

<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 71-2		5086	0	16	30
			<u>Committee Pages:</u>	<u>House Pages:</u> • 339-354	<u>Senate Pages:</u> • 382-411

**H-108**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 1  
1-448**

Wednesday, February 17, 1971

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TEACHING SERVICE AT LAURELTON HALL. Report of the Committee is that the Bill be referred to the Committee on Public Personnel and Military Affairs.

MR. SPEAKER:

So ordered.

THE CLERK:

Change of Reference Report of the Joint Standing Committee on Public Health and Safety. Senate Bill No. 554. AN ACT CONCERNING INFORMAL AND VOLUNTARY ADMISSION OF DRUG DEPENDENT PERSONS. Report of the Committee is that this Bill be referred to the Committee on Judiciary.

MR. SPEAKER:

So ordered.

THE CLERK:

BUSINESS ON THE CALENDAR for Wednesday, February 17, 1971. Page 1 of the Calendar. Calendar No. 9. A favorable report Substitute for House Bill No. 5086. AN ACT CONCERNING SUSPENSION OF MOTOR VEHICLE LICENSES FOLLOWING CONVICTIONS FOR SPEEDING. This Bill is in your File No. 2.

JOHN A. CARROZZELLA:

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

MR. SPEAKER:

Question is on acceptance of the Joint Committee's favorable report and passage of the Bill. Will you remark.

JOHN A. CARROZZELLA:

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Mr. Speaker, the Bill before us today is designed to accomplish two purposes. On the one hand I think it will put an end to what your Committee feels is an arbitrary, harsh and unfair policy. And on the other hand it is one of a series of Bills that the Judiciary Committee will bring before you this Session to help eliminate the logjam that presently exists in the trial of criminal cases in the Circuit Court. I'm sure every Member here is well aware of the present state of the Law. Upon a first conviction for speeding, an individual's license is automatically suspended for a period of 30 days. Now, why is this arbitrary? Well, I think in order to examine why it is arbitrary we've got to look at two examples. Let's take the example of the driver who has been driving a motor vehicle for 10 years. In that period of time he's been convicted for drunken driving, been convicted for reckless driving, series of accidents, and on the particular night in question is traveling down the highway at 85 to 90 miles an hour. Picked up. Given a summons. Brought to Court. Convicted. Let's take another example. A man, 42 years driving experience, never been arrested in his life. No motor vehicle accidents. Never before a Court. He's a salesman. He needs his car for his living. On the particular day in question, he's traveling at a speed of 73 miles an hour. He's picked up, given a summons, convicted. Now, what happens in these two cases. They're extremes, but in both cases both men are fined by the Court. Probably the first case... he's given a little more fine. But both men are suspended for 30 days, without taking into account any of the circumstances that

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(1) surround his driving record; that (2) surround the facts of the particular day when he was picked up. I think it's obvious to everybody that this system is completely arbitrary. What the Bill here tries to do is take away the automatic arbitrary suspension and give that to the person where it belongs...to the Judge... to the Judge of our Courts who we call upon every day to make a decision in every criminal case. But when they make that decision, they take into account all of the facts of each particular case. They are not arbitrary. They must decide their case on its facts. But this policy treats everyone the same. Everyone convicted, regardless of circumstances, is suspended for 30 days. And I think if you read the Bill, the disgression gives the Judge the right to recommend suspension up to 30 days. So take a close case...a case where a fellow is going say 78. The Judge may feel he deserves some suspension, so he can recommend the suspension of 7, 10, 15 days. So the Bill goes a long way toward bringing us to what we all believe in...what Connecticut is committed to, I think... justice for all, not merely justice for a few. Now, Mr. Speaker, the other point that I would like to bring up is the fact that this Bill is a must if we are to eliminate the logjam that exists in the Circuit Court jury trials. I have statistics here which indicate for the fiscal year July 1, '69 to June 30, 1970, 57% of the total motor vehicle jury trials were speeding jury trials. And, of course, it's obvious why 57% were speeding trials, because each and every person arrested wants to get every opportunity to get every consideration so that he won't lose his license, and

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hopefully the jury may let him off. So almost every case, without exception, is claimed for a jury trial. Now, Mr. Speaker, I have here lists from the Circuit Court in Middletown. The jury docket for February 4th...50 cases were assigned. 19 speeding cases. That's 40%. Jury docket for February 9...50 cases assigned. 24 speeding trials. That's 50%. January 26...30 cases assigned. 24 speeding cases. That's 80%. Now, Mr. Speaker, I've talked to the Prosecutors throughout this State, and to a man they've told me, "If you want to help us dispose of these criminal cases, the one Bill that's a must is to do something about the arbitrary suspension of speeders' licenses on a first conviction. I would point out that the Bill before us does just that...on a first conviction. I would further point out that on a second conviction within a period of five years, automatic 30 days; third conviction, automatic 60 days; and each subsequent conviction, automatic six months. What we're trying to arrive at here is a just disposition, an equitable disposition for the first offender, who may have made a little mistake, but not quite enough to be suspended. Mr. Speaker, in conclusion, I'd like to read from an editorial that appeared recently in the NEW HAVEN REGISTER...if I can find it. It's entitled, "Ending a Dubious 15-Year Crackdown". The editorial goes on to say that "A 15-year old crackdown on speeders is on the verge of coming to a close under action taken by the General Assembly Judiciary Committee". It tells about the Bill, and then it says, "The Legislators (that's you and I) have simply come around to recognizing the reality of the situation. As a big stick against

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speeders, automatic suspensions have failed to make any appreciable inroads in reducing traffic fatalities." It goes on to say how speeding charges are reduced to avoid the suspension tactic. It goes on to say how the Courts are jammed because the claim for a trial list. And then this is important. It concludes by saying, "The circumstances in speed cases are not always alike. In some, the actions of the driver can pose a serious threat. In others, there may be no threat. It makes sense to let a Judge decide the severity of the penalty". This Bill makes sense, Mr. Speaker. I move its passage.

RICHARD A. DICE:

Mr. Speaker, pursuant to Rule 18, I'll leave the room during discussion and decision of this matter. Thank you.

MR. SPEAKER:

The gentleman has indicated that he is absenting himself in accordance with our Rules under Rule 18, which relates to whether or not a person has an interest in legislation pending before us. I won't ask of your interest, sir.

CARL R. AJELLO, JR.;

Mr. Speaker, I rise in support of the Bill, and I should hasten to point out that, to me at least, the Bill does not have any political significance, and that is not why I rise but...

MR. SPEAKER:

We await your words of wisdom.

