

HB 8914

(PA 812)

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Senate ~~3403~~ - 3404

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House 4612 - 4637, 4760 - 4767

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SENATE

PROCEEDINGS
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June 9, 1971

Page 74

File 1186; Cal. 643, House Bill 6904, File 1582; Cal. 1150, House Bill 7901
File 1342; Cal. 1192, House Bill 7148, File 1334; Cal. 1204, House Bill 7256
File 1393; Cal. 1214, House Bill 7014, File 1423; Cal. 1226, House Bill 8914
File 1073; Cal. 1257, House Bill 7048, File 1464; Cal. 1262, House Bill 8271
File 1474; Cal. 1267, House Bill 9020, File 1457; Cal. 1271, House Bill 5049
File 1628; Cal. 1272, House Bill 5415, File 1632; Cal. 1273, House Bill 5627
File 1616; Cal. 1274, House Bill 5709, File 1630; Cal. 1275, House Bill 5714
File 1575; Cal. 1276, House Bill 5834, File 1569; Cal. 1277, House Bill 5938
File 1585; Cal. 1278, House Bill 6210, File 1627; Cal. 1279, House Bill 6367
File 1565; Cal. 1280, House Bill 6561, File 1555; Cal. 1281, House Bill 6674
File 1586; Cal. 1285, House Bill 7077, File 1556; Cal. 1287, House Bill 8272
File 1566; Cal. 1289, House Bill 8578, File 1579; Cal. 1290, House Bill 8799
File 1640; Cal. 1293, House Bill 9246, File 1638; Cal. 1294, House Bill 9256
File 1637; Cal. 1295, House Bill 9001, File 737; Cal. 629, House Bill 7642
File 638; Cal. 721, House Bill 7802, File 1127; Cal. 755, House Bill 8761
File 773; Cal. 802, House Bill 8658, File 906; Cal. 964, House Bill 6197
File 1359; Cal. 975, House Bill 7609, File 876; Cal. 990, House Bill 8561
File 1172; Cal. 1041, House Bill 9196, File 1232.

Mr. President, I move for the adoption of all those bills, I move for suspension of the rules, first of all, for consideration of those which were not single starred or were not double starred rather.

THE CHAIR:

All those in favor of suspension of the rules indicate by saying, "aye"
All those opposed? Suspension is granted.

SENATOR CALDWELL:

June 9, 1971

Page 75

I now move adoption of all those bills.

THE CHAIR:

Question is on the motion. All those in favor indicate by saying, "aye". All those opposed? The bills are passed.

SENATOR CALDWELL:

An additional item, Mr. President, On our Calendar, on page 18, Cal. 1350, Senate Bill 1841, I move for suspension of the rules for immediate consideration.

THE CHAIR:

Question is on suspension of the rules, all those in favor indicate by saying, "aye". Those opposed, "nay". The rules are suspended.

SENATOR CALDWELL:

I now move for the adoption of the bill. It is self-explanatory. It concerns the transfer of certain property to the Town of Manchester.

THE CHAIR:

Question is on the motion, all those in favor indicate by saying, "aye". All those opposed? The bill is passed.

SENATOR CALDWELL:

I now move for suspension of the rules for immediate transmittal.

THE CHAIR:

Question is on suspension of the rules. All those in favor indicate by saying, "aye". Opposed? Suspension is ordered.

SENATOR CALDWELL:

Mr. President, on page 23, Cal. 1391, File 1450, House Bill 5567, I move for suspension of the rules for immediate consideration.

THE CHAIR

H-117

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 10
4344-4830**

Thursday, June 3, 1971 46.A

MBS

on or before June 1, 1971?

(Unidentified):

The amendment takes care of that.

MR. SPEAKER:

Will you remark further on the bill as amended by Schedule "A" and "B"? If not, all those in favor indicate by saying aye, opposed? The bill is passed.

THE CLERK:

Calendar No. 994, Substitute for House Bill No. 8914, An Act Concerning the Penalty for Non-Addict Drug Pushers.

JOHN A. CARROZZELLA, 81st District:

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

MR. SPEAKER:

Will you remark?

JOHN CARROZZELLA, 81st District:

Mr. Speaker, I think it is of major concern to each and every one of us in this House the problem of drugs. And I think it is of even more concern to those of us who are parents. I, myself, have four boys and I live in the fear of the day when they come back to my home and say they smoked marijuana or whatever. And, of course, the big problem is what is the real answer. I think we all know what the real answer is, we cut off the supply and therefore, there is no drug problem. But, we, as a state, cannot do that by ourselves so we've got

Thursday, June 3, 1971

47.

MBS

to take another attack. We've got to take an attack on a man who sells drugs and put him in jail for a long period of time and get him off the streets. And in this way the supply will be gone because the more of these people we can put behind bars the less the drug problem. This bill will do just that. Under the present law, the seller of drugs, and we passed this bill back in 1967, for a first offense we said not less than five or more than 10 years, for a second offense, not less than 10 and no more than 15. And for a subsequent offense, 25 years. But, Mr. Speaker, the problem with this bill, the problem with existing law is the fact that in many instances, the seller who is not a drug addict is given a suspended sentence, the court will say we impose five years, execution suspended. Or execution suspended after two or whatever. What this bill says is that insofar as the person who is not a drug addict, if he sells, he shall go to jail for not less than 10 years for the first offense, for the second offense not less than 15 and for the third offense, and each subsequent offense, not less than 35 years. What is significant about this bill, Mr. Speaker, is the fact that we have put in section 2. Section 2 amends the law that says that the court can suspend. We have amended that by saying that anyone convicted under Section 1, the court in no circumstances can suspend and most assuredly, must impose a sentence and therefore, the sentence must be served. This is what is important about this bill

because it makes it mandatory, mandatory that they go to jail. And no court can overturn that. I submit it is a step in the direction of keeping the drug pushers off the streets of this state. I submit it is a step in the direction to keep our children free of drugs. I submit it is a good bill. I urge its passage.

