

<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 71-318		9096	0	4	9
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>• 2363- 2366</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>• 1976- 1984</li> </ul>

**H-112**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 5  
1968-2502**

Monday, May 10, 1971

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MR. COLLINS (165th):

Yes, Mr. Speaker, I would certainly so move.

THE SPEAKER:

I would suggest that the gentleman from the 43rd, 81st and Col. Bingham confer and then we can return the item later in the Calendar. Will the Clerk call the next Calendar item?

THE CLERK:

Calendar No. 707, Substitute for H. B. No. 9096, An Act Concerning Evidence of Ten-Hundredths of One Per Cent or More of Alcohol by Weight as Prima Facie Evidence of Operating Under the Influence of Intoxicating Liquor.

MR. CARROZZELLA (81st):

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

THE SPEAKER:

Will you remark?

MR. CARROZZELLA (81st):

Mr. Speaker, I think we, here in the House, are all concerned with highway safety. The bill before us, I think, is an essential if we are to try and promote better highway safety for the residents of this state. Mr. Speaker the figures speak for themselves. In the State of Connecticut in the year 1970, 451 people were killed on our highways. In the United States, 55,300 people were killed on the highways of the United States. Research has shown that about fifty percent of those killed were killed where alcohol was involved and I think what is more even, what is even more tragic is the fact that many of those people killed in such accidents were the innocent victims of the drunken driver. Such pointless carnage of innocent citizens is deplorable. I

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think the time has come for this legislature to enact legislation that would remedy that situation. As the statutes now read, Mr. Speaker, a motorist is not presumed to be under the influence of intoxicating liquor until he has reached a blood alcoholic content of .15 by weight of alcohol in his blood. Now exactly what this .15 means. In order to reach an alcoholic level of .15, Mr. Speaker, a 150 lb. man would have to drink eight full ounces of 80 proof liquor within an hour on an empty stomach. Now, Mr. Speaker, that's not what you would call social drinking. In fact, I doubt that there are many persons in this Hall who could remaining standing after that. But that's what you need to have a prima facie case of driving under the influence in this state under present law.

The bill before us would remedy this situation. It would lower the presumptive evidence to .10. Our research has been conducted throughout the state to show that a person at .10 has impaired driving facilities. As you all know, the Judiciary Committee held an experiment, live, in our room upstairs just two or three weeks ago in which a member of this House volunteered his services to show how alcohol affects persons in so far as their driving abilities are concerned. And the individual I refer to reached a level of .06, not .10, .06 and his driving facility was impaired about 42%. There were others who participated which showed that when their blood alcohol level reached in excess of .10, their driving abilities had been seriously impaired. Now .10 is the level recommended by the Uniform Vehicle Code. It is the level that has been adopted by some 26 states and, Mr. Speaker, I submit it is the level which we, here in Connecticut, should adopt today.

In addition to lowering the blood alcohol content from .15 to .10, the bill does two other things that beef up our drunken driving statute: one,

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under present law, the only place you can be convicted of driving under the influence is on a public highway. The bill would extend that to parking lots where there is room to park more than ten cars. Now you know and I know that on such a parking lot in the shopping centers certainly a drunken driver is as big a menace if not more in that area than on the public highway.

Finally the bill does another thing relative to the minimum fine for the first offender. It raises the minimum fine from the present \$100 level to \$150 level and I think that in and of itself shows what the public policy of this legislature is in so far as a drunken driver is concerned. This bill, I submit, will go a long way toward reducing the senseless and bloody carnage on our highways. It is a major accomplishment toward both of these ends.

I move support of this bill by the unanimous vote of this House. And, Mr. Speaker, I would now yield to the sponsor, the fellow who helped us come out with this bill, the fellow who is also so interested in highway safety, the distinguished gentleman from the 151st, Rep. Morano.

MR. MORANO (151st):

Mr. Speaker, personally I'd like to congratulate the Judiciary Committee who, in their wisdom, sought to give this bill a joint favorable and I learned, it's a heck of a price to pay for a bill. One of the worst problems on our highways is the drinking driver. Last year, 35,000 Americans were killed in crashes where drinking was involved. According to a five year study conducted at Rutgers University Center of Alcohol Studies, the chronic alcoholic, not the social drinker, is the major menace on our highways and our problem is to educate the social drinker to know his limit.

Connecticut's present law places the presumptive level of intoxication at .15. Even the .10 blood alcohol level recommended is considered too

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high by many medical authorities. There are some 30 states that now have a .10 blood alcohol level and three other states below .10. At the .10 level, a driver is six times more likely to become involved in a crash than when sober. The latest research indicates that no one is physically or mentally fit to drive a motor vehicle when the concentration reaches .10. Research has also proved that the chances of a driver getting involved in an accident are doubled when the blood alcohol level increases from .04 to .06. At .08, his chances are four times greater, at .10, six times greater and at .15 his chances are twenty-five times greater.