CARL R. AJELLO, JR.:

Out of a long...I'll try to think of some then as I go

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along. Out of a long personal conviction, which perhaps the Speaker and I shared many night ago when we stood in this Chamber, much farther in the back then we now occupy our positions, at two o'clock in the morning, I think it was, and pounded on the table against this very principle, and in order to be consistent, I rise to support the Bill. I have an opposition in my own mind, as a matter of philosophy, to any kind of automatic penalties being in the Statutes for the very reason that the Chairman of the Judiciary has pointed out so well. They do not necessarily do justice, but they frequently work injustice, and all of us who have gone to Court and represented persons who have this kind of problem are familiar with many examples...the bakery truck driver with the many children comes to mind immediately, who goes a couple of miles an hour over the maximum speed limit, as a first offender loses his license equally with the man who is racing down the street at 95 miles an hour and perhaps causes an accident. This kind of a decision should be in the hands of the sentencing Judge, who knows all of the facts, and who can take appropriate action for the appropriate case. I also quite agree that the automatic suspension feature has not been a significant deterrent to speeding on the highways in our State, as witness the constant flood of arrests, and the accidents, and so forth, that occur despite this well-known penalty, and I say, for that reason, that I believe it's not a deterrent. And, finally, I feel that this would result, again as the Chairman of the Committee has said, in a significant lessening of the caseload, particularly in the Circuit Court as

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it's now constituted. The Court docket is completely clogged with speeding cases, which are claims for the jury trial list purely because of the automatic penalty which follows a conviction. Much of this is wasteful of the State's time and money, and again does not lend itself significantly to safety or to an orderly progress in our judiciary system. I hope that the Bill will pass.

MR. SPEAKER:

Further remarks.

RONALD A. SARASIN:

Mr. Speaker, I wish to join with the remarks of the distinguished Majority Leader and the distinguished Chairman of the Judiciary Committee in regard to the Bill that's before us in our file. I've had some connection with this Bill and am one of the co-sponsors, and some of the Members of the House will recall our efforts in the last Session to get similar legislation through the halls of this House, which, incidentally, were successful. We're talking about a situation wherein we see every day the harsh reality of an arbitrary license suspension. We're talking about a situation where we do have in the State of Connecticut considerable editorial support for our position, and that is to do away with the automatic aspect of this suspension. We're talking about a situation where we want to give to the Court, the body that exercises discretion in all other areas, this one more item of discretion...to enable the Judge in every case that comes before him for a first conviction to assess the penalty as he now assesses the fine. In a recent editorial in the HARTFORD TIMES, the

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newspaper said that Connecticut has a good highway safety record, but there is no particular reason to believe that the good record stems from a relatively bad law. I think there's no question, Mr. Speaker, that we do have problems on our highways, but that the affect of the problem is from the drunken driver basically and not from the driver who finds himself in the situation is a first conviction of speeding. The "big stick", as the NEW HAVEN REGISTER pointed out...thank you, Mr. Speaker. The worst of it, I think, is that we have allowed in our Courts the situation to exist that really breeds contempt for the law, and that is that the Courts themselves have created a fiction to avoid the harsh penalty of the speeding automatic suspension aspect. And the fiction, of course, is the penalty, or the change of charge to violating a State Traffic Commission sign. It's a very strange charge to come into a speeding case in the first place, and it came in only because the Courts realized that the harsh penalty, the automatic aspect, simply does not work, and it simply was not fair, and therefore a fiction was created. I would like to see this fiction disappear. I would like to see speeding charges be treated as speeding charges. And I think that this can be done if this Bill passes. And I hope that that's what's going to happen. It's obvious, Mr. Speaker, that the penalty, when it's automatic, does not always fit the crime. And that's where we're asking on a first conviction for the Court to be allowed to exercise the disgression in this area as the Court does in every other area. Thank you very much, Mr. Speaker.

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VICTOR TUDAN:

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Mr. Speaker, I may be a strange type of individual to get up and speak in support of this particular piece of legislation, but I certainly adhere to it. As Rep. Sarasin mentioned something about the last Session, I can recall...some of you folks might recall...Rep. Stone, from South Windsor, quite a few years ago had promoted and supported legislation of this type. I always have. Course I'm a Representative that's getting up asking for mandatory convictions for people driving under suspension on second offense. And that Bill is still in, and as you folks know, it came out of the House with your approval and died upstairs. We'll come back again with it. But, Mr. Speaker, I just can't help but feel as the Chairman of the Committee, as the Majority Leader, and as Mr. Sarasin referred to, that there are situations whereby people have been driving for years, and under a particular situation these people are picked up. We're not about to nail these people to the cross and do damage to them. I know of many individuals...certainly I'm sure that many of these Legislators as well...people in their communities that have driven for years, and years, and years, and because of a particular circumstance, suddenly these people are under suspension. We can recall Governor Ribicoff with his program, and it was effective. Certainly at the time it was rather timely. But it sort of wore itself out, and to the point that it's just not effective anymore, and without going into further details on this, I'd like to say once again that I support this legislation.

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ALBERT W. CRETALLA, JR.:

Mr. Speaker, I rise in support of this Bill, and without intending to repeat the wise and well-chosen words of the Chairman of the Judiciary Committee, I would add that over the years Connecticut has seen, through the efforts of that Committee and this House, a judiciary on the bench of this State that I think we can all be proud of. And I say that we should not take away the discretionary powers that we have granted to them in many more serious matters and relegate them to a Commissioner sitting miles away from the facts, miles away from the accused, and I therefore strongly urge that this Bill be adopted by this House.

PETER W. GILLIES:

Mr. Speaker, I rise, also, in support of this Bill. I think that most of the things that need to be said have been said, so I will be very brief. I'd simply point out, as a former Prosecutor in the Circuit Courts, I am aware of the situation which exists when the Prosecutor receives a speeding offense for which he has the greatest of sympathy, for which he would like to be able to do something simply because the person has had a long and enviable record of driving safety, and because of some brief inadvertent inattention, he has been clocked beyond the absolute limit, the Prosecutor is powerless to do anything, and the Court, in like manner, is powerless to make any recommendations of any kind. I think the recommendations belong in the Court in the hands of the Prosecutor, and finally in the hands of the Judge, who will mete out the appropriate sentence. I urge support of

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this Bill.

J. BRIAN GAFFNEY:

Mr. Speaker, I rise in favor of this Bill, and I would ask for a roll call.

MR. SPEAKER:

Question is on a roll call vote. All those in favor indicate by saying "aye". More than 20% having called for it, a roll call will be ordered. Rep. Gaffney, do you wish to be recognized further?

THOMAS M. KABLICK:

Mr. Speaker, I rise in support also. I will not reiterate the thought that have been expressed. I'll say, however, that in addition to the doing away with the fiction that now exists, this Bill will also do away with the, I think, tragic situation where occasionally someone will go to Court and plead guilty when he need not, had he had larger resources or more knowledge, and this will do away with that particular hardship, Mr. Speaker.

MR. SPEAKER:

Will you remark further before I announce the immediate roll call. Will the Members stand at ease while we await the arrival of some of our fellow Members. The Members be seated. Will the aisles be cleared. For those Members returning to the Chamber the question is the Bill which appears on your Calendar today double-starred, the Bill relating to change in the law which would allow a Judge to determine whether or not a first offender

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for speeding would lose his license. The Chairman of the Committee on Judiciary, Rep. Carrozzella, has moved its passage. Some nine or ten Members have spoken on the Bill. Will you remark further. If not, I see a few more Members coming in. Are there announcements in this brief period of time.

