

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-72		497	3	31	26
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary</i> 595 • <i>Judiciary</i> 584-585 				<u>House Pages:</u> <ul style="list-style-type: none"> • 1227- 1245 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 651-660 • 716-741

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

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

THE CLERK:

Calendar No. 237, Substitute for H.B. No. 5725, An Act Adopting a State Child Protection Act.

THE SPEAKER:

Rep. Cohen from the 41st.

MR. COHEN (41st):

Mr. Speaker, can this be passed temporarily?

THE SPEAKER:

It is so ordered.

THE CLERK:

Calendar No. 238, Substitute for H.B. No. 5726, An Act Conforming State Standards of Political Activity of Classified State Employees to Federal Standards.

MR. AJELLO (118th):

Mr. Speaker.

THE SPEAKER:

So ordered.

MR. AJELLO (118th):

Thank you.

THE SPEAKER:

Motion of the gentleman is to pass this temporarily awaiting the arrival of the gentleman from the 58th. Without objection, so ordered.

THE CLERK:

Calendar No. 250, Substitute S.B. No. 0497, An Act Concerning Youthful Offenders (As Amended by Senate Amendment Schedule A and B).

MR. CARROZZELLA (81st):

Mr. Speaker, I move for acceptance of the Joint Committee's

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favorable report and passage of the bill.

THE SPEAKER:

The question is on acceptance and passage, as amended by Senate Amendment Schedule A and B.

MR. CARROZZELLA (81st):

Mr. Speaker, would the Clerk please read Senate Amendment Schedule A.

THE SPEAKER:

Would the Clerk call Senate Amendment Schedule A.

THE CLERK:

Senate Amendment Schedule A which is offered by Sen. Jackson of the 5th District.

Section 3, line 45, after the word "shall" insert "comma, in its discretion, comma".

Section 9, line 137, after the word "other", delete the word "reformatory" and insert the word "correction".

THE SPEAKER:

The question is on adoption of Senate Amendment Schedule A.

Will you remark?

MR. CARROZZELLA (81st):

Mr. Speaker, this amendment is in the form of a housekeeping amendment. It adds the words "in its discretion" to make sure that we are having the court have discretion in the matter and in the other part of the amendment, it changes reformatory to correction to conform with the language presently being used in our statutes under the new Department of Correction bill.

I move adoption of Senate Amendment Schedule B.

THE SPEAKER:

Will you remark further on Senate Amendment Schedule A? If not, all those in favor indicate by saying aye. Opposed? Amendment is adopted. It's ruled technical.

We'll now proceed with the bill as amended by Senate Amendment Schedule A. Will the Clerk please call Senate Amendment Schedule B.

THE CLERK:

Senate Amendment Schedule B which is offered by Senator Jackson of the 5th.

In Line 45, after the word "court", insert "comma, in its discretion based on the severity of the crime and the results of the examination, investigation and questioning, comma".

MR. CARROZZELLA (81st):

Mr. Speaker, I move for adoption of Senate Amendment Schedule B.

THE SPEAKER:

Question is on adoption of Senate Amendment Schedule B. Will you remark?

MR. CARROZZELLA (81st):

If you will recall, Mr. Speaker, I said that Senate Amendment Schedule A, part of which was to make sure that we were giving the court complete discretion on whether or not to adjudge a youth as a youth offender, we wanted to make doubly sure and we've added the language to make sure there's no question but what the court will have complete discretion based upon the severity of the crime and the results of examination, investigation and questioning. I move adoption of Senate Amendment Schedule B.

THE SPEAKER:

Will you remark further on Senate Amendment Schedule B? If not, the

question is on adoption of Senate Amendment Schedule B. All those in favor indicate by saying aye. Those opposed? Senate Amendment Schedule B is ADOPTED.

We can now proceed with adoption of the bill as amended by Senate Amendment Schedule A and Senate Amendment Schedule B.

MR. CARROZZELLA (81st):

Mr. Speaker, I think in this day and age we are all concerned with the problems of the juvenile, the youth of our state. We are concerned with the crimes that a juvenile commits. We are concerned with the drug problem that affects the youth of our state. We are concerned about our own children, your children and mine. I brought my boy here today to hear this debate because I want to impress upon him what we're concerned about...On the one hand, I think we're concerned with leniency. We want to show to the juvenile offender in many instances, a leniency that...show where we feel much more severe punishment should be imposed. But yet, on the other hand, we are concerned about the first offender, the youth who gets involved a makes a mistake, a mistake that could brand him as a criminal...we are concerned with the fact that...we don't want to treat our juveniles as criminals. We want to rehabilitate them with knowledge that there is behind that rehabilitation a club. Yes, a club, Mr. Speaker, whereby they will be knowledgeable in the fact that if they step out of line again, they're in serious trouble. That in sum and substance is why...concerns the youthful offender.

Let's examine the present law. As we all know under sixteen, a youth who commits a crime is referred to the Juvenile Court. This bill does not concern that individual, although your committee is concerned with those individuals because we are looking to get more facilities for that juvenile, The Half Way House and so forth, but I will defer remarks on that until a bill

is before us. Now in the present law, let's talk about the juvenile between 16 and 18. He commits a crime. He is brought before the Circuit Court. He is a first offender. On the one case, a motion is made to the court to refer the individual to the Juvenile Court which can be done under the applicable statutes. In that case, the court sees fit to refer the juvenile. Refer to the Juvenile Court and Mr. Speaker, the Juvenile Court has no power with which to deal with this individual. He's there, he goes to a hearing and the Juvenile Court has no power to deal with this individual, I say again. There are no facilities. Any order of the Juvenile Court relative to probation is meaningless. And so, a juvenile who has committed a crime, referred to the Juvenile Court, it's a slap on the wrist and goes back none the worse for wear.

Another juvenile commits the same crime, goes before a different judge and the judge says I'm not going to refer you to Juvenile Court, I'm going to treat you as an adult and he has a criminal record. Yet that individual may be more deserving of juvenile treatment than the first one. Incidentally, the first one would have no criminal record; the second one would. That is arbitrary, Mr. Speaker, and further, as I said before, it shows that there is too much leniency relative to the juvenile who commits a crime.

So this bill does away completely with that procedure. No individual between the ages of 16 and 18 will now be referred to the Juvenile Court. What this bill says is that an individual between the ages of 16 and 18 who have committed a crime can apply to the adult court to be adjudged a youthful offender. Upon that application, the court will order an investigation, examination and interrogatory into various aspects to determine the nature of the crime, to determine whether or not the individual is willing to

cooperate, to determine whether or not the individual is amenable to rehabilitation. If after this examination, the court feels that the answer to those questions is yes, the court will rule that he can be adjudged a youthful offender. Upon a finding or plea of guilty, the court then has the power, and I say it has the power because under existing statutes a juvenile court has no power to one, commit the juvenile if the crime deems it necessary or two, to place that juvenile on probation with the big club, Mr. Speaker, of probation authorities behind the power of the court which in effect says to this juvenile, you better well behave because in effect you have gotten a break. We are not considering you as a criminal but we're going to place you on probation and we're going to make sure that you're going to rehabilitate yourself. This is what the bill does. And it does this, Mr. Speaker, without giving to the juvenile a criminal record which he will have to carry with him for the rest of his life.

Mr. Speaker, I'd like to quote a sentence which really sums up the intent of this bill, quote a sentence from the case of People vs. Platt, New York. It referred to the youthful offender act, which is very similar to this bill in New York, as a humane and progressive piece of legislation with the intent to benefit a youth who makes a first mistake and should not be branded as a criminal forever.

The bill, Mr. Speaker, in conclusion, will say to the juvenile, yes you got in trouble. We're going to punish you for whatever trouble you've gotten into, whatever crime you committed, but we're going to give you the benefit of knowing that you're not going to have a criminal record to carry with you the rest of your life.

It's a good piece of legislation and I hope it passes.

THE SPEAKER:

Further remarks on the bill?

djh

MR. BINGHAM (157th):

Mr. Speaker, I concur with the remarks of the Chairman of the Judiciary Committee concerning the outline of the bill. I would like to dispel any fears in the minds of any that this is to be considered an easy bill. This is not an easy bill. This is a bill to correct youth between the ages of 16 and 17 years of age.

Now a little history is needed here for those who do not practice in the Juvenile Court. Under the present system, the Juvenile Court has jurisdiction up to 16 years of age and between 16 and 17 years of age, it has jurisdiction if the Circuit Court transfers a case to the Juvenile Court or if the Superior Court transfers the case to the Juvenile Court. All courts, all probation officers, all correction officers are unhappy with this system. The reason they're unhappy with this system is firstly, the system does not operate in a uniform manner. There is no real investigation of the youth prior to the time the youth is transferred to the Juvenile Court. One of the salient features of this youthful offender act is the fact there is a complete investigation of the youth, of his background, of his social attitudes, of the severity of the crime before decision is made as to whether he is eligible to become a youthful offender or not. So under the Youthful Offender Act, the court knows the facts upon which it is making a decision. Under the present system, the court very often does not know sufficiently whether the youth should be transferred to the Juvenile Court or not.