The bill before you today is another step forward to reduce the carnage on our highway and was considered of such extreme importance by Governor Meskill that he requested this legislation in his inaugural address. I would urge unanimous support by all members of the House and passage of this bill.

THE SPEAKER:

Will you remark further? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

Calendar No. 709, House Joint Resolution No. 83, Resolution Proposing an Amendment to the Constitution Concerning Challenges and Number of Jurors.

MR. OLIVER (104th):

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

THE SPEAKER:

Will you remark?

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THE CHAIR:

Will you remark?

SENATOR CALDWELL:

Mr. President, this bill provides that three members of the Commission on Higher Education shall be appointed by the Governor in February of each odd numbered year, provides that the Secretary of the State Board of Education, or his representative, shall serve as a member ex-officio of the commission without the right to vote, and also provides commission members shall receive no compensation for their services, but shall be reimbursed for their necessary expenses in the course of their duties. I urge adoption of the bill.

THE CHAIR:

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

THE CLERK:

Turn to Page 9, please. The first item. Calendar No. 682, File No. 685. Favorable substitute report of the joint standing committee on Judiciary, on House Bill 9096. An Act Concerning Evidence of Ten-Hundredths of One Per Cent or More of Alcohol by Weight as Prima Facie Evidence of Operating Under the Influence of Intoxicating Liquor.

SENATOR JACKSON:

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



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THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, this bill will amend Section 14-227 (a) to include parking lots for more than ten cars as areas prohibited to the drunk or drunk driver. In addition, the major change in the bill will allow a trial time evidence showing more than .10 per cent alcohol shall be considered prima facie evidence of intoxication. Evidence showing the ratio of alcohol in the blood to be between .05 per cent and .10 per cent of alcohol shall not give rise to a presumption, one way or the other, that the person was intoxicated, but may be considered as evidence in determining fact of intoxication. Less than .05 per cent is to be considered prima facie evidence that the subject is not intoxicated. In addition, the bill raises the minimum fine for driving while under the influence from not less than \$100.00 to not less than \$150.00 to a maximum of not more than \$500.00. Mr. President, and members of the Circle, this bill is long overdue in my opinion. The drunken driver is really a number one menace on our highways. Last year, in the State of Connecticut, there were 451 fatalities on our highways, and 225 of them were directly attributed to the use of alcohol. This is an incredible statistic, and I believe we really have to do everything possible to prevent a drunken driver from continuing to use our highways. On the first week of April, the Judiciary Committee had a hearing at which time, through the gracious help of the Aetna Casualty & Surety Company,

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we had the use of their driver testing machine. We also had the advantage of a toxicologist from St. Francis Hospital who measured the blood ratio in the blood through a breath process of three subjects, including Rep. Morano. During the course of the exhibition, it was shown very graphically to the Committee that the loss of coordination is such that once you reach the level of .10, you should no longer be driving on the highway. Even under .10, there is a very marked degree of loss of coordination. I think that the carnage on our highways has to be eradicated, and I believe the bill in front of us today is a big step forward in that direction and I urge its passage.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR CUTILLO:

Mr. President, I can't take issue with Senator Jackson and the fact that there is a tremendous problem in the cases of drunken driving and accidents on the highway. But I do take issue on the fact that 1 per cent is going to make a difference, or if this bill is going to be a safety factor, as a matter of fact, I dispute the statistics and the expertise with which this bill comes to us. Two people were tested in the Judiciary Department. Two different people obviously. But I don't think you can test two people and come out with a figure that is going to speak for all those people who do drink. Now, I'm not advocating everybody go out and get loaded, but by the same token, I think these people who do imbibe should be protected beyond the point of this 1 percent. I think it is a dangerous bill, Mr. President, and

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I'm going to vote against it.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR HOULEY:

Thank you, Mr. President. I am going to vote and support the bill. I think it's a fine measure and it's much needed, but I do want to simply point out the inconsistency in this particular bill in line of our previous action dealing with extending of the various drinking hours. I think there was an inconsistent action here and I merely pointed out, I think we all know it, and I think we ought to admit that there is that inconsistency.

SENATOR LIEBERMAN:

Mr. President, through you to Senator Jackson, I wonder if he could indicate to the members of the Circle, in general, how much alcohol it takes to reach the .10 percentage in this bill.

THE CHAIR:

Senator Jackson, if you will.

SENATOR JACKSON:

Mr. President, to answer the question, we had three subjects at the Judiciary Committee Hearing. After four ounces of alcohol, Rep. Morano had reached, I think, .045 per cent. One of the other subjects, after four ounces, had reached .055. After six ounces, in other words, three drinks, containing two one ounce shots each, Rep. Morano's percentage had gone up to .055. The other two subjects had reached, I think, .065 and .085 respectively. It was only after, I believe, four drinks each containing two one ounce shots that you started reaching the

.10 rating that we're talking about, and this was all within the space of an hour so that you are allowing very little time for the body to work off some of the absorption of alcohol taken through these drinks, and I believe that we did reach .12 after, I think, four drinks on one of the subjects, and he had retained 42% of his driving capability and had lost 58% of it at that .10 range.

