

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-164		413	3	4	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary</i> 326 • <i>Judiciary</i> 315-316 				<u>House Pages:</u> <ul style="list-style-type: none"> • 1890-1893 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 1151-1152

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

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PART 4
1451-1967**

Morris known as Trotta Lane". In Line 79, delete the words "of Morris". EFH

MR. SPEAKER:

The Clerk has read House Amendment Schedule "A", offered by the gentleman from the 114th, the gentleman from the 95th.

RONALD A. SARASIN:

Mr. Speaker, I will explain the Amendment very briefly. It simply corrects the language. It did appear that the assessment to this homeowners' association could be levied against all other property owners in the Town of Morris. We simply cleared the language up so that it only applies to the association itself.

MR. SPEAKER:

Question is on the adoption of the Amendment. Will you remark further. If not, all those in favor will indicate by saying "aye". All those opposed. The Amendment is adopted.

ROY HENRY ERVIN:

I now move the passage of the Bill as amended.

MR. SPEAKER:

The main question had already been put to the Chamber. The question is now on acceptance of the Joint Committee's favorable report and passage of the Bill as now amended by House Amendment Schedule "A". All those in favor will indicate by saying "aye". All those opposed. The Bill is passed as amended.

THE CLERK:

Calendar No. 547, Substitute for S.B. No. 413, an Act concerning acceptance of records of analyses by the State

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Toxicological Laboratory as legal evidence, amended by Senate Amendment Schedule "A":

JOHN A. CARROZZELLA:

Mr. Speaker, I move for acceptance and passage of the Joint Committee's favorable report.

MR. SPEAKER:

Question's on acceptance and passage. Will you remark.

JOHN A. CARROZZELLA:

Would the Clerk please...I now move for adoption of Senate Amendment Schedule "A".

MR. SPEAKER:

Will the Clerk please read Senate Amendment Schedule "A".

THE CLERK:

Senate Amendment Schedule "A". In Line 37, strike out the words "of record". After the word "defendant"...is it "dependant" or "defendant"?

JOHN A. CARROZZELLA:

"dant"...d-a-n-t.

THE CLERK:

In Line 37, strike out the words "of record", and after the word "defendant" add "who has filed an appearance of record". In Line 38, insert the word "such" before the word "attorney" and strike out the words "of record".

MR. SPEAKER:

Senate Amendment having been read, the gentleman from the 81st has moved its adoption. Will you remark.

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JOHN A. CARROZELLA:

EFH

is
Yes, Mr. Speaker, this/merely a "housekeeping" Amendment, so to speak, to make it clear that the notice would go to the attorney who has filed an appearance, who is of record.

MR. SPEAKER:

Remark further on Senate Amendment "A". If not, all those in favor will indicate by saying "aye". Opposed. The Amendment is adopted. In the opinion of the Chair, it is technical. Question is now on acceptance and passage as amended by Senate Amendment "A". Will you remark.

JOHN A. CARROZELLA:

Mr. Speaker, the Bill before us is designed to accomplish two purposes...one, it will expedite the trial of persons accused of a drug offense; and, secondly, it would eliminate the necessity of the personal appearance of the State Toxicologist, thereby obviously saving the State some money. Under present law, it is necessary for the State Toxicologist to come personally in the Court to testify as to the results of his analysis. This law would eliminate that necessity in pre-trial, in...I'm sorry...in the...I lost the word...in probable cause hearings completely and also would eliminate the necessity in a trial if the defense counsel did not object to it. It will certainly help the trial of those accused of a drug offense. I move its passage.

MR. SPEAKER:

Question is on passage as amended. Will you remark further.

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MARILYN PEARSON:

EFH

Mr. Speaker, in an overall State program for fighting drug abuse, I think that this is a very most important phase that we are actually finally correcting by State law, which should have been done a long time ago. There have been cases in Fairfield County where our Fairfield County Undercover Squad has had to use the facilities of the New York State Federal Lab to get reports, as the Toxological Lab in Hartford was overburdened. Now our Hartford laboratory has done a wonderful job, but they could and cannot complete analysis of any suspected narcotics to keep up with the demands that have been placed upon them. Everyone really is allowed a speedy trial, and because of this many cases have been dismissed, because the analysis has not been completed on time for this particular purpose. By allowing these certified reports of analysis by the State Toxological Laboratory to be used as competent evidence, as worded in the Bill, I think this will relieve our lab from having to send their personnel to the Courts. It's an excellent Bill. Thank you, Mr. Speaker.

