

Legislative History for Connecticut Act

PA 78-200

Act Number:	200	Year:	1978
Bill Number:	SB 229		
House Pages:	3618 – 3621		4
Senate Pages:	1885-1887, 1935-1936		5
Committee:	Judiciary 550-551, 579, 596, 661, 687, 738, 854		8
		Page Total:	17

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

Connecticut State Library

Compiled 2013

H-206

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1978

VOL. 21
PART 9
3566-3969

Wednesday, April 26, 1978 232

Those voting Yea.	141	efr
Those voting Nay.	1	
Those absent and not voting	9	

The bill as amended is passed.

THE CLERK:

Calendar 1045, Substitute for S.B. 229, File 269, an Act concerning security and privacy of criminal history record information as required by Federal regulations. As amended by Senate Amendment Schedule "A". Favorable report of the Committee on Judiciary.

RICHARD D. TULISANO:

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

MR. SPEAKER:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate. Would you remark, sir?

RICHARD D. TULISANO:

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, Senate Amendment Schedule "A", L.C.O. No. 3825.

MR. SPEAKER:

The Clerk has L.C.O. 3825, which is Senate Amendment Schedule "A". Would the Clerk please call the amendment.

THE CLERK:

Senate Amendment Schedule "A", L.C.O. 3825.

Wednesday, April 26, 1978

233

RICHARD D. TULISANO:

May I have permission to summarize, Mr. Speaker?

MR. SPEAKER:

Any objection to the gentleman summarizing Senate Amendment "A"? Please proceed, sir.

RICHARD D. TULISANO:

Thank you. Mr. Speaker, this Senate Amendment is also technical in nature. It clarifies the language which is in the file copy to make it concur with other statutes. As an example, we have an Office of Adult Probation, and the file copy calls it a Department of Adult Probation. We are just making some clarification in the statute. It also strikes the last section of the bill, which had nothing to do with criminal information record systems. I move adoption.

MR. SPEAKER:

Would you remark further on Senate Amendment "A"? If not, all those in favor please indicate by saying "aye". Those opposed. Senate "A" is adopted and ruled technical. Would you remark further on the bill as amended?

RICHARD D. TULISANO:

Yes. Mr. Speaker, what...this legislation has been designed to conform to Federal regulations which provide...which require that the states adopt, and we are presently under an extension of time in order to give us time to adopt this legislation, which would conform to L.E.A.A. regulations and to obtain funding for criminal information systems...that is, to protect their privacy and to make sure that they adopt...they're available to

efr

Wednesday, April 26, 1978 234

certain crime-fighting agencies. I move adoption of the bill. efr

MR. SPEAKER:

The question is on passage of the bill.

CLYDE O. SAYRE:

Mr. Speaker. Yes. A question through you to the proponent, sir.

MR. SPEAKER:

Frame your question, sir.

CLYDE O. SAYRE:

Mr. Tulisano, in this bill is there anything dealing with any provisions where an employer may not inquire, orally or in writing, about the job application, or has that been dropped in its entirety?

RICHARD D. TULISANO:

Mr. Speaker, through you, that is the...that was deleted in Senate Amendment Schedule "A". That's the last three sections of the file copy, I believe.

CLYDE O. SAYRE:

Okay then. Through you, Mr. Speaker, then an employer still may ask regards to a person's criminal record?

RICHARD D. TULISANO:

Through you, Mr. Speaker, whatever the present statutes allow or disallow is being maintained. We're making no changes in that.

CLYDE O. SAYRE:

Thank you.

MR. SPEAKER:

Wednesday, April 26, 1978 235

Are you prepared to vote? Members please take your seats; staff and guests please come to the well of the House. The machine will be opened. Have all the members voted? Have all the members voted? The machine will be locked. The Clerk please take a tally.

ROSALIND BERMAN:

Mr. Speaker, may I be recorded in the affirmative, please.

MR. SPEAKER:

The Clerk please note Representative Berman, 92nd District in the affirmative.

RALPH E. VAN NORSTRAND:

Mr. Speaker, I've had trouble with this machine. I've reported to the Clerk. May I be registered in the affirmative.

