

<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 71-49		620	2	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li><i>Judiciary 242-243</i></li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li><i>1116</i></li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li><i>593-594</i></li> </ul>

**H-110**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 3  
974-1450**

Wednesday, March 31, 1971

5

ad

Items are, Calendar No. 197, Senate Bill No. 0109. An Act Concerning the Duties of the Veterans' Home and Hospital Commission, File No. 82.

Calendar No. 198, Substitute Senate Bill No. <sup>620</sup>~~609~~. An Act Providing Flexibility to the Commissioner of Correction in Responding to Writs of Habeas Corpus, File No. 41.

I move adoption and passage of these bills.

MR. SPEAKER:

May I indicate to the gentleman from the 95th, that Calendar No. 198 has a Senate amendment and in moving its adoption would you also move adoption of Senate Amendment Schedule "A".

REPRESENTATIVE SARASIN:

Yes, I do sir.

MR. SPEAKER:

Is there objection of any individual member to consideration and passage of the bills indicated by the gentleman of the 95th, including in the instance of Calendar No. 198, the adoption of Senate Amendment Schedule "A". If not, the question on acceptance and passage. All those in favor, indicate by saying "Aye". Those opposed. Bills are passed.

REPRESENTATIVE SARASIN:

Mr. Speaker, I move the following bills be placed on the Consent Calendar pursuant to Rule 48.

MR. SPEAKER:

Please proceed.

**S-77**

**CONNECTICUT  
GENERAL ASSEMBLY**

**SENATE**

**PROCEEDINGS**

**1971**

**VOL. 14**

**PART 2**

**474-956**

March 23, 1971

Page 24

of the Calendar may we take up Cal. No. 98.

THE CLERK:

Page 1, on your Calendar, second item from the top.

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

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. The Clerk has an amendment.

THE CLERK:

Senate Amendment Schedule "A": offered by Senator Jackson.

In line 40, after the word or insert, said Commissssioner with the consent of another state or municipal agency may arrange.

In line 41, strike out the word "another" and insert the word such other.

SENATOR JACKSON:

Mr. President, this amendment makes it very clear the fact that the Commissioner of Correction has to obtain the consent of any other agency if he is to place any prisoners in their custody. The bill is originally written was intended to require that consent be obtained but the point has been raised that this might not be the case. The amendment spells this out.

THE CHAIR:

Question is on passage of the amendment. Will you remark further? If not, all those in favor of passage of the amendment, Senate Amendment Schedule A, signify by saying, "aye". Opposed, "nay". The ayes have it.

March 23, 1971

Page 25

The amendment is carried. The Chair rules that this is a technical amendment and you may proceed with the bill.

SENATOR JACKSON:

Thank you, Mr. President. Basically the bill provides that the Commissioner of Corrections shall have the power to give another state agency or civic agency, such as the Police Department, the right to turn over prisoners to them for transportation to and from a correctional center and the court houses. What it basically will do is save the State approximately 20 thousand dollars by allowing the state to cooperate with the local police department. I believe it's a very good bill and I would urge its passage.

THE CHAIR:

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

THE CLERK:

Turn to page 2 of your Calendar. Third item from the top. Cal. No. 60. File No. 27. Favorable report of the Joint Standing Committee on Judiciary. House Bill No. 7249. An Act Concerning Admissibility as Evidence of Business Entries and Photographic Copies.

SENATOR JACKSON:

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

This act amends 52180 of the General Statutes and allows original memoranda which are being held, now allows original memoranda which are being held in the custodial officiducial capacity to be destroyed if they have been photographically reproduced unless preservation is otherwise required by

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY**

**PART 1  
1-392**

**1971  
INDEX**

the inpractice, regardless of how the law is written - in practice, the capital punishment inflicts, is inflicted far more frequently on the poor, far more frequently on the disadvantaged, far more frequently on the minorities. For example, from 1930 thru 1969 the figures showed that 53.7% of the persons executed by capital punishment were black so this is a pattern that has shown up in all of the studies. Now, this Committee has heard, predecessors have heard testimony that shows that there is a very serious question as to wheather capital punishment is in fact, a deterrent.

This particular significant, if it is shown as it is, that the largest number of persons who are actually executed throughout the country, under the various State Statutes, are usually the most illiterate, the least educated and therefore the persons who have the least likelihood to be deterred by knowledge that is suppose to be of some impending punishment.

In fact, as I state, capital punishment as a whole, is widely varied, depends on the amount of the financial standing of the person - the makeup. For example, the typical crime of passion, the typical inter-spouse murder, which is still the single most frequent form of homicide, is very rarely, very rarely a subject of capital punishment and yet this is the hot crime which if anything, might be deterred through an actual knowledge.

The rest of the presentation, you have heard the statistics, I know in fact. I urge you to even go beyond the statistics and talk about a civilized society. I do not think that it should be part of the measure of a society. of its humanitarianism to maintain this as a measure of punishment. Therefore, I recommend to you, as an individual and as a spokesman for the American Civil Liberties Union that you act favorably on the Statutes abolishing capital punishment in this state. Thank you.

Sen. Jackson: Commissioner Manson.

Mr. Manson: John R. Manson, Commissioner of the Department of Correction. Mr. Chairman, Members of the Committee, I would like to speak very briefly on S.B. #620, which is titled Providing Flexibility to the Commissioner.

Sen. Jackson: Could you speak up a little bit.



30

RC

TUESDAY

JUDICIARY COMMITTEE

FEBRUARY 23, 1971

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

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

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

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

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

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

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

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

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