

Legislative History for Connecticut Act

SB 356	PA 225	1976
House - 3157-3160		4
Senate - 1401-1402		2
Judiciary - 293		1

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1976

VOL. 19

PART 7

2671-3172

House of Representatives

Tuesday, April 27, 1976

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djh

MR. BELDEN (113th):

Thank you Mr. Speaker. I find this to be potentially a problem with this bill as amended and I would hope that it would probably be tested in courts very shortly.

(record
15)

THE SPEAKER:

Will you remark further on the bill as amended? If not, will the members be seated and the staff come to the well. The machine will be open. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

MR. HARLOW (66th):

Thank you Mr. Speaker. I don't believe my button registered and I'd like to be recorded in the affirmative.

Thank you.

THE SPEAKER:

The gentleman from the 66th in the affirmative.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	142
Necessary for Passage.....	72
Those Voting Yea.....	141
Those Voting Nay.....	1
Those Absent and Not Voting.....	9

THE SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Page 6, on page 6, Calendar No. 891, S.B. No. 356, An Act Concerning the Crime of Interfering with An Officer, as amended by Senate Amendment Schedule "A", File Nos 444 and 801.

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MR. HEALEY (72nd):

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

THE SPEAKER:

Question is on acceptance and passage in concurrence. Will you remark sir?

MR. HEALEY (72nd):

Yes, Mr. Speaker. Among the definitions of interfering with an officer in present law is one who interferes with an officer which is obviously a complete redundance and doesn't add anything whatsoever to the present statute. So what this bill does is it deletes that "or interferes with" from the bill. It retains a persons who obstructs, resists, injures or endangers as the definition of the crime. Mr. Speaker, the Clerk has an amendment,

Will he please call Senate "A".

THE SPEAKER:

The Clerk please call Senate Amendment Schedule "A".

THE CLERK:

Senate Amendment Schedule "A", LCO 3427.

MR. HEALEY (72nd):

Mr. Speaker, I move adoption of Senate "A" and request that I be permitted to summarize.

THE SPEAKER:

Is there objection to the gentleman from the 72nd summarizing in lieu of Clerk's reading. Hearing none, the gentleman from the 72nd for that purpose.

MR. HEALEY (72nd):

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Yes, Mr. Speaker. Presently, interfering with an officer is a class B felony which means it can be punished by up to five years in prison. Senate Amendment Schedule "A" makes it a Class A misdemeanor with--so the maximum punishment will be a year in jail. It's inconceivable to me that one--a person who interferes with an officer should be punished up to five years in prison unless he's done something a heck of a lot more than is contained in the word "obstructs, resists, hinders or endangers" and, therefore, the Senate felt and I agree with them that the present punishment is entirely too high. I feel that Senate "A" is an appropriate amendment.

THE SPEAKER:

Will you remark further on adoption of Senate "A"? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? The Chair will try your minds again. All those in favor will indicate by saying aye. Opposed? In the opinion of the Chair, the ayes have it. The amendment is ADOPTED, ruled technical.

Will you remark further on the bill as amended?

MR. HEALEY (72nd):

Yes, Mr. Speaker. I believe the bill has been thoroughly explained and I move its adoption as amended.

THE SPEAKER:

Will you remark further on the bill as amended? If not, will the members be seated and the staff come to the well. The machine will be open. The machine is still open. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

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MR. DE ZINNO (84th):

Mr. Speaker, I thought my vote was in the affirmative but it wasn't and may I be so recorded?

THE SPEAKER:

Would the gentleman be kind enough to indicate again how he would care to have his vote cast?

MR. DE ZINNO (84th):

In the affirmative, sir.

THE SPEAKER:

The gentleman from the 84th in the affirmative and will the Clerk please note.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	140
Necessary for Passage.....	71
Those Voting Yea.....	91
Those Voting Nay.....	49
Those Absent and Not Voting.....	11

THE SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Page 8, on page 8, Calendar No. 922, S.B. No. 351, An Act Concerning the Establishment of a Fee for the Restoration of a Motor Vehicle Operator's License or Registration, File No. 714.