MR. SPEAKER:

The Clerk will please note Representative from the 141st in the affirmative. Please announce the tally.

The following is the result of the vote:

Total number voting	143
Necessary for passage	72
Those voting Yea.	143
Those voting Nay.	0
Those absent and not voting	8

The bill as amended is passed.

THE CLERK:

S-134

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1978

VOL. 21
PART 5
1672-2081

Thursday, April 20, 1978

63.

roc

SENATOR STRADA:

Still on page four - Cal. 508 will be taken up.
Page five - we will take up Cal. 522. Page seven - we will
take up Cal. 610. Page eight - Cal. 656. Page eleven -
Cal. 678. Page thirteen - Cal. 712 we will take up. Page
fifteen - Cal. 724. Page sixteen - Cal. 732. Page seventeen -
Cal. 734, 738. Page twenty - Cal. 246.

Mr. President, I believe those are all the items
that were marked and I would move at this time for suspension
of the rules for immediate consideration of all single-starred
and no-starred items.

THE PRESIDENT:

HEaring no objection, so ordered.

THE CLERK:

Turning back on the Calendar to page three, Cal. 380,
File 269. Favorable report of the joint standing Committee
on Judiciary, Substitute for Senate Bill 229. AN ACT CONCERNING
SECURITY AND PRIVACY OF CRIMINAL HISTORY RECORD INFORMATION
AS REQUIRED BY FEDERAL REGULATIONS.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO: (23rd)

I move for acceptance of the committee's joint favorable
report and passage of the bill. There is an amendment.

Thursday, April 20, 1978

64.

roc

THE CLERK:

The Clerk has Senate Amendment Schedule A, Substitute Senate Bill 229. LCO 3825, copies are on the desks.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO:

Yes, the amendment corrects some language and also eliminates some revisions that were proposed by the bill that dealt with the erasure of records. If there is no objection, I move that it be adopted.

THE PRESIDENT:

All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED. Senator DePiano.

SENATOR DEPIANO:

I now move for acceptance of the committee's favorable report and passage of the bill as amended.

THE PRESIDENT:

Will you remark?

SENATOR DEPIANO:

Yes. This bill merely requires that we have our keeping of records conform with the federal regulations.

THE PRESIDENT:

Do you wish to place this on the Consent Calendar?

SENATOR DEPIANO:

Please.

THE PRESIDENT:

Thursday, April 20, 1978

65.

roc

Hearing no objection, so ordered.

SENATOR MADDEN: (14th)

Mr. President, no objection. Just a question to Senator DePiano, there is nothing in this piece of legislation that will prohibit employers from requesting information regarding conviction records or pending arrest records?

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO:

Through you, Mr. President, as I understand the bill that is true.

THE PRESIDENT:

It may go on the Consent Calendar.

THE CLERK:

Page four of the Calendar, top item on the page, Cal. 445, Files 207 and 352. Favorable report of the joint standing Committee on Transportation. Substitute for House Bill 5757. AN ACT CONCERNING IMPLEMENTATION OF RAIL AND BUS TRANSPORTATION PROJECTS, as amended by House Amendment Schedule A, and I believe Senate A.

SENATOR OWENS: (22nd)

I am waiting for an amendment on that. It's here, maybe, while it is being circulated we can hold for just a second, Mr. President.

Thursday, April 20, 1978

113.

roc

SENATOR DINIELLI:

I ask that we have a roll call vote on this in light of Senator Madden's abstension.

THE PRESIDENT:

A roll call in the Senate please.

THE CLERK:

An immediate roll call in the Senate. Would all senators please return to the chamber. A roll call in the Senate. Would all senators please return to the chamber.

THE PRESIDENT:

The machine is open. Please cast your votes. I want to say to you ladies and gentlemen of the circle that we are going to go right ahead immediately with the Consent Calendar so please stay in attendance. I am going to have a quick trigger. The machine is closed and locked.

Total Voting	32
Necessary for Passage .	17
Voting Yea	32
Voting Nay	0

THE BILL AS AMENDED HAS BEEN ADOPTED.