BERNARD AVCOLLIE, 94th District:

Mr. Speaker, and members of this House, I'm very pleased to rise and support this bill. I introduced it and offered it to the Judiciary Committee and they took it and approved it and added the section with regard to making it mandatory that the non-addicted pusher be given a jail sentence. This bill gives the state's attorneys and the prosecuting attorneys throughout this state an additional crime with which to work in their fight against the flow of drugs in the state of Connecticut. It's not aimed at someone who is selling marijuana, otherwise known as pot, or some of the lesser drugs, that's not doing it for a profit. What it is aimed at is the individual or the number of individuals in the syndicates in this state that are selling hard drugs, heroin particularly, for profit. Since we've adjourned I'm sure all of you have had a great deal more experience since the 1969 with the problem of drugs. I've personally counseled over 25 young men and women who have been addicted to hard drugs and each case these addicts were, of course, a menace not only to society

Thursday, June 3, 1971

49.

MBS

but to themselves. But in each they case they were addicts, they were in a sense to be pitied and I think our direction with these young people is to try to rehabilitate them. This bill does not go towards the addicted drug pusher. It goes to the individual who is making a living on selling drugs, strictly for profit, not to support a habit, not to continue an addiction or a sickness, but to spread this tragic epidemic throughout the state of Connecticut. Our present Governor, and our past Governor, has labeled our drug problem an epidemic. It can only be stopped if we get to the roots of it and the root of it is the individual in this state and the individual coming into this state that is selling hard drugs for a profit. I urge this body to support this bill, I believe it is a step towards eliminating our epidemic in the state of Connecticut and I certainly hope it passes unanimously. Thank you, Mr. Speaker.

MICHAEL MORANO, 151st District:

Mr. Speaker, I commend the Judiciary Committee on their action and when a previous speaker said they took a step forward with this legislation, I think it was a baby step forward. I think it should have been a giant step forward and I think that the penalty should have been about five times what they brought out. As you know, I had a bill in that would give a non-addicted drug pusher life imprisonment and I still feel that way and I do hope the next time we can

Thursday, June 3, 1971 50.

MBS

take the giant step forward and place them all in prison where they belong.

JOSEPH GORMLEY, 142nd District:

Mr. Speaker, I am happy to support this bill. In my estimation the drug pusher is the worst kind of a criminal and if the pusher is put in jail where he belongs, it will go a long way to reduce better than 50% of other crimes committed in our state. Thank you, Mr. Speaker.

DAVID LAVINE, 73rd District:

Mr. Speaker, a question to the sponsor of the bill, Rep. Avcollie. My reading of the bill indicates that it talks in terms of drugs, which I would understand to be marijuana. Secondly, it is my understanding that you are not addicted to marijuana but habituated to it. Now, the language within the bill talks about a drug dependent person. Is it possible, Rep. Avcollie, that anybody who sells marijuana in that they are not habituated and cannot be habituated would then be covered by this particular act.

BERNARD AVCOLLIE, 94th District:

Yes, Mr. Speaker, I think that under the language of this bill what Mr. Lavine is asking is possible. However, that's not the thrust or the intent of the bill. The intent of the bill is to give the state's attorney and the prosecuting attorney an opportunity to charge an additional crime which does carry a harder sentence which goes towards im-

Thursday, June 3, 1971

51.

MBS

prisoning the person who is not drug dependent and who is, in fact, selling drugs for a profit. I believe that Mr. Lavine is getting into facts that it would be possible to arrest a young man who sold a pack of marijuana for a lark, and who, of course, is not addicted. It could be possible to charge him under this statute. It would be likewise possible to charge him under the lesser statute which is a misdemeanor and the practice in this state always has been, and would be, I'm sure, to continue to charge him with a lesser charge. I hope that answers the question.

JAMES BINGHAM, 157th District:

Mr. Speaker, I urge the passage of this bill, I strongly support the bill. The non-addict drug pusher, Mr. Speaker, is a menace to society, he preys upon the weak, he preys upon the poor, and this bill certainly is a step forward in our war against non-addict drug pushers and our war against crime and our attempt to clear up the drug problem in the state of Connecticut. I'm happy also to state that this is part of the Governor's package on drugs. I urge the passage of the bill, Mr. Speaker.

SIDNEY SHERER, 159th District:

Mr. Speaker, it's very interesting to note that we have on the books today a bill which I support wholeheartily. Last night I had a workshop with quite a few young people in my area on this basic problem, that of drugs, and from the way the bill reads, and from what they said last night, this

bill does not go far enough because these young people stated that a drug pusher, non-addicted, who is preying upon young people should be put away for life and maybe with this type of legislation we can give these people, these young people today, a chance to grow up in a clean environment so that they will be able to do that which is necessary in future years, maybe sit here in the legislature and protect their own and future generations that are coming up.