Secondly, under the present system, which as I stated before is not accepted by Circuit Court, Superior Court or Juvenile Court, once the youth is transferred to the Juvenile Court and is between the ages of 16 and 17 years of age, the Juvenile Court finds it very difficult to correct the

youth and in practice, we have a situation whereby the youth may come in and talk to a probation officer two or three times and the case is then dismissed with no correction at all for this youth between 16 and 17 years of age. Under the Youthful Offender Act, there are ample correction procedures if the youth is found guilty of being a youthful offender. The youth may be incarcerated as he is presently may be incarcerated in the Superior Court or in the Circuit Court. The youth may also be put on probation for a period of up to five years.

Now a further purpose of this Act, and we have discussed it in the past in the hall of this House and I feel we will discuss it again and again in the hall of this House is the correction of narcotics addicts, those who as we say are in the drug scene, those persons who have either began to play with drugs or felt it was the thing to do to get into the drug scene, or the addict himself. And one of the conditions of probation, we were very careful to place into the bill, that if the court has reason to believe that the person adjudicated to be a youthful offender is or has been an unlawful user of narcotics, as defined in our statutes, a condition of probation may be that he submits to physical examination, to chemical tests, and that as a condition of probation, he will go on a regime of correction by going to one of the correctional institutions or one of the out-patient institutions. So we have in this bill a built-in correction for the youth who has come on the surface or upon--within the circle of the drug scene and this act will attempt to correct that particular youth without giving him a record.

Now, thirdly, those people who are familiar with Circuit Court practice, we know that in the first case of a youth being arrested or charged with the possession of marijuana or even the sale of marijuana, the courts very often will dismiss cases or give minimal fines. This is not what we

are seeking in the youthful offender bill. We are seeking in the youthful offender bill to correct the youth and we are seeking to get them on the road to becoming youthful members of society.

Now, so that we may dispel any fears as to whether this is a new idea, Mr. Speaker and members of the House, this is no new idea. This is, as the Chairman of the Judiciary Committee has stated, is a humane bill which has been practiced in the State of New York and I myself have contacted the District Attorney in charge of youthful offenders in Westchester County and asked him how he felt the Youthful Offender Act worked in the County of Westchester. He stated that in his opinion, it was a fine act and that under the revision of the criminal laws in the State of New York, they continued the existing youthful offender act with minor amendments. So we have experience in the State of New York under the Youthful Offender Act. We know that it does work in the State of New York. We also have experience that in the federal court under Title 18 and Title Youthful Offenders, as we all know the federal act is in many ways more liberal than this act. This act applies to youth 16 and 17 years of age. The federal act applies to youths up to 22 years of age. Now you can see that the present act is designed to eliminate the present discrepancies in the law, the present act is designed to eliminate the opposition and the criticism of the present law, the act is designed to permit equal justice to all and equal correction to all and have a uniform system of correction for youths 16 and 17 years of age while not branding them a criminal forever and ever.

We could recite example after example where you would not wish a youth to carry a criminal record with him although you might say I think this youth should be corrected.

Now, finally, I would like to say that whether a youth is

admitted to the youthful offender treatment or not is discretionary with the court and the court has the final determination as to whether that person will be admitted to be a youthful offender or not. The State's Attorney may object to the youthful offender being admitted to youthful offender treatment. I can think of no fairer system to youths 16 and 17 years of age than this particular Youthful Offender Act. The State of Connecticut is protected, the people of the State of Connecticut are protected, and most of all, the youth of Connecticut are protected.

THE SPEAKER:

Further remarks on the bill?

MR. VOTTO (116th):

Mr. Speaker, I want to rise and echo the remarks of the two previous speakers. Section 9 really provides the meat of the bill when we think in terms of a youth who has committed a lawful infraction and then wonder under our present system, what do we do about it, what can we do to effectively rehabilitate the youth and to provide him tools to become an effective member of society. Under the present system as the previous speaker indicated, once a youth is referred to juvenile authority, the tools just don't seem to be available to provide supervision and rehabilitation. A salient factor of this bill, and I address myself to around line 120 in section 9, is the area where we're finding many school boys and girls who are involved in a first offence--

THE SPEAKER:

Will the members give their attention to the gentleman from the 116th?

MR. VOTTO (116th):

Today in our courts a juror sitting on the bench with a boy or

girl, 16 or 17, with no previous record faced with a claim, a charge of possession of marijuana or use or even greater a control drug or a narcotic drug. His problem is how does he rehabilitate the offender. Where does he put or place the youngster? Under this bill, as a first in the State of Connecticut I believe, the probation department, juvenile authority have effective tools to require tests, examinations and one other tool which I must highlight.

Once a youth is on probation, this act provides for an extension of probation if the youth doesn't comply. Now this gives a very forceful tool, it affects youths and their futures very much and if they're serious about rehabilitation, the tools are here and effective under this section.

This act or a similar type has worked very successfully in the State of New York. I think it's time when we realize that we have to provide some meaningful legislation to handle the problems facing our courts for people between the ages of 16 and 18. This act is a fine piece of legislation and it can do the job. It provides all the tools to rehabilitate and also the tools to enforce penalties if penalties are in order. Thank you, Mr. Speaker.

MR. GORMLEY (142nd):

Mr. Speaker, I rise to oppose this bill. I cannot live with my conscience if I didn't speak up.

THE SPEAKER:

Would the members and the guests in the gallery please give their attention to Rep. Gormley who has the floor?

MR. GORMLEY (142nd):

I believe an editorial that appeared in yesterday's issue of the Bridgeport Post explains completely why I oppose this bill. Mr. Speaker, with your approval, I would like to read this editorial and have it become

a part of the record. Is it ok to do that, Mr. Speaker?

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THE SPEAKER:

Yes.

MR. GORMLEY (142nd):

I quote from yesterday's Bridgeport paper, Youthful Offenders. The House of Representatives when it considers the so-called Youthful Offender Bill would do well to reject this measure in a resounding fashion. The proposed legislation as we see it would serve to encourage and not discourage the crimes by youths 16 and 17 years of age. The Senate has already passed the bill. Interestingly, a few Senators now wish they could have a second choice. They would vote no if the proposal came before them again. It seems as so often happens some Senators voted without full knowledge of the matter before them. While they may be regretting their action, more importantly, the general public may have to pay the price. The bill which won a favorable approval from the legislature's Judiciary Committee, much to the pleasure of the liberals, exempts 16 and 17 year olds from the kind of judgment and treatment they should be afforded. Can you imagine a bank being robbed and the person who committed the bold act being treated like a child guilty of a minor infraction of the law? If the bank robber was only a day or two short of his 18th birthday, he would be handled precisely in such a manner. Picture if you will a young man who is guilty of manslaughter being coddled. This could happen under the Youthful Offender Act. The measure as approved by the Senate calls for all trials of those in this class to be heard by a judge instead of a jury. The trials would be closed to the press and the results would not be made public. Cleverly the legislation has been worded to disguise its intent. A youthful offender is described as a youth who has not been charged with a Class A felony. Under the state's new penal

code, murder is the lone act in this classification. Proponents observe that a youthful offender category can be sought only once, the second time around the accused must take his medicine. In other words, the teenagers would have one night at society without having to worry too much about the possible consequences. A youthful offender who is found guilty and given some sort of punishment returns to society without a record. For example, he or she would not lose the privilege of voting. In fact, elective public office would not be closed to a person processed by the courts in this manner.

One of the most disturbing aspects about this whole idea is that it comes when crime is on the increase. Instead of seeking deterrents to criminal acts, our lawmakers are busying themselves trying to find ways for the court to make life easy for the offenders. Should the House pass this bill and should it be signed into law by Gov. Thomas J. Meskill, the loser will be the public. Once again the average citizen will have been abused through no fault of his own.

Mr. Speaker, I am opposed to this bill. I will vote against it and when a vote is taken, I would like to call for a roll call vote. Thank you Mr. Speaker.

THE SPEAKER:

Question is on a roll call. All those in favor indicate by saying aye. More than 20% having ordered it, a roll call will be summoned.

MRS. CLARKE (158th):

Thank you, Mr. Speaker. I support the bill. Attorney Bingham has had extensive experience in the area of this act. I feel it to be a step forward in the protection of the youthful offender. I heartily support it.

THE SPEAKER:

Further remarks? If not, I will announce an immediate roll call.

MR. NEWMAN (146th):

Mr. Speaker, in spite of the Bridgeport newspaper editorial, I'm strongly in favor of this bill. I think it has been evolved in the crucible of experience that we've had with the present law and that our present law has been found wanting. This act supplies the necessary deficiencies for an effective enforcement with reason and with compassion towards those youthful offenders between the ages of 16 and 18. It's a good bill and it should pass, Mr. Speaker.

THE SPEAKER:

For the benefit of the members just returning to the hall, we are considering File No. 77, An Act Concerning Youthful Offenders. The gentleman from the 81st, Rep. Carrozzella, moved acceptance of the Joint Committee's favorable report and passage of the bill. Two Senate amendments were then adopted in concurrence with the Senate. We are now debating the bill itself, as amended. Will you remark further on the bill?