THE CLERK:

The Clerk is ready to go over the Consent Calendar for today.

Page two - we had one item, House Bill 6012 which was placed on Consent which was on the Agenda; ^{SB 22} Cal. 32.

Page three - ^{SB 229, SB 357} Cal. 380, 403. Page four - ^{SB 473} Cal. 508. Page five - ^{HB 5613} Cal. 537. Page seven - ^{HB 5864} Cal. 610. Page eight - (See p. 1936 for vote)

Thursday, April 20, 1978

114.

[Cal. 655-SB231] SB 239, SB 394, SB 396, SB 417, SB 461, SB 526
 all items on the page, 656, 657, 658, 659, 660, 661.
SB 110, SB 465, SB 620. SB 268
 Page nine - Cal. 665, 667, 669. Page ten - Cal. 672.
HB 5575 SB 480, SB 370, SB 638,
 Page eleven - Cal. 678. Page twelve - Cal. 699, 700, 701,
SB 284 SB 633 SB 66
 703. Page thirteen - Cal. 716. Page nineteen - Cal. 347.

roc

And that's the end of Consent Calendar.

THE PRESIDENT:

Senator Reimers.

SENATOR REIMERS:

Mr. President, through you, sir, a question to the Clerk, what is the status of Cal. 522.

THE CLERK:

We had a roll call on 522.

SENATOR REIMERS:

Thank you.

THE PRESIDENT:

The question now is on the adoption of the Consent Calendar. The machine is open. Please cast your votes. The machine is closed and locked.

Total Voting	33
Necessary for Passage . . .	17
Voting Yea	33
Voting Nay	0

THE CONSENT CALENDAR IS ADOPTED. (See pp 1935-1936 (top))

SENATOR STRADA:

Mr. President, I would not move for suspension of the rules for immediate transmittal of all the items to the appropriate place.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 2
413-856**

1978

MR. KEEFE (Continued): that what may be executed upon for support order, the wage execution for a support order, would be the first \$70 after the deduction from the man's pay check of disposable earnings. Then we define what we mean exactly by disposable earnings for purposes of this section. So that when an employee gets the wage execution for support matters, it would be very clear to him how much money should be taken from the individual's check. Similarly, we've amended or suggested an amendment in Section 2 to 52361, present law on execution other than execution on support, provides that what can be deducted from the man's wages would be 25% of disposable earnings or the amount by which the disposable earnings exceed 40 times the federal minimum wage. It's a little bit confusing. The lesser of those two sums. Problem here again is what are disposable earnings? And everyone interprets that differently. I've had problems interpreting it as really the executive secretary of the Judicial Department because believe it or not some of our employees have wage executions against them.

I happen to know that various manufacturing firms have problems in interpreting differently. This law will clarify exactly what is meant by disposable earnings. That's the purpose of it. The next bill, the bill concerning law clerks, Raised Committee Bill #167, rather than repeal the statute, we would prefer to see the first sentence remain intact, namely that the chief justice and each judge of the Supreme Court may appoint a law clerk for himself and then the second sentence which now reads the Chief Court Administrator may appoint additional law clerks not to exceed 5 in number, we would like to see the words "not to exceed 5 in number" extracted from the second sentence of that particular piece of legislation. But leave the statute as is. Because I do think that the Chief Court Administrator should be the one who makes the appointments. The interviews all take place in November, he's there, it makes sense to have him make the appointments, since the justices of the Supreme Court interview prospective law clerks so he might as well do it. Rather than the judges.

The next bill, and I'm sure there will be a lot of testimony on this so I will not comment too long, but it's Committee Bill 229, an act concerning the security and privacy of criminal history record information as required by federal regulation. My office has spent actually days and days drafting and redrafting this legislation in connection with Captain Seamen of the Connecticut Police Department. And to try to come up with legislation which will be acceptable to the Federal Government, federal government requires by regulation

18
gcs

JUDICIARY

March 10, 1978

MR. KEEFE (Continued): that the state have legislation concerning the privacy and security of criminal history record information. I think this bill is an understandable one, one was presented last year which was not understandable which the Judicial Department asked to have rejected. We worked very hard on this one. The criminal justice information planning committee composed of the heads of the various departments, such as the -- composed of Justice Cotter as Chief Court Administrator, the state police commissioner, representatives local police departments on it, the Department of Corrections. They have approved of this bill in principle. I feel very strongly that we need it and we certainly need it for continued federal funding. And to develop a good decent criminal justice history record information system. Computerized.