MR. SPEAKER:

Will you remark further on the Bill as amended. If not, the question is on acceptance of the Joint Committee's favorable report and passage of the Bill as amended by Senate Amendment Schedule "A" in concurrence. All those in favor will indicate by saying "aye". All those opposed. The Bill is passed.

THE CLERK:

Calendar No. 552, S.B. No. 609, an Act concerning

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by saying, "aye". Oppositely, "nay". When it is passed. The bill is passed.

THE CLERK:

CAL. NO. 215. File No. 229. Final report of the Senate Committee on Judiciary. Substitute senate bill 1113. An Act Concerning Acceptance of Records of Analysis by the State Bar of California as Legally Licensed.

Clerk has an amendment.

SENATE AMENDMENT A, offered by Senator Alfano;

In line 37, strike out the words, of record and after the word, defendant add, who has filed an appearance.

In line 38, insert the word, such, before the word, attorney, and strike out the words, of record.

SENATOR ALFANO:

Mr. President, the purpose of this particular amendment, is that if notice is going to be given, that the prosecuting attorney intends to use the technical report in evidence, he must give notice to either the attorney or the defendant. It's not clear as to whether it's going to be an Attorney of record. The problem might arise where a public defender is not an attorney of record. Therefore, five days would elapse and the person would not have known of the notice. So this particular amendment sets forth that the prosecuting attorney will give notice to the attorney of record, or if the person has not had an appearance representing the defendant. Or the defendant himself files an appearance then the notice would be given to the defendant who has filed an appearance. That's the purpose of the amendment. I move the adoption of the amendment.

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THE CHAIR:

Question is on passage of the amendment. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The amendment is adopted and declared technical.

SENATOR ALFANO:

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

This bill permits a certified copy of the toxicologists report to be emitted in evidence, in a criminal proceeding. And as I already indicated it can only be emitted after, the prosecuting attorney has given notice to the defendant who has filed an appearance pro se or to the defendant's attorney who has filed an appearance of record. The objective of this bill of course, is to eliminate congesting of dockets in the Circuit Court as a result of waiting to bring the toxicologist in, who has to testify personally.

THE CHAIR:

Question is on passage of the bill. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. the bill, as amended is passed.

THE CLERK:

CAL. NO. 225. File No. 249. Favorable report of the joint committee on Corrections, Welfare and Humane Institutions. Senate Bill 183. An Act Concerning Aid to Dependent Children.

SENATOR CIARLONE:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. This bill allows children of same parentage who are living in different homes, with a supervising relative, to have such

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WEDNESDAY

JUDICIARY COMMITTEE

FEBRUARY 24, 1971

Sen. Jackson: (cont'd) Lieutenant Fred Campbell to be followed by Chief Richard Carlo.

Excuse me, Lieutenant, there's another member of the General Assembly who came in and we still have not reached the 11 o'clock starting time.

Rep. Stevens: Thank you, Sen. Jackson. Representative Gerald Stevens, 122nd District, Milford. I'm here on behalf of the Republican House leadership to support a number of the bills which you have before you today, mainly the ones which relate to admission into evidence of the state toxicologist's reports. This is H.B.#5410 and also S.B.#413 introduced by the two co-chairmen of this Committee.

H.B.#5410 - AN ACT CONCERNING INTRODUCING THE REPORTS OF STATE TOXICOLOGISTS INTO EVIDENCE.

S.B.#413 - AN ACT CONCERNING ACCEPTANCE OF RECORDS OF ANALYSES BY THE STATE TOXICOLOGICAL LABORATORY AS LEGAL EVIDENCE.