MR. COLLINS (165th):

Mr. Speaker, a question through you to the Chairman of the Judiciary Committee. I'll give him a chance to get back to his microphone. In order that we may have some clarification of the legislative intent, I would refer the distinguished Chairman to line 20 in section 2 of the bill as it's printed in File 77 and pose the question, is it the Chairman's interpretation that on a bindover hearing in Circuit Court on a matter that would be ordinarily bound over to Superior Court, that the request to be treated as a juvenile offender cannot be made at the bindover hearing in Circuit Court but must be made in the court of ultimate jurisdiction?

THE SPEAKER:

Would the gentleman from the 81st care to respond?

MR. CARROZZELLA (81st):

Mr. Speaker, through you to the distinguished Minority Leader, I will say that if a juvenile is charged with a bindover offense, the bindover would have to take place first in the Circuit Court and then the motion would have to be made in the court that has jurisdiction which would be the Superior Court. So I would say in answer to the question, the answer is yes, the motion would have to be made to the court having jurisdiction.

THE SPEAKER:

Further remarks on the bill? Rep. Collins still has the floor.

MR. COLLINS (165th):

Mr. Speaker, I want to thank the Chairman of the Judiciary Committee for that qualification.

I rise, Mr. Speaker, to support this particular bill. I think the details have been rather well-spelled out by both Rep. Carrozzella and Rep. Bingham. It's my opinion that this bill fills an existing gap between the 17 and 18 year old age group in a completely satisfactory manner over what we now have. I think it has adequate provisions for safeguards for the exercise of discretion by the judge to whom the application is submitted to make the decision as to whether or not the youth should be treated in accordance with act, this act. Because I feel it fills a visible gap in our procedure at the present time, I intend to support it.

THE SPEAKER:

Further remarks?

MR. AJELLO (118th):

Mr. Speaker, I rise in support of the bill. I'd like to indicate to the members that the noise level makes it very difficult here for those of us who are interested in what's going on to hear and to remind them that if

we're to do this kind of serious business in this atmosphere, in this noise level, it's very difficult and I think that each of us owes it to the Chair and to ourselves to examine our activities here on the floor as we get into more and more Calendar business and suggest that if you have a conversation that's important, you might try to conduct it outdoors or out of this chamber.

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But speaking on the bill, Mr. Speaker, I think that it's a very significant and important bill and that we can take another step forward today in the overall approach which is becoming evident to our judiciary system in general in the State of Connecticut. Some years ago, I was one of the people who helped to get a bill through here which would allow flexibility in the sentencing of persons to the Cheshire Reformatory which, prior to that time had been a mandatory sentence and that the young man incarcerated would be kept there for a mandated period of time without regard to the needs of his individual case. And we pointed out to this House and to the State at that time that often the result was that two people who were separated only perhaps by a year in age might be involved in the same crime and often this happens, one would be sent to state's prison where he would be eligible for parole in a much shorter time than the young person who had been sent to the reformatory. This is the same kind of problem that's involved in this bill and I think, respectfully to the gentleman from Fairfield who read the editorial, that the editorial is nonsense and ill informed in the bargain. I think this bill does the most important things that we can do in approaching any kind of offender. One, it promotes flexibility. Mandatory sentences and mandated approaches to any kind of problem, particularly involving young people, just are not satisfactory and those of us who have dealt with this kind of problem from the standpoint of trying to help the young person who is in trouble to find himself don't see it as a problem for liberals versus conservatives. We see it

as a problem of trying to conserve our youth which was so well stated by Rep. Bingham earlier.

In addition, I think that it creates a uniform approach on which both defendants, prosecutors and courts can rely. We know very well that under the present system with the 16 to 18 year olds, there are instances where certain judges have refused in the past to even entertain the idea of sending a youthful offender to the Juvenile Court. I think that with flexibility and uniformity of approach, we've taken two more very important steps here today and I urge support of this bill.

THE SPEAKER:

Further remarks on the bill?

MR. KING (48th):

Mr. Speaker, I approach this bill with mixed feelings and mixed emotions. In terms of the advocates of the bill today, we have heard and properly so, one side, their side and certainly no one can question the sincerity of what has been said. But in the light of true advocacy, naturally the other side is not stressed.

It seems to me that this--that there are problems. I'm not sure, Mr. Speaker, that any bill could resolve all of the problems but I see several. For one, I think there would be bargaining going on between the state's attorney and accused, and the accused because the state's attorney does have the power to oppose the classification of youthful offender. He is in a bargaining position to effect sentence. I think the bill puts a heavy burden on the probation department because each case must be investigated upon and referred to the adult--to the probation department. I think the accused who is brought first before the Circuit Court and may wish to challenge the jurisdiction,

challenge the arrest itself by asking for a bindover hearing, is prejudiced because in that event he would have a record and that, after all, is the purpose of the bill, to avoid having a record. So, he is exposed to that extent.

There are undoubtedly other weaknesses in this bill. But, Mr. Speaker, as I said, perfection is something we hope for, perfection is often very difficult to achieve. And I think from a philosophical point of view in asking one question, asking oneself the question whether we as a state, whether our youth will be better off in terms of what we're trying to do with this bill after passage or would they be better off if the bill were defeated. To my mind, Mr. Speaker, there is only one answer to that question. I think the bill does more good than harm and I'm going to support it.

THE SPEAKER:

Further remarks before we vote? If not, will the members be seated, would the aisles be cleared. We'll proceed with the vote. Members would please be seated and the aisles cleared of the staff and non-members. Would the members please be seated? For the members who are returning to their seats, I would indicate that the wiretap bill will be considered here in the House again tomorrow. It will return to us from the Senate with one additional amendment. It will be available for action tomorrow and the leaders on both sides recommend that it be considered tomorrow so I would ask that you gauge your attendance accordingly. We will start tomorrow at 11 a.m. in view of the approaching holy days.

Further remarks on the bill? If not, the machine will be open. Has every member voted? Is your vote recorded in the fashion that you wish? The machine will be locked and the Clerk will take a tally.

THE SPEAKER:

I understand that the Banks Committee would like to make an

announcement at this time.

MR. CLARK (14th):

Thank you, Mr. Speaker. There's immediate executive meeting in Room 410 of the Banks and Regulated Activities Committee for all the members. Try to be present. Thank you.

MR. CARROZZELLA (81st):

Mr. Speaker, I would also like to announce that the Judiciary Committee will go back into executive session immediately after the result of the vote is announced.

MR. DJIALO (74th):

Mr. Speaker, the Rules Committee will continue to conduct its public hearing and then go into an executive session immediately upon the announcement of the vote here in the hall of the House.

THE SPEAKER:

We remind all members that there is further calendar business, including the debate on the unfavorable report on the abortion bill.

MR. MOTTO (3rd):

Mr. Speaker, the Public Personnel and Military Affairs Committee will have an exec immediately, Room 406.

THE SPEAKER:

The Clerk will announce the tally.

THE CLERK:

Total Number Voting	159
Necessary for Passage	80
Those voting Yea	152
Those voting Nay	7
Absent and Not Voting	18

THE SPEAKER:

The bill is PASSED.

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**CONNECTICUT
GENERAL ASSEMBLY**

SENATE

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THE CHAIR:

Question is on the adoption of the amendment. All those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The amendment is carried.

SENATOR JACKSON:

Mr. President, the bill, as amended, changes our existing law to include the private driveway or alley in the left turn right-of-way statute. I think it spells out the situation if you are on a highway and you intend to make a left turn into an alley or private drive. It spells out when you have to yield to the vehicle approaching from the opposite direction. I urge its passage.

THE CHAIR:

Question is on passage of the bill. Will you remark further? All those in favor of passage of the bill signify their intention by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 59. FILE NO. 16 Favorable report of the joint committee on Banks and Regulated Activities. Substitute for House Bill No. 7197. An Act Concerning the Wallingford Transit District. (As Amended by House Amendment Schedule A). Passed temporarily.

CAL. NO. 65. FILE NO. 77. Favorable report of the joint committee on Judiciary. Substitute for Senate Bill No. 497. An Act Concerning Youthful Offenders.

SENATOR JACKSON:

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

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THE CHAIR:

Will you remark?

SENATOR JACKSON:

Clerk has an amendment.

THE CLERK:

SENATE AMENDMENT A: OFFERED BY SENATOR JACKSON:

Section 3, line 45, after the word shall, insert a comma, and star in its discretion. In Section 9, line 137, after the word other delete the word reformatory and insert the word correction.

SENATOR JACKSON:

Mr. President, the amendment is self-explanatory and I move its adoption.

THE CHAIR:

The Chair will rule it is a technical amendment, sight unseen. The question is on the adoption of the amendment. All those in favor signify by saying, "aye." Opposed, "nay". The ayes have it. The amendment is carried.

SENATOR JACKSON:

Mr. President, on the bill itself, I believe this is a giant step forward in the way 16 and 17 year olds are treated by the State of Connecticut. This is a time in every boy or girls life which is most crucial and the way they are handled during this delicate period will, in many instances, shape the type of men and women they become. In other words, the dye is cast during this period and I think we have the power to change the situation which at the present time, is not working to best advantage of the State or the 16 and 17 year olds.