RONALD SARASIN, 95th District:

Mr. Speaker, I, too, rise to support this item of legislation that is in the Governor's package and an item which I had an opportunity to comment on earlier during this session when I had the privilege of bringing out the drug package. It's our position and certainly the position of Rep. Avcollie that there is no lower occupation than one which preys upon the young of our state solely for monetary reasons not even with the excuse of trying to support their own habit. This bill should have everybody's endorsement in this House and it will go a long way toward slowing down this process.

MR. SPEAKER:

Before recognizing Rep. Holdsworth could we have a bit more order.

EARL HOLDSWORTH, 125th District:

Mr. Speaker, I support this bill although I don't think, in my opinion it goes as far as it should, for this reason,

Thursday, June 3, 1971

53.

MBS

that the non-addict pusher of hard drugs is in a category all by themselves. They are worse than premeditated murder. They are affecting the lives and destinies of and possibly the death of many, many people. And I believe and I feel that these people should be put away for life because this is the only way to treat these people who are so callous with the lives of others. I, therefore, support this bill until the next time around.

PETER GILLIES, 75th District:

Mr. Speaker, I rise in support of this bill. This, too, is a matter of great concern to the Democratic party and was, in fact, a part of the Democratic platform. The whole concept of drug control and drug addiction and its problems is reaped upon the society is not a problem that is known only on one side of the aisle and this is clearly a bi-partisan effort to solve a national and statewide problem. I would point out that I am pleased too, that the state saw fit, that this state saw fit to first concern itself with the young people in an effort to try and help those who were drug addicted to provide some method, through our court procedures, to insure that young people who were, in fact, addicted could receive treatment rather than penalty. And I'm pleased that the penalty provisions follow that and did not precede it. My only thought on this bill, with reference to this bill, is I would hope that the members of this Assembly, and that we would

Thursday, June 3, 1971 54.

MBS

make every effort to make it clear to the young people of our communities that this is a potentially very dangerous bill as it relates to them. That the young people who might sell a marijuana cigarette to their friends are in very grave danger of being subjected to an extremely severe penalty and a extremely severe incarceration. So I would suggest that it is incumbent upon all of us as we love the young people, our own children, who very well might find themselves at the wrong end of this particular piece of legislation, to make them aware of what we have done this day. This is a far-reaching piece of legislation to the extent that it will affect the hard-core, hard-drug pusher. It's a fine piece of legislation to the extent that it may hit the young person who inadvertantly sells to his friend one marijuana cigarette, it is a very dangerous piece of legislation. So I would suggest that we do our homework and tell the young people what we have done and get on with the business. Thank you, Mr. Speaker.

ROY ERVIN, 140th District:

Mr. Speaker, briefly I favor this bill but I think Mr. Gillies' remarks very appropriate because unfortunately, if this is aimed just at the hard drug cases this would be a perfect bill. However, I'm afraid we will catch some kids who don't appreciate what they are doing who are dealing with marijuana. But briefly, the purpose of the bill I agree with.

Thursday, June 3, 1971

55.

MBS

A few weeks ago I had a friend visit me from New Hampshire who lived in Fairfield all his life up til 12 years ago. He picked up the Bridgeport newspaper and after five minutes he put it down and said, "Roy, I just can't believe the front page of this paper." He said you realize that half of it is dedicated to drug abuse, drug arrests, what have you. He said I just never dreamt that things in Fairfield County or in Connecticut had become this bad and I said unfortunately they have. He said, why? And I said obviously the influence of New York City, we are feeling that, and perhaps the affluence of our area. But he said thank God it hasn't hit New Hampshire this bad. I said well, Don, that may be true but believe me, your days are coming. Two years ago when I was up here I happened, as a freshman, to be put on a panel on alcoholism and drug abuse and everybody talked about alcoholism and I just couldn't believe it because we were feeling the imprint of drug abuse down in Fairfield County and I got up and spoke, I talked just about drugs and their coming, and now statistics show that this thing has tripled in two years. The notoriety of this bill is the main thing we must impress upon people. People coming from New York, to the kids in our towns, unless they know the severity of their act they are going to be caught innocently sometimes in their way of thinking. We have a duty to go back to our people in our towns and tell the people, the youth of our area, that this is what the state of Connecticut

feels should happen to people who deal with this deadly type of thing.

IRVING STOLBERG, 112th District:

Mr. Speaker, through you a question to the proponent of the bill, I wonder if, through you, the proponent might answer whether the same penalties would apply to a young person who gives a marijuana cigarette to a friend as could apply to a really organized hard drug pusher?

BERNARD AVCOLLIE, 94th District:

Mr. Speaker, I've already answered that question to Mr. Lavine, it is substantially the same question but I think it needs answering again. The answer is, Mr. Stolberg, and I understood the question, yes, it would be possible but that isn't the rest of the answer and that isn't the reality of the situation that prevails. In the first place, in order to charge under this law, a state's attorney or a prosecuting attorney would have to take advantage of the existing law, up under Public Act 555, and have the party arrested and examined for drug dependency. In other words, you would first have to prove that he was or was not addicted and then charge him with this crime. Now, its possible that a young boy who gives a marijuana cigarette to another young boy could be charged. Is it probably, no. The penalties right now are on the books in which the state's attornies and the prosecuting attornies could charge him with stiffer charges.

