

Legislative History for Connecticut Act

HB 8292	PA 276	1973
House - 4028-4034		7
Senate - 2701		1
Judiciary - 0		0
LAW/LEGISLATIVE REFERENCE DO NOT REMOVE FROM LIBRARY		8p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN.ASSEMBLY
HOUSE

PROCEEDINGS
1973

VOL.16
PART 8
3634-4139

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GUEST SPEAKER HANZALEK:

Is there no objection to passing that item temporarily?

The item is temporarily passed. Will the Clerk call the next item.

THE CLERK:

Cal. No. 155, your File No. 165, Sub. for H.B. No. 8292,
AN ACT CONCERNING ERASURE OF ARREST AND COURT RECORDS AFTER
NOLLES.

Favorable report of the Committee on Appropriations.

GUEST SPEAKER HANZALEK:

Gentleman from the 147th.

REP. BINGHAM: (147th)

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

GUEST SPEAKER HANZALEK:

Will you remark.

REP. BINGHAM: (147th)

At the present time the procedure after a nolle is that the arrested person may at the expiration of one year move the court for the erasure of such nolle.

This bill changes that procedure and provides that after one year and one month, thirteen months, a nolle will be automatically erased.

It is the expectation that this procedure will simplify the practice especially in the Circuit Courts, not requiring people to petition the court and to reducing motion calendar business.

I move acceptance and passage of the bill.

hw

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GUEST SPEAKER HANZALEK:

hw

The question is on acceptance and passage of Cal. No. 155, Sub. for H.B. No. 8292.

Are there any further remarks? Gentleman from the 109th.
REP. RATCHFORD: (109th)

I too rise in support of the bill. I think this is what we should have done originally with this act and congratulate the Judiciary Committee for coming to this point of view.

The fact of the matter is that far too many people, especially young people, after their case is nolleed, never take that step to petition for the erasure and then when it comes time to apply for college, apply for a job, or attempt to enter the service, find out in fact that they still do have a record.

This will go a long way toward correcting it and will also eliminate discrimination that now takes place between someone who may be represented and someone who isn't. Normally the attorney will ticket his book for a year later and then petition the court. The unrepresented person frequently does not and ends up unnecessarily with a record.

So I think this is a very positive step and one which will go a long way toward bringing justice especially toward our younger people who may end up in difficulty so that they don't end up with a lifetime record.

GUEST SPEAKER HANZALEK:

The gentleman from the 87th.

REP. CRETELLA: (87th)

Mr. Speaker, I strongly echo the remarks made by Rep.

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Ratchford. This is a fine bill and it's a good step forward and it's a long time coming and congratulate the Judiciary for bringing out the bill.

hw

GUEST SPEAKER HANZALEK:

The gentleman from the 92nd.

REP. WEBBER: (92nd)

I will address you correctly, Madam Speaker. (Thank you sir) I noted that the previous legislators addressed you as Mr. Speaker, and you look very charming there Madam Speaker.

Speaking for a group known as Better Opportunities for Youth in New Haven who have reviewed this bill and certainly endorse the concept, I would tell you that I too would like the record to show that I strongly favor the measure and I do sincerely hope everyone in this room feels as I do about the bill.

Thank you very much.

GUEST SPEAKER HANZALEK:

The gentleman from the 25th.

REP. MORRIS: (25th)

Madam Speaker, as a member of the Judiciary Committee I have long been an advocate of this progressive legislation and wholeheartedly support it. I hope we get unanimous support of the body here. Thank you Madam Speaker.

GUEST SPEAKER HANZALEK:

Would the Clerk please announce on the outside speaker that a roll call vote will be taken.

Are there any further remarks? The lady from the 9th.

REP. YACAVONE: (9th)

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Madam Speaker, I have a question through you to Rep. Bingham. (SPEAKER HANZALEK: Please proceed) My question through you is, is there any provision for dismissal of charges, is that handled in the same way that nolles are handled? Has there been any action for erasure of dismissal?

GUEST SPEAKER HANZALEK:

Gentleman from the 147th.

REP. BINGHAM: (147th)

There's no need for erasure of a dismissal. If it's dismissed, it's ended.

REP. YACAVONE: (9th)

And there's no need to keep any record of that or can't be harmful in any future ----

GUEST SPEAKER HANZALEK:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Madam Speaker to the lady who proposed the question. When a judge enters a dismissal that's the termination of the case. It's erased.

REP. YACAVONE: (9th)

Thank you very much.

GUEST SPEAKER HANZALEK:

Are there any further remarks? Rep. Willard.

REP. WILLARD: (11th)

Mr. Speaker, through you a question to the chairman for legislative intent. (SPEAKER: Please proceed. To whom do you direct your question?) Mr. Bingham, chairman of the Judiciary.