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At present, a 16 or 17 year old minor can be sent from the circuit to the Juvenile Court, at the discretion of the Circuit Court Judge. I don't feel that this is a good way to handle it because, the limitations on the powers of the Juvenile Court and the failure to prevent to impose safeguards for the community. This bill would set up a new category to be known as youthful offenders. To be eligible you would have to be either 16 or 17 years of age. You would have to be a youth who has not committed a crime which is punishable by death or life imprisonment. In other words, a Class A Felony, under the new penal code. You could not have previously been convicted of a felony in the Court, in its discretion, must adjudge the youth to be a youthful offender.

Upon motion, the court would approve an investigation as to whether someone should be investigated to determine whether he should be a youthful offender. The defendant himself, must consent to physical and mental examinations, if they are necessary and he must also agree to a trial without a jury, if you go into the youthful offender category.

If the court decides that the defendant is eligible to be youthful offender, no action is taken on the complaint and the defendant would enter a plea as to whether he was a youthful offender or not. If the court were to decide that the defendant is ineligible to be treated as a youthful offender the defendant is prosecuted as those proceedings under the act are inapplicable. In other words, he just goes back to the ordinary criminal court and treated as an adult.

On the issue as whether he is a youthful offender or not, if the defendant pleads not guilty, the defendant is tried to determine whether he shall be judged a youthful offender and the trial would be without a jury. If the

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defendent pleads guilty, or is found guilty of the action charged, the court Judges the defendent a youthful offender and the complaint is considered a nullity.

To point out and this is very important, all proceedings under the act, are private and conducted separately from other parts of the court where adults are tried. If there is confinement, the defendent must be segregated from defendents over 17 years of age. Now, the court on the adjudication of a youthful offender, has discretion to commit the defendent, suspend the sentence or execute the sentence. If the court, and this is most important, in my mind, if the court believes that the youthful offender has used narcotic drugs and places him on probation, there is a condition, that he shall submit to periodic tests to find out first if he is using drugs, failure to report to take the tests, or if the tests prove positive, will be a violation of probation. I think this would give the courts a meaningful tool to control these youthful offenders who are on narcotic drugs. I think this is most necessary.

On th issue of probation, the defendent may be placed on probation from up to five years and the committment may be to a institution authorized to receive persons over 16 years of age. I think one important point which has to be brought out is the fact that, if a youth is sent to Cheshire, he can be sent and at the same time, he can be sent there without having a criminal record for the rest of his life. In other words, he can be sent to Cheshire which can not be done at the present time without imposing a criminal record on him. I think this is most important. I will not go through this fairly lengthy bill in any greater detail, Mr. President, but I would be happy to answer any questions from members of the circle as to the provisions. But,

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I believe that it is a very big step forward in our treatment of our youth. I think that we're going to have to do much, much more in the way of providing the necessary tools in the way of facilities, for the juvenile and Circuit Court to really adequately take care of this bill. I think we're also going to have to take steps to provide more probation officers. In other words, we're going to really have to beef up our entire Judicial process as they pertain to our youth and particularly to our youth who are using narcotic drugs. I believe this an excellent bill, Mr. President and I urge its adoption.

THE CHAIR:

Question is on passage. Will you remark?

SENATOR PETRONE:

Mr. President, through you, to the Gentleman from the 5th District, I read Section 6, which says that a plea of guilty to the charge makes it a nullity and no force in effect. The, I don't see here, exactly what say, felonies we may be talking about that's excluded. I thought he mentioned first and second degree murder but, I wonder if say, a felony such as a first degree burglary or a first degree robbery, would fall into that category?

SENATOR JACKSON:

The bill spells out Class A Felony. Now a Class A Felony in the new Penal Code, is a crime which is punishable by life-imprisonment or death.

SENATOR PETRONE:

Therefore, it would mean that a first degree robbery, a plea of guilty by a 17 year old would be a nullity? In your interpretation?

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SENATOR JACKSON:

This would be, he would be eligible to be a youthful offender. If he had no previous felony conviction and if the Court, and this is very important, if the Court, in its discretion, felt that he should be judged a youthful offender. So that, anything under a Class A Felony, can be considered in this and the Court will have discretion to grant youthful offenders status. The Court does not have to grant it. If he feels there is a particular heinous crime which falls into Class B or C or E or any other type of crime, and if he feels that the youth would not be well-served by a judgeing him a youthful offender, he can deny the motion and usually treated as an adult.

SENATOR PETRONE:

Mr. President, thank you, Senator Jackson. I certainly feel that the purpose of this bill or the underlieing reasons for it are good. I happen to meet in my practice many people that have committed non-serious crimes falling into the category of 16 and 18 year old. And then it's a discretionary thing now with the Circuit Court to refer it to Juvenile Court and we go through sometimes, different procedures and different courts some will and some won't. They have different standards and guidelines which I think could be corrected. I have my reservations though when you're talking about only Class A Felonies. Uner the new code which I must admit I haven't read very carefully and I think many members of this circle and many members of the legal profession, must do a little homework between now and October 1, on that new code. But, if it only applies and I know that it is discretion, in your explanation, which you made to the court whether they would grant a motion, a judgeing one a youthful offender. But, I think we've got some

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serious questions and I have some serious questions in my mind when you're talking about the many, many other problems. Not only the drug cases, I mean certainly, there may be changes in that law again in this session. But, I think the last session of this legislature, made many people who are drug-dependent, people who would be treated in a medical sense rather than a criminal sense. So, I think, you can't look at this bill as a drug-bill. I think you have to look at it as a bill that changes our criminal definition of those who fall in this category being excused that they plead guilty to some very, very serious crimes. And, I wondered if the committee had discussed all the issues when they reported this out favorably?

SENATOR ROME:

Mr. President, I'd like to reply partially to Senator Petrone's question. I think this is probably one of the most important bills that will come out of Judiciary, in this session. In reply to your question to whether those aspects were carefully considered, I think, they were most carefully considered.

I think this is not a youth bill nor a lawyers bill but a society bill. I think we recognized for too long that we have a very difficult and distinguishable area to deal with in the 16 and 17 year old category. I think we do, give discretion to the Judge deciding whether the kind of a crime warrants the treatment as a youthful offender. But more importantly, all areas of crime that are covered with this age group. We give greater authority and therefore, greater responsibility and opportunity to the court to treat this age group. Greater control at the time of sentence and greater control thereafter. I think this is what was needed. I think it's a noble experiment. I recognize it's an experiment, but, I think it's intitled to

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have its day, at this time.

Now, this was a very carefully drafted bill by Representative Bingham. A very hard-working member of our committee and he did an extraordinary job both in the research and the explanation of this bill. And I would say, of all of the bills that we've discussed, there has been no more thoughtful consideration of any bill, in any area, of our code, than what was given to this. I think it deserves our favorable consideration.

THE CHAIR:

Question is on passage of the bill, as amended. Will you remark?

SENATOR PETRONE:

Mr. President, through you, to Senator Rome. I don't question that draftsmanship was painstaking and exact. I certainly don't question the ability of authorship of Representative Bingham. The question is very somewhat philosophical. The questions of felonies and misdemeanors, I think is what really is an issue. And, in my mind, there would be no problem if we were dealing her with only misdemeanors. If we said that on misdemeanors a plea of guilty, the court may on motion judge a person in this age category as a youthful offender. But, I wonder, through you, to the gentleman from the 8th, Senator Romer, if they had considered this demarcation of felony as distinguished from misdemeanor?

SENATOR JACKSON:

Mr. President, through you to the distinguished Senator from the 24th. We have taken this into consideration. We've been very clear and explicit that Class A Felony would be the only one that would be excluded. We feel that we have to take into consideration the age of the youth that is involved in this crime. We are talking about not an adult, but we are talking

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about a 16 year old or a 17 year old. The present state of the law is not working. At the present time, you have transfers almost automatically as you've indicated from the Circuit Court over to the Juvenile Court. Once the 16 or 17 year old youth arrives at Juvenile Court there is absolutely no way to make him toe the line.

The Juvenile Court Judges are almost powerless in their efforts to control these 16 and 17 year olds that are coming over.

I think that as far as the degree of the crime is concerned, we have discussed this. We felt that we should leave this in the discretion of the Judge on a Circuit Court who is hearing. If he sees that this offender had a long series of misdemeanor charges on his record or in this case if he has a felony charge, he's automatically excluded. He will have to make a determination. Is it going to serve the interest of the State and also the interest of that child to be given this chance, this opportunity to serve on a youthful offender basis. The big item here, I think, I have tried to point out is the fact that, you can be sentenced to Cheshire and still not have a record. I think we are giving an opportunity to a 16 or 17 year old who is at the threshold. And just how he crosses that threshold and in what direction he takes after he crosses it, I think is most important to all of us people in the State of Connecticut.

When we realize that it is costing almost 13,000 dollars a year per boy in Meriden. I think that if we can take any action, which is going to help improve the situation. It is going to be in the best interest of everyone. We have taken into consideration and I feel that by leaving it in the discretion of the trial Judge, we're serving the interests of society.

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SENATOR ROME:

Mr. President, just a final comment that I think we, when we devise a statute we of necessity, must devise a statute that will be of general application. But, here, you have devised statute which has general application giving the Judges in a very difficult area, opportunity to in the exercise of their descretion to be very specific with regard to the individual and the crime that he has committed. I think that this descretion in any age group, if it's important in any age group, it is most essential in this particular age.