CARL R. AJELLO, JR.:

Although somewhat shaken by the insurrection that appears to be afoot here with our staff challenging us to play basketball, in a formal written invitation, I'd like to make two announcements while this tremendous throng is gathered. There will be a caucus of the Democratic Members of the House tomorrow afternoon at 12:30. That's before the session, in Room 4 $\frac{1}{2}$ . Also, following the Session, there will be a meeting of the Committee Chairmen, Vice Chairmen and Clerks in that same room, Room 4 $\frac{1}{2}$ . So that's a caucus in 4 $\frac{1}{2}$  before the Session, and a meeting of Chairmen, Vice Chairmen and Clerks immediately following adjournment tomorrow.

MR. SPEAKER:

Does the Minority Leader have any announcements he'd like to make at this time. If not, will you remark further on the Bill. Rep. Carrozzella speaking for the second time.

JOHN A. CARROZZELLA:

Just for an announcement, Mr. Speaker. There'll be an important executive session immediately at adjournment. We're going to take up some judicial nominations.

MR. SPEAKER:

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Are there any more Judges who wish to be heard from?

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ALBERT PROVENZANO:

Mr. Speaker, for the purpose of making an announcement, there will be an executive session of the Liquor Control Committee in Room 417 following adjournment.

MR. SPEAKER:

Will you remark further. If not, will the Members be seated. Will the aisles be cleared. Machine will be opened. Has every Member voted.

RUTH O. TRUEX:

(inaudible)

MR. SPEAKER:

Will you check your roll call device down there. We've done some work down there, and hopefully you should be able to record it. How do you wish to be recorded?

RUTH O. TRUEX:

Yes.

MR. SPEAKER:

I'd ask the Members to check the board. Frequently, following a Session like yesterday when there are all types of electronic equipment plugged into our system, we find some difficulties of a sort. May I ask that you check the board and that your vote is recorded in the fashion that you wish. The machine will be locked. Clerk will take a tally.

SIDNEY M. SHERER:

Mr. Speaker, I would like to say that my vote has not been recorded on the board. It's not working.

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Mr. Speaker:

Rep. Sherer from the 159th. How do you wish to be recorded.

SIDNEY M. SHERER:

I wish to vote "yes".

MR. SPEAKER:

The Clerks please indicate that Rep. Truex and Rep. Sherer indicating that the machine is not properly recording, in their particular instances wish to be recorded as voting "yes". Clerk will announce the tally. House will stand at ease. I'll recognize the gentleman from the 94th. Will the Members please stay until the vote is announced. Rep. Avcollie from the 94th.

BERNARD L. AVCOLLIE:

I understand I can express my vote prior to announcement.

Is that correct, sir?

MR. SPEAKER:

That is correct. Our rules provide until the vote is announced that you may cast your vote. How do you wish to be recorded?

BERNARD L. AVCOLLIE:

With the green. In favor.

MR. SPEAKER:

House will stand at ease. Will the Members please stay so that we're sure that the count is a correct one. The Clerk will announce the tally. Will you please give your attention to the Clerk.

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THE CLERK:

Total number voting 152. Necessary for passage 77.  
Those voting "yea" 150; "nay" 2; absent and not voting 25.

THE SPEAKER:

Bill is passed. For what purpose does the gentleman rise?

GEORGE V. CONNORS:

I voted "yes". I was registered then it disappeared.

MR. SPEAKER:

Is there any objection under the rules to allowing Rep. Connors to reappear.

GEORGE V. CONNORS:

It was up there, Mr. Chairman.

MR. SPEAKER:

How would you like the Journal to indicate your vote?

GEORGE V. CONNORS:

"Yes".

MR. SPEAKER:

So ordered, without objection. For what purpose does the gentleman rise?

UNIDENTIFIED REPRESENTATIVE:

Mr. Speaker, point of personal privilege. On behalf of the s.o.b. sub-Committee from the '69 Session, we thank you.

MR. SPEAKER:

There's further business on the Clerk's desk. Clerk would like to announce for purposes of the electronic equipment a

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a corrected tally.

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THE CLERK:

The corrected tally for House Bill No. 5086. Total number voting 153. Necessary for passage 77. Those voting "yea" 151; "nay" 2; absent and not voting 24.

MR. SPEAKER:

Bill is passed. Further business on the Clerk's desk.

THE CLERK:

Resolutions. <sup>#25</sup> House Resolution extending condolences on the death of Herbert J. Garilli, introduced by Mr. Leary of the 43rd.

WILLIAM C. LEARY:

Thank you, Mr. Speaker. Will the Clerk please read the Resolution.

MR. SPEAKER:

Clerk will read the Resolution.

THE CLERK:

Whereas the Assembly has learned with regret of the death of Herbert J. Garilli, now therefore be it resolved that the Members of this Assembly unite in expressing their sympathy to the family. Be it further resolved that the Clerk of the House cause a copy of this Resolution to be sent to his family.

WILLIAM C. LEARY:

Mr. Speaker, Mr. Garilli was a beloved resident of Windsor Locks. He was very active in veterans' affairs. As a matter of fact, he was one of the founders of our V.F.W. post in

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THE CLERK:

Change of Reference before Joint Standing Committee on Education on H.B. 7525 An Act Concerning The Display of the Connecticut State Flag in Schoolrooms and On Schoolhouse Grounds.

THE CHAIR:

Government Administration and Policy.

THE CLERK:

The Clerk is ready to go to business on the Calendar. Will you please turn your calendars to page 1. The first item that is doubled stated. Calendar No. 17, File No. 2. Favorable Report, Substitute for H.B. 5086, An Act Concerning Suspension of Motor Vehicle Licenses Following Convictions For Speeding. Favorable Report of the Committee on Judiciary. The Clerk has an Amendment.

THE CHAIR:

Senator Caldwell will you move the adoption of the Bill.

I'm sorry I didn't see him rise. Senator Jackson.

SENATOR JACKSON:

Sr. President I move acceptance of the Joint Committees Favorable Report and passage of the Bill.

THE CLERK:

The Clerk has an Amendment. This is Amendment Schedule A. as offered by Senator Ives.

THE CHAIR:

Senator Ives.

SENATOR IVES:

Mr. President, will the Clerk please read the Amendment?

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THE CLERK:

In Section 2, line 17. Delete the first word Thirty and insert Sixty in lieu thereof. In Section 2, line 17, delete the third word from the end Sixty and insert Ninety in lieu thereof.

THE CHAIR:

Senator Ives.

SENATOR IVES:

Mr. President I move the adoption of the Amendment.

THE CHAIR:

The question is on the adoption of the Amendment. Will you remark?

SENATOR IVES:

Mr. President, prior to the adoption of the present Motor Vehicle Commissioner's regulations, Connecticut was in the position of having a safety record that was not one to be proud of.

When the Motor Vehicle Commissioner's regulations which are in effect today were adopted, Connecticut witnessed a dramatic improvement in its traffic safety record both in a reduction in the number of deaths and the number of personal injuries. True, since that time there has been an increase each year in both deaths and personal injuries. But all during this time Connecticut has placed either first or second on a national basis in the record of safety in this country. The bill in the file without the Amendment in my opinion is a step backward. And while I am willing to take the first step backward on the first offense. I cannot see any justification for taking two and three steps backwards and allowing the second and third offender a

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reduction over the present regulation and law. Our present law provides for a sixty day suspension on the second offense. And in effect a ninety day suspension on the third or more offense. And the bill in the file cuts this back. A step backwards that I don't think that we can justify to the public of this state.

