

<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 71-30		7660	2	3	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li><i>Judiciary 540-541</i></li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>697-699</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>712-713</li> </ul>

**H-109**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

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

Monday, March 15, 1971

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Resolution Commending Fire Chief Harold A. Shipery, the resolution is sponsored by Rep. Stroffolino.

MBS

Resolution Congratulating Vic Clements for achieving recognition as one of the outstanding football players in the nation. As sponsored by Rep. Della Vecchia and Clynes.

And Resolution Congratulating Weaver High School Team for Leading the Class to Championship of Connecticut. Joint Resolution offered by Rep. Klebanoff.

MR. SPEAKER:

I notice the gentleman from New Haven that perhaps you had a little difficulty with that resolution congratulating a Hartford team on winning a state championship. With that observation, is there any objection to placing these resolutions on the Consent Calendar with the understanding that they will be taken up without debate tomorrow. Hearing no objection so ordered, these items will appear on tomorrow's consent calendar.

ASST. CLERK:

Page 3 on your Calendar. Calendar No. 79, Sub. for H. B. No. 7660 An Act Concerning Negligent Homicide. Favorable report of the joint standing committee on Judiciary, file number 61.

JOHN A. CARROZZELLA, 81st District:

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage, will you remark?

JOHN A. CARROZZELLA, 81st District:

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Mr. Speaker, the bill before us is an example of the legislative process at its best, I think. The bill, as submitted, was entitled An Act Concerning the Extension of Negligent Homicide to Private Parking Areas. And it amended Sec. 14-21A. The committee considered the proposition and felt that it was a good proposition to be passed. Upon further investigation with the Legislative Commissioner's office we found that Section 53A-57 of the Criminal Code will go into effect October 1st. That is entitled Misconduct With a Motor Vehicle and really is a new negligent homicide statute, which statute is broad enough to include private parking areas. Upon further investigation we found that Section 14-21A had not been repealed and would thus have caused a conflict with the new 53A-57. As a result, the bill before us repeals 14-21A so as to avoid such conflict. I would like to commend the Legislative Commissioner's office for their alertness in bringing this to the committee's attention. It is a good bill and I hope it passes.

FRANCIS J. COLLINS, 165th District:

Mr. Speaker, having served with the distinguished chairman of the Judiciary Committee on the Commission to Revise Criminal Statutes, I'm rather surprised that anything of this nature escaped our attention. However, if you listen to the state's attorneys there are several matters that have apparently escaped our attention or that we pay too much attention to. But I certainly join in the comments of the Chairman of the Judiciary Committee and would indicate that if we again run into any

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other matters which those of us who worked on the Revision of the Criminal Codes did not repeal or did not take into consideration we certainly hope they will come up with such prompt and diligent attention. MBS

MR. SPEAKER:

Are there further remarks on behalf of Judge Testo? If not, all those in favor of the bill indicate by saying aye, those opposed? The bill is passed.

ASST. CLERK:

The Clerk has another favorable report. Favorable report of the joint standing committee on Education on H. B. No. 6543 An Act Concerning Grants for Motor Vehicle Operation and Highway Safety Courses in Private Schools.

MR. SPEAKER:

Tabled for the Calendar and printing.

ASST. CLERK:

There is no further business on the Clerk's desk?

MR. SPEAKER:

Are there announcements or introductions?

DONALD F. ESPOSITO, 168th District:

Mr. Speaker, point of personal privilege. We have with us today, Mr. Speaker, two gentlemen from Danbury, who came to watch us in motion, also one came to help me save my district with reapportionment. We have the Democratic Registrar of Voters George Smedel, sitting behind you, we have Peter Biset, the Democratic Town Chairman in Danbury and I'm sure if you

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GENERAL ASSEMBLY**

**SENATE**

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**474-956**

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SENATOR BURKE:

Well I'm bothered a little bit here. I was wondering if I could ask a question before the vote is announced?

THE CHAIR:

Well ask it and then I can tell whether you can ask it or not.

SENATOR BURKE:

Before the vote is announced, I wonder if I could move Mr. President to send this bill back to Committee. I really think its a very bad bill. For further consdieration.

THE CHAIR:

No you are out of order Senator. After the roll call has been ordered and the vote taken, no motions are acceptable.

The question is on passage of S.B. 1347,

Whole number voting 31  
Necessary for passage 16  
Those voting yea 22  
Those voting nay 9  
Those absent and not voting 5

The Bill is passed.