Thursday, June 3, 1971 57.

MBS

These are not the sellers or the pushers that they want to go after. So that if you have a fear that passage of this bill will result in young people being arrested and charged with a stiffer penalty I can only tell you, after having had a great deal of experience in this area, particularly over the past two years, it is, in fact, not a probability.

IRVING STOLBERG, 112th District:

Mr. Speaker, through you I'd like to pose another question. Was it not possible that this bill could have been drafted so that the hard drug pusher that we are all interested in levying very heavy penalties against could have been aimed at without risking the possibility of selective prosecution, perhaps against young people who prosecutors wish to get ahold of on other things, who are very susceptible under this law for very heavy penalties.

BERNARD AVCOLLIE, 94th District:

Yes, Mr. Speaker. I don't think it would have been possible for this reason. It's not simply aimed at the person who is selling hard drugs and by your definition, I assume you mean heroin and who is not addicted. I would submit to you that the 40 or 50 year old man that sells a bag of marijuana, which is not a hard drug, is equally guilty, is equally despicable. Now, we can't distinguish in the law between that man who is selling a bag of marijuana and a youngster who may be selling one piece of marijuana, one

Thursday, June 3, 1971 58.

MBS

cigarette. We have to permit some discretions with our state's attorneys and our prosecutors. I would say that Mr. Stolberg indicates that would it be possible to draft it so we didn't have to run the risk of this discretion. The risk is minor compared to the advantage we have in giving the state's attorneys and the prosecuting attorneys a tool with which to catch, apprehend and charge the individual who is selling for profit, not the youngster but the pusher.

IRVING STOLBERG, 112th District:

Mr. Speaker, in response to my distinguished colleague's answer, I'm going to have to very reluctantly vote against this bill because I share with all of the members here, the great desire to inhibit the traffic in drugs. As a teacher, however, I'm also aware of the enormous number of young people who are involved in marijuana, in a very light sense, who would be liable to very serious prosecution under this bill and I think a law that allows such wide discretion to the prosecution and a law that is very specific here, if the prosecution chooses to prosecute thousands upon thousands of our young people would be open to prosecution and be open to very heavy prison sentences. On those grounds, this is a bad piece of legislation because of that inclusion. I will have to very sadly vote against this bill.

JOHN CASSIDENTO, 106th District:

Mr. Speaker, this same clause which includes cannabis

Thursday, June 3, 1971 59.

MBS

type drugs, frankly, scares hell out of me, too. It's the sort of thing where it is possible that we could get an overzealous prosecutor who can charge a youngster who gives, or sells, one cigarette under this very tough statute. I agree wholeheartedly with the rest of the statute. However, if I could ask a question of Mr. Avcollie, to establish some sort of legislative history, I take it, Mr. Avcollie, that if a person were charged under this statute for the sale of marijuana that the prosecutor or state's attorney could only charge him under this statute if he sold a large quantity of marijuana or the crime charged was so outrageous that he chose to charge him under this statute. Is that correct?

BERNARD AVCOLLIE, 94th District:

The intention is clearly in that direction, Mr. Cassidento, and further could only be charged at the time of the arrest if a state's attorney or prosecutor had him examined for drug dependency. And this, of course, is discretionary and I think this is the key to it. I don't think that our state's attorneys and prosecuting attorneys are going to try to examine thousands and thousands of youngsters on the sale of only one marijuana cigarette. I think to even conceive of that is a little bit preposterous so in answer to your question, yes, and I don't believe the threat of arresting thousands of children, if we have thousands selling marijuana, is, indeed, a threat.

Thursday, June 3, 1971 60.

MBS

JOSEPH COATSWORTH, 76th District:

Mr. Speaker, I would rise to support this bill with one reservation that Rep. Gillies of the 75th brought up earlier. I can support the part of the bill that gets tough on pushers of hard drugs and would imprison them for a period of at least, not less than 10 years. But the problem with the remainder of the bill is I can't understand why it should be applied in the first place to marijuana because we are bringing thousands of youngsters in this state under a rather punitive law. In terms of having confidence in state's attorneys, I might point out that other sections of this country, state's attorneys, for example, in Texas and in Tennessee and other states have sentenced young people to terms of 10 years for just using marijuana, never mind selling it. I would have some reservation about a law like this but on the advice of the Chairman of the Judiciary and Mr. Avcollie, as his name is correctly pronounced, I would support the bill just in terms of getting to the hard drug pusher. It is a dangerous precedent and I hope that it will not be used just as punitive device against young people in the state.

MURIEL YACAVONE, 17th District:

Mr. Speaker, I think the intention of the bill is what we are all looking for but I don't think it should include cannabis drugs. I think perhaps it should have spelled out the really dangerous drugs, which is heroin, speed, barbitu-

Thursday, June 3, 1971

61.

MBS

rates and LSD, and whatever else is known to be truly dangerous and addicting. Thank you.

