

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-16		621	3	2	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li>Judiciary 286</li> <li>Judiciary 243-244</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>799-800</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>471</li> </ul>

**H-109**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 2  
449-973**

Thursday, March 18, 1971

5.

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THE CLERK:

Change of Reference Report Joint Standing Committee on Government Administration and Policy. Senate Bill 956. AN ACT PROVIDING THAT NON-PROFESSIONAL EMPLOYEES OF BOARDS OF EDUCATION WILL BE COVERED BY UNEMPLOYMENT COMPENSATION AS MUNICIPAL EMPLOYEES. Reference to Labor.

THE SPEAKER:

So ordered.

THE CLERK:

Change of Reference Report Joint Standing Committee on Government Administration and Policy. Senate Bill No. 1047. AN ACT CONCERNING THE ESTABLISHMENT OF A REAL ESTATE APPRAISAL COMMISSION AND LICENSING OF REAL ESTATE APPRAISERS. Reference to Insurance.

THE SPEAKER:

So ordered.

THE CLERK:

BUSINESS ON THE CALENDAR for Thursday, March 18, 1971. Page 1, the Consent Calendar.

THE SPEAKER:

Representative Mahaney of the 92nd.

MR. MAHANEY: (92nd)

Mr. Speaker, at this time I would like to move, pursuant to Rule 48 for adoption of the matters on the Consent Calendar. Today there is only one matter on and that's on Page 1, Cal. No. 109, Senate Bill No. 621. AN ACT CONCERNING THE PENALTY FOR ESCAPE FROM CUSTODY.

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File No. 42. At this time I would like to move for acceptance of the Joint Committee's favorable report and passage of this bill.

THE SPEAKER:

Is there objection to the motion. If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bill. All those in favor indicate by saying AYE. Those opposed.

The bill is PASSED.

THE SPEAKER:

Representative Mahaney.

MR. MAHANEY: (92nd)

Mr. Speaker, at this time, I would now like to again pursuant to Rule 48 move that a number of matters be placed on the Consent Calendar.

I am referring first to Page 3. Cal. No. 103, House Bill No. 5154. AN ACT CONCERNING THE STATE GRANT IN LIEU OF TAXES TO THE FIRE DISTRICT OF WAREHOUSE POINT. File No. 89.

Cal. No. 110, Substitute for House Bill No. 5039. AN ACT CONCERNING REPORTS OF TAX COLLECTORS. File No. 88.

Cal. No. 112, House Bill No. 5750. AN ACT CONCERNING SCHOOL REGISTERS. File No. 94.

Cal. No. 113, House Bill No. 5753. AN ACT CONCERNING ENUMERATION OF CHILDREN. File No. 95.

Cal. No. 114, House Bill No. 519, AN ACT CONCERNING A CONTRACT BETWEEN THE FLOOD AND EROSION CONTROL BOARD OF OLD SAYBROOK AND THE STATE OF CONNECTICUT. File No. 97.

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SENATE

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1-473

March 10, 1971

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CALENDAR NO. 31. File No. 42. Favorable report of the Joint Standing Committee on Judiciary. Senate Bill No. 621. An Act Concerning The Penalty for Escape from Custody.

SENATOR FAULISO:

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

THE CHAIR:

Will you remark?

SENATOR FAULISO:

Mr. President, the first part defines escape and actually an escape is an escape, that's what it says in Section A. In Section B, if a person in custody for Felony, the escape therefrom constitutes a felony. He's in custody for a misdemeanor, then the escape therefrom constitutes a misdemeanor. It is a good bill because in the past, there was some confusion that if a person were in custody whether or not he should be charged with a felony or misdemeanor, this sets forth clearly, what the legislature intends, namely what I've already outlined. I move for passage of the bill.

THE CHAIR:

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

THE CLERK:

Second item on Page one;

CALENDAR NO. 32 File No. 41. Favorable report of the Joint Standing Committee on Judiciary. Substitute Senate Bill No. 620. An Act Providing Flexibility to the Commissioner of Correction in Responding to Writs of

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JUDICIARY COMMITTEE

FEBRUARY 23, 1971

Mr. Manson: Sorry. Providing Flexibility to the Commissioner of Correction in responding to Writs of Habeas Corpus.

S.B. #620 - AN ACT CONCERNING PROVIDING FLEXIBILITY TO THE COMMISSIONER OF CORRECTION IN RESPONDING TO WRITS OF HABEAS CORPUS.

In effect, what occurs now in many instances, we have situations in many of our correctional centers where we have an inmate who has to be brought to Court on a writ of habeas corpus. At the same time we have police departments but because of the way Section 7-135a is now written, we must send Correctional Officers to that same Court with perhaps one inmate while the Police Department is heading in that direction.

