Adopting a Medical Legal Investigation Act, as amended by House Amendment Schedule A.

SENATOR JACKSON:

Mr. President, I move for suspension of the rules for immediate consideration.

THE CHAIR:

If there are no objections the rules will be suspended and you may take up this amendment.

SENATOR JACKSON:

Mr. President, the basis of this amendment is that the original bill will eliminate the coroner from the jurisdiction of the state of Connecticut. The amendment reinstates the coroner to act as an investigative officer on criminal matters where there are no medical problems involved.

The new Chief Medical Examiner will go into effect to take care of the medical problem. I urge adoption of the amendment.

THE CHAIR:

Further remarks on the amendment. If not as many who are in favor of the amendment signify by saying aye, opposed. The aye's have it and the amendment is carried and becomes part of the bill and may be taken up.

SENATOR JACKSON:

Mr. President, I move acceptance of the Joint Committees favorable report and passage of the bill as amended.

THE CHAIR:

Question is on passage of the bill as amended. Will you remark

SENATOR JACKSON:

Mr. President, this bill has been before us before and adequately explained and I urge its passage.

THE CHAIR:

Are there further remarks on this bill as amended. If not, all those in favor signify by saying aye, opposed. The aye's have it and the bill is passed as amended.

THE CLERK:

Favorable report of the Joint Standing Committee on General Law on Substitute Senate Bill No. 1451. An Act concerning Ambulance service, as amended by House Amendment Schedule A.

SENATOR JACKSON:

Mr. President, I move for suspension of the rules for immediate consideration as a blanket amendment for my bills. I think that I can explain. When we passed Senate Amendment Schedule A made clear the Department of Health, the Commissioner, would be able to designate the Chairman of the Commission. In making this change there were some uncertainty as to whether he would be able to have an appointment on the Commission. This amendment makes this very clear. I move adoption of the amendment.

THE CHAIR:

Are there further remarks on the amendment. If not, as many who are in favor signify by saying aye, opposed. The aye's have it and the amendment is adopted and becomes part of the bill.

SENATOR JACKSON:

I move acceptance of the Joint Committees favorable report

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REP. MAYER - 40th D.

The clerk has an amendmant.

THE CLERK:

House Amendment Schedule A, offered by Rep. Mayer of the 40th. In section 3, line, detlet the word Jan 15, 1971, insert Dec. 15, 1970.

REP. MAYER 40th D.

Mr. speaker, this is a simple amendment for a very important bill. This particular Commission is going to study the housing needs of this State. I firmly beleive that their report should be in the Assembly's hands at the time they convene on Jan. 1st, I urge the passage of this amendment.

MR. SPEAKER:

Will you remark further on the Amendment? If not all those in favor say aye. Those oppose no. The ayes have it, the Amendment is adopted. You may proceed with the bill.

REP. METTLER - 96th D.

Yes, Mr. speaker, I now move passage of the bill as amended by House Amendment Schedule A.

MR. SPEAKER:

Will you remark further? If not questions on passage of the bill as amended by House Amendment Schedule A. All those in favor say aye. Those oppose no. The ayes have it, the bill is passed.

THE CLERK:

Cal. No. 1511. Senate Bill No. 53. An Act concerning Adop-

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ting a MedicoLegal Investigations Act.

REP. COHEN - 41st D.

I move acceptance and passage in conjunction with the
Senate No. Bill No. 53.

MR. SPEAKER:

Questions on acceptance on Committees Favorable Report,
passage of the bill in concurrence with the Senate. Will you
remark

REP. COHEN - 41st D.

Mr. speaker, this bill would create a Commission of Medical
Legal Investigators. An office of Medical Legal Investigators
office, with his duties to be absorbed by the office of Medi-
cal Legal Investigation. This bill, if you read it consist of
sixteen pages, and 32 sections. Itss a beautiful bill, and I
hope it passes.

REP. MCKINNEY - 141st D.

Mr. speaker, I've just been advised that there is an amend-
ment. Mr. speaker if thereis an amendment I'll yeild back.

REP. KENNELLY - 1st D.

Mr. speaker, I'm surprised there is an amendment being
prepared at this time, and I request this matter be passed
temporarily.

MR. SPEAKER:

Any objections to being passed temporarily? So ordered.

THE CLERK:

Cal. No. 1512, Sub. for Senate Bill No. 419. An Act con-

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may serve both as a member of an agency in a municipality. Through you, to Mr. Mettler, what's the reason for that particular provision.

REP. METTLER - 96th D.

No comment.

MR. SPEAKER:

Will you remark further on the bill as amended?

REP. PEARSON - - 128th D.

Thank you Mr. Pearson. I really don't have any comment but if you want this that much, then I guess you are going to get it. You probably going to get it real good with this.

REP. MCKINNEY - 141st D.

Since this bill has passed this amendment it is now back to us we agreed their action I would move sir that this be passed retaining.

MR. SPEAKER:

Motions on passing and retaining. Will you remark?

REP. CAROZZELLO - 81st D.

No objection.

MR. SPEAKER:

May the item be passed retaining.

THE CLERK:

Page 23, Cal. 1511 S.B. No. 53. An Act concerning adopting a Medical Legal Investigations Act.

REP. AVCOLLIE - 94th th D.

