

Legislative History for Connecticut Act

SB 1227 (PA 79-581) 1979  
juveniles in serious crimes  
Judiciary: 927-934, 936-939, 944, 948  
967-968, 978, 981-982, 994-995,  
997-1001, 1010, 1013-1016, 1020-1021,  
1025-1027 (36p) ~~20~~  
Senate: 4425-4452, 4479, 4651-4680  
4791 (60p) ~~20~~  
House: 12,380-12,431 (52p) ~~5~~ 148p.

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 3  
743-1145**

**1979**

State Capitol  
Judiciary  
April 5, 1979  
10:00 A.M.

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PRESIDING CHAIRMAN: Representative Tulisano

COMMITTEE MEMBERS PRESENT:

SENATORS: Cunningham, Santaniello

REPRESENTATIVES: Anastasia, R. Berman, J. Berman,  
Delpercio, Dyer, Mosley, Onorato,  
A. Parker, C. Parker

REP. TULISANO: Ladies and Gentlemen, we are going to start the hearing now, Sen. DePiano had to attend a funeral this morning and I apologize for his not being here right now, but there are a number of other hearings going on, but in order to get some of the formal testimony in, we will begin it now. There were members of the committee available -- there were some conflicting meetings going on where there are some major pieces of legislation also being dealt with. First, we will hear from Sen. David Barry, who will present the -- yes, sir?

FROM THE AUDIENCE: Do you mind talking a little louder, I couldn't hear.

REP. TULISANO: Sir, I'm speaking into the microphone, I hope you, it is successful for you. Sen. Barry.

SEN. BARRY: Thank you, Mr. Chairman. My name is David Barry, I represent the 4th Senatorial District. I'm appearing here as Chairman of the State Juvenile Justice Commission. I am going to be brief, Mr. Chairman. I would request at the outset that at some point in the next few days, I would appreciate the opportunity to meet privately with the chair with a subcommittee of this committee, however the chair-people want to handle it, about what I regard is most important legislation. I am here specifically to ask the committee to favorably report Raised Committee Bill 1619. Committee Bill 1152, Committee Bill 1545 and Committee Bill 1227. The first of those is called an Act Concerning Families with Service Needs. This room is full of people who are far more qualified

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BARRY (Continued): to speak to this bill. In short, it decriminalizes status offenses, provides for diversion of young people to community based service agencies, removal of status offenders from security detention centers and long range school. A major change from the present law is the extension of the status offender jurisdiction from age 16 to age 18. I want to say that this extension does not enjoy the support of everyone in this room and it did not enjoy the support of the full Juvenile Justice Commission. (and)

However, it did have a majority vote. I will leave it to others to address that and to discuss with the chair later. The act concerning the commitment of children alleged to have a mental disorder, Committee Bill 1152, is really the first effort by Connecticut to provide for due process for children who are the subject of commitment proceedings because of mental disorders.

I believe that this will close a glaring gap in our present laws pertaining to juvenile commitments. I think that the committee will find some diversion of views here among these people testifying as to some aspects, particularly those of jurisdiction. I think that this year, those conflicts ought to be worked out and we ought to have a bill. It failed two years ago because of problems between advocate groups and not coming to a compromise. I think I would urge the committee to at last give a bill that respects due process on the subject of mental commitments of juveniles.

The third bill, an Act Concerning Emancipation of Minors, 1545, is also totally new legislation to the State of Connecticut. It is felt by the Juvenile Justice Commission that there is a present need to establish such a procedure whereby parents could terminate the parent child relationship or children could, minors, could terminate such relationship by court decree, under specific circumstances, as spelled out in the bill. It should be noted that minors below the age of 16 are not affected by this act. And the final bill, An Act to Provide for the Responsible and Expeditious Handling of Juveniles and Young Adults Involved in the Commission of Serious Crimes, Committee Bill 1227, is the bill that originated and the product of -- originally of the Connecticut Justice Commission Task Force on Serious Juvenile Offenders. It defines what constitutes serious juvenile offenses, provides for discretionary transfers to adult court. Among other things, it also provides the disclosure of prior juvenile records when pending case is a felony. I am sure this will be spoken to at length by many of the people here. It is a significant piece of legislation and one that merits your close study and examination and I would

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SEN. BARRY (Continued): hope, your approval. I think that unless there's some questions from the committee, I would end my testimony and let those who are the experts in the field testify to these bills. Thank you very much.

REP. TULISANO: Thank you, Senator. Mayor Logue.

MYR. LOGUE: Thank you, Mr. Chairman, members of the committee, upon whom I am pleased to note the eastern most representative of New Haven, Rep. Onorato, and the western most, Rep. Berman. In the City of New Haven, people have rather strong feelings about crime and I want to tell you first how I come to know that.

Every Wednesday afternoon, I hold citizens office hours where the people can come in and tell me what's on their minds. I did that yesterday afternoon, that's been my custom in my three years or more as mayor. In addition, about once a month I go out to the neighborhoods of the city and hold what's called a Citizens Assembly, where I describe what the city is planning to do in various neighborhoods and listen to people's concerns. In addition to that, about every two weeks, I have, as I had about 12 o'clock today, a Citizens Lunch where people come in and tell me what's on their minds.

What's on their minds more than any other single problem is the problem of crime. In order to address that, we have made a very substantial investment in law enforcement in the City of New Haven. We are the third largest city in the state, but we have the largest police force in the state, 432 sworn officers, in addition to that largest police force in the state, we have 40 part-time officers in what we call the Part-Time Reserve Program and these people walk the streets. They are the old fashioned foot patrol, which many of us grew up with. Even that is not adequate to deal with the problem of crime and so early this year, we have attempted to enlist the people of the city in their neighborhood corporations, businessmen groups, block associations and so on, in what we call a partnership against crime. And we now have various blocks in the City of New Haven in which people watch out for their neighbors, learn their neighbors habits of coming and going, and we post signs on the block indicating that there are people watching what's happening on that block. So in all of these ways, we are attempting to deal with the problem of crime. We have some success in that, but the problem of crime continues and, in fact, grows. One of the reasons that it grows, I believe, is that young people involved in the commission of serious crimes, are not dealt with in a way that measures the seriousness of their offense. There's a massive study of

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MYR. LOGUE (Continued): crime in this country, called Criminal Violence, Criminal Justice by Charles E. Silberman, completed last year. Mr. Silberman makes this point about juvenile courts. He says, juvenile courts treat status offenders, those who are guilty of an offense only because of their age, too harshly and they treat young people involved in serious, violent offenses in too lenient a fashion.

MYR. LOGUE: Thank you.  
REP. ALBERT: Okay. All right. I think it's certainly  
REP. ALBERT: Okay. All right. I think it's certainly  
REP. ALBERT: Okay. All right. I think it's certainly

Senate Bill 1227, which is before you today, attempts to address this problem in what I believe is a measured and balanced and practical way. This bill provides that people presently treated as juveniles may be treated in the Superior Court, if upon an examination of the individual case, it is found that they warrant treatment by the Superior Court. There are other bills calling for mandatory treatment of juveniles as adults, but as they are presently designed, they would reach very, very few juveniles in the State of Connecticut.

MR. ALBERT: Okay. All right. I think it's certainly  
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MR. ALBERT: Okay. All right. I think it's certainly

This bill addresses the serious problem of violent juvenile crime and addresses it in a sensible, practical and balanced way. It is my judgment that the determination as to whether some fourteen year old ought to be treated as a juvenile or treated as an adult in the Superior Court, is a heavy decision, a weighty decision. I believe it's one that should not be made on a mass basis, but should be made on an individual basis, including determination of probable cause with respect to the crime and including the history of the person involved.

MR. ALBERT: Okay. All right. I think it's certainly  
MR. ALBERT: Okay. All right. I think it's certainly  
MR. ALBERT: Okay. All right. I think it's certainly

This legislation, Senate Bill 1227, makes provision for exactly that kind of treatment. I believe it addresses what is a real outcry in the State of Connecticut, from young people, older people, senior citizens who live alone, and others who say why is it that someone fourteen or fifteen years old, can assault an older person, knock that person down, take away her purse, be apprehended and 48 hours later, be out on the street? I'm afraid that is a common phenomenon in the cities and indeed in the towns of the State of Connecticut. The cities and towns throughout the country.

MR. ALBERT: Okay. All right. I think it's certainly  
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MR. ALBERT: Okay. All right. I think it's certainly

Senate Bill 1227 addresses that problem by enabling the state authorities to respond to a case like that by treating that person who commits a violent assault as an adult criminal and not releasing that person back on to the streets in a period of 12 hours or 24 hours or 48 hours. I'm mindful that the outcry against juvenile crime includes a lot of irrational elements. It includes people who want to put all juveniles away for years and years and years. My sense is that this bill is a fair response. It is fair to the people who want protection and it is fair to the juveniles who become involved

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MYR. LOGUE (Continued): in serious crimes. For these reasons, speaking on behalf of the people of the City of New Haven, I urge a joint favorable report by the Judiciary Committee on Senate Bill 1227.

REP. TULISANO: Thank you.

MYR. LOGUE: Thank you.

REP. TULISANO: Larry Albert.

MR. ALBERT: Chairman Tulisano, I'm wondering whether it's possible for me to switch places with Mr. Carbone and I can go after him. He's going to give you --

REP. TULISANO: No, you'll continue please.

MR. ALBERT: Okay. All right. I would like to speak to certain aspects of 1227. I'm Dr. Lawrence Albert, Deputy Commissioner for the Department of Corrections. I have been a member of the Serious Juvenile Crime Task Force and I wanted to point some important things out to the committee about a bill which the Department of Corrections supports. I think it's important to recognize that this bill changes the philosophy of the juvenile justice system. It changes it from simply the best interests of the child to protection of the community and the best interests of the child. Basically in that order. It doesn't mean that one is given up for the other, but hopefully both can be done with this bill.

I think it's important to note that this is a comprehensive bill. It goes from arrest through adjudication and treatment and it also mentions in the report of an on-going review committee that will report back to the legislature that's going to be run by the Connecticut Justice Commission. It's not in the bill, but they already have that authority and that's the reason we didn't put it in the bill on a yearly basis about the impact and outcome of this particular bill.

It's important to note that it's comprehensive because it deals with a number of aspects of the juvenile justice system and not just transfer, which some of the other bills do deal with. It deals with how people are arrested, how they are processed in court, the treatment aspects from probation to the Department of Children & Youth Services, all the way through their release back to the community. It talks about mandatory away from home provisions, which addresses some of the things that the mayor just discussed in terms of people's concern about seeing youngsters who have committed or are

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MR. ALBERT (Continued): accused of committing serious offenses back out on the street right away, that nothing happens to them, that people don't address the problem in the judicial system very seriously, this mandates that both the judicial system and the Department of Children & Youth Services will address these issues of serious juvenile crime, seriously. Another aspect that I would particularly like to discuss is that it reduces the potential abuses of youthful offenders because it says that the Youthful Offender statute and the Accelerated Rehabilitation statute, which are used and have been used, cannot be used without the judge having a look at the juvenile record.