MR. MORRISON (58th):

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

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1976

VOL. 19
PART 4
1306 - 1791

Wednesday, April 21, 1976

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THE CLERK:

Cal. 450, File 444. Favorable report of the joint standing committee on Judiciary. Senate Bill 356, AN ACT CONCERNING THE CRIME OF INTERFERING WITH AN OFFICER.

THE PRESIDENT:

Senator Neiditz.

SENATOR NEIDITZ: (5th)

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

THE CLERK:

Clerk has Senate Amendment Schedule A, File 444, S.B. 356. LCO 3427.

THE PRESIDENT:

Senator Neiditz.

SENATOR NEIDITZ:

The amendment makes this a misdemeanor and the amendment changes some other words, copies are on the desks.

THE PRESIDENT:

The motion is for the adoption of the amendment. Will you remark further? All those in favor signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED.

SENATOR NEIDITZ:

Mr. President, on the bill itself, this came to us because of the wording of the present statute. It says that interfering with an officer means interfering with an officer among other words and a Superior Court judge held that this was

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void for vagueness and so when the issue came to the committee, with we initially reported it out/~~just~~ taking out the word interfere but it was called to our attention that with the present wording and the present application that while generally people who are arrested for this crime of interfering, it is generally in a list of other charges and so this should be a misdemeanor offense. I think it clears up the language and makes the statute better.

roc

THE PRESIDENT:

Hearing no objection, it may be placed on the CONSENT CALENDAR.

THE CLERK:

Cal. 453, File 450. Favorable report of the joint standing committee on Transportation. Sub. S.B. 420, AN ACT CONCERNING DEVELOPMENTS GENERATING LARGE VOLUMES OF TRAFFIC ON STATE HIGHWAYS.

THE PRESIDENT:

Senator Lieberman, there is an amendment. Do you wish the amendment to be read?

SENATOR LIEBERMAN:

Mr. President, I would prefer that we pass that temporarily pending Senator Hennessey's return.

THE PRESIDENT:

We will pass this temporarily.

THE CLERK:

Bottom of page four, Cal. 459, File 474, Favorable report.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 2
293 - 573**

1976

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JUDICIARY

MARCH 9, 1976

1:00 P.M.

COMMITTEE MEMBERS PRESENT:

PRESIDING: Senator Neiditz, Senate Chairman

SENATORS: Barry; DePiano; Neiditz.

REPRESENTATIVES: Clark; Fox; Healey; Mannion; Tulisano;
Weigand.

SENATOR NEIDITZ: This is a public hearing. I have a statement from Representative Stevens of Milford in support of H.B. 5735 and I would like this statement in support made part of the record. But also Mr. Selsby could you leave another copy with Mr. Kohrs so we will have it for our meeting because we may not get the transcript for a while.

We will now start the public hearing. Judge Lexton.

JUDGE LEXTON: Committee Bill 423, An Act Creating a Commission to Study Alternate Methods of Sentencing Criminals. I am not against the bill although I don't know what its purpose would be. But, nevertheless, in reading it over I note that the Court of Common Pleas is not represented on that Commission and it seems to me that a court which does more sentencing in one month than the other court does in six months would certainly have some interest in being on that Commission.

It would also seem to me that since most of the sentencing powers has been taken away from judges by plea bargaining and the Supreme Court decisions as to what a judge can do if he doesn't accept the plea bargain, it would seem to me that the Chief State's Attorney's Office should also be on that Commission because they are very much involved in the process of sentencing now by reason that I just stated.

SENATOR NEIDITZ: Judge, I think that bill came and was printed in this form as one of the recommendations of the Commission on Parole Evaluation. They are suggesting three separate studies and I think what you are saying obviously has merit and even if something should pass in this form I think that under - well in this form or another form, I think that clearly that should and would be done.

JUDGE LEXTON: All right. Committee Bill 356, An Act Concerning the Crime of Interfering with an Officer. I am for this bill except that I look at this statement of purpose - to remove any possible vagueness from the section on interference with a police officer. Let's be under no illusion. There's going to be vagueness in that whatever you do but I think changing that one little phrase to there are endangers does help to bring it a little bit more into the realm of what actually happens.