I will agree that the public in general wants a break on the first offense. But I have heard no one say they want to be lenient for the multiple offender. All the Amendment does is restore to the present law, the same offense as we are now operating under for the second and third offender. I think that we have to say to the driving public, you can have your first chance. But if you break the law twice or more you are going to suffer the consequences. And throughout the Eastern seaboard, Connecticut is known as a tough state on speeders. We should keep this reputation and pass the Amendment.

THE CHAIR:

The question is on the adoption of the Amendment, will you remark?  
Senator Jackson.

SENATOR JACKSON:

Mr. President, I rise in opposition to the Amendment. The Judiciary Committee considered all of the circumstances which have been brought out by the distinguished Minority Leader. However, I have to take strong disagreement with him with the fact that this bill marks a step backward. It does not. In my estimation, it strengthens our existing law. And I might add that we do not have a law. We are operating under Administrative Regulations and this Body has never acted. I would like to point out and tell you why we are strengthening the law.

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At the present time because of the unrealistic situation where no consideration whatsoever is given to the type of the offense and what caused it. You have a situation where 48% of all speeding arrests are changed to S.T.C. That's State Traffic Control sign. Now what does this mean. Forty-eight percent of every speeding case that has come to the state of Connecticut and this is the fiscal year that ended last June 30th, is changed to S.T.C. A plea of Guilty to S.T.C. means that you are then given a fine, you have no suspension. A subsequent offense for speeding means you are not really a subsequent offender. Because you are a first offender for speeding. So what happens is you can be arrested for speeding any number of times under the present situation. Have your case reduced to S.T.C. and you will never come up as a subsequent offender. I believe that this law as it is written, I would like to reserve my comments until later, provides a toughening of our present situation. It will mean that you are going to be able to get at the subsequent offender. Because people are now going to plead guilty to a first offense speeding. If they are caught the second time they are automatically fall into the category of a second offender. And they will be treated as such. But I would strongly urge that this Amendment be rejected.

THE CHAIR:

Senator Fauliso.

SENATOR FAULISO:

Mr. President, I oppose the Amendment. And I wish to remind Senator Ives that this received the unanimous approval of the members of the Judiciary. Including members of his party. We gave due consideration to this particular amendment at that time. And periods of suspension which would increase the periods of suspension rather.

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I also am mindful that the House of Representatives voted overwhelmingly in favor of this Bill. Without any Amendment. I believe that there are only a few dissenters.

Now, Mr. President I would like to believe that the people of the Judiciary Committee are reasonable people. And those in the House of Representatives are equally capable, discerning, perceptive and mindful of our record of highway safety. Now is this Amendment is designed because it is more palliatable for another branch of government. Then I think it is wrong and I think its lacking in persuasion.

Having been in this profession for a long period of time. There are those who believe in punitive measures, but only if the ultimate purpose is to rehabilitate. Now the Amendment arbitrarily fixes 60 days as a second offender and 90 days thereafter. In all my experience, I fail to appreciate that an arbitrary extension from 30 to 60 days will make a better motorist or rehabilitate a motorist. Bearing in mind that this present law. This rule rather, because it is not a law actually. It is a law but it was a rule that was promulgated by Administrated Officer. Bearing in mind the many inequities and injustices that have resulted from that rule. Nobody talks about the fact that the present rule which we have been operating with is inflexible. It is cold, inconsiderate. That many times that people who are on a mission of mercy. And I use that particular example in the caucus yesterday. That many times that people rush because they want to go to a distant point because somebody is dying. It seems to me Mr. President that the loss of a license or the suspension of a license for a period of thirty days, to many people

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seems like an indefinite period. I don't believe that sixty or ninety days is going to make a better motorist. What will make a better motorist is a more reasonable law. Enforcement of the law that we have or will have, and I maintain, Mr. President, that we have had now a chance, a span of 15 years, to know all of the experiences. To know of all of the injustices. And I think that this bill that is being proposed ought to be adopted. And I will reserve my remarks on the bill proper on the merits of the bill when that is appropriate. But for the time being let me reiterate. This is an arbitrary figure, an arbitrary term of suspension. It certainly is not designed in the best interest of the people or the motoring public. To me, it seems like it is designed to make it more palatable for another branch of government. And I like to believe that when I make decisions in this circle, along with the other people that I make them best because it is best for the people of Connecticut. And I care less that another branch of government may differ with me because of some fixation. Or some motive that they may have. But it seems to me that I want to say that I am voting for this because I'd like to believe that it best. And those that vote in the Judiciary exercised prudence. And those who voted in the House of Representatives exercised wisdom. So that this further period seems to me as an arbitrary action and it does not seem reasonable or proper.

THE CHAIR:

Senator Eddy.

SENATOR EDDY:

Mr. President, I wish to start by answering the Senator from the First District. To say that his statement that this Amendment was designed to make more palatable for another branch of the government, is totally false.

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This is Senator Ives' Amendment. He's put no pressure on any of us or anyone as far as I know to vote for this or against this. Its his Amendment. He believes in it. The Governor has had nothing to do with it. And so this is a false allegation and it really should not have been made in this Body.

Now very briefly, speaking in favor of the Amendment I just wish to say that something has been done right in the state of Connecticut as far as traffic safety is concerned. Our reputation is born out both statistically and in the safety we feel in our highway. And I am aware that there are many other factors in our state which make it safe to drive in this state. We have good highways. We have a superb state police department. We have many other factors. But one of them is speed. And this law which is operated for ten years, has had something to do with what we are doing right in this state.

Now I think I can count votes as well as the next person. And I don't think this Amendment may pass. But I think its important for us to consider what we have in this state before we weaken it. And I think we will be weakening it. And I think that Senator Jackson has presented an indictment of our system of justice in this state, if he says that a law which passed has been totally circumvented by the Court. Thats a very serious indictment in my opinion of our existing system. So I merely say I am for this Amendment, for a very simple reason. That it appears that under our existing law, which make it tough on speeders, it has helped the safety of all of us. It may have worked individual hardships on some drivers who wished to speed. But it has made our highway safe and I am for this Amendment.

THE CHAIR:

Senator Rome.

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SENATOR ROME:

Mr. President, I rise to speak in opposition to the Amendment.

First I think that it is very important that we do point out that Senator Ives has clearly expressed an opinion based upon his experiences in his own background. And the question of his sincerity in expressing that opinion should be beyond question.

I respect his position. I respect his argument in behalf of his Amendment. I differ based upon my experiences and my background. Including my experiences in the Judiciary. And as a practicing attorney. There are a number of points that I could make and I would like to be brief.