Many youngsters will now come in and on the books is a provision that the judge may look at the juvenile record, but our bill says that the judge must look at the juvenile record when sentencing someone either as a Youthful Offender or as under Accelerated Rehabilitation statutes.

REP. TULISANO: Is there a time limitation on that, on the Accelerated Rehabilitation which may not be used until someone's 45 years old, for example?

MR. ALBERT: I don't believe we've addressed that, Rep. Tulisano.

REP. TULISANO: Do you think it should be?

MR. ALBERT: I think it should be, I think there should be a forgiveness in terms of something that's happened a number of years ago, yes. Our basic concern here was that we are aware of youngsters who will come in, have a serious juvenile record, will apply for Youthful Offender status, be granted it because the judge hasn't seen their previous juvenile record. Get Youthful Offender status, that seals the record, as you are well aware, come in again on another offense and apply for Accelerated Rehabilitation. I think that everyone in the committee and the mayor noted that our bill is fair and balanced to try and give the youthful offender, or serious offender a chance to turn around, but how many bites of the apple do we want to give them? I think that one or two at best is all that's necessary and our bill addresses that issue.

Basically, the bill is comprehensive and I think it's a very important piece of legislation that is balanced that the committee should give serious attention to. I'd be happy to answer any questions now.

REP. TULISANO: Questions? Are you with the Department of Mental Health?

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MR. ALBERT: Corrections.

REP. TULISANO: Corrections. Correct?

MR. ALBERT: Correct.

REP. TULISANO: Will you be involved, should it be determined that a young person is to be tried as an adult offender, what will be the -- your department's, or will you have a role in that?

MR. ALBERT: Well, of course, we'll have a role in it if a person is bound over to Superior Court and convicted and sentenced to us, we'll deal with that individual at Cheshire and in our after care programs. In terms of the numbers of people that we may expect, the data on that is really incomplete; in the body of the full study, it does talk about the number of people; we're not talking about a substantial number of people in any case, in terms of those that would be bound over who are juveniles now 14 and 15, after a bind-over hearing, if all that were eligible for bind-over hearings were bound over, I think we're talking somewhere between 20 and 25 a year, and the bill talks about either an A or second serious, we've broadened the category to include a number of offenses which my -- I think Mr. Carbone will discuss further.

If all of those were bound-over, we're talking 20 to 25, in terms of the 16 and 17 year olds, the data is really not clear, but even here, those that are not granted Youthful Offender or Accelerated Rehabilitation and are sent to the Department of Corrections, we're not talking about a substantial number, but we're talking about a lot of youngsters that are currently not getting what they ought to get for their benefit and society's.

REP. TULISANO: Do you have facilities available through your Department?

MR. ALBERT: At the moment, we do not, but by the time this got rolling, I think when Cheshire is built in 1981, I believe it is, we would.

REP. TULISANO: Thank you, any further questions? Thank you Mr. Albert. Mr. Carbone.

MR. CARBONE: Good Morning. I'm Bill Carbone the Executive Director of the State Justice Commission. I'm here to support two bills that are now before this committee. One is Committee Bill 1619, an Act Concerning Families with Service Needs, the

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MR. CARBONE (Continued): other is 1227, an Act to Provide for the Responsible and Expeditious Handling of Juveniles and Young Adults Involved in the Commission of Serious Crimes. First, I should like to say to you that the Justice Commission is established under state law to seek ways and means to improve the state's justice system.

We're funded partially by the Federal Law Enforcement Assistance Administration, partially by the State of Connecticut. Much of what we do is concerned with the planning of and awarding LEAA funds in the state and this puts us in a good position to study the whole justice system and to seek to develop some consensus solutions around some of our major problems. One of those problems is certainly juvenile crime and delinquency which is what brings us to come to you concerning these two bills.

1619, an Act Concerning Families with Service Needs, is something that the state has been working on since 1976. Under a Special Emphasis Grant from LEAA's Office of Juvenile Justice and Delinquency Prevention, we have been moving to create more community based alternatives to the institutional treatment of this group of youngsters. In fact, there are currently no status offenders being kept at the training school, Long Lane in Milltown, and the numbers of status offenders who are kept in the detention facilities that operate under the juvenile court, has been substantially diminished. In fact, the most recent figures we have show that it's down more than 60 percent from what it was in 1975, when it was more than 700, down to about 250 last year. The Federal Juvenile Justice & Delinquency Prevention Act mandates complete deinstitutionalization of these youngsters by August, 1980 and to help the state to facilitate that objective, we receive approximately a million dollars a year.

REP. TULISANO: Mr. Carbone, for the committee's information, we <sup>have</sup> here that we are mandated by the federal government although the jurisdiction is theoretically the state's, the state's hands, what is the -- what does the federal government do if we do not follow that mandate?

MR. CARBONE: They would withdraw the federal funds that the receives annually under that act, as well the juvenile funds that the state spends via the Crime Control Act.

REP. TULISANO: You don't have any idea how much that is?

MR. CARBONE: Well, it would equal I would say perhaps two and a half to three million dollars a year.

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MR. CARBONE: Yes. Concerning 1227, which is the act that deals with the serious juvenile offender, I just would like to take a minute to brief you on the genesis of this bill. Last June, my office sponsored in connection with the Orbach Services Bureau, a statewide symposium on serious juvenile crime, where we brought in some well known and very knowledgeable persons around the country who had addressed this issue. And we found that we really needed to work on finding a solution for Connecticut and serious crime meant different things to different people. No one really had an answer that any of us could be confident about. On the heels of that symposium, I appointed a broadly based task force of practitioners and policy makers throughout the justice system to advise us on the nature and scope of juvenile crime in Connecticut as well as on what policy and legislative solutions that we could recommend to the Governor and the Legislature.

And after many long hours of deliberations, their report was released in January and all of you should have by now a copy of either the full report or at least the executive summary. They identify 39 offenses, including homicide, assault, robbery, arson and first degree burglary in the proposed legislation. In collecting information from the Judicial Department on the 39 offenses, we found that the number of juveniles referred to our courts for prosecution of serious crimes continues to remain relatively small, with the most recent figures showing that fewer than 300 juveniles in 1977 were referred to the court for crimes of this nature. This figure represents less than five percent to the total referrals to the juvenile court.

I should point out to you that most of the referrals, more than three quarters, came from the five largest cities. An examination of the current processing practices of the court vis-a-vis this select group, shows that about 25 percent of them were getting committed to DCYS with the balance either being placed on probation, released with a warning, acquitted or given some other form of disposition that brought them back into their home communities. So that while the total number of kids that we're dealing with is small, the current system performance, all of us agree needs some improvement, the task force recommendations which have been encompassed into the bill, are summarized as follows: 1.) that the handling of the serious cases would be by full time prosecutors in the juvenile court rather than probation officers who generally carry out this function at the present time. A tightening of the detention rules for those accused of serious crimes to assure that those who require detention get it pending further disposition. Outlining time tables that would be imposed

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MR. CARBONE (Continued): on the court for the speedy disposition of these cases, not more than 28 days in any event, mandating minimum sentencing for Class A felonies and other repeat serious offenders, making possible longer commitments to the custody of juvenile authorities, namely, DCYS, making escape from custody a serious offense and therefore, liable to harsher sanctions, expanding the focus on custody and rehabilitation of serious offenders to prevent the further commission of serious crimes, and expediting transfer to the adult jurisdiction of those who are not able and should not be handled in the juvenile jurisdiction. Many members of the task force have talked to various individuals within the state from all branches of government about these bills and generally, there's two concerns expressed.

One is that why not simply have a mandatory transfer on the basis of the charge, which is imposed upon the juvenile, and I just would like to share with you some of the findings of the task force in respect to this matter. While the adult jurisdiction does certainly have harsher penalties available to it, and the proceedings are open to the public, it would not, I think, give the relief that the legislature, the governor and the people want. It doesn't take into account the fact that the adult jurisdiction does move slower in the disposing of cases. It currently doesn't have the facilities available to handle juveniles and doesn't generally impose longer sentences, even though they may be available. So I think the notion of the wholesale transfer of juveniles wouldn't meet the objective of either being in the best interest of the child, or giving the community the increased safety that it wants. The second concern that we often found is that the cost of implementing this legislation and, as you know, we have not tacked an appropriation on it for a particular reason. One is the number of

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CARBONE (continued): particular reason. One is the number of kids that are serviced by it remains small, and we've been talking to DCYS about their ability to absorb during the next fiscal year the increase that might be brought about by it. And we're not sure of what type of additional programming they would need in order to cope with this case load. There is built into this a review implementation and my hope is that we can work DCYS in coming up with a program that will meet the needs of kids that are placed in their custody on long-term -- on a long-term basis.

And again, I think this is something that would be very appropriate to use federal funds for. The state receives this money to improve our justice system, and I can't think of any better way that we could use it than to facilitate this bill if it is passed. And because of the unfortunate absence of the Commissioner, I think at this point, I simply stop, and if there are any questions that you have of me, I would be very pleased to answer them. I also have with me today David Frazer, who is the Director of the staff on the task force, and also Mr. Jacob Stacks from the Juvenile Court, who is the Chairperson of the institutionalization of status offender supervisory council that's been in existence for three years. So between the three of us, we will certainly try to answer any questions you have. Thank you.

REP. TULISANO: Thank you.  
REP. TULISANO: Maybe it isn't within the purview of this Committee, but I am concerned somewhat about the cost, only that you've indicated the perfect way we could the federal funding. For our information, will that federal funding go directly to your commission for distribution or will it be given to the state in a general fund, and then will we have to get (inaudible, belt skipped)

MR. CARBONE: Ah, no the funding comes directly to the commission for purposes that are approved by the commission which is appointed by the Governor and the legislative leadership, the General Assembly as well provides the matching funds that we need in order to receive the federal money, and through the Program Review Committee does have some oversight over the agency.

REP. TULISANO: There is no appropriations legislative oversight, so there is really no way through the appropriations committee to either make sure the money is being spent in the areas, except for the results that we may see?

MR. CARBONE: Yes there is. The legislature has the option every year of approving the comprehensive plan which spells out specifically where all the money is to be spent. I have given the legislature that option in the last two years, and in both occasions, they have written me back saying that they did not feel they had a mechanism to conduct that kind of a review, and therefore we should proceed and submit the plan as if it had their approval.

REP. TULISANO: Any further questions? Thank you, Mr. Carbone. We are now going to call Mr. Sachs in a short while to present his views. Dr. Harold Davidson.