THE CHAIR:

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

THE CLERK:

Clerk will return on the Calendar to Cal. No. 59. File No. 16 which we previously passed.

FAVORABLE REPORT OF THE JOINT STANDING COMMITTEE ON BANKS AND REGULATED ACTIVITIES: Substitute for House Bill No. 7197. An Act Concerning the Wallingford Transit District.

SENATOR BUCKLEY:

Mr. President, I believe there's a House Amendment? I move adoption of House Amendment Schedule A.

THE CHAIR:

Will the Clerk please read House Amendment Schedule "A"?

THE CLERK:

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the case of a land owner removes all 18 and all 19. At that point and removes the word privilege throughout. At that point it merely becomes a housekeeping bill, and it retains the word permit. It seems that there are other several classes of permits and in suspending licenses at times they refer to licenses and not permits. And complications occur. So now it calls it a permit when its a permit. A spade is a spade.

THE CHAIR:

The question is on passage of the bill, as Amended by House Amendment Schedule A. Will you remark further? If not all those in favor of the bill as amended signify by saying aye. Opposed nay. The ayes have it the bill is passed.

THE CLERK:

The Clerk has completed the Calendar.

THE CHAIR:

Are there announcements? Senator Jackson.

SENATOR JACKSON:

Mr. President, as a member of the prevailing side under Calendar No. 65, File No. 77, S.B. 497 Involving Youthful Offenders, I move for reconsideration.

THE CHAIR:

Is that on todays Calendar? Just for my own reference.

SENATOR JACKSON:

It is not, Mr. President, it was passed last Thursday, this is the next Session day and I am moving under the rules.

THE CHAIR:

The Motion is on Reconsideration of the Youthful Offender Bill.

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Will you remark? On your motion to reconsider? Do you wish to remark, sir?

SENATOR JACKSON:

No, we just have what I consider to be a clarifying amendment which we would like to have introduced.

THE CHAIR:

The motion is on reconsideration of the bill as described by Senator Jackson? All those in favor of reconsideration, signify by saying aye. AYE. Opposed nay? The bill will be reconsidered and placed back on the Calendar.

SENATOR JACKSON:

Is it possible to have it taken care of at this juncture?

THE CHAIR:

What is the physical state of the bill. Is it here?

THE CLERK:

The Clerk anticipating the request has the bill here.

THE CHAIR:

The Clerk anticipating the request has the bill physically before him. And reconsideration may be had the following day of the Calendar day if the bill is here. You may proceed.

SENATOR JACKSON:

There is an Amendment, Mr. President.

THE CLERK:

The Clerk has received an Amendment. This would be Senate Amendment Sch. B. offered by Senator Jackson.

THE CHAIR:

Would you hold up just a minute Mr. Clerk. For the benefit of the

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new members. Reconsideration may be had upon a majority vote on the motion of a member who was on the prevailing side when the bill passed. Such motion must be made by the next day that we are in session. Which is in order. This was passed as I recall last Thursday. And today being Tuesday. And now the bill is before us for whatever action the Senate wishes to take and the Senator has an Amendment.

Will you read the Amendment please?

THE CLERK:

Senate Amendment B is offered by Senator Jackson. In line 45 after the word 'court' insert, in its discretion based on the severity of the crime and the results of the examinations, investigation and questions."

THE CHAIR:

Senator Jackson, will you remark on the Amendment?

SENATOR JACKSON:

Mr. President, I move adoption of the Amendment. And in support of that I would just add that this makes very clear that the Circuit Court Judge in his discretion shall make the determination whether a youth in the age bracket of 16 or 17 years shall be designated a youthful offender. And be able to come under the purview of this particular act. I believe that the bill as passed last Thursday made this abundently clear. However, it was called to my attention that there might possibly be some misunderstanding at some future date. And rather than take the chance of having this cause difficulty in the future, I have asked for the reconsideration. So the purpose of the Amendment is simply to make abundently clear that the court will have discretion on whether the youth is admitted to youthful offender status. I urge passage of the Amendment.

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THE CHAIR:

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

THE CLERK:

The Clerk has a further amendment. The Clerk will label this Senate Amendment C. as offered by Senator Petroni of the 24th.

THE CHAIR:

Had we had an earlier Senate Amendment Schedule A? We just had B did we?

The original bill was amended on Thursday. So this is C? Senator Petroni.

SENATOR PETRONI:

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

THE CLERK:

In line 5 and 6 strike out the words "which are not class A felonies" and insert in lieu thereof the following: "which are neither Class A. felonies, kidnapping in the second degree, assault in the first or second degree, manslaughter in the first degree, burglary in the first degree, rape in the first degree, larceny of property with a value in excess of two thousand dollars nor robbery in the first degree."

THE CHAIR:

Senator Petroni:

SENATOR PETRONI:

Mr. President, I move acceptance of the amendment.

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THE CHAIR:

Will you remark?

SENATOR PETRONI:

Mr. President, in my opinion this is one of the most important bills that this circle will consider in this session. And last Thursday when we passed it, I had a few questions to the Chairman of the Judiciary Committee who felt that it was within the discretion of the Court then to determine that a person between the ages of 16 and 18 was with the Court. I am grateful at least today that we spelled it out in more specific language. Because when you read this bill, you realize that it applies to all felonies in all crimes except Class A felonies. And Class A felonies, I believe under the new code applies to First and Second Degree murder, and kidnapping or capital offenses. That means that a person in this category between the ages of 16 and 18, would be able to commit crimes that I set forth in my Amendment and come within the jurisdiction of this bill. Hopefully now, after the investigations and after the Court makes that determination on motion of the defense counsel or the prosecutor or the Court. I think that there is going to be very strong arguments in the future that under the equal protection of the law provisions of the U.S. Constitutions, even though there may be some opinion to the contrary; someone may be able to argue that this particular bill is unconstitutional. That the standardards are set forth in it. And the standards are clearly set forth in Section 1. And therefore rule that there is no discretion. And thats one of the main reasons that I have included my Amendment to include the crimes which I have listed as kidnapping in the Second Degree, Assault in the first or second degree, manslaughter

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in the first degree, burglary in the first degree, rape in the first degree, larceny of property in excess of \$2,000 or robbery in the first degree.

Those my fellow members of the circle are rather serious crimes. And in reading other provisions of this act, once that determination is made you will find that the maximum sentence is three years. And the penaltys before that are much less. It goes on to state that in Section 10, no determination made under the provisions of this act shall operate as a disqualification of any youth subsequently to holding public office or public employment. Or as a forfeiture of any right or privilege to receive any license granted by public authority. And no youth shall be denominated a criminal by reason of such determination nor shall such determination be deemed a conviction. And there is another provision that says. I think its Section 3 where he pleads guilty, the youthful offender provision says there that in the information and complaint shall be considered a nullity and of no force in effect.

Ladies and gentlemen of the circle, this in my opinion is the wrong direction we should be travelling. Certainly we are talking about people now today. Who are between the 16 and 18 year-old category to be responsible for their own state of mind. And they should be. And certainly the state of a man's mind at this age, I think can beproved as a fact. Just as well as the state of his stomach. And therefore, I think the evidence that I have read. The current evidence anyway, that I've read seems to indicate that we have become so permissive in this bill, that it breeds more permissiveness and more lack of respect and less discipline in a society that needs more.

The Presidential Commission headed by Robert Finch, issued a report

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a few days ago. Where they state that in 1969, over 50%~~of~~ over half of those arrested for serious crimes were under 18 years of age. The New York Times yesterday in their news of the week had a very revealing editorial on Crisis Sheet on Violence is Grim. And it points out the problems of violence in the New York City Schools where it is at a crisis stage.

Certainly today when there is the machinery set up in the Courts to give a person who has committed a crime without a great deal of malice. Or without the seriousness of intent to be referred to the Juvenile Court between the ages of 16 and 18 under the present law. And I've seen where at times the Juvenile Court has not really followed through on some of the crimes that were referred there or some of the acts that were committed and mostly because they probably didn't have the staff. But certainly these weren't the crime that I set forth in my Amendment. From my experience these aren't the kind of crimes that we want to look at someone and say that he has no record whatsoever after he pleads guilty to it. I don't think that again, that this is the direction that we should be going at a time when there is an increase in crime in this age category. And when you read the definition he qualifies as long as he has not committed a prior felony.

We are not talking about the young man who has committed one, two, three or four misdemeanors. Say mistakes of discretion. We are not talking about that kind of a person as a youthful offender. Because those don't count. He can still have those and be classified as a youthful offender under this bill. Only those who have been convicted of a prior felony or those who have been previously adjudged a youthful offender. And under this bill only those who are not Class A felonies. What will we lose if we adopt the Amendment that I have proposed? Certainly I don't feel we are going to

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lose a thing at this time. We have a very say serious responsibility to consider that without it we may be just making it less objectionable for a young man to embark on a life of crime.

