

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-779		846	1	3	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li><i>Judiciary</i> 280</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>5979-5981</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>2919</li> </ul>

**H-120**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 13  
5555-6226**

Wednesday, June 9, 1971

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Mr. Speaker, I rise in support of this bill. I had occasion to work in, with this type of legislation in the State of New York and it is a benefit to the contractor and to the people of the state in that it will provide for lower construction costs because the contractor is able to get his retainage out. It also stimulates the sale of state bonds. I urge its passage.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

MR. MAHANEY (92nd):

Mr. Speaker, will the Clerk now, again on page 9, please call Calendar No. 1573.

THE CLERK:

Calendar No. 1573, substitute for S.B. No. 846, An Act Concerning Criminal Contempt, File No. 1593.

MR. VOTTO (116th):

Mr. Speaker, I move for acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER :

Will you remark?

MR. VOTTO (116th):

Mr. Speaker, this bill concerns the area of criminal contempt. The purpose of the bill is to maintain the decor and dignity of our court system. May I indicate in this area, we felt in the Judiciary a bill of this nature was required in the area of criminal contempt. Might I to anyone point out that anyone, including lawyers, who violates the dignity of the court or violates the dignity or so obstructs justice even in the area of a court trial, to be guilty of criminal contempt carrying a fine of \$500 or six months

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in jail or both. This bill is needed. We feel that it's a good bill.

djh

THE SPEAKER:

Further remarks on the bill?

MR. BINGHAM (157th):

Mr. Speaker, I rise in support of this bill. This bill is a result of the case of Fairberry against the State of Pennsylvania wherein Chief Justice Burger stated that there were other means to cope with grave misconduct in the court room, whether that of the accused or his counsel or spectators or others. Statutes defining obstruction of justice have long been in force in many states with penalties measured in years of confinement. Mr. Speaker, this is a good bill. It conforms with the United States Supreme Court decision. It provides that the judge who tries the case does not have to sit in contempt and that the person who is in contempt of court and tries to obstruct justice in the United States, may receive a jury trial. Mr. Speaker, this is a good bill and should pass.

THE SPEAKER:

Further remarks on the bill?

MR. ERVIN (140th):

May I ask a question of the proponent of the bill?

THE SPEAKER:

Please proceed.

MR. ERVIN (140th):

If, during the course of the trial, suppose a trial lawyer on four or five occasions disrupts the court and the judge withholds any sentencing for this contemptuous action, would the judge at the end of the trial be limited to this six months for all the contempts or would this be for each and every occasion?

MR. VOTTO (116th):

This would be, through you, Mr. Speaker, this would be in addition for example, the judge could cite a lawyer in contempt for misconduct in dignities, depending upon the number during the course of any trial. This bill also provides, however, for the protection and fairness of fair play for a trial by some other judge. In other words, the same judge issuing the contempt, holding a lawyer in contempt, would not be judge and jury at the same time.

THE SPEAKER:

Further remarks on the bill?

MR. BARD (145th):

Mr. Speaker, I don't believe the question was answered. I think the question was whether if an attorney had violated this section on more than one occasion in one trial, would his penalty, could his penalty be more than six months?

MR. VOTTO (116th):

Through you, if I may Mr. Speaker, the answer is yes because he could be added each additional count for every transgression and the sentencing.. could increase the sentence on each count. It could make him run, for example, consecutively on each one.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

MR. MAHANEY (92nd):

Mr. Speaker, will the Clerk now, on page 8, please call Calendar No. 1566?

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SENATE

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cause. This bill requires the Commissioner of Motor Vehicles, to afford a public hearing to any person before revoking their registration or suspending an operators license. It also amends existing language and allows the police to take and retain a drivers license for up to 24 hours, when he has been arrested for drunken driving. This takes away the right of the police to summarily pick up the license and send it to the Motor Vehicle Department, without first allowing for a public hearing. I think this is a very important bill and I urge its passage.

THE CHAIR:

Question is on passage, will you remark further? If not, all those in favor of passage, signify by saying, "aye". Opposed, "nay". Bill is passed.

THE CLERK:

CAL. NO. 1112. File 1593. An Act Concerning Criminal Contempt. Favorable report of the joint standing committee on Judiciary. Substitute Senate Bill 846.

SENATOR JACKSON:

Mr. President, I move adoption of the committee's report and passage of the bill. This sets up a new crime of criminal contempt, spells out the violations of this section punishable by fines of \$500., or a prison sentence of six months or both. Any person that's charged with a violation of this crime, will have an opportunity to have the case tried before another Judge. A Judge other than the one who originally brought the action.

THE CHAIR:

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

**JOINT  
STANDING  
COMMITTEE  
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TUESDAY

JUDICIARY COMMITTEE

FEBRUARY 23, 1971

S.B. #846 - AN ACT CONCERNING CRIMINAL CONTEMPT.

This involves criminal contempt. It provides for a fixed penalty in the event of criminal contempt. Specifically \$500. and/or six months.

S.B. #920 - AN ACT CONCERNING ISSUANCE OF SEARCH WARRANT.

The issuance of search warrants. I notice that is also Bill # 811 that provides for the search warrantee to be effective added to mere evidence. Our Bill - S.B. #920 also provides for that but it goes a bit further in that our Bill - S.B. #920 requires the affidavit of only one person as against the present requirement of two and also it would allow county detectives to serve search warrants. At the present time the language of the legislation does not include county detectives.

H.B. #6890 - AN ACT CONCERNING ALIBIH.B. #5288 - AN ACT CONCERNING DISCLOSURE OF THE NAMES OF ALIBI WITNESSES.

Regarding alibi testimony. Our bill provides for ten days notice to the State when the defense of alibi is to be asserted by the defendant in a criminal trial and I note that there is another bill - #5288 which has a two week notice requirement. That also - #5388 requires that the names of the alibi witnesses be submitted to the State and I am sure that our Council would favor that Bill as well.

Rep. Bingham: How about the State notifying the defendant when the trial is coming on?

Mr. Gaucher: I think that would be certainly a reasonable expectation on the part of the defendant.

Rep. Bingham: That is not done now, right? They call you up on

Mr. Gaucher: Well, I don't know about other countries, I know that in our county it is done.

Rep. Bingham: How much notice do you give?

Mr. Gaucher: Generally about anywhere from two weeks to a month.

Rep. Bingham: Do you keep a calendar?