DR. DAVIDSON: Thank you Mr. Chairman and members of the Committee. I am Dr. Harold Davidson, Chief Psychiatrist in the Office of the Commissioner, Department of Children and Youth Services. And because of the unfortunate absence of the Commissioner, I am here to represent him and speak for him and present to you the position of the Department of Children and Youth Services.

REP. TULISANO: Please speak into the mike a bit more -- it's hard for.

DR. DAVIDSON: Alright.

REP. TULISANO: Thank you.

DR. DAVIDSON: On a number of bills, if we start with Committee Bill 891, an act concerning the establishment of juvenile review boards, the Department of Children and Youth Services does not support this bill and opposes it.

Our concern is that the review board, which is an advisory board, might turn into a judicial body, and attempt to make decisions about the treatment of children.

On Bill 1460, an act concerning commitment of delinquent children to Long Lane School, the Department of Children and Youth Services is not in favor of the passage of this bill.

We are concerned that the Long Lane is not suitable for intermediate detention purposes, that there are already facilities for doing diagnostic and evaluation work there, and we are concerned that there would be an added cost for services which are perhaps already being taken care of.

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DR. DAVIDSON (continued) an act concerning mandatory and optional transfer of jurisdiction from the juvenile docket of matters to the regular criminal docket of the Superior Court. The Department is opposed to that bill.

Committee Bill 5207, addressing itself the same --

REP. TULISANO: -- Excuse me, Doctor. In the rear of the room, please keep the voices down so we can hear the testimony being given. Thank you. Continue, Doctor.

DR. DAVIDSON: Committee Bill 12156 and 5207, do not have the support of the Department. In part, we consider them somewhat regressive, and are instead supportive of Bill 1227. There are two major concerns which this bill addresses itself to, and which we are pleased with. One is the recognition of the treatment needed of juvenile serious offenders and their separateness of less serious offenders, for instance status offenders. And we are concerned to protect the Connecticut community. You know the history of this legislation and its development from the task force convened by the Connecticut Justice Commission. What is important is that a new legal definition and categorization of serious offenders has been created. There is also provision for long-term services, long-term treatment services and commitment. There is also the provision for bindover to Superior Court of -- for criminal matters for certain appropriate serious offenders, and the Department strongly supports that.

There is one consideration we would like to bring to your attention. The Department would favor additional language which would allow the Commissioner of the Department of Children and Youth Services the opportunity to provide information to the Court for possible bindover of youth who are, or who have been under his custody, and who are out of control. Without that we are somewhat hampered in our ability to help the Court.

We would like to ask because of additional cost that program for this begin on January 1, 1980, for transfer -- now wait a minute, alright for 1227 -- 1227. I think frankly, we're not quite ready to carry it out, and there is a question of federal funding, but if this committee passed the bill, I think that would be very helpful to us in our planning to carry it out and in getting the federal funding.

REP. BERMAN: You want a date of?

MR. SACE (continued); Bill number 1460, commitment to Long Lane provides that the Court would have another, juvenile matters court would have another alternative disposition available to them, and that would be to provide that a child be sent to Long Lane School for a period of time not to exceed 15 days. And the most immediate difference that comes to mind

with 16 and 17 year olds is that as a matter of law, we The genesis for this bill comes from those judges who are presently sitting on juvenile matters. They think that it is a viable alternative to deal with those children who should, in fact, not be committed to the Commissioner for a period up to two years, but should have a short term to see what their future holds for them, and if they continue in their particular behavior, that brought them to the attention of the courts to start with, and we strongly support that bill on behalf of the judges.

Bills number 826 and 1333, which deal with access to juvenile records; on bill number 826, it provides that there should be access to bonafide researchers upon permission of the Court, and we support that bill.

Bill number 1333, which provides for records of delinquency adjudications for presentence investigations in the adult court and for determination of youthful offender status and felonies, we support the bill in principle, which provides that only that information pertaining to juvenile adjudication should be made available and not juvenile referrals being akin to the adult system, whereby an arrest is not held against an adult, and we favor both of the bills in its present form.

Bill number 1227, 156 and 5207, which deal with mandatory or discretionary transfers. The Judicial Department strongly supports bill number 1227, which is the bill proposed by the serious offender task force. I think there has been a great deal of detail given concerning that bill given by Mr. Carbone, by Mayor Roke, and we will be pleased to answer any questions for the sake of time.

Bill number 1545, and 1619; 1545 deals with the emancipation of minors issues, and 1619 deals with family with service needs. I packaged these two together because we have a particular problem with 1619, family with service needs, which provides that the jurisdictional age, and that as it's presently proposed, includes 16 and 17 year olds. Very frankly, we are not equipped to prepare at this time to deal with that population. If we were -- if the bill were to pass, and if

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MR. KRAMER (Continued): I believe a patient's in the hospital too long but often we have to discharge them before they are ready. I won't go on with the rest of it, I know that you are pressed for time. I've already submitted this letter to the commission and if there are any other questions, I'd be glad to answer them.

REP. MOSLEY: Thank you very much. Frank Roche, Connecticut Chiefs of Police Association.

MR. ROCHE: I am Chief Roche, Police Chief in the town of Plainville and also the Legislative Committee Chairman for the Connecticut Chiefs of Police. I will speak briefly on two bills. First being Senate Bill 1227, reference to the serious offender, juvenile serious offender. Connecticut Chiefs of Police Association support the concept of the serious juvenile offender legislation, introduced by Sen. David Barry and resulting from a task force, sponsored by the Connecticut Justice System. I am not going to go into all the aspects of the legislation with you. Instead I would like to focus on those aspects of the legislation which are important to me as a police officer.

First and foremost, the legislation gives police the assurance that something will be done to deal with the juvenile who commits serious crime. Juveniles involved in violent or threatening offenses while not the majority of youth police deal with, are the offenders who threaten the citizens the most and who are -- use up large amounts of police resources. The problem is especially acute in the state urban areas. It is frustrating to police and citizens for those juveniles to receive little or no punishment in the justice system.

Looking at the various proposals to deal with the problem, the serious offender legislation is the most comprehensive. Simply transferring those juveniles to an adult court session does not assure anyone but those who commit serious crimes will be off the street. The improved use of detention speedy adjudication, proposed system of lengthy and mandatory sentencing and tightening up on the escape from custody will provide a much greater public safety. It is also important to note that increased public safety will be provided in an environment which allows the possibility that these juveniles can be rehabilitated.

The second item in the legislation which police feel strongly about is the proposal to more effectively deal with 16 and 17 year olds. The use of the juvenile record and

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MR. ROCHE (Continued): prohibiting or repeating granting of special privileges to this group, will separate the young adult who has a long criminal record and ensure that this individual is not treated lightly. Police chiefs and officers throughout the state have expressed their concern that serious and repeated criminals are not being properly singled out by the courts. While this proposed legislation may not be the final answer to this problem, it is a very good start. We are impressed with the scope of these recommendations and the care which those who formulated it then took to -- they took to include the input from law enforcement.

The proposals also call for an on-going review commission which should give us the ability to monitor the effect of the legislation and, where necessary, recommend further changes. I strongly urge your endorsement of this legislation. It is a tough one, but a sensible measure. The second piece of legislation we are speaking in support of is Bill No. 1619, an Act Concerning Families with Service Needs. The Chiefs of Police Association is in agreement with the intent of this bill. The decriminalization of status offenders, we feel that these children do not belong in the criminal jurisdiction and further, that since the problem often lies within the family, the designation of a family with service needs is appropriate. Despite the general endorsement, we feel we must take strong exception to certain provisions of this act. Primarily, concerning the definition of a family with service needs and the mandating police response in encouraging a redrafting of the act to address these concerns which are: On Line 49, the definition of a family with service needs should include only children, aged 15 and under and not youths, ages 16 and 17. It is impossible to interact with 16 and 17 year olds as though an adult in some matters, and child in others.

In particular, questions of immoral conduct or truancy becomes vague at that age and enforcement becomes extremely difficult. Second objection is Line 53, the definition of a family with service needs, including habitual truancy or overdefiance of school rules and regulation. In concert with mandated response on the part of the police in Section 6 of the act, will result in a significant police involvement in the schools. We feel that that is not the role of the police to be a truant officer or to enforce school rules and regulations as well. Suspects that will result in a significant increase in the workload of the police juvenile officers, many departments do not have the capabilities of

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MS. CASSIDY (Continued): Soon after, I had to appear here in court and was summoned back home unwillingly. The decision of the court also included family counseling services to aid my family's awkward position. This court did not follow through on its promises and left me in an uncomfortable and worse position than I was in before I returned home. Eventually, I gave up trying to deal with things at home and left again. I am now an emancipated minor, responsible for myself only. I feel it is important that young adults are given a chance to seek help from human service organizations rather than be forced to appear before a judge. Young adults like myself who are able to adjust to a self supporting and responsible position should be given the chance to. Thank you.

REP. BERMAN: Have you read this bill? Do you favor this proposal excluding the 17 and 16 year olds?

MS. CASSIDY: Yes, I do.

REP. BERMAN: Thank you.

REP. ANASTASIA: Gregory Mumma. Norma Schatz.

MS. SCHATZ: Thank you. I'm Norma Schatz. I am speaking today for the Connecticut Child Welfare Association and I think unfortunately, perhaps it's a measure of the interest in children with problems that there are only two of you here listening. In view of the lateness, and I know you're pressured to adjourn so that you have -- can go to your session of the House. I'd like to just my remarks and I will send each member a copy of what I had intended to say here. The Connecticut Child Welfare Association is supportive of Senate Bill 1227 dealing with serious juvenile offenders. Our feeling is that this is a problem, it is seen as a problem, we don't believe that automatic referral to adult court achieves much of anything. They haven't had that good a track record. We do believe that it's important what happens during the commitment because sooner or later that child is going to come home and we're all going to have to deal with him at that point.

Regarding Senate Bill 1619, we object strongly to the inclusion of 16 and 17 year olds. We believe it is inappropriate to include 16 and 17 year olds as status offenders. We believe the bill represents a compromise between maintaining the status quo and complete removal of the status offenders from the pervue of the juvenile court. It is perhaps an incremental step in the right direction. We prefer the focus at least on the family if the youngsters have to be kept in

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MR. CUNNINGHAM (Continued): 4H, Girl Scouts, Boy Scouts, etc.  
Belt 11 I would also like to note that we are at this point responsible for the program to coordinate host homes statewide.

I would like to address my comments to three bills which are on today's agenda. First, Senate Bill 1619, An Act Concerning Families with Service Needs, is one of major interest to the collaboration. This Bill has as its major defects the de-institutionalization of status offenders, the decriminalization of past offenses, the recognition of community-based services as an alternative to detention and institutionalization, and the involvement of the family in the court's dealings with the child. To these ends we support this Bill.

