

Legislative History for Connecticut Act

---

HB 8084	PA 149	1977
House	1854-1855	2p.
Senate	1442	1p.
Judiciary	1253-1254, 1278	3p.
		Total 6p

LAW/LEGISLATIVE REFERENCE  
DO NOT REMOVE FROM LIBRARY

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

Connecticut State Library  
Compiled 2012

H-186

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1977

VOL. 20  
PART 5  
1680-2133

House of Representatives

Thursday, April 21, 1977

75  
teg

MR. SPEAKER:

Gentleman from the 34th.

MR. O'NEILL (34th):

Mr. Speaker, may that item be referred to the Committee on Appropriations.

MR. SPEAKER:

The questions on reference of this item to the Appropriations, any objections? So ordered.

THE CLERK:

Page eight of the Calendar, Calendar 542, H.B. No. 8084, file no. 393, An Act Concerning Loitering On Permit Premises, Favorable Report of the Committee on Judiciary.

MR. SPEAKER:

Representative William Scully.

MR. SCULLY (75th):

Mr. Speaker, I move the Joint Committee's Favorable Report and passage of the bill.

MR. SPEAKER:

The questions on Acceptance of the Committee's Favorable Report and passage of the bill and would you remark sir?

MR. SCULLY (75th):

Yes, Mr. Speaker, this bill will remove the term Female from the statute in respect to loitering on Permit Premises. In order to remove a reference which discriminates solely on the basis

House of Representatives

Thursday, April 21, 1977 76

teg  
(rec.10)

sex. As a result this statute would cause a committee to be subject to the penalties of 30-113 for allowing any minor not accompanied by an adult or any person to whom a sale or gift of alcohol liquor is prohibited by law or to loitering on a permit premises by anyone. I think this perfectly clarifies the previous problem we had with the commission on the status of women.

MR. SPEAKER:

Would you remark further on the bill? If not, will the members please be seated, staff and guests please come to the well of the House, 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. The Clerk will please announce the tally.

THE CLERK:

Total number voting .....	147
Necessary for Passage .....	74
Those voting Yea .....	147
Those voting Nay .....	0
Those absent and not voting .....	4

MR. SPEAKER:

The bill is passed.

THE CLERK:

Calendar 545, H.B. No. 5901, file no. 400, An Act Concerning Alewife Cove on the New London-Waterford Boundary, Favorable Report of the Committee on the Environment.

S-123

CONNECTICUT  
GEN. ASSEMBLY

SENATE

PROCEEDINGS

1977

VOL. 20

PART 4

1313-1685

Thursday, April 28, 1977

44.

roc

THE SENATOR:

Yes. This bill merely releases any right or title the state may have on the books of the Meriden Bar Library Association, and if there is no objection, I move that it be placed on the Consent Calendar.

THE PRESIDENT:

Without objection, ordered to Consent.

THE CLERK:

Cal. 594, File 393. Favorable report of the joint standing committee on Judiciary. H.B. 8084. AN ACT CONCERNING LOITERING ON PERMIT PREMISES.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO:

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

THE PRESIDENT:

Comments, Senator?

SENATOR DEPIANO:

Yes. This bill removes the term female from the statute with respect to loitering on permit premises in order to remove references which discriminate solely on the basis of sex. If there is no objection, I move it be placed on the Consent Calendar.

THE PRESIDENT:

Without objection, ordered to Consent.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 4  
999-1455

1977

April 4, 1977

52  
cslJUDICIARY

(SENATOR PUTNAM CONTINUED) It is the concern of the Senate Republicans that a person who is a "Chronic Crook", using that term, a person who repeatedly commits crimes, not be allowed out on the street again before the trial, or that the trial not be delayed.

The only way that we could come up with to attack the problem was to submit Senate Bill #147 which put the trial, once it was ascertained by the police that the particular person being arrested was constantly, or an habitual criminal, to put the trial ahead of other criminal and civil matters. So that the individual could not walk around free in society waiting for the trial.

When you combine the two bills you have apparently not included Senate Bill #147 in any of the writings that have to do with Judiciary Bill #5071. It was the speedy trial that the Senate Republicans were attempting with #147 to have publicized, to have put into effect.

In all cases you write if the...is found guilty of a felony, which the way trials seem to be going in..an habitual criminal could take quite a number of months before her or his trial came up. That is the testimony. That is what we would like to have.

REP. ABATE: So you feel this proposal ought to reincorporate the speedy provision that you had in #147.

SEN. PUTNAM: Yes.

REP. ABATE: Are there any questions? Thank you, sir. Is Mrs. Pearl here?

