

Legislative History for Connecticut Act

HB 5983 (PA 28) (Fax) 1978

Jud: 1369-70

Use: 2717-2720

Sen: 2820-2822, 2832

10p.

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

Connecticut State Library

Compiled 2013

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 4  
1354-1800

1978

16  
kdb

JUDICIARY

March 27, 1978

JUDGE DRISCOLL: No, it's not. It's 383. 5703 and 5983. No. 5703, Section 12B, would eliminate the privilege and appeal in juvenile matters. Now, I don't know the reason for that, but I suggest to you that it's important that we have a privileged matter on appeal because of the fact that we're dealing with a definite age group and they can well become adults by the time the appeal is heard unless there is a privilege. We don't have that many appeals to begin with, so there should be no problem in handling them, but I don't understand why that was done. It was eliminated, and I would like to call your attention to it and suggest that it ought to be restored. That's 5703.

Belt #4 No. 5983...there are two provisions. One is Section 19... no, one is Section 26 on Page 20. What the bill provides is that juvenile and adult probation facilities shall be made available to the court upon its request. This would mean that any judge of the Superior Court could order any juvenile probation officer to make an investigation and report. Now, there are two problems with that. One is..I think it changes the job of the juvenile probation officer who is only accountable now to juvenile...to judges exercising juvenile court jurisdiction or juvenile jurisdiction, so there may be a collective bargaining problem. In addition to that, it would seem to me it would cause chaos within... among juvenile court probation officers to be subject to the call of any judge of the Superior Court throughout the state.

One of the problems with the merger, as I have indicated before, is that you have a pretty well functioning juvenile court organization with the juvenile court six judges hiring the staff within each district and so the staff is directly responsible to the judges and that's they way they've been operating and there's only six judges. When you change that into about 50 or 60 judges to which they may be accountable, then you've got a problem. Now, the act does permit a committee of judges, as I read it, to make this kind of... to have this kind of authority but it ought to be a committee and not the whole court so I would suggest here that change in language might be that the Superior Court or any judge of the Superior Court sitting on juvenile matters...or to an appointing judge sitting in the Superior Court on juvenile matters...juvenile facility shall be made available to that judge upon his request for such an investigation and report as it may require.

I also call your attention to the fact that under the Juvenile Court Act, prior to the disposition of any case, an investigation must be made and there must be a report

17  
kdb

## JUDICIARY

March 27, 1978

JUDGE DRISCOLL (Continued): by the Juvenile Court probation officer. That's 1766. So that it isn't permissive...it's mandatory and if you have them making mandatory investigations for juvenile matters and at the same time saying they are at the beckon call of any adult...any judge sitting on the adult court, then I think you're going to, first of all, dilute any of the expertise that the Juvenile Court probation officer has and also make it impossible to do the business of the court successfully.

There is another provision, also, where I think in the merger it's difficult to describe the juvenile function of a judge as you're going through here. One of the provisions which is Section 19 on Page 14, this speaks of the request of appointing a parent and it speaks of petitioning the Superior Court. Well, again, it ought to be the Superior Court exercising juvenile jurisdiction because that's the whole subject matter of this and it's presently before the Juvenile Court and it is a matter of juvenile jurisdiction so that when you're exercising juvenile jurisdiction, it ought to be clear that it's that part of the court which is... to which the petition should be made, and I think that... In the merger committee meetings, we've been discussing setting up a juvenile and family...child and family division, and I suggest in the act itself you have...I can't remember the section now...you have a section which speaks of family matters including several things. Even there, it probably ought to be family and child matters so that we do have the court exercising a particular kind of jurisdiction. There's criminal jurisdiction, civil jurisdiction, family jurisdiction, juvenile jurisdiction, and I think it ought to be made clear throughout these bills, you know, which jurisdiction is being exercised particularly when you are dealing with what is presently juvenile jurisdiction.

SEN. DE PIANO: Thank you very much. Any questions? Peter Gillies?

PETER GILLIES: Thank you. I'm here to speak on behalf of an amendment to the General Judiciary Bill which is, I believe, 54105. We are seeking...I am here to speak in support of an amendment which has been introduced by the Probation Department.

REP. ABATE: Excuse me, Sir. There is no such number. What number is that?

PETER GILLIES: This is 5703, an act concerning the implementation of court reorganization. I understand that the Adult Probation Department has submitted an amendment to that bill which would

H-204

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1978

VOL. 21  
PART 7  
2621 - 3097

sideration of Calendar 736, H.B. 5633, and is there objection? Is there objection? Hearing none, the rules are suspended for that purpose.

MR. O'NEILL (34th):

Mr. Speaker, this item has no stars, as the membership can see. It also has no file number. The reason it has no file number is because the gentleman that's due the property tax exemption refuses to pay the thirty-five dollars to have a file printed as the rebate is only seventy-five dollars. Under these conditions, Mr. Speaker, having talked to the Representative that represents Watertown and with the Minority Leader, I move the item be referred to the Committee on Finance.