RONALD SARASIN, 95th District:

Mr. Speaker, I rise again to support the bill, speaking for the second time, and I can't understand the logic of the argument, which seem to go...to be to the effect that because thousands of people are doing something that is illegal we shouldn't do anything about penalties concerning them. I simply can't understand and I fully realize that this bill, in fact, regardless of its language is not going to hit the kid who gives away a one joint of marijuana. But it can and if it can, I think that threat should remain in the law. There certainly is no reason to disregard the fact that what the girl or boy is doing happens to be illegal and happens to be against the law. Unless we're going to change the law regarding use or sale of marijuana, we certainly shouldn't weaken a bill like this by taking out the so-called soft drug applications that's applicable in this act. It's almost like being a little pregnant, there's no such thing. Either you are selling the drug that happens to be illegal or you are not. I just, again, simply cannot understand the argument that it is a matter of degree in the sense of prosecution, I don't expect that prosecutors are going to go forward with this type of thing against that one individual, that one time but as Rep. Avcollie has pointed out, the 55 year old

Thursday, June 3, 1971 62.

MBS

man who is selling a large quantity of this to school children is certainly within the provisions of this act and he certainly should be within the provisions of this act. Thank you, Mr. Speaker.

THOMAS DONNELLY, 46th District:

Mr. Speaker, I rise in support of the bill with some questions in my mind which I would like to pose to either the distinguished Chairman of Judiciary or to Rep. Avcollie, and I have been unable to get a clear answer to the question, through you, Mr. Speaker, is there a statutory definition of a drug dependent person?

MR. SPEAKER:

Does the gentleman care to respond to the question of a definition of a drug dependent person?

BERNARD AVCOLLIE, 94th District:

I'm not aware of a statutory definition. I am aware of the fact that there is a medical definition and there are, of course, psychiatrists used by state's attorneys in each county who right now, under the existing law, declare a person drug dependent or not drug dependent.

THOMAS DONNELLY, 46th District:

One further question if I might, and I might be being a bit facetious but I don't think entirely so, on the question of what constitutes drug dependency, to my mind, Mr. Speaker, the non-addict pusher who sells hard drugs is drug dependent

Thursday, June 3, 1971

63.

MBS

economically in the sense that his income is derived from it. Again, I'm not trying to be facetious, if its coming out that way, I apologize but I'm concerned that this bill may not do what I want it to do and I think the great majority of the people in this Hall want it to do and that is get at that so-called non addict pusher, which is the term applied in the title of the bill. Question: does drug dependency should not be statutorily defined, Mr. Speaker, through you to Mr. Carrozzella or to Mr. Avcollie.

PETER GILLIES, 75th District:

No, the gentleman from the 75th is not on his feet to respond.

MR. SPEAKER:

The gentleman has posed a question. Would Rep. Avcollie or Rep. Carrozzella care to respond?

BERNARD AVCOLLIE, 94th District:

I probably have the answer but I didn't get the question.

THOMAS DONNELLY, 46th District:

I will rephrase the question. In view of the fact that drug dependency, unquote, can be construed in any number of ways including perhaps economically, as I just outlined, that is, Mr. Avcollie, the non addict pusher who earns his living in that trade, if it can be called that, is economically drug dependent. Now I know that is not what this is intended to mean but it could be construed that way. Should it not be

Thursday, June 3, 1971

64.

MBS

statutorily defined to be limited to its medical connotations.

BERNARD AVCOLLIE, 94th District:

Through you, Mr. Speaker, I think any prosecutor, any state's attorney, or any rational individual who says that a non addict is economically dependent...in other words, has to sell drugs to make a living, is to say the least, a sadist. There's no such thing. We could double 115,000 unemployed and not say that there was an economic reason for selling hard drugs. I reject the thought that an individual could claim to be economically dependent. Drug dependent is used in the statute throughout and it is used in other public acts that we've passed here previously, it is accepted in the court, doctors know what it means, the lawyers know what it means, the state's attorneys know what it means and the kids know what it mean. And it doesn't mean you need the money.

THOMAS DONNELLY, 46th District:

Mr. Speaker, I certainly hope he's correct. Again, Mr. Avcollie, my intention in asking the question is to be absolutely sure that the bill does what we all hope it will do and that is to get that non addict pusher and not create a hole in the statutes through which he can drive a truck. There's one further question, Mr. Speaker, which I would like to pose through you, to Mr. Carrozzella. I want to be sure I absolutely correctly understand Section 2. Do I understand correctly, sir, that the discussion...that the discretion of

Thursday, June 3, 1971

65.

MBS

a judge to suspend a sentence for conviction under Section 1, is removed.

JOHN CARROZZELLA, 81st District:

Through you, Mr. Speaker, that is absolutely correct, there will be no more discretion in the judge to suspend the sentence, if the person is convicted under Section 1. Just as there is no discretion to suspend sentence for second offense drunken drivers for 60 days.

THOMAS DONNELLY, 46th District:

I thank the gentlemen and urge unanimous action in favor of this bill.

MR. SPEAKER:

The Chair would urge action on the bill, we've had 16 speakers and we have a long afternoon ahead of us.

PETER GILLIES, 75th District:

Mr. Speaker, it has been brought to my attention that one of the representatives wishes to submit an amendment to this bill and I would therefore ask if this matter could be passed temporarily for that purpose.

MR. SPEAKER:

Is there objection to passing it temporarily?

JOHN CARROZZELLA, 81st District:

Mr. Speaker, this bill has been in the file for several days now, it has been passed retained, day after day, and now we come to the point where we've debated the bill for

Thursday, June 3, 1971 66.