REP. ABATE: Would you just elaborate a bit on what the consequences would be if we did not enact this act?

MR. KEEFE: Yeah. I think if that Captain Seamen when he speaks knows more about this. The consequences will be dire as far as federal -- the loss of federal funds are concerned. I also think it really behooves the State of Connecticut to have a really decent criminal justice record information system where criminal history record information is readily available. Right now it is not. There is one error in the bill. Something is left out in the typos and perhaps with your permission, I could discuss this with Marcia Smith later on. The next bill, prisoner transportation. At the present time, the local police transport to the Court of Common Pleas, the sheriffs transport prisoners to the Superior Court. Since we're going to be one Superior Court on July 1, 1978, this legislation was changed so that the local police would transport to facilities, GA facilities, geographical area facilities, whereas the sheriffs would transport to judicial district facilities. We feel and feel strongly that the entire obligation of prisoner transportation should be given to the Department of Corrections. This will cost a few dollars, undoubtedly, but it will relieve police departments of the necessity of going to the jail picking up their prisoners, bringing them back and forth to court, hanging around court all day, waiting for the cases of their prisoners to be disposed of, whereas I think these people, the local police officers, really should be on the street doing the really important task that we hire policemen to do. There is one change that I went over this bill yesterday with Dorn Polvany, the Deputy Commissioner of the Department of Corrections. And we do have a change in Line 21 of this Section 1. Or B where it says they can be held on nearest SB249

RICHARD X. CORLO (Continued): gets arrested. He is then transported three miles to the Danbury Court. If the case is continued for any one reason, if he cannot make bond or for whatever the reason where it's going to be continued or he cannot make bond, and he will not be released for any other reason, he is then transported to Bridgeport by my police officers after we've sat in court conceivably for the entire day, babysitting, 25 miles to Bridgeport, 25 miles back to -- or 22 miles back to Bethel. When his continuance date comes up, the officers have to drive to Bridgeport again 22 miles and then drive the 25 miles back to Danbury and if the case is taken care of at that point, fine, if he gets out on bond, fine. We have looked in the past at three continuances where we have to go through that same ritual again and again. You must realize the amount of manhours that are being used and the cost factors that are being used, and it's just inappropriately used to say the least as far as expenses.

As my executive director spoke, we've been here six years. We realized last year that it did come out of this Committee. The bill that we are supporting this year is not the verbage that we did put in. Your Committee did not raise our bill. The Bill 249 is the closest thing to what we would want. We would suggest to you strongly when you are reviewing that you might look over some of the verbage in the other bill.

I have something else that I would like to address, but would you have any questions on the Prisoner Transportation; I don't want to burden your time.

(No questions.)

The Connecticut Chiefs Association does oppose Senate Bill 229 and that concerning security and privacy of criminal histories records and information. It redefines that which has already been defined in federal regulations, and we do support House Bill 5494 which will be addressed Wednesday by your Committee. We also support House Bill 5110 and that concerning the disposition of firearms adjudged to be contraband, and when I say we support -- this is a feeling of the entire Association of Connecticut Chiefs of Police. I would encourage you to consider our Prisoner Transportation Bill as a top priority. Thank you.

REP. ABATE: Thank you. Raphael Podolsky?

RAPHAEL PODOLSKY: My name is Raphael Podolsky. I'm an attorney with the Legal Services Legislative Office. I wanted to

63
gnc

JUDICIARY

March 10, 1978

PETER COSTAS (Continued): indicative of some very serious problems which sooner or later will raise some constitutional infirmities in our present jury system. Thank you.

REP. ABATE: Thank you Mr. Costas. Paul Seaman.