THE SPEAKER:

Will you remark further on the motion? Will you remark further on the motion? Is there objection to the gentleman's motion? Is there any objection to the gentleman's motion? Hearing no such objection, it is so ordered and the bill is referred to the Joint Committee on Finance.

THE CLERK:

Page 8 of the Calendar. Calendar No. 774. Substitute for H.B. No. 5983, File No. 469. AN ACT CONCERNING TECHNICAL AMENDMENTS TO COURT REORGANIZATION.

Favorable report of the Committee on Judiciary.

MR. ABATE (148th):

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

THE SPEAKER:

The question is on acceptance of the Joint Committee's favor-

orable report and passage of the bill, and would you remark, sir?

MR. ABATE (148th):

Yes, Mr. Speaker. The Clerk has an amendment, LCO No. 3193.

Would the Clerk please call the amendment, and in view of its length, may I be allowed summarization?

THE SPEAKER:

The Clerk please call LCO 3193, House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", LCO No. 3193.

THE SPEAKER:

Is there objection to the request of the gentleman from the 148th for leave to summarize to lieu of the Clerk reading? Hearing no such objection, the gentleman from the 148th first to summarize.

MR. ABATE (148th):

Thank you, Mr. Speaker.

Ladies and gentlemen, the bill before you is an Act concerning technical amendments to court reorganization. A careful review of the file copy will reflect the fact that the proposals are indeed technical amendments. The amendment to the technical amendment bill just simply eliminates the office of Executive Secretary of the Judicial Department and creates an Office of the Chief Court Administrator, and within the Office of the Chief Court Administrator there will be an Executive Secretary. It eliminates the office of an Assistant Executive Secretary, leaving it within budgetary limitations as to whether or not there will be an Assistant Executive Secretary.

House of Representatives

Thursday, April 20, 1978

99  
mcb

The amendment is lengthy but part of the reason for its length is a carry-through of the intent of establishing an Office of Chief Court Administrator and in those sections of the statutes where the Executive Secretary is referred to, we have to substitute therefor Chief Court Administrator.

I move adoption of the amendment, Mr. Speaker.

THE SPEAKER:

Will you remark further on House "A"? If not, the question is on its adoption. All those in favor of House Amendment Schedule "A" will indicate by saying "Aye". Opposed? The "Ayes" have it. House "A" is ADOPTED and ruled technical.

Will you remark on the bill as amended?

MR. ABATE (148th):

Yes. Mr. Speaker, ladies and gentlemen, as I indicated in my initial remarks relative to the amendment, this bill is strictly a bill providing for technical amendments to court reorganization. It does things such as substitute for the word "county" judicial district, and it carries that kind of substitution throughout the statutes, and that's why this is so lengthy. It makes reference to the judicial district of Hartford, New Britain, which was a new judicial district created last year. It makes reference to the judicial district of Danbury, which was a new judicial district created by legislative enactment last year.

(record  
#13)

I move passage of the bill, Mr. Speaker.

THE SPEAKER:

Will you remark further on the bill? Will the members please

House of Representatives

Thursday, April 20, 1978

100  
mcb

be seated and staff and guests come to the well. The machine will be open. Have all the members voted and is your vote properly recorded? If so, the machine is still open. The staff refrain from the floor area during a vote. Thank you, sir. The machine is still open. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....137  
Necessary for Passage..... 69  
Those Voting Yea.....137  
Those Voting Nay..... 0  
Those Absent and Not Voting. 14

THE SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Calendar No. 779. Substitute for H.B. No. 5527, File No. 472.

AN ACT CONCERNING ENFORCEMENT PROCEDURES FOR LAS VEGAS NIGHTS.

Favorable report of the Committee on General Law.

MR. O'NEILL (34th):

Mr. Speaker, may this item be passed temporarily, please.

THE SPEAKER:

Is there objection? Hearing none, the matter is passed temporarily.

THE CLERK:

Calendar No. 784. Substitute for H.B. No. 5703, File No. 490.

AN ACT CONCERNING THE IMPLEMENTATION OF COURT REORGANIZATION.

S-136

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1978

VOL. 21  
PART 7  
2475-2864

## SENATE

FRIDAY  
APRIL 28, 1978

65  
LFU

THE CHAIR:

Without objection, the Bill will be placed on Consent.

THE CLERK:

Calendar 800, File -

THE CHAIR:

No, we can't. We have a Rule 15. We have to Roll Call that because of Senator Santaniello. We'll go right ahead and Roll Call Calendar 798, top of page 8. Announce it please.

THE CLERK:

Immediate Roll Call in the Senate. Would all Senators please be seated.  
Immediate Roll Call in the Senate. Would all Senators please take their seats.