I must admit that we have received great co-operation from a majority of the Police Departments, I do not want to say we are breaking the law, but on occasion, they have carried - transported many of our inmates on writs of habeas corpus. All I am asking is that by nearly modifying this, whereby we are asking that any Police Department that is willing to do so, may do so and cover the legal requirements of the situation. It is something that would save us considerable manpower and the custody factor would be identical.

I would also like to talk to S.B. #621.

S.B. #621 - AN ACT CONCERNING ESCAPE FROM CUSTODY: CLASSIFICATION.

At this point in time, what we are in effect saying to inmates, is if you choose to attempt to escape, do it when you are being transported one by one, by one Correctional Officer usually, to another institution, to a hospital, to Court, because the penalty is, you are exposed to a lesser penalty if you choose to escape under those circumstances.

We would ask under S.B. #621 that the penalty for escaping custody away from the walls from institutions and the penalty for escape from within the walls of an institution, be the same degree so we do not offer this kind of encouragement. Thank you.

Sen. Rimer: Senator Rimer from the 26th District. Commissioner, on a separate topic on this question of the abolishment of

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capital punishment, your predecessor in office, Commissioner McDuggal has testified prior occasions that he favors the concept of abolishing capital punishment in the State of Connecticut. I was wondering if you have formed an opinion in this area and if so, you wish to state what your opinion is?

Mr. Manson: I think we are basically traveling the same street. I have with me, Mr. Robert Brooks and Doctor Larry L. Albert who have worked very closely with the Committee in formulating a recommendation and I have asked them to speak on the subject. The answer to your question, though, is yes.

Sen. Jackson: Dr. Albert, Trumbull Huntington. Oh; I am sorry, I thought you had left.

Dr. Albert: My name is Doctor Lawrence L. Albert with the Connecticut Department of Corrections. The responsibility, I guess you know I am speaking on H.B. #5319.

H.B. #5319 - AN ACT ABOLISHING THE DEATH PENALTY.

The responsibilities of the Corrections Department are basically twofold. One of them is to protect the public by keeping a number of people who have shown by their actions that they do not belong in society or out of society. Our second responsibility is to return a number of men and women, and 95% to 97% do return from under our chair, to society in the kind of shape that allows them to stay out and also to make some kind of contribution. The above has been called rehabilitation.

The present administration has spoken in favor of rehabilitation as a goal of the Department of Corrections and also the past administration stated that was their goal in setting up the Department of Corrections. Our feeling is by executing even one person that we revert back to the most punitive of punishment which undermines in a very real way what our goals are - what the other 4,000 people for whom we are responsible.

So, society really is really not well served by executing anyone. In fact, the goals of the other people for whom we hope to rehabilitate, are severely undermined. The rest of the Corrections people around the country have generally been against capital punishment for many of the same reasons which I have just mentioned. Another reason, many institutional people around the country are against this, is because

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should not be a misdemeanor. This Bill would made it a felony and I believe this is about where it should be. The theory was that I believe behind the Penal Code Commission that other crimes related to rioting, would be the more serious things that would jack up the penalty that could be imposed upon a person. I feel that rioting itself is not a big thing in most cases.

Issuance of Search Warrants on S.B. #920. As it is now you need two credible affiants to sign the search warrants. This sometimes imposes a hardship on detective bureaus to supply two men to run over to see a judge and it is usually at a critical time. It is about time that we did eliminate one of the affiants - one should be completely satisfactory. I would be in favor of S.B. #920.

S.B. #811 - AN ACT TO PERMIT SEARCH WARRANTS FOR "MERE EVIDENCE."

I am in favor of permitting search warrants to obtain mere evidence. Lots of times crimes only have mere evidence that you can get and really use it against these people. As it is now, only certain things are applicable to search warrants and I believe that we need the mere evidence to accomplish some of our goals.

S.B. #621 - AN ACT CONCERNING ESCAPE FROM CUSTODY: CLASSIFICATION.

This just brings up from a Class D felony to a Class C felony when you are trying to escape on the way to a hospital or something. I believe that this is something that has become very common now and we need to take and be able to have something to charge these people with.

S.B. #498 - AN ACT CONCERNING A UNIFORM CRIME REPORTING SYSTEM.

On S.B. #489 or 498, which ever it might be - I have seen it two ways in the paper, on the uniform crime reporting system by the State Police. The police departments across the State are going to be required to submit quarterly reports. These are similar to what we are presently doing with the F.B.I. and most of us are so bogged down with paper work that I do not know if we can handle one more report. I just get kind of choaked up with reports. I handle it myself and it is kind of tough.