First, and I think foremost we would like to make the laws in the state of Connecticut as reasonable. But also to apply as equally as is possible. We would like to make the laws consistent on paper with administrative procedures. We would like, as Senator Jackson has alluded to, to make administration follow our statutes. We think this will accomplish all of these. I think it is very clear that the public in Connecticut has recognized that what has been done by administrative procedures has been done because the juries, for the large part in Connecticut reflecting the will of the people of Connecticut, have in effect dictated that the charge of speeding which would bring about a loss of license on an automatic basis, on a first conviction was a harsh and unreasonable position. The administrator followed this mandate of the jury. We are now in a position that we have both this and other matters to consider before the judiciary and before this body. One of those matters, again influenced me in my direction on this vote. That is simply the matter that our courts are log jammed in the Circuit Court

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level. With an extraordinary number of traffic cases. This is one in a series of proposals that will come forth from the Judiciary that have been considered favorably by the Judiciary to break that log jam. This is one of a series of proposals that is designed to speed up, make more efficient and less arbitrary our Judicial system. An example, there is a bill being raised in the Committee that would provide for an extension of those payments which can be made through the violations bureau. Judge Daley, who spoke favorably to members of our Committee on this bill, he is the Chief Administrator of the Circuit Court indicated very clearly, that if this bill as designed has any effect, one of its first effects will be to greatly reduce the log jam in the Courts. Any one who is familiar with the speeding cases now, must be aware that at an almost automatic basis the first claim made in a speeding case is a claim for jury. This ties up the Clerk. It ties up the judges. It ties up the Police, including a radar team of two in the event that it is a radar case. And eventually the disposition is as we have suggested in this bill. By not taking away the license for a first offender speeder. I think for all of these reasons and so very many more that I could elaborate on, this is a double barreled attempt to push down the road and make more palatable clearer and definitive, a change in our judicial system regarding speeding. And finally, it is not speed alone that kills, it is not speed alone that is the problem on our highways. Our judiciary system is, judiciary committee has recognized this. And there are bills on drunk drivers. Bills on reckless driving. Some of which have already received joint favorable reports. Which do in effect make more burdensome and stringent the laws which we presently live by. We do intend to protect our highways from those who would abuse it. And I think that we are, with this step, moving down that road. Thank you.

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THE CHAIR:

The question is on the adoption of this Amendment. Will you remark further? Senator DuPont.

SENATOR DUPONT:

Mr. Chairman, I would just briefly like to remark. I question the logic of any law that makes anything happen automatically and imposes a mandatory penalty. I think that has been the problem with the existing situation with respect to the suspension of the motorists operators license as a result of a conviction of speeding. But with respect to the proposed amendment by Senator Ives, I oppose that proposal. Because I think the bill as it is in our files recognizes the great danger and the safety factors that are involved with regard to speed and it does provide for a 30 day suspension in the event of a second offense. And I feel this penalty is severe enough and strong enough. Especially coming from the area of the state that I come from. Which is the Northeastern area. There are no public means of transportation. And being without an operator's license is an extreme penalty for 30 days. And in many instances it means a man's livelihood, his job. I think this is quite a penalty for anyone to pay. Even for a second offender. And for those reasons I oppose the Amendment.

THE CHAIR:

Senator Buckley.

SENATOR BUCKLEY:

Mr. President. To clear up the record as I heard Senator Fauliso comments. He said this Amendment in his opinion or as he had heard was designed to make the bill more palatable to another branch of government. I hope I am

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going to clear up some of the remarks Senator Eddy made later. He defensively identified that branch of government as the Executive, by mentioning the title Governor. I took it to mean that Senator Fauliso was referring to the third branch of government, the Judicial.

THE CHAIR:

The question is on the adoption of the Amendment. Will you remark further? Senator Smith.

SENATOR SMITH:

Mr. President. I rise in support of the Amendment. I don't appear before this body naturally as a lawyer based on any kind of legal experience. But I do a lot of driving in this state. And as Senator Rome pointed out just a few moments ago. That we are going to be dealing with drunken driving. And that not only will this body be concerned with speeding, it is not speed alone that kills, but speed is precisely the issue that's before this body. Not drunken driving. And not any of the other reasons why many of our citizens are being killed on these highways around here. I know myself that in attempting to get to and from across other places across the state, that it pays to leave early enough so you won't have to speed. Now we have no mandatory, at the present time we have no mandatory inspection of our cars. Which really means that it doesn't make any difference whether you have a new car or an old one. That under the present circumstances, if you know a prosecutor. Or if you know someone you can get that charge changed from speeding to the so called S.T.C. Now that's where the problem is. And again we are not gonna talk about it here because we will have an opportunity some other time to deal with that issue. And that is taking away discretionary powers of

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some prosecutors, who change those charges. Particularly of those people who speed on our highway. So I do stand in support of the Amendment as is proposed.

THE CHAIR:

Will you remark further? Senator Petroni.

SENATOR PETRONI:

Mr. President, I rise in support of the Amendment. Since 1961 when I was a member of the House, I was a three term member of the Judiciary Committee when we considered this particular matter. Each time there was great sentiment for the change from the administrative edict that had been issued in 1959 to give a driver a chance. Or better yet to let the Judge decide on the first offense whether a driver would suffer the suspension of his license. And we lived with it. We had to. Cause it couldn't get anywhere. And I think its true. The majority of people in both the House and the Senate then, and of course I think the general public, felt that the Courts should have the determination to make based on the entire record of the driver before deciding that his license was suspended for 30 days. Now this bill in Section I corrects what I think was an inequity. It does that. And of course I support that. But listening to all these arguments in the circle today. I fail to see how when we get to the section that we are concerned with on the Amendment Section 2, when we increase that from 30 to 60, where the real probative are to oppose such a change. Where is it going to ever improve the safety record of this state by reducing it to 30 days. Its 60 days today. And I believe that the record of the Motor Vehicle Department will clearly show that those who are convicted the first time have a very excellent record from then on. I had the opportunity to go over this some time ago with one of the officials

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in that Department and the results are astounding. They are so good that its very hard to argue that it isn't a deterrent on the second time. And I think that we are covering that very well in the first section. That is the objection that the total record should be looked at by the Court or by the Judge. Rather than by an administrator automatically. But I fail to see and I haven't heard any arguments yet that convince me that that second section of the bill should be changed to 30 days. I know about jury claims. I happen to practice myself and it is true that the Courts are over worked with the claims for jury on speeding cases. But doesn't Section I of that bill correct that situation? I think it would. And of course there is a travesty as Senator Smith points out, when some people who happen maybe to know that the charge should be changed to violation of state traffic commission signs is more applicable in a given case, have an advantage because their license is not suspended. Certainly that's an inequity. And as someone will say, haven't you been also guilty of speeding. I don't think anyone who sits here can say they haven't exceeded the speed limits. But we are not changing the speeding law in this case, in any sense. And anyone that says we are isn't reading the bill. We still have the same speeding laws that we had before this bill was approved by the Judiciary Committee. And it's still a question of reasonable speeds and maximum speeds that we have. So I can't see where any of the arguments that I heard outside of this Chamber could convince me that 30 days on the Second Offense will make us a better state from the standpoint of safety. And therefore I think we should look at this in the objective sense of one, Section I of the bill covers the inequity, but Section II of the bill should remain in accordance with the Amendment and in accordance

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with what the law is today.