PAUL SEAMAN: My name is Paul Seaman. I am a Captain with the State Police Department and I come to talk in regard to security and privacy; Committee Bill 229. I have everything summarized in written form here, copies for Co-chairman and Representative Tulisano that explain the problems in regard to regulations issued by the Justice Department 2½ years ago and the efforts that we have made in order to comply with these regulations. Earlier Mr. Keefe of the Judicial Department was talking to you about this and when it comes to the penalties that you asked about, the regulations provide for a \$10,000 fine and loss of Federal funding for those that don't cooperate in this effort. The deadline was December 31 of last year but we do an extension to March 1 and we have been told that we will get another extension until June 1. That should be it, right. Then our good faith will in and possibly something could happen in the way of fines or loss of Federal funding in these areas. I think that is sufficient. I can pass this information --

REP. ABATE: Do you have any communication from the Federal Government that outlines this?

PAUL SEAMAN: I have been in contact with --

REP. ABATE: Something that you can give to me that I can show to my colleagues that will establish the fact that we are not just saying. There are arguments made all the time and this is a sure way to get a bill passed to claim that there is going to be a loss of Federal Funding if you don't, but I have been asked the question; well, who can prove to us that there is going to be a loss of Federal Funding. You are making a representation and you are making that representation based upon another agency's representation. I don't question this, but I just want to have something that I can point to.

PAUL SEAMAN: I do have it. I have a copy of the regulations and I have numerous correspondence back and forth with the agency that is enforcing the regulations.

REP. ABATE: That is the kind of thing that I am interested in, not necessarily the regulations, but really some correspondence that shows, hey you'd better get this thing going or you will suffer a fine and loss of funds.



ELLA GRASSO
GOVERNOR

EDWARD P. LEONARD
COMMISSIONER

STATE OF CONNECTICUT
DEPARTMENT OF STATE POLICE
100 WASHINGTON STREET
HARTFORD, CONNECTICUT 06101

March 10, 1978

Co-Chairmen
Judiciary Committee
State Capitol
Hartford, Connecticut 06115

Re: Raised Committee Bill #229, An
Act Concerning Security and
Privacy of Criminal History
Record Information as Required
by Federal Regulations

Dear Representative Abate and Senator DePiano:

Federal regulations promulgated by the Justice Department mandate minimum standards relative to Security and Privacy of Criminal History Record Information. Governor Grasso's Executive Order #9 issued on August 19, 1975, was an initial step toward our compliance, but legislation is essential for completion.

The deadline has passed and we have requested and expect to obtain a 90 day extension from LEAA. The penalty for noncompliance is a \$10,000. fine which may be repetitive, plus loss of millions of dollars in federal funds.

There are two (2) versions of legislation before you. Raised Committee Bill #229 was drafted by the Judicial Department and appears to meet the federal requirements. You have scheduled Raised Committee Bill #5494 for a public hearing on March 15, 1978, on which I will speak. This Bill is just over five (5) pages and meets the very minimum requirements, and most of the material contained in Bill #5494 is also found in Bill #229. It is essential that either one version or the other pass.

Thank you for any consideration that you may give in this matter.

Very truly yours,

Colonel Edward P. Leonard
COMMISSIONER

By:

Captain Paul E. Seaman

24
kma

JUDICIARY

March 15, 1978

SEN. DE PIANO: Thank you very much for coming. I appreciate it. May the record now show that Representative Tulisano has now graced this Committee with his presence.

Paul Seaman, please.

PAUL SEAMAN: My name is Paul Seaman, and I'm a captain with the State Police Department. To begin with, on Bill 5082, I will defer to what Mr. Dan Juliani has to say later on today. That's on sawed-off shotguns.

Last Friday I testified here regarding a similar bill, 5494, which is up today. It's regarding security of criminal history record information. And this is something that's been mandated by Federal regulation and I got involved in it and I was helping to implement this as a result of the Governor's Executive Order Number 9 in August of 1975, and as I said last Friday, we need some version of it, whether it's the one last Friday, 229, or whether it's 5494, which is --

SEN. DE PIANO: You want some control on it?