Certainly all of us here. Most people who are concerned today about the problems of youth want them to develop the respect for the law. Certainly I am not here to do anything but that as I stand on this Amendment. But I think, as I said at the beginning, that we have to develop a responsible youth. A youth who say commits a First Degree Robbery or a First Degree Felony of the ones that I've listed in my Amendment shouldn't be put before us in a star chamber proceeding as it is in this bill. Its a very secret proceeding.

I say let people see what has developed in a particular case. So that it will be an example for someone else. Certainly we need deterrent. And the only way I know is by the people knowing what has taken place. There are sections in this bill that I find repugnant. I've gone along with them because I feel that in the spirit of compromise we go forward. But theres parts of this bill which deal with the special treatment that they received where the Court must proceed in a entirely different section with a sealed information and complaint. I assume so that the public will not know and that this person never had the stigma in any way. I think we have to consider communal justice in this bill. In this Amendment. And before you vote on this Amendment I would hope that you would consider the seriousness of the felonies that I have tried to accept from this bill. And I don't see where we, as members of this circle, will lose in any way by excluding First Degree Robbery, First Degree Felonies as I have listed. And ask you to seriously consider the affect of this Amendment in trying to show those young men and

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women that they will be responsible for their acts. And that we will fulfill our responsibility here I believe in supporting this Amendment. And I ask you Mr. President that when the vote be taken, it be taken by roll call.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I rise in opposition to the Amendment. To the distinguished Senator from the 24th in making these remarks, I would hope that in the future when he is called upon to vote for more monies for more adequate funding for facilities and staffing, I hope he will join with us in aiding these very badly needed tools in our correctional process.

I would point out that the bill which is before us and which is Amended by A, and B, tightens up existing law. I am sure that Senator Petroni is aware of the law 54-1A which at the present time gives the Circuit Court the right to transfer any case to the Juvenile Court. So in the fact, in the new law, the youthful offender bill we are saying that under no circumstances will you transfer anyone who is accused of a Class A felony. In addition we are making it very clear that it is going to be discretionary upon the part of the Circuit Court Judge. Whether anyone else who has committed any of these crimes is eligible or becomes eligible as a youthful offender. I think this is very important. Because we are setting up a system which is going to be able to protect a 16 and 17-year-old youth. This is the most formative years of his life. Or her life. And I think that we are not setting up any star chamber. We are setting up procedure which is designed to protect and will benefit the youth involved. There is no requirement that any 16 or

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17-year-old asks for or accept youthful offender status. He has the right to elect trial either by Court or by Jury in either the Circuit or Superior Court if he is subsequently bound over. So that there is no requirement. There is no mandate that he accept youthful offender status. And we are not setting up any star chamber. I don't think that we want any star chambers in the state of Connecticut.

And I know the entire Judiciary Committee and I am sure the entire Legislature of the State of Connecticut would object strenuously to any such procedure. I think we are tightening up the laws which exist at the present time and I think we are taking meaningful steps to try to update our present system which is so grossly inadequate. And which cannot effectively take care of the problems of our 16 and 17-year-olds. And I don't think that we have to take out of the hands of our Courts and our Judges their discretionary power. I am sure that they will exercise it in the best interest of all the people of the state of Connecticut. And I think that in tightening up the law as exists at the present time, we have taken a big step forward. We have eliminated the most serious crime. Granted there are some of the crimes in the Amendment which maybe considered serious and I would hope that the Judge in reviewing all of the circumstances of each individual's case would take them into consideration. So I would urge that this amendment be rejected.

THE CHAIR:

Question is on passage of the Amendment. Will you remark further?

Senator Ives.

SENATOR IVES:

Mr. President, a question to either the gentleman from the 5th or to

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Senator Petroni. If , Senator Petroni probably . If your Amendment is adopted, what status does this leave the 16 and 17-year-old in.? If the Amendment was adopted?

SENATOR JACKSON:

It would mean that any of the crimes that are specified in the Amendment would automatically proclude that 16 or 17-year-old youth from gaining youthful offender status. At the present time, as I pointed out, for any complaint, he can be referred to Juvenile Court if the Judge in his discretion so orders. This is the present law. And we have said that Class A felonies automatically exclude him from youthful offender. But if this Amendment is passed it will broaden considerably the discretion of the Judges. And will automatically mean that a 16 or 17-year-old can not receive youthful offender.

THE CHAIR:

Senator, you don't mean broaden the discretion. Don't you mean limit the discretion as I was following the debate? You said this Amendment would broaden the discretion of the Judge? Senator Petroni's Amendment? Would that broaden the discretion of the Judges or takes certain crimes away from their right to make them youthful offenders? Would it not?

SENATOR JACKSON:

It would mean that you would have several more offenses which if committed would preclude the Judge --

THE CHAIR:

Yes it would limit his discretion. You said broaden I think.

SENATOR JACKSON:

Mr. President, I stand corrected and I want to thank you.

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THE CHAIR:

Thank you. It would limit his discretion. It would take certain crimes away from his discretionary treatment. Is that not correct?

SENATOR JACKSON:

Yes that is correct.

SENATOR IVES:

I'm still confused. If the Amendment is adopted. A 16 or 17-year old, in the discretion of the Circuit Court Judge would then either be referred to the Juvenile Court or be bound over to the Superior Court in these offenses?

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

No, Senator Ives. If this Amendment is adopted, all of the crimes which are listed in the Amendment, would automatically preclude the Judge from admitting the youth to youthful offender status.

SENATOR IVES:

I understand that, but what else?

SENATOR JACKSON:

He will then be treated as an adult criminal. Regardless of any other circumstances.

THE CHAIR:

Senator Petroni.

SENATOR PETRONI:

Mr. President, I can accept in part the remarks on the answer to the Senator from the 32nd, questions from the gentleman from the 5th. But I do

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feel that from my experience that on crimes that I am discussing in my Amendment, First Degree felonies, that the Circuit Court does not have exclusive jurisdiction of those matters. Certainly its concurrent with the Superior Court from my knowledge. And from my experience I don't know where crimes like First Degree Robbery, that's for instance a bank. A man goes in, a young man 17, 11 months goes into a bank. Robs a bank. Holds a few people as hostages and maybe commits two or three assaults in the process. I don't think that that particular incident would be referred to the Juvenile Court. The cases that I find referred to the Juvenile Court do not fall in this category. Even though I have not, sure that the Court, the Circuit Court cannot refer them.

But from my experience I know one that they have concurrent jurisdiction with the Superior Court on these crimes. And that for my experience certainly these matters do not go to the Juvenile Court. And I think that anyone that is under the impression that they do, I think is being misled. Not intentionally by the gentleman from the 5th. But I cannot accept the fact that the matters will be going to the Juvenile Court that are set forth in my amendment.

THE CHAIR:

Senator Eddy.

SENATOR EDDY:

Mr. President, just questions. I have really been trying to follow this debate closely. Because I take Senator Petroni's word that it is an important matter. And I believe that Senator Jackson will concur. I am not clear in my mind yet just what the amendment^{"B"} would do. And what Senator

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Jackson's objection is. Is my feeling correct Senator Jackson that you feel the amendment is bad because it takes jurisdiction of a decision away from the court as to whether or not a young man or woman, if she committed one of the crimes that Senator Petroni suggests, there might be some circumstances which would warrant the Court to give him youthful offender status. And Senator Petroni's amendment would automatically eliminate any possibility that this young person could possibly gain this status. Would you tell me under what circumstances a young person might possibly gain youthful offender status if he did commit one or more, or one of the crimes that Senator Petroni's amendment sets forth?

SENATOR JACKSON:

Mr. President.

THE CHAIR:

Given leave to explain. If there is no objection. A member may not speak more than twice except with unanimous consent or to explain. I am certain that you are going to explain.

SENATOR JACKSON:

Yes. To answer Senator Eddy's question. There may be circumstances which would allow the Circuit Court Judge to make a decision that a youth should be admitted to youthful offender status because of the circumstances surrounding the offense with which he is charged. While he may be technically charged with one of the offenses. He may have been an accessory. Our law requires that an accessory can be charged and committed on the same basis as the one who has caused, has actually committed the crime. I think the background of the particular youth involved is going to have to be looked into.

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I think you are going to have to take into consideration his past history. His past record. The circumstances that surround his entering into the crime for which he has been convicted. Or accused. Everything that goes into a Judge making decision on background, mental attitude, all of these things would have to be taken into consideration. This is what we appoint judges for. We would hope that they would be able to make value judgments on each individual case. So that if we are taking away from the Judge, the right to make a value judgment on these cases, I think we are doing a dis-service not only to the state of Connecticut, but to the youth itself. At the present time, our law, I will grant Senator Petroni the fact that it is not exercised. Our law is very explicit. I will read it to you.

When any complaint has been brought against any person who has attained the age of 16 years, but has not attained the age of 18 years at the time of the offense was committed, the Circuit Court may transfer said person from its jurisdiction to the jurisdiction of the Juvenile Court. So its very clear that for any offense a transfer can be made now. And we are taking away some of the Circuit's Court's jurisdiction by saying that no Class A felonie will, the Class A felonie would automatically exclude a youth from being admitted to youthful offender status.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I would like to reply to Senator Ives' question. And I think the one point that Senator Jackson read from the existing statutes is important. That is there will no longer be any Circuit Court or any other

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Court right prerogative to send a 16 to 18-year-old youth to the Juvenile Court. There will be no longer a Juvenile Court for this age group. I think thats a significant distinction.