MBS

over an hour, just about, I'd say we're ready to take action on this bill, if there was an amendment needed it should have been brought to the attention of someone before this time. I would oppose this motion to pass temporarily.

JOHN CASSIDENTO, 106th District:

Mr. Speaker, I would like to, I'm the one who would like to submit an amendment eliminating cannabis type drugs from this bill. The reason is this....

BERNARD AVCOLLIE, 94th District:

Point of order, Mr. Speaker.

MR. SPEAKER:

The gentleman is about to address himself to the motion to pass temporarily.

BERNARD AVCOLLIE, 94th District:

Then I will ask for a ruling on a point of order, Mr. Speaker, I believe a motion to pass temporarily is tantamount to a motion to lay on the table, which is not debatable.

MR. SPEAKER:

It has never been interpreted that way in the nine years that the Speaker has been here nor will it be interpreted that way while he is in the Chair.

BERNARD AVCOLLIE, 94th District:

That's all I wanted to know, was an answer, Mr. Speaker.

MR. SPEAKER:

It seems to me there is an answer.

Thursday, June 3, 1971 67.

MBS

JOHN CASSIDENTO, 106th District:

Thank you, Mr. Speaker. One of the reasons for eliminating....

MR. SPEAKER:

Does the gentleman wish to now address himself to the motion to pass temporarily, now that there's been a ruling?

JOHN CASSIDENTO, 106th District:

Yes, Mr. Speaker, one of the reasons is that in our committee, we found that a certain state's attorney, whose name will be unnamed, recently had occasion to prosecute some 71 drug cases. Many of them were 17 and 18 year old boys and girls in high schools. He took the position that each and every one of these sellers of marijuana, even if only one count, was going to jail for one year. We spoke to an attorney who represented a large segment of these people, and it was only when a judge indicated to this attorney that he would not accept the recommendation of the state's attorney that these cases were disposed of. But the fact of the matter is, we do have some state's attorneys, some prosecutors, who would charge a high school student, for example, under this statute for one minor sale of marijuana, which is why I urge this matter be passed retaining, so I can make the amendment.

GEORGE HANNON, 16th District:

Mr. Speaker, I won't address myself to the bill because I think the matter before us is the matter of passing the

Thursday, June 3, 1971 68.

MBS

piece of legislation temporarily. As a matter of fact, since January this House, in its wisdom, has granted legislation be passed temporarily when those of us wish to refine legislation to make a good bill better. The gentleman has, which is within his right, asked of the acting Majority Leader to pass this piece of legislation temporarily while he has time to submit an amendment to this body and for the deliberations. We have done it in the past, the fact that it has been in our files for two days, as all of the legislation has, doesn't mean a thing. If we can refine this bill, if we can make this bill work, we can make this bill do the things that it is supposed to do for the protection of the people of the state of Connecticut. I think the gentleman from New Haven should have it passed temporarily.

JAMES BINGHAM, 157th District:

Mr. Speaker, I oppose the motion to pass temporarily. Aside from the fact that this matter has been in files for three days, the gentleman from New Haven is on the Judiciary Committee, participated in the Executive Committee of Judiciary Committee, if he had any objection to the bill he should have brought up the objection at that particular time. Now, Mr. Speaker, if we continue this particular practice of passing temporarily we will never get finished with the business of this house. This bill has been completely discussed, this is a bill which we need, this is a bill which ~~was passed in the state of New Jersey and passed in the~~

Thursday, June 3, 1971 69.

MBS

surrounding states. If we are ever to get on with the business of this House, and further, if we are ever to stamp out drugs and drug addiction we need this legislation and I urge that we vote on the bill at this particular time.

MR. SPEAKER:

May I suggest that not too many minds are going to be changed on the motion to pass temporarily. Further debate is in order but I don't think too many minds are going to be changed.

IRVING STOLBERG, 112th District:

Mr. Speaker, I would just remind every member of this House that in my full experience here a suggestion to pass temporarily has been a motion that has been accorded as a courtesy to members and if we can get a bill with a brief amendment that will only take a few minutes to type up, that will pass unanimously, I think give dignity to this House.

BERNARD AUGER, 55th District:

Mr. Speaker, I can't see, when we have legislation of this importance to the state of Connecticut why it can't be passed temporarily. We just passed temporarily about seven items concerning payments of Vietnam veterans' bonus bills, and payments of World War II bonus bills, and payments of Korean War bonus bills, and I think this should be passed temporarily. Thank you.

EDGAR KING, 37th District:

Thursday, June 3, 1971 70.

MBS

Mr. Speaker, I think that we all know that there are thousands of young people who do, at times at least, use the marijuana type drug in our state, and if I understand the interpretation from those who are most familiar with this bill it is quite possible that a prosecutor could base his charge on this new law and thus mandate that child go to jail for at least 10 years. I shudder at the thoughts of such law and I think it is horrible and if we can change it and still get at the main purpose behind this, that is to put in jail the hard drug pusher, I think that we should do so if we have to stay here in extra session for many, many weeks to get it done and I'm in favor of passing this thing temporarily.

MR. SPEAKER:

Will you remark further on the motion?