It is necessary as others have done today, however, to caution the Committee that the Bill as written includes 16 and 17 year olds in this jurisdictional category. The Collaboration strongly opposes this particular provision as unrealistic and inappropriate. This is an admittedly difficult group of youngsters to deal with. However, the family with service needs category is not a practical disposition. Is it consistent to deal with 16 and 17 year olds as adults under most circumstances in the courts and as children in this one? Can the courts be expected to handle this new case load? Is it appropriate to bring this age group to the attention of the courts for truancy and for leaving home? The answer to these questions is no, and I therefore encourage you to support Senate Bill 1619 for its intended purposes, but to amend it so as that it does not include 16 and 17 year olds.

The second Bill which I am addressing is Senate Bill 1227 An Act to Provide for the Responsible and Expeditious Handling of Juveniles and Young Adults Involved in the Commission of Serious Crimes. The Collaboration again encourages your support of this Bill as it is intended to provide for the effective and efficient treatment of the juveniles. This Bill gives clear guidelines as to the disposition of this small group, insures due process and thoughtful treatment plans and prevents the potential misuse of the youthful offender, and accelerated rehabilitation status by 16 and 17 year olds. It is in that regard an effective compromise between the rise of juvenile offenders and the rights of society.

Additionally I will address Senate Bill 1152, An Act Concerning the Treatment of Children Alleged to have a

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MR. CUNNINGHAM (Continued): mental disorder. Again, the Collaboration encourages their support of this Bill as it is intended to protect the rights of children. In this age of human concern and in the framework of cost effectiveness, institutionalization is appropriate for some persons. Care must be taken in order that institutionalization is considered only when community based services cannot be used, and in order that the rights of the institutionalized person are protected.

I think it's also important that we consider these bills collectively as well as individually. The partnership between public and private community based youth services is continually becoming more clearly delineated. The respective roles of DCYS, the courts, the institutions and the community based services are clarified by these bills, and the child is ultimately more protected and better served. Thank you.

REP. BERMAN: Thank you. Could you get us a copy of your testimony?

MR. CUNNINGHAM: Certainly.

REP. BERMAN: Thank you. Questions? We have a question for you. (INAUDIBLE)

MR. CUNNINGHAM: 1227? No, I'm sorry. I suggested eliminating 16 and 17-year-olds under the Status Offense Legislation 1619.

REP. BERMAN: John Tilson.

MR. TILSON: I am John Tilson, Counsel for the Connecticut Hospital Association. Elizabeth Swallow talked about a couple of the bills that the Association has concern with. I'd like to touch on a different one which is 1475 on child abuse. This bill requires any person including the hospital suspecting child abuse to notify not only DCYS but also the local or State Police. We have serious concern with the bill. I ought to call your attention, however, to the fact that this bill is identical with 1435 which was in public safety. It received a joint favorable on a split vote in that Committee. It's pending in the Senate now. It was put on the foot of the calendar yesterday because I think its proponents have begun to realize there are serious problems in connection with the bill. So there is probably no sense whatsoever in your

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MR. GOLD (Continued): along that line. Quickly, there are some other bills I will run through. Regarding 1640, 1333, which are talking of -- pardon me, 1640 is the competency to stand trial. I think this is a major gap in the juvenile law, having recently been through a delinquency case where it was proven beyond any doubt that my client was incompetent to stand trial, the judge had no choice under our present statutes, but to dismiss the charges and what happened there was, I believe, that there was a stretched use of the neglect statute to get a neglect commitment, taking guardianship away from the parent, just to keep the kid somewhere. And I think this is -- I strongly recommend passage of 1640. I would support passage of 1333 an act concerning juvenile records, which limits the look into juvenile records to juvenile delinquency adjudications. 7708, an act concerning periodic review of status of committed children. I support the concept. I don't like the present situation where a child can be left in limbo for years under the jurisdiction of DCYS. However, this bill has no teeth in it. In other words, it says that a report shall be filed every six months, the court shall review it, but what can the court do, what are the standards of review? I think that it should, it needs further study.

Regarding 7879, 7203 and 1572, which are regarding victims of juvenile crime and victims involving youthful offender cases. I strongly support the concept that the victims should be aware of what happens to the people charged with the crime. I have no problem with that, my concern is the mandatory language in each one of these bills that says the victim shall be permitted to attend all hearings. I think that that is much too strong at the very least, it should be discretionary and the matter of the court. Finally, I would like to make a very brief statement without going to an elaborate of the three bills regarding the serious offender. That's 156, 5207 and 1227. I believe that 1227 is the least offensive to me of the three bills. I think that the answer that should be tried before we go ahead and dump wholesaley large numbers of children into the adult court, would be to beef up what is done to the kids in the juvenile system. I think what needs to be done is an amendment of the present juvenile court dispositional statute which, if the judge is throwing the book at a child, can only commit him to DCYS for a maximum two years and then DCYS can come in and extend it for another two years. So you have a maximum of four years, and my experience has been rarely are there ever extensions of the commitment for the other two years. Secondly, under that provision, the

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MR. GOLD (Continued): which applies to any juvenile offense, okay, and I'm not, whether it be breach of peace or a homicide, under that provision, the Department of Children & Youth Services has the discretion, the administrative discretion, to release the kids anytime. They could release him the next day after the court commits him or it can release him six months, a year down the road. I think that statute has to be beefed up to give the court more power, to give specific sentences.

The other end of the coin is that I think DCYS has to get the facility because presently there is one facility that they can contain kids in. For a 36 bed facility, my understanding is they only use 24 beds for containing kids, the other 12 is an in-take unit. And the problem, as I understand with that facility is simply that it's not for long term treatment. The kids -- they'll hold someone there a maximum six to eight months, so I think that you have to beef up the court powers to dispose of the cases that these kids are involved in and, secondly, provide the facility to DCYS to keep the kids contained. Because under -- and I know at least one of those bills that talks about a 14 or 15 year old who goes through the adult court process, is committed to DCYS to be held in a DCYS facility until he turns 16. I submit that they don't have the facility to hold the kids that long. I'd be happy to answer any questions.

REP. TULISANO: Thank you.

MR. GOLD: I'm sorry to be so lengthy.

REP. TULISANO: I'm going to change the procedure for the rest of this hearing, since it's only me that's sitting. Is there anybody here who is not being paid to be here to present their testimony? Would you please step forward to give your testimony? Thank you. And you will be next, I'm sorry, but the rest can afford to wait.

DR. PALOMBI: I'm not being paid directly, let's put it that way.

REP. TULISANO: Yeah.

DR. PALOMBI: I'm Dr. Joe Palombi, the Associate Director of Child Psychiatry at the UCONN Health Center, also a member of two pertinent committees in my professional organization, those are the juvenile, excuse me, juvenile delinquency committee of the American Society for Adolescent

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DR. PALOMBI (Continued): Psychiatry and the Committee for Juveniles and Law of the American Academy of Child Psychiatry. What I would like to just briefly run over and I mean very briefly are four laws that I think we have had extensive testimony about to some degree, but in summary, that I think has been short-circuited. 1640, I would certainly agree with Mr. Gold. It is a very relevant if not crucial area, we need this, if we are going to talk about serious juvenile crime and the potential ramifications of it, judicially. Having come from New York very recently, the changes there in the past two years have placed squarely the determination of competency and responsibility that is, in popular terms, the insanity defense, are well into the juvenile court system and in addition, there are juveniles who are remanded to juvenile courts, for the rights of the child and for the rights of our society in general, I think this is a very crucial area.

I would have to echo Dr. Davidson though that if, indeed in these not too voluminous cases there would probably be a significant few of them, it should be a child psychiatrist that should do the evaluation. I have recently completed a chapter around this issue for a book that myself and some colleagues are coming out with, entitled, simply, "Child Psychiatry and the Law" and I think that enough is said in that area.

In my capacity as the child psychiatric consultant to our Child Protective Team, essentially our Child Abuse Team at the UCONN Health Center, I have to strongly, and I think there's plenty of sentiment against it, disagree with 1475.

REP. TULISANO: Done.

DR. PALOMBI: Done, thank you. Good. 7747 is obviously the one of the major bills to come before this committee. I would strongly recommend 7747 as compared to 1152, although I think the issue of age is one that's a very relative one. It also -- it's relative as well as relevant. In the sense that the age of a child to be capable of --

REP. TULISANO: Excuse me. (Conferring away from microphone)

DR. PALOMBI: Dealing with the age of the child and his or her capacity to ask for judicial review is again related to 1640 in that competency is the issue in its simplest terms and I would suggest that although 14 may not be the perfect age, it still seems to be one of the most generally agreeable

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DR. PALOMBI (Continued): between both those states that already have child commitment laws, the other members of the medical profession, such as the pediatricians who use at this point, 14 for an age of differentiation in agreeing to medical procedures and thirdly, from what we do know although it's a very young field about adolescent psychodynamics, strongly supporting 7747 as a necessary bill and I think it would put Connecticut in, not necessarily the forefront, but with those states who are seriously committed to dealing with children in an appropriate fashion. Thank you.

REP. TULISANO: Thank you. You're not being paid, okay, you'll be next after this gentleman.

MR. PIRRO: My name is Charles Pirro. I'm an attorney from Norwalk. I'm here because I handle a number of juvenile court matters and I'm concerned with the three bills concerning transfer of juvenile cases to Superior Court. Bill 156, 1227, and 5207. And I strongly oppose all three for a number of reasons.

To establish briefly a context within which to discuss these bills, we should talk about what goes on in juvenile court right now. My experience is mostly with the court in Norwalk. If a youngster is arrested, he's brought before the juvenile court and interviewed by a probation officer, who has discretion to take a number of different actions including dismissing the case outright if it appears frivolous, taking an admission, preparing a study and referring it to the judge for adjudication, or accepting a denial of the charges and scheduling the case for trial.

Under these three bills, if a child is referred to the court and charged with a serious juvenile offense, the first action that the probation officer has to take is appoint an attorney, and that's frequently a court appointed attorney, for that child because the threat of loss of liberty is there. That means somebody has to pay for court appointed attorneys in all those cases. Secondly, it appears as though the case then has to be scheduled for a hearing and probable cause. Which means, there has to be a court appointed prosecutor, and a hearing held and the judge has to come down and the judge has to take this time to go through that hearing. In addition, for that hearing, there has to be a study prepared by the probation officer, so a lot of probation officer time has to be used to prepare the study, not on the disposition of the child's case, but on whether or not he should be referred to the Superior Court. If it turns out that the child's jurisdiction should be retained by the juvenile court

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MR. PIRRO (Continued): and adjudicated there, the normal procedures that take place now still have to take place and that includes another study by the probation officer regarding the disposition of the child. Now, Bill 1227, also provides for a complete diagnostic examination of the child and it seems to say in every single case. Now that may include a medical examination, a psychological examination, and a psychiatric examination. Each of which, somebody has to pay for. Again, that's all of us.