SENATOR LIEBERMAN:

Thank you, Senator Jackson. Mr. President, I rose to ask the question because it seems to me that it requires a fair amount of alcohol to reach this ten-one hundredths of one per cent and this reduction is not in that sense hasty or ill-considered action. I'm going to support the bill enthusiastically. It seems to me perhaps we might even go below that ten-hundredths of one per cent at some point and perhaps after the .10 has been tested for a year or two, we can come back and reduce it some more.

THE CHAIR:

Question is on passage? Will you remark further?

SENATOR SULLIVAN:

Mr. President, I rise in opposition to the bill, and again to reiterate the words of my colleague, Senator Cutillo. I'm certainly against carnage on the highway, and I'm certainly not for drunks. However, I do believe that the juries, it has been known that juries will not convict under .5 because the jury system, who happens to be a cross section of the people of

Connecticut, agree that people can go out of a night and imbibe and not consume this in the course of one hour, and still have all their faculties. I believe you're going to put an undue burden on the motor vehicle operator in the State of Connecticut as the loss of license for the first offense did on the motor vehicle operator in the State of Connecticut. The people of the State of Connecticut seemed to have wanted to remove that first offense. They didn't seem to think that the carnage on the highways was being stopped by having the license removed on the first offense. I believe each person's capacity is different in the consumption of alcohol. The subjects that probably were used were probably not people who imbibe ordinarily. I know that there are some individuals who just can't drink, and there are other individuals that can take a lot more and probably be .15 and still have all their faculties. So therefore, I think it's an arbitrary figure reached and I think it's going to put an undue burden on people, especially in the light of us keeping restaurants open now until 2. I will vote against the measure.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR DUPONT:

Mr. President, I take issue today with my colleague from the thirty-fifth who says this is inconsistent with the drinking hour bill. It seems to me the thing that's inconsistent here is that for years, prosecutors in the state have been going into our courts and telling people that after you reach a figure

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of .15, that this affects your driving to an appreciable degree. And now, today, all of a sudden, after all these years, through some magical test performed in the Judiciary Committee, we learn that this figure is now .10; and I agree with Senator Sullivan. It seems to me that we're taking the jury and taking them out of the courts and making an arbitrary system. I think science is a wonderful thing but it can also be overdone. I think that's what we're doing here today.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR MURPHY:

Mr. President, I favor this bill. I think the percentage should be reduced from .15 to .10 and as to my colleagues who indicate that we're taking the jury out of our system, I have to disagree with this. Senator Dupont has mentioned the prosecutors who tried cases indicating at .15, they're presumed to be under the influence or they're not capable of driving, and for two years, I was one of those people who was a prosecutor. I've made this argument. That this was then based upon the statute as it then and still exists, and as far as taking the jury out of our system, I merely point out that the statute will continue to be, if it's changed from .15 to .10, that a driver with such a test is presumed to be under the influence, and that's the way it is today at .15 and the jury is still able, based upon all the evidence, and the .10 will still have to be collaborated with other outside evidence to substantiate this

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finding. The jury can still find that this person is not in fact under the influence as they have often done with people with readings in excess of .15. I feel that this measure will discourage people from drinking more before going on the highways. I agree with Senator Houley that it is inconsistent with the other measures which have increased our drinking hours. But as far as our traffic and safety on the highways, I feel this is a good measure and I'm going to vote for it.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR FINNEY:

I'm really quite excited about this bill. I put in a good part of my driving avoiding the drunken driver. Maybe, this will make my trip a little easier.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR JACKSON:

Mr. President, Speaking for the second time, I would just like to add, I believe that some of the sentiments that have been expressed around the Circle here are indicative of the feeling that we are going to have to have a large scale education program for the public at large. We also have pending in the Appropriations Committee, a bill to take care of some of the alcoholics, the problem drinkers. I think all of us recognize the fact that drinking in moderation, you can drive after drinking in moderation. The real problem gets down to the chronic alcoholic who is really about 4% of the driving population,

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who are causing most of the problem. So I would hope that if we do pass this bill today, and it is signed into law, that we are able to dissimulate the information, and we are able to give the necessary help to some of the people who have the problem with alcohol.

THE CHAIR:

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

THE CLERK:

On Page 9, the third item from the bottom. Calendar No. 686, File No. 676. Favorable substitute report of the joint standing committee on Judiciary on Substitute House Joint Resolution No. 83. Resolution Proposing An Amendment to the Constitution Concerning Challenges and Number of Jurors.

SENATOR JACKSON:

Mr. President, I move acceptance of the committee's report and passage of the Resolution.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, this will amend Article I, Section 19, of the Constitution providing that there shall be not less than six jurors but no capital offender can be tried by less than 12 jurors without his consent. In civil and criminal action, the parties shall have the right to challenges and the numbers to be