Our position is that the congestion in our courts which is now resulting from the requirement that one of the toxicologists physically appear in court in order to get a toxicology report into evidence is hamstringing prosecution of drug pushers in this state. We fully support your measure and the one which we have introduced which is similar to it that would allow a certified copy of the report to be put into evidence. I don't think that this in anyway will hamper the defendant's rights because the defendant would still have the ability to subpoena a toxicologist in court if he actually wanted him there. And I would also point out to the Committee this bill is not on your agenda but it's on the same subject matter that we have also submitted as a part of Governor Meskill's drug program. A bill that would establish in the courts of this state a closed circuit television network from the state toxicology laboratory to both the superior and the circuit courts. The estimated cost of this is I believe \$250,000. We feel that it would be money well spent because in those cases where the defense attorney did wish to have testimony from one of the toxicologists it could be done by closed circuit television and thus even more eliminate the need for toxicologists trying to come to the various circuit and superior courts in this state. I think the Judiciary Committee is well advised to take this bill under serious consideration and give it a favorable report at an early date so that we might reduce the log jam that now exists. We would also hope that these

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WEDNESDAY JUDICIARY COMMITTEE FEBRUARY 24, 1971

Rep. Stevens: (cont'd) bills on admission into evidence would be effective upon passage. We would not have to wait until October 1st, 1971 to put them into effect.

Rep. Bingham: Representative Stevens, will you come back and speak to us on the remainder of the Governor's drug proposals when they are printed?

Rep. Stevens: We have 12 bills before the Committee on the general subject of drug control which are part of the Governor's package. They were not printed for today, so I do not have a printed statement on them. But I would hope to discuss these. They deal with penalties for those who sell and other various bills relating to drug enforcement in our state.

Sen. Jackson: Thank you. Lieutenant Campbell.

Lt. Campbell: I'm Lieutenant Fred Campbell. I'm from the Fairfield Police Department and I'm the head of our Legislative Committee of the State Narcotics Enforcement Officers Association. I wasn't quite prepared for all of these so quick. It's so early, I thought we'd have all kinds of Legislators making comments about these. I would like to ...

Sen. Jackson: This is why we have them speak a half hour before the...

Lt. Campbell: I'm delighted. I would just like to make a few brief comments on some of these proposed changes and new legislation. I'll take them the way I have them in my hand here.

We certainly support this change so that the report of the state toxicologist will be available through certified copy. We'll support all five of the bills that I've seen and I just spoke to Mr. Gormley. He has some suggestions which we also support. I won't comment until he does but we support it as it is here. We have presently circumvented the state toxicology lab. undercover narcotics squad uses the federal laboratory. The state laboratory was behind roughly 8 months. We found that we were losing cases because of it so we circumvented it. We went to the federal people. They've been most helpful.

Erasure for first convictions of possession of cannabis-type drugs.

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WEDNESDAY

JUDICIARY COMMITTEE

FEBRUARY 24, 1971

Sen. Jackson: Thank you. Joseph Gormley to be followed by Eric Neisser.

Mr. Gormley: Mr. Chairman, my name is Joseph T. Gormley, Jr., I'm State's Attorney from Fairfield County.

Mr. Chairman, there are several bills that I want to comment on briefly, then, I have some lengthy remarks with reference to the overall sentencing of narcotics addict or narcotics sale cases. All of your bills having to do with the state toxicology department and authorizing the admission of the reports into evidence, obviously, we would support.

S.B.#413 - AN ACT CONCERNING ACCEPTANCE OF RECORDS OF ANALYSES BY THE STATE TOXICOLOGY LABORATORY AS LEGAL EVIDENCE.

H.B.#5372 - AN ACT CONCERNING TOXICOLOGY REPORTS.

H.B.#5410 - AN ACT CONCERNING INTRODUCING THE REPORTS OF STATE TOXICOLOGISTS INTO EVIDENCE.

H.B.#6024 - AN ACT CONCERNING ACCEPTANCE OF RECORDS OF ANALYSES BY THE STATE TOXICOLOGICAL LABORATORY AS LEGAL EVIDENCE.

H.B.#6031 - AN ACT CONCERNING THE USE OF SIGNED STATEMENTS BY GOVERNMENT CHEMISTS REGARDING DRUG ANALYSIS AS EVIDENCE IN COURT.

H.B.#6655 - AN ACT CONCERNING INTRODUCING THE REPORTS OF STATE TOXICOLOGISTS INTO EVIDENCE.