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That also means that if the child is then referred to the Superior Court, there is an increased caseload there, a lot more studies have to be gone through and on top of that, we're taking the child away from the trained juvenile court judges and the trained juvenile court probation officers who have the most knowledge of what type of disposition is best for a juvenile court case. Now, as I said, I handle a number of juvenile court cases, I've been averaging two to three a week for the last couple of years. I'll give you an example of some of the cases that I've handled. I've handled a youngster who with a group of his friends outside a school building, during a free period, lit a ballpoint pen on fire to see if it would burn. He set it down on the window sill and it set the window on fire. Well, under the definitions of the statute, that's arson and under the mandatory requirements, that would have to be transferred to Superior Court. In another school in Norwalk --

REP. TULISANO: They arrested that young man?

MR. PIRRO: They arrested the young man and in the juvenile court made an appropriate disposition.

REP. TULISANO: There was no pretrial available  
in that

MR. PIRRO: He was a juvenile.

REP. TULISANO: So they actually sent him to juvenile court.

MR. PIRRO: They actually sent him to juvenile court. In another case, I represented a boy who was about half of my size, I'm 6'1", 6'1½", he got into an argument in the hallway with another boy whose bigger than six feet, 220 something pounds, the assistant principal came out, tried to separate them, the argument continued, they retired to the assistant principal's office where the larger boy started beating up on the smaller boy, the assistant principal could not stop it, so the youngster grabbed a knife which was on the table

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MR. PIRRO (Continued): in the assistant principal's office, don't ask me why it was there, but he grabbed the knife and tried to stab the larger boy. He was arrested, he was charged with a serious assault, under these provisions, he would have to be referred to Superior Court. Again, that was the case that ultimately was dismissed by the juvenile court, but under these provisions has to be transferred.

I've been involved with a number of 13, 14 and 15 year old girls who have become pregnant by their 13 and 14 and 15 year old boy friends, well, that's a sexual assault under our statutes. Those have to be referred to Superior Court. My wife teaches in a school in Norwalk, which has only ninth graders. Many of whom are under 16. She tells me that in most of her classes, at least half the kids come there without a pencil or a pen or without something other -- some other essential items for the classwork. Most -- she tells me that what frequently happens is that one of the kids will turn to another kid and say, give me a pencil and the kid says, no, and the kid says give me a pencil or I'll beat you up, as the kids always say, or give me a pencil or I'll tell your boy friend something about what you've done. Well, under our statutes, those are extortions, these are felonies, and if you really want to come down on kids and maintain discipline in the classroom, you can refer all of those to juvenile court.

Those are very common offenses. In that same school, there's a designated smoking area outside of one of the buildings. Kids are required to come back into class. There's a waste basket inside the door, they throw the butts into the waste basket, the floor is black from when it set papers and things on fire in the waste basket. Well every kid that does that under the statutes can be charged with arson, trying to burn the school building down. Send them over to Superior Court. What I'm saying is you're opening up an incredible mess if you include these kinds of crimes under the definition of serious juvenile offense and make any kind of a requirement that they be transferred to Superior Court. I think that the court's are not equipped to handle it. The juvenile court is and I think the ramifications for the kids involved in these what are really minor offenses, are very serious.

REP. TULISANO: 1227 doesn't make it mandatory, it makes it optional.

MR. PIRRO: 1227 makes it optional, the other statutes make it mandatory.

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REP. TULISANO: (Inaudible)

MR. PIRRO: At least offensive, but what 1227 does is it includes specifically a large number of statutes under which the kinds of actions I'm talking about are included. Well, if we pass this kind of legislation, we're sending a message to the judges that we want to treat these kinds of cases as serious. And we're sending a message to the school administrators that we want to come down hard on kids who do these kinds of things and --

REP. TULISANO: Have you got a reason why we should not?

MR. PIRRO: A --

REP. TULISANO: Dr. Davidson that basic policy issue.

MR. PIRRO: We should not do it, number one, because it's going to cost a lot more money and I'm not sure we have it available. Number two, we should not do it because these are the kinds of cases that the juvenile court has been handling for years and is better equipped to handle. And we should do it, number three, because it seems to get away from the philosophy of trying to help the kids, trying to rehabilitate the kids and getting towards the philosophy of trying to punish the kids and come down on the kids. We've always said that the state and the court system and the legislature has the welfare of the children at heart, but these kinds of bills referring them to Superior Court and referring them for mandatory sentencing or other types of dispositions, has the punishment of the kids at heart and that's not what our state's always been about.

REP. TULISANO: Well, yeah, but the state isn't possibly about to change its basic philosophy and think that punishment is the proper mode and not rehabilitation.

MR. PIRRO: That's a serious mistake.

REP. TULISANO: Do you believe --

MR. PIRRO: When you're dealing with kids, it's a serious mistake.

REP. TULISANO: Do you believe our rehabilitative efforts at least in the past have been more successful than punishment might have been?

MR. PIRRO: Okay, my experience in juvenile court has been the

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MR. PIRRO (Continued): biggest single lack is of facilities to which kids can be sent. You've said that, other people have said that, we all realize that. Juvenile court spends hours and hours trying to find a place to send the kid, but when they do find the place to send the kid more often than not, the kid is helped. And that's why the juvenile court is successful. The Superior Court is not going to do that. That's the job of a probation officer primarily in juvenile court to find a place to which a kid can be referred for some kind of treatment or benefit. Superior Court is just not going to be concerned with that and they'll send a kid to DCYS, to send to Long Lane, or another secure facility and that's the end of it, the kid is not going to benefit from that the way he would from being sent to any number of schools or programs available. That's what we should be about doing.

Now if we can take the money that it's going to cost for all of these extra people and court appointed lawyers and prosecutors and studies and so forth, and use it to fund a couple of more programs to benefit the kids, I think that would be a better use of our money, my money.

REP. TULISANO: Thank you very much.

MR. FRIEDENBURG: Ken Friedenburt and I'm Vice President of the Connecticut Youth Services Association. Speaking in support of one bill and reluctant support of another bill. First the Bill is 1227, we're in full support of that and we feel that the -- commend the process with which the bill was developed, the task force which worked on it in terms of developing the legislation. We're in reluctant support of Bill 1619, an Act Concerning Families with Service Needs.

We have general philosophical support of the bill, particularly in the areas of changing the category of family service needs designation, and eliminating detention for status offenders. However, we have the following four major areas of concern: First, the category of youths, 16 and 17 year olds, should not be included in your legislation. It's philosophical desirable to provide services to youth and their families to include this, it would also overload the already overwhelmed service delivery system. It would make the system totally unmanageable. Second major area of concern pertains to those agencies and individuals designated as complaintants or petitioners to the court, found in Section 3, Line 105, specifically, we question the language requiring any child-caring institution, agency, or youth service bureau be approved or licensed by the Commissioner of Children Youth

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MR. HOLZBURG: I've had excellent experience in Newtown with my judge. I don't know about Juvenile Courts. I'm not prepared to talk about. I want to say that I'm very much in favor of a jurisdictional bill.

REP. TULISANO: Thank you. I read the legislation. It seems to not add a whole lot.

MR. HOLZBURG: I have a copy of my testimony, I'd like to give offending, those who are status offenders.

REP. TULISANO: Barbara Ru. Not here. Helmer Ekstrom. Howard Zonana. That's the good part about it. You can take them immediately to Laurence Beede. The second one is at the P.O. Office. The first can divert and the judge can divert before sentencing. Sorry about that. After a judicial hearing, in fact, referral to DCYS for voluntary services, which could be part of the community program.

REP. TULISANO: Didn't move fast contract program or it could be part of the community program.

MR. BEEDE: While I've been sitting here, I've been trying to reduce my testimony down to something like the thing you suggested a one line piece of legislation -- I like that idea. I'm Larry Beede, representing the Eastern Connecticut Parent-Child Resource System, a consortium of rural child serving agencies in the northeastern corner of the State. I want to talk about two bills. Say very briefly that I'd like to be on record in support of not as the least objectionable but as a good bill 1227, the serious offender bill. Can be quite as positive about 1619 a bill relating to families with service needs for status offenders. Several agencies have done away with. Most of what I'd like to have said has been said very eloquently by Jan Elliot-Watton and Sharla Cassidy and Mrs. Pelletier. The latter two being recipients of the services under the status offender kind of situation. Everybody that has talked today has talked about community services with regard to this bill. They've talked about providing services to families in the community. They've said very little about the court's role. I want to say that I'm very much in favor

REP. TULISANO: What state have you been in?

MR. BEEDE: I'm from Danbury, Connecticut. I want to say that I'm very much in favor of the bill.

REP. TULISANO: Who are the individuals that are in the community?

MR. BEEDE: One thing, you don't require

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MR. BEEDE (Continued): as families go.

REP. TULISANO: Thank you very much. Don Tolles.

MR. TOLLES: My name is Donald G. Tolles, I represent Norwalk Economic Opportunity Now, NEON in pretrial program intervention program sponsored by NEON.

REP. TULISANO: By who?

MR. TOLLES: NEON. The NEON organization urges your opposition to any proposal that would treat children under the age of 16 as an adult offender. Specifically Bill Nos. 1227, 5207 and 156. NEON and Pretrial intervention view these bills as creating a multitude of problems by not providing for the rehabilitation of the offender which is necessary if the safety of the community is to be achieved. Merely locking up the juvenile for many years is not going to promote community safety since he or she will someday be released from prison.

MS. HAV: If they are not rehabilitated, and there's good reason to believe that they won't be rehabilitated if there in prison, it will pose as much, if not more of a threat to society before they were incarcerated. To place in prison will only serve to further hinder the development of the person's emotional health. These bills will also not serve as a deterrent to crime for these since in my experience with offenders and ex-offenders, young people who commit crimes do not think they'll get caught. It's illogical to assume that people will fear incarceration if they don't prosecuting these case of being apprehended. These proposed bills have many ramifications, not the least of which is a tremendous increase in the cost of facilities and staff. According to the Criminal Justice Commission's Task Force on Serious Juvenile Offenders, the report 433 juveniles that were involved in serious crimes in '76 and 292 in 1977. If other proposed bills are passed, for example, changing the statutes on assault to make them more stringent and the mandatory minimum sentencing bills, these figures are likely to increase in the future. Perhaps many more secure facilities and detention facilities ought to be built because the Connecticut State Prison is already 97 percent full. Since it costs about \$50,000 to build a new cell and anywhere between \$8,000 and \$20,000 to maintain a prisoner per year, it's apparent that the cost of providing new facilities which would be necessitated if these and proposed bills are passed, is tremendous. In addition, these

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MR. TOLLES (Continued): proposed bills also ignore the present understaffing conditions that now exist in juvenile court and an increased staff with subsequent increased costs will have to be hired to handle the increased caseload. These proposed bills would also eliminate the confidentiality of juvenile records which has always been, and we believe, should remain, closed to both the public and the regular Superior Court.