THE CHAIR:

Senator Rome, I will recognize Senator DeNardis first as he has not yet spoken. Senator DeNardis.

SENATOR DENARDIS:

Mr. President. The safety record that Senator Eddy and Senator Ives referred to should not belightly disregarded. However the law which has produced such a splendid record does indeed have an imperfection. The extraordinary punitiveness that it establishes for the first offense is too severe and has led to administrative circumvention as Senator Jackson has pointed out. The bill in the file I think, corrects this imperfection. But Senator Ives' Amendment holds the line on the second and subsequent offenses. Therefore, in my opinion, the bill as Amended achieves two important values. First of all it reduces the possibility of administrative haggling that can and does lead to some degree of wheeling and dealing. And perhaps to a degree of Administrative arbitrariness and capriciousness that does make a mockery out of the legislative intent of the basic law. And secondly, the bill in the file as amended retains some semblance of a law that has served the public safety of the people of the state of Connecticut very well over the years and for that reason I support the bill as amended.

THE CHAIR:

Senator Rome.

SENATOR ROME:

I would like to indirectly reply to you. And directly reply to Senator Petroni. I think that perhaps those of who have spoken in opposition

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to the Amendment have failed to make clear one point. That we are intending to make the law not less strigent, but more responsive, number one. And number two, and I think more important if our proposal is meaningful. Those persons who now speed on the highway, but speed less than the maximum limit at least, are going to find themselves by and large making their plea by mail and pleading Guilty to speeding. And they will be determined to be speeders under the existing law, and I fear if the amendment is passed these people will be so conscious of the second offense charge that they will not make such a plea. They will continue even if the bill with the Amendment is passed to clog our Courts and make inconsistent the penalty under our present and our planned speeding law. I think this is something that is very important. This is part of a design first to be fair and equitable. Secondly to expediate the business of these courts. And both of these reasons are very important.

THE CHAIR:

The question is on adoption of the Amendment. Will you remark further? Senator Ives.

SENATOR IVES:

Mr. President. From the opposition to this Amendment, I have heard some encouraging words. Primarily in the area that the Judiciary Committee is going to bring in other bills to help in the safety efforts. And I say this is commendable. But to make any safety program work. We need these bills that they are talking about. We need to look at the highway situation. We need to look at the automobile. And we need to keep the speeding law basically as it is. Because for real safety it has to be a total package. Not part of a package. And in bringing in these other bills if they are passed

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is a step forward. And I will repeat I think to reduce the offenses on the charges and suspensions for the multiple offenders is a step backward.

As for the argument that our Courts are jammed. To me this is the worse possible argument for reducing a law. If there is something wrong within our Courts lets change the Court system. Lets improve the Court system. Don't change the law to take care of a bad situation in our Courts. You could carry this to all kinds of extremes. You could do away with a speeding charge all together. And we would eliminate all 20 thousand cases a year. And this makes no sense. If there is a log jam in the Courts then provide a better system for handling them within the Courts. Don't reduce the law to take care of the Courts. And speed may not in itself be the only cause for accidents and deaths. But conversly so and all other cases of drunken driving, evading responsibility and in the speeding convictions speed is still a major factor. And I cannot help but reiterate that I don't object, as Senator Petroni says in taking a change in the first offense. We are saying to the public that on the first charge, we will look at your record and if it is bad the Court may suspend. But not mandatorily. But we are saying once you have been burned lets have 60 days and 90 days and thats what the Amendment says.

THE CHAIR:

Will you remark further? Senator Rudolf.

SENATOR RUDOLF:

Mr. President, members of the Senate. Many of you lawyers sitting here today know what the bill reads as far as the Judiciary is concerned. I would like to briefly remark on how the parents of many of our teenage drivers are concerned today. And they are simply saying to all of us. Please don't

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relax the laws. As one parent said, my child violated the rules and that child must learn. To hear Senators stand on the floor today and say that we are relaxing the law. We are going to provide an opportunity. We are going to give them a second chance. I think is a little bit careless. Now our record has shown, over the past ten years, that we display in Connecticut a fine record. Oh sure, the Governor was Ribicoff at the time. And I said in 1967 and I will continue to support our fine highway safety program. And to simply stand here today and to try to relax the laws in order to correct the inequities of our Court system is not quite fair to the people of Connecticut. And I think we should stand firm and provide the people of Connecticut with much more strigent laws, which with leadership, and try to protect the lives of the people of Connecticut. And not place them in danger. This is nothing more than an invitation to danger. And I ask the members of this circle to think seriously about supporting Senator Ives amendment.

THE CHAIR:

Will you remark further? Senator Odegard.

SENATOR ODEGARD:

I rise to endorse the Amendment most enthusiastically. I speak not as an attorney with the intimate knowledge of our Court system on a day to day basis, as many of the learned gentlemen have. I rise as a citizen who drives and one who God forbid understands he may at some time cause an accident or be involved in an accident caused by another. Perhaps in either case thru speeding. An an individual member of this Senate whose brother was killed in a highway accident. Not so awfully long ago. In spite of those things I will support the first section of the proposed legislation and speak to that

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probably after this Amendment is disposed of. Now 60 days is severe. And it may logically be argued that 60 days is far more severe or far more than twice as severe as a 30 day sentence, suspension would be. At the same time. To my mind a second offender has been warned. He has been adequately warned. He has been warned in a concise and a logical manner. He has been warned in a most definitive manner and to my way of thinking, society should come down on him with a 60 day suspension, on a second offense. Now I am sure that the Judiciary Committee did exercise prudence as has been referred to. I am sure the House did. I would just say in support of this Amendment that let the Senate exercise its own prudent judgment. And I would appeal for passage of the Amendment. Thank you.

THE CHAIR:

Senator Caldwell, did you wish to be recognized before?

SENATOR CALDWELL:

Yes. Just very briefly. I think I have finally made up my mind what I am going to do. I think I am going to vote against the Amendment. I think this is a question not of a step backward. I think Senator Ives made an unfortunate choice of words. I think that if he truly believed that the original bill were a step backward he would be opposed to it. And I gather from the remarks that he is not going to be.

I just can't see anybody driving down the highway, saying to himself, I better not speed because I'll lose my license for sixty days. Nor can I see someone speeding down the highway saying well I guess I might as well speed, I'm only going to lose it for 30 days. I think the basic factor you have to determine each and every one of here has to determine, is whether or not the mandatory suspension is fair or unfair. I think the Amendment does

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very little to the bill. I think its rather insignificant. I think the basic decision that each and every one of us here has to make is whether or not the original bill is a step in the right direction. I believe that it is.

THE CHAIR:

Senator Ives asked to be recognized before you Senator Rudolf.

SENATOR IVES:

I am not speaking Mr. President. I simply want to move that when the vote be taken it be taken by roll call.

THE CHAIR:

Senator Rudolf.

SENATOR RUDOLF:

Mr. President I just want to say that in my travels and I am sure that in most of your travels you have heard this as common knowledge from many of your friends in other states. That when they reach Connecticut, they know they have to slow down. And I think it is a helpful means of preventing the people from other states, who come in here feeling that they can travel at any rate of speed that they want, knowing that if they do, if they are caught in the state of Connecticut there is a good chance of losing their license. Especially in the case of reciprocity. Yes it does serve a definite purpose.