PAUL SEAMAN: We need something to implement the Federal regulation. 5494 is a simple, very simple approach to it; 229 was a little more complex. But Co-Chairman Abate last Friday said that he wanted me to produce documentation that would show that the State of Connecticut would in fact be in peril and be subject to fine and loss of Federal grants, and as a result of his request I have brought the documentation at his request.

SEN. DE PIANO: Would you give it to our clerk, and we'll see that Mr. Abate gets it. Thank you very much for coming.

Norma Schatz, please.

NORMA SCHATZ: My name is Norma Schatz. I'm speaking of behalf of the Connecticut Child Welfare Association, a private non-profit statewide citizen's organization. We're opposed to Senate Bill 310, concerning mandatory transfer of 14 and 15 year old. Connecticut is already one of only six states in this nation where children 16 and 17 year olds are -- 16 and 17 years of age are prosecuted in the adult criminal courts for the violations of criminal law. Senate Bill 310 proposes that 14 and 15 year olds be dealt with similarly, suggesting that our state should become a minority of one in such matters. Frankly, we're not convinced nor have we seen the evidence that the adult criminal

WILLIAM OLDS (Continued): advocate that someone should smoke pot. We are simply saying that it should be decriminalized and should be no more a crime than someone who drinks alcohol.

Another bill that I briefly will refer to is Bill 229 concerning criminal history record information. There is one particular section there that we do support on lines 452 to 461. That section protects job applicants from being asked whether they have ever been arrested. It would permit questions about conviction records. I think this section supports the principal that a person should be presumed innocent of a crime or wrongdoing until that person has been proven guilty. There are a number of studies which clearly show that most employers today believe that a simple arrest record means that there is something wrong with the applicant and it often results in that person being unable to gain unemployment. It is particularly a problem with inner city blacks and a study shows that a black urban male has a far greater chance, better than 50-50 chance of at least being arrested once in his lifetime, not necessarily convicted. I didn't come prepared to speak on behalf of a bill that was advocated this morning by the Chief of Police Association but I would like to do so.

I felt there were some compelling arguments presented here by the director of the Chief of Police Association and some of the Chief of Police members themselves. Specifically we would support HB5434 and that concerning funds for the Municipal Police Training Academy. I agree with the thrust of their arguments, in effect calling for an extension of training. It is my understanding if my memory is correct, Mr. Chairman, that a hairdresser in this state is required to have more hours and more weeks of training than a municipal police officer. I think that's absurd. If we are going to have professional police departments at the municipal level certainly I agree with the Chief of Police who have already spoken that the amount of time and training needs to be extended.

SEN. DE PIANO: Thank you very much. Senator DeNardis. You're not going to read all that are you.

SEN. DE NARDIS: No, I'm not.

SEN. DE PIANO: Okay, I'm just checking.

SEN. DE NARDIS: But, there is a vital part or two that I think needs to be put on the record.

for court personnel alone would probably run into the millions.

I understand that the proposals advanced by the Committee on Alternative Sentencing will be heard later this month or next month, and I would urge that the sentencing issue be heard in that context.

Fourth, the CCLU supports the direction taken by H.B. 5168 - An Act Concerning Marihuana. This bill would make the possession of less than an ounce of marijuana in a public place a violation, and not a crime, and subject to a \$50 fine. Such an accused person would be given a summons as in a traffic violation.

We would prefer to see the legislature decriminalize the possession and use of marijuana altogether. The bill would still permit the sentencing of a person to one year in prison if he/she were convicted of possessing more than one ounce.

Essentially, the CCLU believes that current laws interfere with an individual's right to privacy and that government has failed to demonstrate that there are any major health or safety problems involved with this issue.

Finally, we support Committee Bill 229 - An Act Concerning Security and Privacy of Criminal History Record Information as Required by Federal Regulations.

Among its main sections is one (lines 452 to 461) which would protect job applicants from being asked whether they have ever been arrested. It would permit questions about a person's conviction record. This section supports the principle that a person should not be presumed guilty of a crime or wrongdoing until he/she has been proven guilty. Studies show that too many employers believe a person is unworthy of a job simply because of an arrest record.