In response to Bill 1227, that optional transfer, it provides for a hearing, but in deciding that a juvenile should be treated as an adult offender, the people making that decision are in effect labelling that person, guilty, before he or she has a fair trial and we feel that's unethical and unconstitutional. On behalf of the NEON Board of Directors and the Pretrial Intervention, I again urge you to oppose any bill that would treat a juvenile as an adult offender.

REP. TULISANO: Thank you. Melanie Hawlett.

MS. HAWLETT: Good Afternoon, I had prepared a written statement, but listening to some of the other testimony, I don't want to be repetitive. I did want to speak in favor in part of Bill 1227. I'm from the Public Service Office in Norwalk and what it is is a one woman office that works on different projects within the community. One of the projects I was fortunate enough to work with was the pretrial intervention program for about six months from June through December of last year. And the children we worked with were from the ages of 16 to 20. And we became familiar with what happens to a 16 or 17 year old within the adult court system. And what they're trying to do in terms of prosecuting these cases.

My first reaction to the bills that I saw reducing the age to 14, was what are we supposed to do with them when we get them? And how are we supposed to help them once we get them? The most amazing thing I've even seen is to watch a prosecutor who is perfectly capable of sentencing a 35 year old man for whatever particular crimes he's committed, and a judge that can look over a pre-sentence investigation and make a determination for an adult, as to how much time he needs to serve and in what facility and the kind of help or treatment he may need come unglued at the sight of a 16 year old who they have no idea how he got into the predicament or what to do with him, now that they've got him. To send them -- 14 year olds, in worse condition because they're younger, and to look at a 14 year old and try and imagine how he could have been on this earth for just a short

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MS. HAWLETT (Continued): amount of time and manage to be in so much difficulty, is a little mindboggling and I'd like to take difference with Attorney Pirro who said that up in Superior Court, the judges are going to give a damn. They are just going to sentence them and send them off. On the contrary, they're going to be a little terrified, and they don't have the court personnel and they don't have the facilities to give them the kind of care that they need.

Changing the state's opinion from rehabilitation to pure punishment isn't going to work. To say to someone who is 14, the only hope for you is to lock you up and keep you away from society for a few years is what's going to shape you up, is to pretend that doing it to the 16 and 17 year olds has made a difference and it really hasn't.

I've watched them come back again and again and the lucky ones are the ones whose problems are so defined, be it drug or alcohol or the family problems are so extreme, that we can catch a label on it and put them in a special treatment program. The kids who are 16 years old and the problems aren't defined enough, or the parents aren't talking, or you can't quite figure out how he got into this condition and the only thing you can do is to put him in jail and to try and scare him a little and hope not to leave him there too long that he doesn't come out worse than when he went in, you see them again. Now, hopefully, if you get them younger than that, 14, the way that we're trying to do the juvenile system, and you try and figure out what is wrong with them, and try and help them, to put them away even on the stricter sentences, you're still going to see them in ten years.

REP. TULISANO: Do you understand that the theory behind this legislation is not to satisfy the needs of the child, to satisfy the needs of society to put them away. Don't expect us to come out rehabilitated, just to have a head banged in a little bit, and that they will feel better if they've gotten away for a while. That's the theory behind it.

MS. HAWLETT: But, in ten years, they're going to be back and they'll have to have a whole life ahead of them, they'll only be 24.

REP. TULISANO: it should be occurring in the streets with the people and no one's debating it out there.

MS. HAWLETT: Well, we're debating it out there.

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REP. TULISANO: ... here and no one's listening to you out there.

MS. HAWLETT: They're not listening to us at all, huh.

REP. TULISANO: That's with the results, that's where it's coming, that's where it comes from. Trying to, you know, that's when we're going to debate it, is just the view whether or not we'd be satisfying the needs of the community, not just the needs of the young people. That's not to say that everybody who put these bills in has that view. I don't mean to say that, but a lot of people who have to do with the area where they are coming from.

MS. HAWLETT: What you should know though is that where you'll be sending them to, to the Superior Court which has been for the last five or six years, trying to deal with 16 and 17 year olds. They're treading water. They're getting a little better at it, the programs are getting a little better, they're getting a little more help. But, I still wish I had a nickel for everytime a judge looked at me and said, Miss Hawlett, what am I going to do with him? He's 16 years old and we haven't got enough expertise to figure out what's wrong with him. I don't want to send him away for three or four years then he's going to come out worse than what he is now.

They're the ones that are intelligent enough to know the debate and to know the problem, they're watching it first hand and to send 14 year olds without the proper personnel to help them, the proper expertise or the proper places to send these kids to where they'll get some kind of help, is not going to solve the problem and they know it. Even if the people on the streets don't. And the problem is going to triple and quadruple and etc. Enough said.

REP. TULISANO: Thank you. We were down to Bishop W. VonWerttsburg, not here. Kathy Winslow, well that was four out of the

same office anyway. Imagine they all work for the same company. I don't have any more sign up's. Did I miss anybody, you didn't sign up, did you? And you want to talk again? Yeah, but you had your ... sorry. This lady, what would you like to speak on? Sorry, I didn't realize you wanted to speak in addition to those three.

MS. LERNER: I'm Judith Lerner from the Mental Health Law Clinic of the University of Connecticut Law School. I am speaking on 1152 and 7747, the commitment of children bill. I know you've heard a lot of testimony on these bills before. I



# Norwalk Economic Opportunity Now, Inc

## N.E.O.N./CETA MANPOWER CENTER

33 SO. MAIN STREET, SO. NORWALK, CONN. 06854

### TESTIMONY IN OPPOSITION TO

### PROPOSED BILLS 1227, 5207

### AND 156

EXECUTIVE DIRECTOR  
Mr. Robert Burgess  
CHAIRMAN  
Mr. Angelo Rubino  
CORPORATE COUNSEL  
Anthony Piazza, Esq.

My name is Donald G. Tolles. I represent Norwalk Economic Opportunity Now, Inc. (NEON) and Pre-Trial Intervention, a program sponsored by NEON. The NEON organization urges your opposition to the proposed bills that would treat children under the age of sixteen as adult offenders - specifically, bill numbers 1227, 5207 and 156.

NEON/Pre-Trial Intervention views these bills as creating a multitude of problems, while not providing for the rehabilitation of the offender which is necessary if the safety of the community is to be achieved. Merely locking up a juvenile for many years is not going to promote community safety, since he or she will someday be released from prison. If they are not rehabilitated - and there is a good reason to believe they will not be rehabilitated in prison - they will pose as much, if not more, of a threat to society than before they were incarcerated. To place an adolescent in prison would only serve to further hinder the development of the person's emotional health. These bills would also not serve as a deterrent to crime for these juveniles, since, in my experience, people who commit crimes do not think they will be caught. It is illogical to assume that people will fear incarceration, if they don't think there is a probability of their being apprehended.

These proposed bills have many ramifications, not the least of which is a tremendous increase in the cost of facilities, and staff. According to the Criminal Justice Commission's Task Force on Serious Juvenile Offenders, there were 433 juveniles that were involved in serious crimes in 1976, and 292 in 1977. If other proposed bills are passed (ie; changing the statutes on assault to make them more stringent and the mandatory minimum sentencing bills), these figures are likely to increase in the future. Thus, many more secure facilities and detention facilities will have to be built, because the Connecticut State Prisons are already 97% full. Since it costs approximately \$50,000 to build a new cell and somewhere between \$8000 and \$20,000 a year to maintain each prisoner, it is apparent that the cost of providing new facilities, (which would be necessitated if these proposed bills are passed) is tremendous. In addition, these proposed bills also ignore the present understaffing conditions that now exist in juvenile court. An increased staff (with an increased cost) will have to be hired to handle the increased case load.

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EXECUTIVE DIRECTOR  
Mr. Robert Burgess  
CHAIRMAN  
Mr. Angelo Rublino  
CORPORATE COUNSEL  
Anthony Piazza, Esq.

These proposed bills would also eliminate the confidentiality of juvenile records, which has always been and we believe, should remain, closed to both the public and the regular adult Superior Court.

In deciding that a juvenile should be treated as an adult offender, the people making that decision are in effect labeling the person guilty before he or she has a fair trial, which is both unethical and unconstitutional.

On behalf of the NEON Board of Directors and Pre-Trial Intervention, I again urge you to oppose bills 1227, 5207 and 156.

Thank you for your consideration,

*Donald G. Tolles, M.A.*

Donald G. Tolles, M.A.  
Director, Pre-Trial Intervention

cc: Rev. Herbert L. Eddy, Sr.  
Chairman, NEON Board of Directors

Mrs. Antoinette Pirro  
Chairperson, Pre-Trial Intervention Advisory Committee

Mr. Robert Burgess  
Executive Director, Norwalk Economic Opportunity Now, Inc.

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## FISCAL IMPACT OF INCLUDING 16-17 YEAR OLDS

SUMMARY

There will be a minimum expectation of \$1.655 million annually in new service costs to include 16 and 17 year old youths in the definition of Families with Service Needs.

ANALYSIS

**INCLUSION OF CHILDREN AND YOUTH** - The proposed legislation includes both children (up to age 15) and youth (ages 16 and 17). Since the latter are not currently subject to laws on status offenses, their inclusion represents a new group of people to be served.

Drawing on data for the State of Massachusetts, we can develop an estimate of what this new group of service recipients will cost the State of Connecticut. Massachusetts was chosen because the Children in Need of Service (CHINS) system there is closely allied in concept to, though probably more ambitious in execution than, the proposed Family with Service Needs system here. Massachusetts is sufficiently geographically and demographically similar to Connecticut that an adjustment for relative population size should produce a reasonably accurate estimate for Connecticut.

The data available from Massachusetts does not include the costs of administering the juvenile courts, because until this past year these courts have been a county responsibility and aggregate data were not generated on any common basis. So, our estimate will underestimate total system costs because we can not include data on the juvenile court costs. This may be a significant source of error because total cost to administer Juvenile Courts in Connecticut in 1976-1977 was 4.5 million dollars.

The estimate will tend to predict higher than actual new costs for serving 16 and 17 year olds because some of these youths are already being served by Youth Service Bureaus in Connecticut. The State's contribution to all Youth Service Bureaus totals less than \$950,000 a year, and since 16 and 17 year old "status offenders" must represent a small percentage of Youth Service Bureau service recipients, the actual amount of any over-estimate will be slight.

Another way in which this estimate may be off is in the assumption that services costs are distributed equally by age. It is generally acknowledged that working with older children is more difficult and costly than trying to help younger children. The virtual dearth of foster homes for 16 and 17 year olds in this state is evidence of these problems. Since our estimate has to be based on a straight percentage of total service population aged 16 and 17, it will underestimate the actual cost of serving these more difficult children.