THE CHAIR:

Will you remark further? If not, a roll call has been moved. All those in favor of a roll call vote signify their intentions by saying aye. AYE. Opposed nay. More than 20% have voted for a roll call. A roll call vote is ordered in the Senate.

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THE CHAIR:

The question is on adoption of the Amendment. Make the announcement for a roll call vote.

THE CLERK:

A roll call vote has been ordered in the Senate. Will all the Senators please return to the chamber. A roll call has been ordered in the Senate. Will all the Senators please return to the chamber.

THE CHAIR:

Mr. Coles, will you just check briefly, Senator Crafts may be talking to a constituent. And we will proceed in about thirty seconds whether he is located or not. Yes, Senator Buckley.

SENATOR BUCKLEY:

Mr. President, Senator Crafts has gone to the Governor's office with his guests having a picture taken.

THE CHAIR:

I think we will proceed with the vote. Thank you for your courtesy, Senator Buckley.

Let us proceed with the vote.

The following is the Yea and Nay votes:

Whole number voting 35

Necessary for passage 18

Those voting Yea 12

Those voting Nay 23

Those absent and not voting 1

The Amendment is defeated. The question is on passage of the Bill. Will you remark? Senator Jackson.

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SENATOR JACKSON:

I move acceptance of the Judiciary Committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark?

SENATOR JACKSON:

Mr. President, as I remarked earlier the subject bill 5086 simply tries to put into law the legislature's present intention. At the present time you will note that we have no law as such. This body has never acted on what is known as the Administrative Regulations of the Motor Vehicle Department. Legislative sanction has never been given to the practice of the Motor Vehicle Department of automatically suspending licenses for 30 days regardless of any consideration as to speed or to other considerations. As Senator Fauliso remarked errands of mercy are not taken into consideration. Someone on the way to the hospital. Someone who is convicted of speeding at 50 miles an hour in a 45 mile an hour zone, also lose their license for 30 days. In the same manner as someone who is going in excess of 100 miles an hour. None of these factors are considered by the Motor Vehicle Department. Their computer thinking treats all alike. And the purpose of the instant bill is to restore to our judges the power to make the decision whether a license should be suspended or a conviction for speeding. During the debate on the Amendment I don't think anyone really pointed out the fact that every single speeder who is convicted is still subject to the loss of his license. We are not relaxing this in any way whatsoever. The judge in his discretion can still recommend to the Motor Vehicle Department that a license be suspended

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and under the bill as it is written, the Motor Vehicle will so suspend.

Comments have been made about inditements of our Court system. Well again I have to take strong exception to these comments. The reason that 48% of the speeding have been reduced to S.T.C. is because the constituents of the 9th District, the constituents of the 5th District when they are serving as jurors refuse to convict. And the prosecutors know very well that if you are on 91 or 84, that from experience the juries will simply not convict if your under 72 miles an hour. So from a practical point of view if you cannot get a conviction, the prosecutor's I think are doing the citizens of the state of Connecticut a service. And the taxpayers of the state a service by reducing to S.T.C. under the present situation. If you don't have a law which is fair, your going to have a law which is violated and which is going to break down. And this is really what has happened under our present situation. In addition to reducing 48% of all cases to S.T.C. 57% of every jury trial in the Circuit Court involves speeding. The state of New Jersey had a situation whereby administration regulation licenses were suspended automatically for many years. They have recently abolished this regulation. And we have been in contact with the Motor Vehicle Department people in New Jersey, and they have indicated that since the abolition in September of 1970 there has been no marked increase in traffic accidents. And they are of the opinion that it does not affect traffic safety to have the automatic suspension. I think we have the safeguard here for the young child or the teenager who is speeding. The Judge is still going to be able to suspend his license for 30 days.

Now, I believe, as I pointed out on the arguments on the Amendment,

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we are toughening our law. We are toughening it up so that it is going, you are going to have repeaters. You are going to have second offenders who are going to be taken care of automatically. And these second offenders may have already lost their license at the Judges discretion on their first offense.

Our major aim, as has also been pointed out is to improve conditions on our highway. The Judiciary Committee during this session is going to be reporting out many bills which are going to improve in my opinion, traffic safety. And I think that we are going to have to face up to the fact that in addition to traffic safety, we have an obligation to try to clear up the congestion in our Courts. And when we have an unworkable law, which is unworkable because it is unreasonable, we have an obligation to the people to correct it. And I would ask consideration of the bill, as reported out by the Judiciary Committee. Because we want to take responsible steps to help reduce not only Court congestion, but also most important, we want to provide stronger laws to provide greater safety on the highway.

And Mr. President I move that when the vote be taken it be taken by roll call vote.

THE CHAIR:

Senator Fauliso.

SENATOR FAULISO:

I was one of the supporters and originators of this bill. And as I indicated in the earlier argument we have had a chance to gain an experience of 15 years. Since 1956. I favor the bill because it irradiates all the injustices that spring from this present rule that's been in existence for 15 years. I favor it moreover because it best approximates due process. And I believe also there is a more controlling reason. A stronger reason.

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And that it removes the arbitrary power from the Commissioner of Motor Vehicles. I believe also that it provides for a better quality of justice. I believe it gives reassurance to our citizens. Who come to the Court Room in the bar of justice for the first time. And many times I have observed many citizens who have come into the Court Room and leave it with dismay and disallusionment. Not believing that the rule could be so inflexible. So cold. Many of these people have lost their jobs. And when I talk about due process, Mr. President, I am talking about the lack of opportunity under the old rule. And if we pass this particular law, it will be the old rule. Where a man doesn't have an opportunity to be heard. Where the Judge says I am sorry. But there's an automatic suspension. You have to go to your legislature to change this law. And then Mr. President, I think it is just. I think it is reasonable and I think it is consistent with democratic principal. And I thank God that we do have a Judicial system. The best that was ever devised by the minds of men. How many times I have employed those principals. In the trial of a case in the defense of a criminal case. Namely the presumption of innocense. Burden of proof. Proof beyond a reasonable doubt. Credability of witnesses. And what revelation and what disclosures when we try these cases. When we see the policemen come in and he says that I operated the Radar. Where did you operate it? Tucked away if you please. Around the curve. Tucked away off the roadway. Or over the summit. And I saw this plainly in an obvious view yesterday on I 84 in my own city. The radar unit in a cruiser, tucked away just over the hill. And what business they were making. I think they were giving out ice cream cones. But they were giving out these tickets. And bear in mind, Mr. President that this is instant

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speed. Not speed for an appreciable distance. Its speed which a motorist is caught unaware. These are the injustices that have arisen from this kind of law. What we are saying here today. That this kind of bill that we are presenting here before the Legislature, and giving to the people, is that the Judge can listen to these facts. That there was not fair play. That this was transcendently employed. And again we have seen instances when a man who operates the radar operates it improperly. Or he makes a wrong identification. Or the tape was improperly read. Or even in the case of the pursuit or the chase, he mixes up and confuses the follow up speed or chase speed with real speed. All of the revelations, all of these disclosures are revealed in the trial of the case. And this gives good argument why we want to pass this bill and this kind of law today. So that if there are weaknesses in the kind of laws that we passed we are willing to be humane.