NICHOLAS LENGE, 13th District:

Mr. Speaker, I favor the motion to pass temporarily. One of the purposes of debate is to refine issues and if its possible to improve any piece of legislation then we ought to have the opportunity to do it. The burden is on the gentleman to produce what he has said he can produce, the issue has been refined, we understand it and if we can do anything to make it better, we should. I'm sure we all favor the basic bill.

MR. SPEAKER:

The motion is to pass temporarily. If you favor the

Thursday, June 3, 1971 71.

MBS

motion vote aye, if you are opposed vote no. All those in favor of passing this item temporarily indicate by saying aye, opposed no. The motion is passed temporarily. The motion to pass temporarily succeeds.

THE CLERK:

Page 13, Calendar No. 996, Substitute House Bill No. 9131, An Act Requiring the Minimum....

MR. SPEAKER:

Before we proceed, the Chairman of the General Law Committee indicates he has an announcement to make.

ALBERT WEBBER, 113th District:

Mr. Speaker, I rise for a point of personal privilege. I would ask the members of the General Law Committee to proceed immediately to Room 4 $\frac{1}{2}$ for a very important meeting. Thank you very much.

THE CLERK:

Page 13, Calendar No. 996, Substitute House Bill No. 9131.
An Act Requiring the Minimum Wage be Raised to One Dollar and Eighty-five Cents Per Hour in the State of Connecticut, as amended by House Amendment "A" and "B".

DOMINIC BADOLATO, 30th District:

Mr. Speaker, the House acted on House Amendment "A" and "B" and I would move now that "A" and "B" would be withdrawn.

MR. SPEAKER:

This item was originally passed as amended by "A" and "B", we then reconsidered our action. We should bring the

Thursday, June 3, 1971 193.

MBS

I'm seeing too many stars. On page 11, Calendar 722, with two stars, House Bill No. 6091, An Act Concerning the Adoption of a Connecticut Environmental Policy Act.

PETER GILLIES, 75th District:

Mr. Speaker, I move that that matter be passed retaining its place on the calendar.

MR. SPEAKER:

If there's no objection, so ordered.

THE CLERK:

At the bottom of page 12, Calendar No. 994, Substitute for House Bill No. 8914, An Act Concerning the Penalty for Non-Addict Drug Pushers. File 1073.

JOHN CASSIDENTO, 106th District:

Mr. Speaker, the Clerk has an amendment.

MR. SPEAKER:

I'll direct the members attention to this item, it was considered in detail earlier this afternoon at which point, after considerable debate it was passed temporarily so the gentleman from New Haven could prepare an amendment and the gentleman will now offer his amendment, Schedule "A".

THE CLERK:

This is House Amendment Schedule "A" offered by Mr. Cassidento of the 106th and Mr. Carrozzella of the 81st:

In line 6 after the word "or" insert "more than one kilogram of a"

Thursday, June 3, 1971 194.

MBS

JOHN CASSIDENTO, 106th District:

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

Motion is on adoption of Amendment Schedule "A", will you remark?

JOHN CASSIDENTO, 106th District:

Mr. Speaker, all this amendment does is to bring within the statutes those people who sell more than one kilogram of marijuana. The objection, prior to the amendment, was that under the original bill a person could come within the bill and therefore, face penalties of mandatory minimum sentence of 10 years in jail merely for giving away, selling, dispensing one marijuana cigarette. I think, Mr. Speaker, that this is a frank compromise between the original bill and any objections which I raised previously. I urge its passage.

JOHN CARROZZELLA, 81st District:

Mr. Speaker, I submit is is a good amendment and as chairman of the Committee I now would quote by the amendment. I don't think it weakens the bill because it does exactly what we started off in the first place. We are after the seller for profit, whether it be marijuana, heroin or whatever and this gets to him and if he sells more than one kilo he's going to go to jail for 10 years, mandatory. I submit it is a good amendment, I urge its passage.

JAMES BINGHAM, 157th District:

Thursday, June 3, 1971

195.

MBS

Mr. Speaker, I support the amendment for the reasons stated by Rep. Cassidento and Carrozzella. It is a good amendment and it should pass.

BERNARD AVCOLLIE, 94th District:

Mr. Speaker, as the author of this bill I think this is a fine amendment and I think it proves a point, again, that two heads are better than one and a pass temporarily is worth while if it brings out a better bill. One kilo is about 2 pounds or a little more than 2 pounds, it separates the individual again who is selling ajrijuana, 2 pounds or more and he is selling it for profit that's for sure. He's not a youngster who is passing it around for a kick or to help a friend and this is the man we want to get at, I commend Rep. Cassidento and Rep. Carrozzella for putting their heads together and I support the amendment.

IRVING STOLBERG, 112th District:

Mr. Speaker, I still have some reservations on the bill but I think the amendment solves the major problem, it certainly removes the possibility of selected application of this law and the infringement of a good many rights, therefore, I will support the bill.

RICHARD EDWARDS, 155th District:

Mr. Speaker, I will support the amendment but making it perfectly clear, I hope, that the setting of the limits, at one kilogram, does not mean that this body condones the sale

Thursday, June 3, 1971 196.

MBS

of a lesser amount in any way, whatsoever. And I do think, in reference to Mr. Avcollie's statement that it is slight help to your friend to be passing him a few joints.