In summary, then, our estimate will tend to be higher than actual costs because of two factors:

- a. an expectation that Connecticut's program will be less aggressive in seeking out or attracting eligible youth for services; and
- b. the fact that Connecticut Youth Service Bureaus and similar service agencies already serve some of these youth with existing programs.

But our estimate will tend to be too low because of two other factors:

- a. the lack of data on administrative costs of the juvenile courts in the Massachusetts system; and
- b. The fact that youth - aged 16 and 17 - are more expensive to provide services to than younger children.

On balance, we can assume that the two factors tending to produce an over-estimate will be more than offset by the two having the opposite effect. That is, the added cost of administering the Superior Court, Family Division, Juvenile Matters and the additional expenses of dealing with older children will be greater than the amount currently being spent by Youth Service Bureaus on 16 and 17 year olds coupled with the effect of a presumed lower profile or energy level for the Family with Service Needs system. Our estimate will tend to be a minimum figure and actual costs will likely be higher.

A. Costs of "CHINS" Program in Massachusetts

A. Contract Services	\$1,400,000.00
B. Department Salaries	1,240,000.00
C. Temporary Shelter	160,218.00
D. Long Term Care	4,118,000.00
E. Other Special Services	<u>300,000.00</u>
TOTAL	\$7,164,218.00

B. Children Served by Age in "CHINS" Program

Under 13	9%	
13	15%	
14	27%	
15	28%	
16	18%	} 21%
17	3%	

C. 1970 Census Data: Number of persons Age 16 and 17 in Massachusetts and Connecticut:

	<u>Massachusetts</u>	<u>Connecticut</u>
16	49,986	55,450
17	<u>49,107</u>	<u>54,213</u>
TOTAL	99,093	109,663

D. Ratio Connecticut/Massachusetts = 1.106667

Thus, the cost of Massachusetts "CHINS" Program allocatable to 16 and 17 year olds is (\$7,164,218.00 x 21%) \$1,504,486.00 annually. Adjusting for population difference, the estimate is (\$1,504,486.00 x 1.106667) \$1,664,965.00.

This figure is likely to be somewhat lower than the actual annual cost. So, we estimate that the inclusion of 16 and 17 year old youth in the Family with Service Needs legislation will cost the State in excess of \$1,665,000.00 in new money annually.

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CONNECTICUT  
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SENATE

PROCEEDINGS  
1979

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THE PRESIDENT:

Hearing no objection, so ordered.

SENATOR MORANO:

Thank you, Mr. President and Madame Clerk.

THE CLERK:

The Clerk is going to the top of page six, Cal. 1034, File 1054, Favorable report of the joint standing Committee on Appropriations. Senate Bill 1227. AN ACT TO PROVIDE FOR THE RESPONSIBLE AND EXPEDITIOUS HANDLING OF JUVENILES AND YOUNG ADULTS INVOLVED IN THE COMMISSION OF SERIOUS CRIMES.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

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

THE CLERK:

The Clerk has Senate Amendment Schedule A, File 1054, LCO 8499 offered by Senator Barry.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY:

Mr. President, LCO 8499 is a very simple amendment. In line 115, the words "or if" appear placing that in the disjunctive really ruins the meaning of the paragraph and what

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was intended was "provided". It is a very simple amendment. It corrects a Scribner's error. I would move adoption.

THE PRESIDENT:

Do you wish to remark further on the amendment. If not, all those in favor signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED.

THE CLERK:

The Clerk has Senate Amendment Schedule B, Senate Bill 1227. LCO 8467 offered by Senator Barry.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

Mr. President, this amendment states that if the child involved in the serious juvenile offense is or has been under the custody of the commissioner of the department of children and youth services, the commissioner shall provide any relevant information concerning the amenability of the child to treatment for use at the transfer hearing. It makes a lot of sense to let the judge, who is going to determine whether this young person should be treated as a child or as an adult, to have before him reports of DCYS as to amenability to treatment.

Secondly, in line 150, the language Section 2, subsection (b) has to do with the establishment by DCYS or designation by DCYS of a secure facility to take care and give care and treatment to children by qualified medical experts

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which children are under the jurisdiction of the Superior Court. Present language says that a prerequisite to admission to this facility shall be a judgment for a serious juvenile offense. We are changing the words prerequisite to consideration for - so that this facility would not be the private domain of people who have been adjudicated on serious offenders but they would be for anyone who has a genuine need in the determination of the court.

I move adoption of the amendment.

THE PRESIDENT:

Will you remark further. All those in favor signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED.

THE PRESIDENT IN THE CHAIR

THE CLERK:

The Clerk has Senate Amendment Schedule C, File 1054, Senate Bill 1227 offered by Senator Gunther. LCO 9131.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I move adoption of the amendment, waive the reading and I will explain.

THE PRESIDENT:

The question is on adoption. Is there objection to

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waiving of the reading. Hearing no objections, proceed, Senator.

SENATOR GUNTHER:

This amendment would accomplish the elimination of confidentiality within the juvenile court. In other words, not moving the juvenile out of the juvenile court itself, but to remove the confidentiality after the second criminal offense of the juvenile. Now we are not talking about status offense that Senator Barry talked about in the previous bill and that. We are talking about <sup>a</sup>juvenile who is a habitual criminal. I feel that we are not going to take and accomplish anything with the juveniles in the State of Connecticut by letting them hide behind the juvenile court and having the confidentiality protect them. Over ten years ago, a judge in Montana removed the confidentiality in his juvenile court and within one year reduced the juvenile crime in his district by almost fifty percent. I think this is a good amendment, Mr. President, and I would hope for unanimous support.

THE PRESIDENT:

Will you remark further on Senate Amendment Schedule C. Senator Barry.

SENATOR BARRY: (4th)

Mr. President, with all due respect to my friend, Senator Gunther, I know of his deep feeling for this issue because I believe he has spoken to this on other occasions in this chamber, but I would urge rejection of this amendment.

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I find no, and I don't think history has found, and I don't know any report that has found that the denial of confidentiality in juvenile matters has acted as a deterrent for anything. It may well act as an impetus to some young people, I don't know, but I know of no study that can show where this in any way can be of a help to society or to the administration of justice. When the juvenile court was established in Connecticut as it has been around the country at various times, one of the purposes that it had and its principal purpose was to get people at an age when they were not irredeemable, when they were not going to be part of the swinging door penal society that we find among adults. I tend to agree with Commissioner Manson about the lack or rehabilitative effect that prison has on adults, but I don't believe that's true of young people. I don't believe that the record would disprove me on that. All of the hearings that we have had do not show that to be true and I see nothing to be gained from what has been an historic privilege, that is that the conduct of juvenile matters be done with confidentiality. I would oppose the amendment.

THE PRESIDENT:

Will you remark further on Senate C. Senator Gunther.

SENATOR GUNTHER:

Mr. President, I was trying to be very brief in the hopes that we could have a vocal vote on that particular amendment. Inasmuch as it has been opposed, I would like to have a roll call on this particular amendment and briefly say

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that I disagree with Senator Barry. I think that many times the clock of secrecy being put upon the juvenile criminal, and I am talking about the criminal, not the status offender, not the truant and that type of thing, I mean the real hard core criminal we are getting, coming out of the juvenile crimes now. If he was exposed to the public and the public could identify him, if the public could identify the parents of that particular individual, I am sure that we would find a reduction in it because then the responsibility would be brought home. Now with the streetwise young criminal, and I am talking about criminal, that individual knows that he is going to stay in that juvenile court. He knows that nothing is going to happen. He knows that until he gets to be sixteen and older that they are not going to put that on the deck and he can't be identified and I think it would be a great deterrent. So if we may, I would like to have a roll call vote.

THE PRESIDENT:

When appropriate, it will be so ordered. Will you remark further on Senate C. Senator Morano.

SENATOR MORANO: (36th)

Mr. President, I rise to support Senator Gunther's amendment. I think it is time when the people should know what type of young man or young lady is running around the streets hiding behind the side of a facade of a social worker, trying to figure out what motivates these young people to do the things they do. I, as a parent, would like to know who my son or

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daughter are associating with and what groups they are associating with, and if one of these persons has committed crimes. I don't think it should be a secret. They don't consider it a secret when they mug or rob or rape an old person in the park or one minding their own business walking down our streets. I think we have a right to know. If they want to do those things, then they have to pay the consequence and I think the time has come where we've got to show them we mean what we say up here when we want to do something to make our streets and our parks and our homes safe. So let's support Senator Gunther. It's a good amendment and I think it would tie in very well with the previous bills passed by Senator Barry.

THE PRESIDENT:

Senator Matthews.

SENATOR MATTHEWS: (26th)

Mr. President, I think I would be inclined to support the amendment. I refer in memory only to a number of reports which I have seen and reviewed over the last several years, among them one or two especially from the rather unfortunate circumstances that developed in the big city areas such as New York and other areas where the youngsters have actually testified in interviews that had their penalties been more severe that they would probably not have been involved in a repetition of other crimes. Now this amendment does not directly relate to that but indirectly it does because I think

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if they were required to have the record made open that this would be one additional small step towards their own feeling that they are really getting away, if you want to use the word, with something if it were publicly known that they would be, ah, have a tendency to respect it and perhaps be retarded from following through on other crimes. This is an extremely complex problem. I think we are not really trying to make it an example, let's say, of the youngster who has even committed one serious crime or criminal offense, but when they then repeat that, it does seem to me that we come to a point of no return. I can remember well Judge Sullivan down in Norwalk commenting to me a few years ago about how his desire was to give these youngsters every possible opportunity and when he first became a prosecuting attorney that he defended these youngsters and stuck up for them in quotes to the extent that many of the families were concerned that he was being overly solicitous to them. After being a prosecuting attorney for three or four years, he began to see the same youngsters come back to the courts over and over and he then decided in his mind that this was not the solution, that more public information, more public awareness was very meaningful in keeping the youngsters from committing again serious crimes. I really think, I don't know whether a one-time renewal of this problem is sufficient but that's the way this particular amendment is written and for that reason I think I would be inclined to introduce it into the overall

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substance of the bill and why not try it and see if we get into any serious difficulties with it or if we do accomplish something worthwhile with it. We really must not, I don't believe, continue to do little or nothing in this area. We must face up to realities and I think this gives us the opportunity perhaps to not harm the youngster who does it once and certainly that youngster can be told if as and when it happens again, his file will be open publicly to anyone who wishes it, that it could be meaningful. I think it's worth using this amendment at this time and incorporating it into the bill. Thank you.

THE PRESIDENT:

You're welcome, Senator. Will you remark further on Senate C. Senator Barry.

SENATOR BARRY:

I don't mean to delay this but I didn't get one of those on my desk and I just momentarily - I knew what it did in essence, but I would just like a couple of minutes to look at the amendment and discuss it with Senator Gunther.

THE PRESIDENT:

The Senate will stand at ease momentarily. (Pause)  
The Senate will come back to order please. Senator Barry, you have the floor.