Now Mr. President, above all let me say this. We have been dealing for years in the Legislatures of the state simply with the symptom. If you want to cure Cancer we must find the cause and sporadicate the cause. I think life is precious. I value human life. I think it is within the power of the Congress of the United States to tell the automobile industry, to tell the expensive lobby. This rich lobby made up of the automobile manufacturers. That we are going to stop this human carnage. This human slaughter on the highway and streets of our state. And we are going to do this by telling you to manufacture and to build automobiles with less power. Now we are getting at the real cause. So that what we have been dealing here, Mr. President is with the symptom. And I say to you Mr. President, that we are doing the very best we can. We are giving to the people a human law. A kind law. A considerate law. And one which gives the power to the Judge who sits on that

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case. Who may say, well you have gone at an unconscionable speed in this case I am going to recommend suspension. That power is still in the hands of the Judge. Which was never the case under the old rule. Or the rule that we are now abolishing by this particular bill.

I claim this is progress. And I am not making any indictment of any branch of Government. And I phrased that assumption that if it is, I said that we would be doing the wrong thing. There are two other branches. The Judicial and the Legislative branch. I speak only for myself as a legislator. I think that this bill is wholesome. It is good. It is a long time coming. It is reasonable and consistent with all the Democratic principles.

THE CHAIR:

Will you remark further? Senator Pac.

SENATOR PAC:

Mr. President, I oppose this bill. I oppose it in two areas. I think we must judge it in these two areas. By its affect on the dispensing of justice. And its affects on highway safety. I think that everyone knows that justice in order to be effective must be swift. It must be sure. And it must be evenly distributed.

It must be swift insofar as the time between arrest and arraignment is not too long. And by and large our present Statute on speeding makes this requirement. If there is any delay it is due to the defense, who for one reason or another wished to delay the proceedings. The claim has been made that increasingly the violators are asking for jury trials. And that this is congesting the Court Docket. If you look on page 9 of the Judicial Council report for 1970, you will see that there were 271,000 dispositions in the Circuit Court last year. 168,000 were motor vehicle related cases.

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102,000 were non-motor vehicle related cases. And of this sum total only 241 went to a jury trial. This is an infinitesimally small sum. And this compares with the 1969 of 250. A reduction of 9. And 266 in 1968. And 967 in 1967.

The second criterion for effective justices must be sure. That means the Statute must be well defined. There must be no ambiguity about it. There must be no loopholes. And this is the reason this bill is here before us. The fact is it is well defined. And because many of you here, you've held the impudence that comes from your inability to help a client in trouble. And I sympathize with you. So you feel constrained to help some client who is in trouble. You feel that it is a grave injustice. But I don't think it is any injustice. If anything it's an inconvenience. You know there is great romance between an American and his car is a powerful deterrent to a second offense. You know figures from the Motor Vehicle up to 1969 show that there were 161,000 violations in the last seven and a half years. And only 11% were second time offenders. And only 2% were third time offenders. This is an incredibly low rate of recidivism. Now if we had the same rate of recidivism in all our areas of crime we could close up our prison.

And the final yard stick to effective justice is it must be evenly distributed. There must be no socio economic distinction along these lines. And the present Statute fairly comes off along these lines. For this we would substitute the discretion of the Judge. And I'm not impugning our judges. I think we have one of the better Judicial systems in this country. But at the same time, can you imagine any prominent individual having his license suspended for first offense. I sincerely doubt it. We said right along that Connecticut ranks among the top two states in highway safety. And it does

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that for some reason. I've heard legislators laugh elegantly about the poor engineering in our highways. We must be doing something right.

And finally. We talk about bearing the burdon of proof. I think the burden is on those who are proposing this bill. They have to prove beyond a shadow of a doubt that this bill will really improve justice. That it will serve justice much better. And that it will not inhibit or any way compromise highway safety. I feel they have failed to sustain this charge. The thinking behind this bill is that if a penalty is too severe, it hurts, get rid of it. Well along these lines we may just as well get rid of all the penalties we have on our books. And at that point all we have to do is write in a new section on rehabilitation section.

Your Honor, I guess I rest my case. Thank you.

THE CHAIR:

I miss being your Honor too. Senator Cashman. However I'm available.

SENATOR CASHMAN:

Mr. President, I rise to support the bill. In my judgment this measure will do three things. It will make our courts less crowded. I believe at the least it will strengthen highway safety in Connecticut. And lastly, and very importantly I believe it will increase respect of the common man for our Court system. I during my campaign pledged to work for this legislation. And I am very happy that the Judiciary Committee has done such a good job on my behalf as well as in the behalf of all of the people of Connecticut.

As a non-lawyer I would like to compliment the Judiciary Committee for what I consider to be an excellent bill. And again as a non-lawyer I would like to point out that I believe this is not a lawyer's bill. Its a

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bill for the people. Thank you.

THE CHAIR:

Will you remark further? Senator Burke.

SENATOR BURKE:

I'm a little bit confused, Mr. President. One of the questions I would like to ask to the members of the Judiciary. If this bill is going to take any work away from the lawyers?

THE CHAIR:

Would you like to be recognized Senator Rome? To answer the question directly.

SENATOR ROME:

I'll answer that and I would like to make some remarks. I think that Senator Cashman hit it right on the head. This is not a lawyers bill. Obviously it is going to take work away from the lawyers.

SENATOR BURKE:

Then I'm in favor of it Mr. President. Let us do that right away.

THE CHAIR:

In my case being Lt. Governor does that quite well too. Senator Rome.

SENATOR ROME:

Mr. President I make two points. Number one the punishment ought always to fit the crime. And it does not presently it will under this bill. And Number two, I think that justice really requires that this bill be passed. And I think its the consensus of this Body. And I think that we have all spoke and I think the messages are clear. And the Senate is ready to reflect the mandate of the people and vote on this bill in the affirmative. Thank you.

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THE CHAIR:

Will you remark further on passage of the bill? Senator Buckley.

SENATOR BUCKLEY:

Mr. President, I support this bill. And if I were to give it a label I would call it the anti-hypocrisy bill. This bill removes all the hypocrisys that have grown up over a period of 10 or 15 years since the establishment of this rule. Which were designed to avoid the affect of the mandatory suspension. Senator Jackson mentioned a statistic which lends itself to my belief that this bill is the anti-hypocrisy bill. 48% of the speeding charges being changed to S.T.C. This speaks loudly in itself.

THE CHAIR:

Will you remark further? If not all those in favor of a roll call vote signify their intentions by saying aye. AYE. Opposed nay. More than 20% wish a roll call. A roll call vote is ordered in the Senate.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

I am sure you all understand the Amendment was defeated. The vote is now yes or no for passage of the Bill.

The question is on passage of H.B. 5086.

Total number voting 35

Necessary for passage 18

Those voting yes 32

Those voting nay 3