THE CHAIR:

The question is on the passage of the Amendment. Will you remark further? Senator Macauley.

SENATOR MACAULEY:

Senator Rome has just reaised a new question. I don't understand how that comes about. The Circuit Court can't refer a 16 or 17-year-old still to the Juvenile Court? That hasn't been amended or deleted. I fail to see where passage of this amendment or this act precludes that. Still precludes that?

THE CHAIR:

Senator Rome.

SENATOR ROME:

Perhaps I was looking ahead. But Senator Macauley on File No. 77, page 7, line 292, I think that it does preclude the Circuit Court from referring the matter to the Juvenile in this age group.

SENATOR MACAULEY:

Maybe I speak on the Amendment. What I originally wanted to do. I think if I can quote the state's attorney of Fairfield County, he is not sure but he believes that the statistics on juvenile court referrals, of crimes of a serious nature. Of the type referred to in this amendment. And he thinks that the statistics would show that very few if any are referred to the Juvenile Court. So what we are talking about here are crimes that go

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to the Superior Court. We are talking about the most severe crimes. The person who shoots people, rapes people, blows up buildings, commits larceny. These are the serious crimes. I think these are uncovered in this amendment. These are not the crimes that I think we want persons committing these crimes going under this act. Where everything is completely secret. And where he comes out the most he can receive is 3 years. And where he comes out with a perfectly clean record. The next day he can go out and commit an identical crime and come before the Court. His defense attorney can stand up and say Your Honor this boy has a perfectly clean record. And technically it would be true. Because he would have no record from the previous offense. Now a lot of talk here has been protection of the public. We are moving very fast in this area of these juveniles. We have just gone on record in favor of the 18-year-old vote. In this bill its applicable to the age the crime is committed. Which means that 18-year-olds will be tried as youthful offenders. The question here, is I fail to see where the public is protected? And what I'm concerned about is protecting the public. The people who live in our cities. The ladies are victims of these people. The older people who are most often the victims of the 16, 17-year-old kids or hoods I should say. These are the people that I am concerned about. I think now that reading from the local paper, the Bridgeport area, that all of the letters to the Editor, articles and so forth, they tend toward criticizing the Judicial system. Criticizing the Legislature. Criticizing the Courts. All in that we are being too lenient here because the crime is increasing. In last night's Bridgeport Post, the FBI report came out and said that Bridgeport's crime in the major category is up 20% in the past year. I fail to see where these

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kind of crimes, letting juveniles get away, if you will under this youthful offender act. A clean record having everything secret. I fail to see where its going to benefit the public in permitting them. I think the amendment is good. I think these are the type of crimes that should not come under this kind of act.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I'm at a loss to find any language in the bill which requires that the persons who commit these crimes be obliged to be treated as youthful offenders. The language is discretionary. Section 3A talks about investigations caused by the Court regarding physical and mental questions. I think the entire language of the statutes is couched in discretionary terms. So that these offenders that you speak of may be treated in accordance with the law as it exists now and your understanding of that law. But there is some discretion. I think what we are looking for is society to benefit. All of society. We are talking about law and order with justice. We are talking about justice and rehabilitation for an age group which has not adapted to our concept, society's overall concept of right and wrong. And its our concern that they be rehabilitated. That they understand right from wrong. That they understand the direction in which this society must go pulling together in the future. And I think this kind of discretionary statute, in this vital area will be helpful in that regard. I do not find any mandatory language which says that any Judge of the Circuit Court must when he finds the kind of hideous crimes that you talk about without any

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additional circumstances, factors which would require him to send this youth, treat this as a youthful offender. There is no language here which requires him to do otherwise.

THE CHAIR:

Will you remark further? Senator Eddy.

SENATOR EDDY:

Mr. President, I haven't really spoken except to ask a question. And now very briefly I would say that a unique experience of me to have no opinion on this amendment until I've listened to the debate. On the basis of what's been said here. I am going to vote against the amendment. It seems to me that we are moving backward when we do not give a young person a second chance. That's really what we are talking here. We are in this amendment to me now that I've listened to the debate. Says that if a person does something he is automatically categorized as a criminal. Whereas there may well be, as Senator Jackson said that some extenuating circumstances which the Court can take into consideration before they decide whether or not to give him youthful offender status. I'm satisfied that this amendment should be defeated.

THE CHAIR:

Motion has been made that there be a roll call vote. Senator DeNardis.

SENATOR DENARDIS:

Mr. President, members of the circle. I have found this debate very helpful as Senator Eddy has indicated he found it helpful. I thank particularly Senator Petroni for offering this Amendment so that the issue might be clearly joined. And I found that in the ensuing debate that I

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understand this bill a lot better this time around than I did when it was originally presented. And I think it was because of the debate which followed the introduction of the Amendment. I too will vote against the Amendment because I feel that young people at this stage of their lives have not adopted a life style of crime. And I think its quite possible and I think that society ought to hope that through its rehabilitated efforts it can prevent young people who have committed one act, perhaps irrationally and injudiciously, that they have embarked on the wrong road, and that the right road is one in which they will see society in a different light. And I think that the discretionary power of the judges in this case, in this instance can be put toward that end. And for that reason I shall vote against the Amendment. But I thank the introducer of the Amendment for joining the issue so clearly.

THE CHAIR:

Senator Ives.

SENATOR IVES:

Mr. President, I rise to oppose the Amendment. Over the years I've been quite critical of the judicial. But one thing I think we have to leave with the Judicial is the power to investigate and make decisions. At least on the first offense. And if the bill as it came out of committee and is clarified by Senate Amendment Sch. B., I think very clearly does this. And I think Senate Amendment Sch. C. should be defeated.

THE CHAIR:

Senator Odegard.

SENATOR ODEGARD:

Mr. President, I too feel that this discussion has allowed me to

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much better understand the legislation that we acted on a few days ago. And my understanding leads me to the opposite conclusion that is in total agreement with Amendment C, as offered by Senator Petroni. We are talking about very serious offenses here. Offenses that I believe rank very close in magnitude to the capital offenses in the new penal code. I think all those guilty of serious crimes should be held accountable and punished to a degree commensurate with that crime. And if anything, those in this age bracket we are talking about 16 and 17, should be most accountable and most aware of their accountability, and most aware of the potential severity of punishment. Now I think over the years, recent years, we have become entirely too permissive and too lenient with those who have been convicted or those who have been exonerated through legal technicality. And I personally believe that those who do very harmful things to society, as suggested by this amendment, should take the severe consequences that society justifiably imposes. I certainly am very much in favor of passage of Amendment C.

THE CHAIR:

Will you remark further? Senator Petroni, you must have permission of the entire body.

SENATOR PETRONI:

I don't think I spoke twice, Mr. President. I spoke the once and then I answered questions, I thought.

THE CHAIR:

Well, normally regardless, to speak a third time except to explain you must have unanimous consent. I'm certain that will be granted. I'm just pointing that out to you, to shape up the debate.

Senator Petroni.

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SENATOR PETRONI:

Thank you Mr. President. I would like to say that I certainly don't attribute anything but high motives to those who support this bill, and who do not support my Amendment.

Certainly I am for rehabilitation. Certainly I am for respect of the law, so we don't have these crimes committed. And certainly I'm for investigations. I'm for giving someone a second chance. I think my whole thinking is to temper the law with justice. It has always been my feelings that we must look into the circumstances of the crime. But my amendment doesn't take it away except for those very serious felonies that are set forth in the amendment which I have discussed before.

Certainly the committee felt that the Class A felonies should be excluded. And there must be good reason for that. They didn't want First and Second Degree Murder or Kidnapping to be discretionary. They feel that that kind of an act should be left with the Superior Court. I don't think that the thrust of this argument as I see it deals with any star chamber proceeding. I alluded to that and I did say that I felt that the things that are in the open bring about a better system of justice. But I certainly don't feel that thats the issue in this bill. And if my remarks were interpreted that way, I want to clarify them here. That isn't the issue in this bill that primary in my mind. And the issue of whether the Juvenile Court had exclusive jurisdiction or partial jurisdiction isn't the issue because I don't think that anyone here feels that the crimes that are set forth in my Amendment are matters that the Juvenile Court is dealing with ordinarily. In fact I've never experienced a situation where that happened. So lets not allude to these very exceptional situations. I think that thats doing a dis-

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service to yourself, if you think that its that kind of a case that I'm talking about that ordinarily the Juvenile Court would consider. I also don't argue with those that may say we ought to give discretion. We ought to give discretion to the Circuit Court Judges on these kind of matters. In itself that statement sounds very reasonable. But the thrust of my argument is, what happens in the situation that has a very serious act committed and the discretion that we are all talking about in the circle now, that my minority leader the gentleman from the 32nd, and the gentleman from the 9th, Senator Eddy. They are convinced that the discretion cures this objection. That the discretion is good. But should the Supreme Court of the this country say that maybe the Courts don't have discretion in this particular bill. Because it sets forth very clearly in the sections, to some people anyway, that if you are between the ages of 16 and 18, and if you have not committed a prior felony, and you haven't been adjudged a youthful offender, you may be able to argue that you fall within the provisions of this act. And I know the Amendment and I am grateful for the Amendment. At least we have more at least of probative evidence that we intended it to be that way. And certainly that was one of the things, I supported the Amendment. And I was grateful that the Amendment was passed. But I don't feel that the argument is based on these statements that I just mentioned. I think the real argument is what will it do except make people in this age category more responsible if we don't give them the status of youthful offender.