THE CHAIR:

I've opened the machine. Please cast your vote. The machine is closed and locked.

|                       |    |
|-----------------------|----|
| TOTAL VOTING          | 31 |
| NECESSARY FOR PASSAGE | 16 |
| YEAS                  | 31 |
| NAYS                  | 0  |

The Bill is adopted.

THE CLERK:

Continuing on page 8, Calendar 800, File 469, 741, Favorable Report, Joint Standing Committee on Judiciary, Substitute for House Bill 5983, AN ACT CONCERNING TECHNICAL AMENDMENTS TO COURT REORGANIZATION as amended by House Amendment, Schedule A.

THE CHAIR:

Senator De Piano.

## SENATE

FRIDAY  
APRIL 28, 1978

66  
LFU

SENATOR DE PIANO:

Mr. President, I move for acceptance of the Committee's Joint Favorable Report and passage of the Bill as amended by the House.

THE CHAIR:

Will you remark, Senator?

SENATOR DE PIANO:

Just very briefly. This Bill would make various technical changes in the laws concerning reorganization of the courts and I believe if there is no objection, it should be placed on the Consent Calendar.

THE CHAIR:

Is there objection? Senator O'Leary.

SENATOR O'LEARY:

A point of inquiry, through you to the Chairman of the Committee. Is this the Bill that was amended by the House Amendment which would remove the Coroners?

SENATOR DE PIANO:

No. This does not involve the Coroners. I believe the Coroners Bill is on 799 which is the one above it and which has been marked pass retained.

THE CHAIR:

Senator Gunther, you care to be heard?

SENATOR GUNTHER:

Mr. President, inasmuch as we're trying to clean up our business today, may we call 799?

SENATOR DE PIANO:

Point of Personal Privilege. It's out of order and irrelevant in regard to this particular Bill.

SENATOR GUNTHER:

Mr. President, I don't know if it's out of order or irrelevant -

## SENATE

FRIDAY  
APRIL 28, 1978

67  
LFU

THE CHAIR:

You're out of order, Senator, yes. We're in the middle of a Bill that's been moved to Consent. Now, if there is an objection to that, state it and we'll Roll Call it. It's been moved to Consent. Do you object? Hearing no objection, it'll be placed on the Consent Calendar.

THE CLERK:

Turning to page 10 of the Calendar, Calendar 909, we had a PT. We're awaiting an Amendment. Calendar 910, File 670 and 769, Favorable Report, Joint Standing Committee on Finance, Substitute for House Bill 5274, AN ACT CONCERNING THE TAX ON RAILROAD COMPANIES, as amended by House Amendment, Schedule A.

THE CHAIR:

This is Senator Beck's Bill.

SENATOR BECK:

Mr. President, if I can find my seat, I will move that the Favorable Report of the Committee be accepted and that the Bill be acted upon favorably.

THE CHAIR:

Will you comment on it, Senator?

SENATOR BECK:

Yes. Commenting very briefly, this has been worked on for two years and it concerns rescinding the tax on railroads which we were, in effect, not collecting anyway. It will help the smaller railroads. IT HAS a very small fiscal impact. It has been taken into account in the budget and I move that it be placed on Consent.

THE CHAIR:

Is there objection? Hearing none, ordered to Consent.

SENATE

FRIDAY  
APRIL 28, 1978

77  
LFU

like to return to that.

SENATOR SULLIVAN:

Mr. President, if I can get back to my desk, I'd like to call a Consent Calendar now because some of - or at least one of the Senators I know would like to leave so if I can interrupt this Bill.

THE CHAIR:

Go ahead. Go ahead, Senator.

THE CLERK:

Immediate Roll Call in the Senate on a Consent Calendar. Would all Senators please take their seats. Immediate Roll Call in the Senate on a Consent Calendar. Would all Senators please be seated.

Going over the Consent Calendar as it stands so far, page 4, Calendar 324. Page 5, Calendar 602, 666, 682. Page 7, Calendar 793, 796. Page 8, Calendar 800. Page 10, Calendars 910, 911. And on page 12, Calendar 277.

THE CHAIR:

I've opened the machine. Please vote. The machine is now closed and locked.

|                       |    |
|-----------------------|----|
| TOTAL VOTING          | 31 |
| NECESSARY FOR PASSAGE | 16 |
| YEAS                  | 31 |
| NAYS                  | 0  |

The Consent Calendar has been adopted. SB333, HB5903, SB460, HB5945,  
HB 5162, HB 5803, HB 5983, HB 5274,  
HB 5331, SB 267

SENATOR CUTILLO:

Mr. President, I know Senator Hannon is in the building. I just left him. He's on an important call. I don't know if you can take that vote in a very short future, but would you please hold for Senator Hannon?

THE CHAIR:

Very well. Thank you, Senator. If the Majority Leader would like to suspend