HELEN PEARL: My name is Helen Z. Pearl. I am a Commissioner on the Permanent Commission on the Status of Women, and I am here on behalf of the Commission to support Proposed Bill #8084. Conn. Gen. Statutes 30-90 contains language which prohibits loitering by a female, unless she is the proprietor or an employee of the proprietor in any room where alcoholic beverages are served at a bar. In 1974 the PCSW's Legislative Committee reviewing the Conn. Gen. Statutes stated: "This language appears to be an inadvertant holdover from the days when women were no allowed at bars. As such, it obviously should be repealed. There is other language in this section which prohibits loitering by any person to whom the sale or gift of liquor has been forbidden. This language applies equally to both men and women and should, of course, be retained."

Accordingly, Bill Number 5640 was introduced in 1974 (1975 session), but it was not voted out of committee. The Permanent Commission has a legislative mandate to recommend legislation regarding the elimination of gender based discriminatory provisions in the statutes. The present statute, without



April 4, 1977

53  
cslJUDICIARY

(HELEN PEARL CONTINUED) this amendment, is clearly discriminatory on its face, making it not only illegal but also unconstitutional under Article First, Section 20 of the Connecticut Constitution. Therefore, we urge that this year you review favorably Bill #8084.

We also are on record in support of S.B. #610, which is before you this morning, but someone will testify on that later.

That completes the formal statement on behalf of the Commission. With your indulgence, however, I would like to add a few of my own personal observations.

I have given some thought as to why this ridiculous law is still on the books of such a progressive state. I suggest that it probably has not been challenged in the courts because the statute is directed against the permittee rather than against the loiterer herself. Although it is used to harrass women, including myself and other commissioners and staff, I doubt that it is ever actually enforced against permittees to the extent of imposing a fine of not more than \$1000 or imprisonment of not more than one year or both. Without enforcement, no one has standing in court to challenge it.

Our only recourse is to appeal to this legislature to exercise its prerogative to amend this statute to eliminate its discriminatory aspects.

It is with some hesitancy but with sincere personal concern that I inform you that your repeated failure to do so holds this honorable body up to ridicule. As a Commissioner, I make speeches around the state. I am frequently asked what laws are still on the books in Connecticut that discriminate. I answer by listing the many good and important laws that have been passed in recent years--that prohibit discrimination in employment, in public accommodations, in credit, etc.--yet the legislature clings to this stereotypical prohibition, presumably on the theory that women who loiter near bars are prostitutes who are actively soliciting prospects. That's always good for a laugh, but I do not really think it is funny. I don't think it's funny to laugh at this honorable body which is unable to offer a rational justification for the status quo, nor do I think it is funny to perpetuate a statute that is used to harrass women.

Please support Bill #8084.

REP. ABATE: Thank you, Mrs. Pearl. Are there any questions?  
We appreciate your exploration.

April 4, 1977

JUDICIARY

EVERETT GALLIGAN CONTINUED: state, or we can have a not so effective program in this state. Thank you.

REP. TULISANO: Mary Eichelman.

MARY EICHELMAN: My name is Mary Eichelman and I am speaking for the Connecticut Women's Political Caucus. We would like to express our support for Senate Bill 610 which was introduced by Senator Beck which would prohibit the introduction into evidence of the sexual assault victims past sexual conduct. We also support Senate Bill 963 which would establish Special Prosecutors for sex crimes within the Division of Criminal Justice. I would also like to express our support of House Bill 8084 which would remove wording in the General Statutes which discriminate on the basis of sex with reference to loitering on permit premises.

First of all, House Bill 8084. This particular section 39 out of the General Statutes is clearly discriminatory, in that it singles out women to be kept from loitering on the premises where liquor is sold. We have heard complaints from women who have not been allowed to stand at a bar. This is embarrassing, unnecessary and purely discriminatory. Perhaps if this statute is still worded in this way it is merely an oversight. If so, we hope you will act to change it and you will recommend that House Bill 8084 will be given a Joint Favorable recommendation just to get rid of this wording.

The first bill which I express support for is Senate Bill 610 which concerns the admissibility of evidence of sexual assault victims past sexual conduct. We feel this is a bill which is long overdue in Connecticut. At the present time sexual assault victims are treated to such aggressive cross examination and subjected to such severe tax on their own behaviour it becomes difficult to discern who is the victim and who is the accused. The bill does offer mechanism for pertinent evidence to be introduced by the defense when the court deems it desirable, but does allow more reasonable protection for the victim during the court procedure. We hope this committee will give this bill a Joint Favorable recommendation.