In that context I think we owe it to them and to ourselves and to the people in the future. Who will have to come within the provisions of that act that when we are talking about the felonies I set forth in my

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amendment, you have to stand as a man. And your not talking about someone that never had any record. There could be in this act a person...

THE CHAIR:

Senator, you have stated this before, I do not mean to embarass you. But this very line of reasoning has been stated by you on the floor before. It might have had three or four misdemeanors and the like... is that not correct, sir?

SENATOR PETRONI:

Yes I will not repeat that.

THE CHAIR:?

I want to be very spareing in such comment, but you really have been over the same ground.

SENATOR PETRONI:

All right, I will stop the repetition, Mr. President and hope that we look at it on the basis of, is it right for a person who say pleads Guilty under this act to be treated as if nothing has really happened. I think its wrong. I think that we should be responsible between those ages for the kind of crimes that I am talking about that I want excluded from this act. And I hope that the circle will consider it.

THE CHAIR:

Thank you Senator, will you remark further? Senator Cashman.

SENATOR CASHMAN:

Just one additional comment, I would agree with those whose mind has been made up as a result of this discussion. And I will support the Amendment. And for those offenders under the Amendment who truly have ex-tenuating circumstances, its my understanding the prosecutor can always reduce

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the charge. I think that that particular objection to the Amendment can be anticipated to be covered that way.

THE CHAIR:

Will you remark further? If not the question is on a roll call vote. All those in favor of a roll call vote on the Amendment signify by saying aye. AYE. Opposed nay. More than 20% have voted for a roll call vote. A roll call vote is ordered in the Senate, Senate Amendment Sch. C.

Will you proceed Mr. Clerk?

Results of the roll call Senate Amendment Schedule C offered by Senator Petroni:

Whole Number voting 27
Necessary for Passage 14
Those voting Yea 9
Those voting nay 18
Those absent and not voting 9

The Amendment is defeated.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President I move for passage of the bill as Amended by Senate Amendment Sch. A and the...

THE CHAIR:

Senator Jackson I will move Senate Amendment Sch. B. technical in nature so that we may proceed at this time. Will you remark?

SENATOR JACKSON:

I would just move adoption as Amended by the two amendments, Mr. President.

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THE CHAIR:

Will you remark? Question is on the adoption of the bill as Amended. If not all those in favor of adoption of the bill as amended signify by saying aye. AYE. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

The Clerk has received the report of the Chief Court Administrator 1969-1970.

There is no further business on the Clerk's desk at this time.

THE CHAIR:

Senator Power.

SENATOR POWER:

Mr. President at the request of Senator Dinielli I would like to make this announcement, that there will be an executive Session of the Insurance Committee tomorrow Wednesday at 11 a.m. in Room 417.

THE CHAIR:

Any further announcements? Senator Caldwell?

THE CLERK:

The Clerk has been asked to announce that tomorrow is the last day for mileage and would you please when you are here on a non-scheduled session day indicate on the back of the card for what reason you were here. Such as a hearing. The comptroller will not honor cards unless the explanation is there.

THE CHAIR:

Senator Caldwell.

SENATOR

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 2
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CVS

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WEDNESDAY

JUDICIARY COMMITTEE

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Rep. Mortenson: Mr. Chairman, Members of the Committee: I'm Elmer Mortensen, representing the 24th District. Not knowing too much about this bill but what I've seen of it. I certainly want to register in favor of it. But there's one problem that I find is that where teenager is probably not child abuse but it's from gang fights and many other things that are never reported to the police.

Sen. Jackson: Which bill are you referring to?

Rep. Mortensen: #388 that Mrs. Hammer just spoke on. Is that many of these cases are not reported to the police. And this creates a problem because we don't know fully what goes on in many of these places in the evenings and I'm sorry that it can't be, the age couldn't be raised to 19 or 21. But these are problems that I find in my town and I imagine it's the same all over. A kid is beaten up. He goes to the hospital, gets a few stitches and this is the last we've heard of him. Then, I find out about it days after where there has been problems. I can't speak too much on child abuse but I do know there is certain amount of that too.. And I hope that you'll give it careful consideration. Thank you.

Rep. Holdsworth: I'm Representative Holdsworth, 125th District. I came this morning to speak initially on a bill which I had introduced relative to the Juvenile Court. And it was basically the transferring of juveniles or young adults from the age of 16 just under the age of 18 to the Juvenile Court. I recognize that there are one of the prime concerns of our citizenry is the fact that a young person possibly gets into trouble on a first offense and going to Circuit Court has a record (criminal record). So in order to circumvent this the provision was made to permit young people to go to, to have the case transferred to Juvenile Court. I just feel that the 16 year old young adult is allowed the privileges of driving a motor vehicle and the highways and in a point in their life where they are planning their education, future education. This certainly should be considered and now also we're arriving at the point where they are going to be allowed to vote at 18 so they're really arriving at a point in their life where they are really young adults.

I came to speak in favor of this H.B.#5318.

H.B.#5318 - AN ACT CONCERNING THE JURISDICTION OF THE JUVENILE COURT.

But I find that there is another bill which does a better job than the bill that I presented and that is bill#497.

S.B.#497 - AN ACT CONCERNING YOUTHFUL OFFENDERS

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Rep. Holdsworth: (cont'd) And I strongly recommend that or would like that this Committee take favorable consideration of that particular bill.

I have a couple of other bills that I'd just briefly like to speak on. S.B.#743

S.B.#743 - AN ACT CONCERNING SEPARATE SESSIONS FOR NEGLECT PROCEEDINGS IN THE JUVENILE COURT.

This would allow these particular conditions, neglect proceedings, to be heard in a private session than it is at the present time.

S.B.#734 - AN ACT CONCERNING PARTICIPATION BY FOSTER PARENTS IN JUVENILE COURT PROCEEDINGS INVOLVING CHILDREN IN THEIR CARE.

One of the great problems that we have today in our society is the great number of foster children. And we have many many foster parents who have deep feelings for the young people that they are raising. Under the present statute these foster parents have no voice in any of the proceedings relative to the foster children. I think that this bill gives them certain rights that they certainly should have because they are guiding the destinies of these young people.

Also I'd like to speak in favor of H.B.#7945.

H.B.#7945 - AN ACT CONCERNING JUVENILE COURT REFORM.

It's a very nominal sum of money that's asked for, \$12,000. To ask for an investigation of the Juvenile Court system and procedures and make recommendations to improve the fair and efficient operations of Juvenile Court. And this once more is in line with part of the proceedings that take place, foster children and so forth also ties in with the other bill.

And another bill in the same area is H.B.#7946 which is the same as S.B.#743 and this will assist in the solution of some of the problems for the juveniles we have today.

H.B.#7946 - AN ACT CONCERNING SEPARATE SESSIONS FOR NEGLECT PROCEEDINGS IN THE JUVENILE COURT.

Thank you very much.

Sen. Jackson: Thank you very much.

Rep. Carrozzella: Senator Mondani.

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J. Gill: (cont'd) There are two bills here which would do away with transfers and we say, well, there's got to be something to take there place. This is admittedly...

Sen. Jackson: Well, Judge, do you feel that the youthful offender bill #497 will facilitate transfers?

S.B.#497 - AN ACT CONCERNING YOUTHFUL OFFENDERS

J. Gill: I think, that I read this to be in lieu of transfers. And if this were passed the transfer section would be eliminated. Am I wrong?

Sen. Jackson: That's correct.

J. Gill: I think, it would be a substitute that 's worth trying. I think we've got a lot in the transfer act and what's happening under it is not as good as it ought to be and while obviously there are going to be problems in any act particularly a new one I thought the act was well conceived and I don't see why it couldn't be effectively implemented.

Sen. Jackson: Thank you.

J. Gill: Now, we also as judges favor the provisos in the bills #250 and #388 dealing with procedures in child abuse cases.

S.B.#250 - AN ACT CONCERNING TESTIMONY OF HUSBAND AND WIFE IN CHILD-ABUSE CASES.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

We are the judges who hear these cases almost all of them and it is true that the effective presentation of these cases has on occasion been hampered by such technicalities as the question of privileges between husband and wife and some other problems which have been looked at in the statutes. We think they are good statutes and would hope that they would be passed. We also favor the amendment in bill #243 which would modify the definition of the kind of force that parents or parental surrogates may use on children by the insertion of the word "reasonable" as a qualification of the phrase of something less than deadly force. I think, a lot of people have felt that this is a pretty wide open clause and that it could stand some elaboration and interpretation.

We would like to point out that bill #6368 which deals with transfers from the Connecticut School for Boys to Cheshire may have built into it some of the same legal booby traps which have been characteristic of every transfer bill in the last 6 or 8 years.