JOSEPH COATSWORTH, 76th District:

Mr. Speaker, there is existing law which does cover the kind of a fence, the good representative referred to, in addition to which it was felt by many of the people in this chamber that at some point in time the punishment has to fit the penalty or has to fit the crime but that 10 years for a cigarette was a little bit much. This amendment now is perfectly acceptable, it does make the bill much more equitable and fair and I would support this amendment.

HAROLD HARLOW, 172nd District:

Mr. Speaker, I rise in support of this amendment. I think it provides protection for those people that are not sellers especially some our younger people and the collegiate level who may, through inadvertance, innocently, or perhaps, otherwise become involved with a drug. It is a good amendment, it should have strong support.

NICHOLAS LENGE, 13th District:

Mr. Speaker, I have several questions that I would like to pose, through you, sir, to the proponent of the amendment, in view of the fact that the amount we are speaking about here is 2.2 pounds, what is his potential in terms of numbers of cigarettes or number of weeds or number of joints?

Thursday, June 3, 1971

197.

MBS

JOHN CASSIDENTO, 106th District:

Through you, Mr. Speaker, its been the experience of people who work in the field and who represent clients who have been involved in these things that when you get to a kilo this is where you are separating the pushers from the casual, shall we say, dealer. And although it is arbitrary, I think that this is a fine cutoff point with respect to how many cigarettes you can make, I have no experience nor knowledge.

NICHOLAS LENGE, 13th District:

Mr. Speaker, I think it important, sir, that we accept some of this from the experts but I think that we ought to have clear before us precisely what's involved and another question, sir, through you, if I may, sir, I know it is difficult to distinguish between the wholesaler and the jobber and that type of thing but what would this mean in terms of the pusher, really the person at whom we're aiming in this bill of reaching a number who would in effect traffic in 2.1 pounds, plural numbers, which in effect exceed the limitation we're setting here?

JOHN CASSIDENTO, 106th District:

Through you, Mr. Speaker, a. the person that we are after, the person we seek to deter by this statute is not going to be dealing in a mere 1 kilo. They are dealing in 10, 20, 30, 40 and goes on and up and again, I repeat, that this is the person that we are after and we're after the person who is not a

Thursday, June 3, 1971 198.

MBS

major dealer.

NICHOLAS LENGE, 13th District:

Mr. Speaker, through you, sir, one further question, I understand the concern and I share it and I was among those who voted in favor of passing temporarily but what, again aiming at the pusher, would it be possible, Rep. Cassidento, for the pusher to in effect break up his wares and merchandise into 2 pound lots and not be within the bill.

MR. SPEAKER:

Does the gentleman care to respond?

JOHN CASSIDENTO, 106th District:

Through you, Mr. Speaker, I expect that's possible, however, if he is a major dealer he is going to be dealing far in excess of 1 kilo of marijuana and I think that anyone who cuts down his sales from 30 or 40 kilos to 2.1 pound short of a kilogram, is automatically is not a major dealer.

NICHOLAS LENGE, 13th District:

Mr. Speaker, I am very aware of what is attempted to be done here but I am fearful and I have misgivings that we have not achieved the purpose, the bill as originally presented is far more preferable in my judgment and I have a grave concern that, in effect, by policy determination that we are fixing a limitation. I think that I would much prefer to rely upon the wisdom, the good judgment of court and prosecutor with respect to the individual here that we are hoping to

Thursday, June 3, 1971 199.

MBS

protect rather than to run the risk of what we seem to be undoing in this amendment.

JOHN CARROZZELLA, 81st District:

Mr. Speaker, I would point out to the distinguished gentleman from the 13th, we have existing law now that covers the seller of marijuana, 19-41, and that provides for a penalty for the first offense for up to two years for the seller of less than a kilo. And the concern expressed before was that we were concerned about the student who may give a joint to another student, this amendment clears that objection up but there is existing law that says that it is still a crime to sell any marijuana whether it be a grain or a cigarette and you can be penalized up to two years. I submit that is sufficient.

NICHOLAS LENGE, 13th District:

Mr. Speaker, in view of the response of the distinguished chairman of the Judiciary Committee, I think that my misgivings have been answered. I concur with you, sir, and I'm ready to support the amendment.

MR. SPEAKER:

Question on adoption of House Amendment Schedule "A", all those in favor indicate by saying aye, opposed. "A" is adopted.

THE CLERK:

Page 17, the second from the bottom....

MR. SPEAKER:

May I indicate to the Clerk that it might be better if we took action on the bill first. I think I'll announce on the outside for the assistant clerk to come into the bull pen.

JOHN CARROZZELLA, 81st District:

With the Clerk's indulgence, I know where he has to go, I would now move you, Mr. Speaker, that we accept the committee's favorable report and passage of the bill, as amended by Senate Amendment Schedule "A", House Amendment Schedule "A".

MR. SPEAKER:

Question is on acceptance and passage as amended by Schedule "A", will you remark further?

JOHN CARROZZELLA, 81st District:

Mr. Speaker, I think we've remarked enough on the bill. I think it is a good bill, I think it gets at the pusher and it shows that the policy of the state of Connecticut, if you are going to sell drugs in the state of Connecticut for profit you are going to go to jail.

MR. SPEAKER:

Further remarks on the bill as amended? If not, all those in favor indicate by saying aye, opposed? The bill is passed. Now, Mr. Clerk.

THE CLERK:

Page 17, second from the bottom, Calendar No. 1247, Substitute for House Bill No. 6272, An Act Providing for Con-