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Mr. Bingham, does this mean that anyone who has a nolle, whose thirteen months has elapsed as the date of the enactment of this, would they be automatically erased or would this only apply to the nolle that are entered after the statute enactment date?

GUEST SPEAKER HANZALEK:

Does the gentleman from the 147th care to answer?

REP. BINGHAM: (147th)

Yes. This will affect nolle after the passage of the statute.

GUEST SPEAKER HANZALEK:

The gentleman from East Hartford still has the floor.

REP. WILLARD: (11th)

For further clarification. Mr. Bingham, I must confess that I've read it and I just want to be sure and that means that anyone who has a nolle that they will not get the benefit of this particular statute.

GUEST SPEAKER HANZALEK:

The gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Madam Speaker, there will necessarily have to be a procedure set up in the courts for the erasure of the nolle. At the present time there is not that procedure set up. I would expect that once the procedure has been set up to ticket all nolle through a central office, that all of those nolle will be erased.

REP. WILLARD: (11th)

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Not to pursue the point of questioning, Mr. Bingham, only and I apologize, I'm also a member of the committee, it's been in my files, it's perhaps not the appropriate time to be discussing this, I'm just raising the question whether or not it would be beneficial to pass it temporarily, some amendment to (inaudible) change the enactment of that particular --- do feel that's necessary, that's what I'm getting at.

REP. BINGHAM: (147th)

No. I do not.

REP. WILLARD: (11th)

Thank you.

GUEST SPEAKER HANZALEK:

The gentleman from the 90th.

REP. VARIS: (90th)

Thank you Madam Chairman. I rise in support of this legislation. I think it's progressive legislation long overdue. For those who haven't been found guilty of any crime it seems a shame that the records should stay on the books because quite often people neglect to get to the court of jurisdiction and they do remain on the list.

I will vote for the bill. Thank you.

GUEST SPEAKER HANZALEK:

Gentleman from the 7th.

REP. BILLINGTON: (7th)

Thank you Madam Speaker. I rise also to support this piece of legislation. I sponsored this bill. I think this legislation is long overdue. I think I would be somewhat remiss if

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I didn't speak on it. Good legislation and I think it should pass. hw

GUEST SPEAKER HANZALEK:

The question is on acceptance and passage of H.B. No. 8292, your File No. 165. If there are no further remarks, would you all please clear the aisles and take your seats. The guests and staff members please come to the well.

Are you prepared to vote? Machine will be open. Rep. Hanzalek in the Chair wishes to be recorded in the affirmative. Has everyone voted? The machine will be closed. The Clerk will take a tally.

THE ASS'T. CLERK:

Total Number Voting.....	112
Necessary for Passage.....	58
Those voting Yea.....	112
Those voting Nay.....	0
Absent and Not Voting.....	39

GUEST SPEAKER HANZALEK:

The Joint Committee's favorable report is accepted and the bill is passed.

The gentleman from the 143rd.

REP. MATTHEWS: (143rd)

For a point of personal privilege, please Madam Speaker. (SPEAKER: Please proceed) During the day today we are privileged to have about a 120 students from foreign lands visiting us in the House, Senate, and throughout the Capitol building. I think it is very important to them to see and understand how we as a legislative body work and hopefully they will be able to acquire

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GEN.ASSEMBLY

SENATE

PROCEEDINGS
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PART 6
2474-2993

Thursday, May 3, 1973

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CONSENT CALENDAR

Cal. 686, H.B. 8233, AN ACT CONCERNING THE EMPLOYMENT OF CORRECTIONAL INSTITUTION INMATES BY STATE DEPARTMENTS AND AGENCIES.

roc

Cal. 687, H.B. 8707, AN ACT CONCERNING THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

Cal. 689, H.B. 8661, AN ACT CONCERNING DEATH OR DISABILITY FROM HYPERTENSION OR HEART DISEASE FOR COUNTY DETECTIVES.

Cal. 691, Sub. for H.B. 8538, AN ACT CONCERNING EMPLOYMENT OF PUBLIC EMPLOYEES.

Cal. 706, H.B. 9115, AN ACT CONCERNING THE MILL RATE FOR TAXES TO SUPPORT THE LIBRARY FUND, amended by House Amendment Schedule A.

Cal. 735, Sub. for H.B. 8292, AN ACT CONCERNING ERASURE OF ARREST AND COURT RECORDS AFTER NOLLES.

Mr. President, to remove all doubt, I move that you would rule each of the amendments raised by the Senate today as technical?

THE CHAIR:

If there are no objections? Senator Power.

SENATOR POWER:

Do we have permission to proceed with the next item on Page 16.

SENATOR ROME:

I would in a moment, Senator, if you would yield, I would like to complete the action on the others. Having ruled those technical, Mr. President, I would now move acceptance and passage