Mr. Speaker, in the sections remaining in this amendment

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the connection with the type of death previously referred to lastly, Mr. Speaker, the sections remaining in this amendment, they are many and varied. The amendment seeks to restore to the system and retain in the new commission the office of coroner which is one that we have enjoyed in the state for many years which can offer an investigatory area for the new office of chief examiner and which can, of course, give us the means that we presently have for investigating death thoroughly acting as a buffer and recommendations in the courts within this state circuit within the Superior. I think the main thrust of the amendment, Mr. Speaker, and the previsions in the amendment is to make the office of coroner compatible with the new commission. I urge passage of the amendment, it makes a good bill much better.

REP. COLLINS - 165th D.

Mr. Speaker, a question through you to the gentleman from the 94th who reported the bill out. It is my recollection, Mr. Speaker, that we abolished the office of coroner either earlier this session or last session. I wonder if the gentleman might,

REP. AVCOLLIE - 94th D.

I can assure we have as yet not abolished it. And, we passed the amendment as I reported out, we will not have abolished it. The bill File No. 1395 would abolish it were it to go through unamended.

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REP. STEVENS - 122ndnd D.

A question through you, to Rep. Avcollie, if your amendment is accepted would this not result really in duplication of services at additional costs to the state of Connecticut because you would have to maintain both the existing coroner's system and the new system established under this act?

REP. AVCOLLIE - 94th D.

No, as matter of fact, ~~the medical examiner~~ under the act, for instance, the medical examiner which we presently have, are ~~not~~ continued by the chief medical examiner. The coroner would undoubtedly would continue in his function but the sections have been revised to make him responsible and answer to the medical examiner, who comes under the chief medical examiner created; so there are no additional expenses; its simply another arm for this new commission to give it some added strength and to continue the advantages we have with the coroner's office acting as a buffer between the citizen, the wrong step in many cases and the court system.

REP. SARASIN - 95th D.

Thank you Mr. Speaker, Mr. Speaker, I rise to support the amandment proposed by the Rep. of the 94th. This matter was thoroughly discussed in the Judiciary Committee's meetings and at that time it was decided to bring the bill out in the positon that it is in. I think, however, that through his amendment it is restoring the office of the coroner. It restores a valuable arm, namely the investigating arm to that office. I think it ~~is extremely important to the court, to the people who find~~

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themselves involved in the coroner's hearings, which used to be called the coroner's inquest for being detailed and very select analysis of the circumstances involving the death. I think this can only be done and it has been in the state of Connecticut with the office of the coroner and I would very much urge support of this amendment.

MR. SPEAKER:

Will you remark further on the amendment. If, all those in favor of the amendment indicate by saying aye. Those opposed. Amendment is adopted. Motions on acceptance and passage of Schedule A, will you remark further?

REP. CARROZELLA - 81st D.

The bill would create medical legal investigation which will be under the control and supervision of a commission which consists of two full professors' of pathology, two full professors' of law, a member of the Conn. Medical Society, a member of the Conn. bar Assoc., two members of the public and the Commissioner of Health. The commission that I outlined would be responsible for appointing a chief medical examiner who would be a liked position with a minimum of four years of post graduate study of pathology and additional experience. I would submit to you Mr. Speaker that the bill as amended would materially benefit the public. The act outlines in detail death which must be investigated.. It is far more specific than the present law and it will provide greater protection for the public. The extent of the investigation is made in

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each case will of course be dependent upon the facts of each case. Unlike the present system, however, the Chief Medical Examiner will not make a finding that a specific individual is or is not criminally responsible, responsible for the death because that will be done by the coroner which we have put back in the bill. It is, I think the most important part of the bill is that a prompt and thorough investigation of sudden death under the direction of a well qualified pathogogist trained in irrevolent principles of both law and medicine will give far protection than under our present system. It is clear that as a result of this investigation confident evidence will be uncovered and obtained and we all know that unless evidence is obtained properly it is lost forever. I would say to you, Mr. Speaker that this bill is the modern approach to this situation and I would say further that the father of this bill really is our former speaker, Bob Testo who had a big bill passed this morning and he initiated this bill last session and I support its passage.

REP. MCKINNEY - 141st D.

Mr. Speaker, through you a question to the gentleman who proposed the bill of the amendment. Is this bill going to call for the building of a new laboratory is the state?

REP. CARROZELLA - 81st D.

This is not an addition under the bill, through you, Mr. Speaker.

MR. SPEAKER:

Will you remark further on the bill as amended?

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REP. MCKINNEY - 141st D.

Well, Mr. Speaker, I would agree with you to that the intention of this bill is a good intention. I'm a little concerned with the recent amendment. The figures that I have here dated April 15 of this year from the office of the commissioner of Finance Control pretty clearly states that before we put back in the coroners that we were roughly in the hole \$50 to \$60,000 for this program; there not being enough funds to cover in the present budget. I would suggest to you that one of the items that is suggested as a decrease in the cost of this program is the elimination of the nine coroners for an item of \$19,565; so I would then suggest to you that we are more like \$90,000 in the ~~we~~ hole for this bill then before we started.

MR. SPEAKER:

Will you remark further on the bill as amended. If not, all those in favor indicate by saying aye. Those opposed.

Bill is passed.

THE CLERK:

Page 28. Cal. 801 Sub. for H.B. No. 5160. An act concerning Speed Limits for Commercial Motor Vehicles. The Cal. reads that this bill is amended by Senate Amendment Schedule "A." It appears that the Senate adopted Senate Amendment Schedule A. Refer to the legislative Commissioner and approved by the Legislation Commissioner on May 30th the Senate considered Senate Amendment Schedule B which does not appear on the Cal. but I have in my possession a further amendment which I have checked with the