THE CLERK:

Continuing with the Calendar, Cal. No. 105 File No. 61, Favorable Report Joint Standing Committee on Judiciary Substitutite H.B. 7660, An Act Concerning Negligent Homicide.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

I move acceptance of the Joint Committee's Favorable Report and

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passage of the bill.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President this bill simply recinds Sec. 14-218 of the General Statutes. Two years ago when we passed the penal code in the repealer section it was inadvertently left out. So on Oct. 1, the new penal code will take effect and at the same time this will remain in effect until Oct. 1, this is Sec. 14-218. So I urge its passage.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage of the bill say aye. AYE. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

Turn to page 3 please. Bottom of the page Cal. No. 114, File no. 71 Favorable Report Joint Standing Committee on The Environment. Substitute H.B. 5605 An Act Concerning The Waterford-East Lyme Shellfish Commission.

THE CHAIR:

Senator Pac.

SENATOR PAC:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Will you remark?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY**

**PART 2  
393-688**

**1971**

CVS  
6.

TUESDAY

JUDICIARY COMMITTEE

MARCH 2, 1971

Rep. Holdsworth: (cont'd) 792. Licensee is entitled to notice and hearing before revocation of driver's license not withstanding statutes providing for investigation and administrative review. Department of Motor Vehicles cannot compel immediate surrender of driver's license on ground of having received information that for reasons of public safety licensee ought not to be permitted to drive. *Beamon vs Department of Motor Vehicles*,<sup>4</sup> California Reporter 396, 180.

California Appeal 2nd 200 - Suspension of license involves not punishment but protection of public.

In Rhode Island, under a former statute, the licensing officials were required to give the licensee a hearing before suspending or revoking his license. *Tanguy vs State Board of Public Eoads*, 125 Atlantic 293.

Further, in South Carolina, a court held the statute authorizing the highway department to suspend or revoke a motor vehicle driver's license for cause satisfactory to it is an unconstitutional delegation of legislative power. *South Carolina State Highway Department vs Harbin* 86 South Eastern 2nd 466.

In support of this bill my findings from a layman's view indicate that the Connecticut provision is arbitrary. To just revoke or suspend a license without a hearing in a given factual situation at the whim of the Department or members in the lower echelon can effect solid citizens of the State causing them economic hardship and embarrassment. I feel that under the present provision the Motor Vehicle Department is the judge, jury and prosecutor, which is strictly in violation of all of the principles established in the United States and does not evidence full due process of law. If a hearing were given in every case exclusive of the statutory mandate, inequities against good citizens would be eliminated and we would be affording due process of law to our people and in the American way. I recognize that the Commissioner, Deputy Commissioner and staff may not know of abuses because they are removed from the areas due to their positions.

Sen. Jackson: Thank you very much.

Rep. Holdsworth: Mr. Chairman, I also have another bill that I would like to speak on. It's H.B.#7660.

H.B.#7660 - AN ACT CONCERNING THE EXTENSION OF NEGLIGENT HOMICIDE TO PRIVATE PARKING AREAS.

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TUESDAY

JUDICIARY COMMITTEE

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Rep. Holdsworth: (cont'd) This is a strange situation where we have, do not have any statute which covers this particular situation. In the event of a fatality by a car in a parking area there is no statute, at the present time, covering it. Therefore, urgently requested that the, this bill receive early consideration and in order that the situation can be corrected.

Sen. Jackson: Thank you very much. Representative Bigos.

Rep. Bigos: Mr. Chairman, Members of the Committee: My name is Stanley Bigos, Representative for the 45th District. I wish to speak for and in behalf of H.B.#5659.

H.B.# 5659- AN ACT CONCERNING THE REMOVAL OF IGNITION KEYS FROM MOTOR VEHICLES.

It's a bill which deals with the removal of the ignition keys from motor vehicles. The bill provides for a \$5 penalty which is not very severe. A bill of this type has been considered in the past but for reasons unknown to me it has been turned down each time and I wish to bring it up again because I think it would in some respects help to reduce the number of accidents. Now the Motor Vehicle Department is in favor of it. Police Chiefs are in favor of it, FBI, insurance companies, banks and anyother law enforcement agency. I'd like to refer to the commercial which appears on T.V. and it goes something like this. Don't leave your keys in the car. Don't give a good kid a chance to go wrong. And that's pretty much what happens in most theft cases. The records show that 61% of all persons arrested for theft of automobiles were under 18 years of age and 16% under 15 years of age. The consequences that follow from the theft of car would become quite manifested. In many cases the children cannot drive the car. They're involved in accidents and get themselves into grief. It's like giving a young boy a key to get into a delinquent juvenile home.

Now, in Hartford the number of stolen cars is quite high. In 1969, there are 2500 cars stolen in the Hartford area; for the first 5 months of 1970, 819 cars were stolen in the city of Hartford. Stolen cars constitute in Hartford one of the highest sources of crime. Auto thefts constituting major law enforcement problems. So I say let's not make it easy to steal a car. Let's pass a bill of this type. It exempts certain vehicles, such as an ambulance, a municipally owned vehicle, vehicles owned by public utility and vehicles used in the delivery of personal property. We're trying to get past the, simply the pleasure cars and it would not apply to cars which are