SENATOR BARRY:

Mr. President, thank you for your indulgence. I

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understand the sentiments expressed by Senator Matthews and Senator Gunther as to the opening up of the process and that in some way sounds appealing but I should point out to you in the basic bill this is not a soft-on-kids bill by any means, and it should not be looked at in that light. It's a difficult and complicated matter, as Senator Matthews has said, and it's one that has to be addressed very, very carefully. The bill went through many filtrations, if you will. I think the task force on serious juvenile offenders which met for a period of months and out of which the original bill came and a large part of this bill is the product of their deliberations and they really gave the driving force to this, recognized just what previous speakers have been saying that the public does want some redress, that society does need to be made safe from the habitual young person, that there are young people that can't be treated in some other way than very harshly. But with respect to confidentiality I think you should bear in mind this fact that there are twenty-nine offenses, if I recall - I'm sorry, it's thirty-nine offenses - it's a large extension, a large laundry list of crimes that are now subject to being transferred into the adult process. Now one of the very marked effects that this has is that there is a greater likelihood that some young person standing before a judge who has committed a serious juvenile offense which is, in effect, a violent crime going

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all the way from murder down to Class D felonies, the lowest category of felonies, will be transferred if you pass 1227 to the adult system. Whether that is going to mean more severe punishment, whether that's going to mean more recitivism or more restraint on recitivism, I think maybe we will argue in the next amendment which calls for mandatory transfers. But be that as it may, I think it addresses the question that Senator Gunther's does and rather than paint all young people with the same brush, even those who have gotten into trouble on two occasions, 1227 as it appears in the file copy will allow a great many more young people to be transferred to the adult system where, in the opinion, of the presiding judge that should be done all the way from A through D for this long list of crimes which you know about and in that sense it is a broad extension of opening up and eliminating the confidentiality of the judicial process as it pertains to juveniles. I think it's a serious intrusion to open it up to so many as it would be under this amendment and I would urge rejection.

THE PRESIDENT:

Will you remark further on Senate C. Senator Ballen.

SENATOR BALLEEN: (28th)

Mr. President, thank you. I appreciate the very strong arguments made by Senator Barry. However, it is also my feeling that the present juvenile system is not adequately coping with the problem of juvenile crime and if, indeed, opening the records

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of confidentiality will help, I think we should support this amendment. At least it is worth the try. I don't think any harm will come from it. It only deals with the more serious crimes and on the second offense. I think we have to support this amendment. Thank you, Mr. President.

THE PRESIDENT:

Senator Ruggiero.

SENATOR RUGGIERO: (30th)

Mr. President, through you a question to Senator Gunther, please.

THE PRESIDENT:

Proceed.

SENATOR RUGGIERO:

Senator Gunther, would you please define for me in line 51, a definition of serious criminal offense?

SENATOR GUNTHER:

Mr. President, I believe that's the new definition and I might better defer to the expert in this, Senator Barry, even though we might be on opposing sides, the definition is a new definition and I think properly you should direct it to him.

SENATOR RUGGIERO:

I withdraw the question, Mr. President. I oppose the amendment. I don't think that the amendment is proper in this point of time. I think we are talking about situations where we don't have enough guidelines in the statute for making

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determinations. I think there are some situations that should not be open. I think there are some situations where we may have a second offense but in reality it may have been a first offense. I think guidelines should be established before we decide to open up juvenile records. I point out to Senator Gunther that Senator DeNardis and I happen to have an amendment that will be offered this afternoon on this bill that will open up the juvenile record but at least we believe it has some guidelines attached to it, so we don't have a mass opening of it. I would oppose this amendment and I would add, Senator Gunther, only because we do have I think an amendment that is a little clearer on the subject.

THE PRESIDENT:

Will you remark further on Senate C. Hearing no further remarks announce an immediate roll call in the Senate please.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all senators please return to the chamber. An immediate roll call in the Senate. Would all senators please return to the chamber.

THE PRESIDENT:

We are voting on Senate Amendment Schedule C offered by Senator Gunther. The machine is open. Have all senators voted. The machine is closed and the Clerk will take a tally. The vote is 14 Yea - 16 Nay. SENATE C FAILS.

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THE CLERK:

The Clerk has no further amendments at this moment.

THE PRESIDENT:

Discussion on the bill itself will now be invited. I understand other amendments are pending. They will be briefly described, but the amendment is not at this time in possession of the chamber so adoption of any amendment can take place. I will recognize Senator DeNardis.

SENATOR DENARDIS: (34th)

Mr. President, members of the circle, the bill that we have before us that Senator Barry has worked so diligently on and which is the product of many fine minds, including a number of individuals who are involved with the serious juvenile offender task force created by the Connecticut Justice Commission and the Governor, represents an excellent piece of work. There is, however, an area that will be addressed by an amendment which is forthcoming, co-sponsored by the distinguished majority leader of this assembly, Joe Lieberman, Senator Post, Senator Ruggiero and myself. That amendment which will be moved as soon as it arrives here and has gone through some fair amount of work this afternoon will make this following change. It will establish a mandatory transfer provision from the juvenile docket to the criminal docket of certain serious offenses committed by fourteen and fifteen year old perpetrators. A mandatory transfer would operate with respect to murder, second-time Class A felonies and third-time

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Class B felonies. Mr. President, members of the circle, we are talking about the most serious and the most heinous crimes that are being committed in our communities today and they are being committed by children of all ages, but they are being committed in astonishingly high numbers by our youth and some by fourteen and fifteen year olds. The Legislative Program Review and Investigations Committee last year, at the request of the General Assembly, made a major study of juvenile justice in Connecticut and reported early last year a number of recommendations, some of which have been included in the bill before us and, of course, the provision about mandatory transfer which was not included in the bill but which we would now like to make a part of the bill by way of the amendment. If the amendment is now with the Clerk, I would without further adieu, move adoption of the amendment request leave from the chamber to explain it and further request that when a vote is taken, it be taken by roll call. I would interrupt my remarks for those motions.

THE PRESIDENT:

Mr. Clerk, is the amendment now in your position.

THE CLERK:

Yes, it is.

THE PRESIDENT:

The amendment is in the possession of the chamber. It is now proper to move for the adoption of the amendment, and I would expect that copies would be distributed immediately

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to the membership, as soon as they are made. Is there objection to the waiving of the reading of the amendment. We will not vote on the amendment until a copy is in possession of each member. Is there objection to the waiving of the reading? Hearing no objection, you may move forward, Senator DeNardis with the adoption of the amendment.

SENATOR DENARDIS:

Thank you, Mr. President. The amendment would establish that murder, second-time Class A and third-time Class B felonies perpetrated by fourteen and fifteen year olds would be subject to the criminal side of our one-tier system rather than the juvenile side. It has been felt by a number of studies, including the Legislature's own Program Review Study, that the options available through the adult trial process, are options that ought to face perpetrators of this kind of felony. This matter is a matter which is very sensitive. No one of the four co-sponsors or supporters of this bill can be described, I think, as a "lock 'em up and throw away the keys type". We feel however that the rise of juvenile crimes in our communities requires that we act for the sake of the safety of people particularly elderly people who are easy and common prey, but also for the sake of the perpetrators themselves. And that is why we moved forward with this amendment. Let me say before I yield to the other co-sponsors that we have a great deal of evidence to back up our sponsorship of this amendment and if tested and tried we

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will present that evidence. We would, ah, I would like to indicate that this matter has been before this General Assembly and I would just like to refresh your memory about what we did last year.

A mandatory transfer amendment like the one that is before us now passed this body last year and a similar, not exact amendment, passed the House. After an exchange of bills we still had disagreement. There was very strong sentiment in the House and in the Senate for mandatory transfer. We came to a point where it was necessary to have a conference committee reconcile relatively minor differences between the two versions and unfortunately, because of circumstances beyond anyone person's control, this bill, this issue along with a half a dozen other important issues never got to conference and probably what was the saddest last day in the General Assembly that I have been a part of. But I want to refresh your memory on that point because I want you to know that there was a strong will to have this amendment be part of a juvenile justice reform package and only because of a political and parliamentary snafu we did not have it last year. This is last year's unfinished business for this year and I would hope that for the sake of thousands and thousands of people throughout the State of Connecticut, particularly elderly people, that we begin to signal to those young people who are inclined to take the streets and become a law of their own that the State of Connecticut will not tolerate that kind of

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behavior. You know the attitude on the street is - if you are going to do it, do it while you're young because there is such a big gaping loophole in our system that chances are, the young murderer will get away with his actions. And believe me that's not fable and that's not myth because testimony has been taken to that effect. Youngsters have testified that that is the word on the streets. Do it now. Now that everyone sets out to murder, but many set out to rob and robbery turns to murder and they set out to rob because they feel they can take the chance that the consequences won't be great, that the risk is slight and that they can get away with it. And I think that the most humane thing that we can do for those young people, not to mention their prey, is to teach them early that they will have to face the consequences of their actions. That is, after all, the cardinal rule of citizenship. Face the music for what you do. And that's what this amendment tries to do. This amendment does not mean that we are going to send young people up the river for the rest of their life. It simply means that the judicial environment in which they will be tried will no longer be the juvenile section which has a no-punishment philosophy. I say that not as a rhetorical point. The juvenile court mandate purposely states a no-punishment philosophy. That is the role and the purpose of the Juvenile Court. It is not to punish. It is to rehabilitate.

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And there are many young people who commit pranks who need to be dealt with by the juvenile section. They need to be dealt with a compassionate way and they need to have their lives redirected; but there are a percentage of young people who do not and should not fall into that category. They should, if they are guilty, be punished. Maybe not the same kind of punishment that we would provide a forty year old in similar circumstances but punishment it must be if they are guilty. ?

Mr. President, I hope that after a reasonably brief but good debate on the issue that we can come to resolution of this matter and send this bill, as amended by this particular amendment, onto the House and see action there and finally finish what we started to do last year.

THE PRESIDENT:

Will you remark further on Senate D. Senator Lieberman.

SENATOR LIEBERMAN: (10th)

Mr. President, as a co-sponsor of this amendment, I am pleased to rise to support it though I spoke at some length with Senator DeNardis before deciding to go ahead and be a co-sponsor of it and I had those conversations because of my respect for the work that was done by the Juvenile Justice Commission, Senator Barry and other individuals who worked in bringing forth the bill that is the file copy because the file copy, in my opinion, does respond to so many

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of the most severe criticisms of our existing system of juvenile justice. It does provide for mandatory transfer hearings. It does provide a service by itemizing the category of serious criminal offenses. It does provide for longer retention of control over juveniles who commit serious offenses by the Department of Children and Youth Services. But Mr. President, as Senator DeNardis has indicated, in my opinion and experience, there is out there a small group of juveniles who are juvenile in only the chronological age that they bear. In every other sense, they are adult criminals, hardened, sophisticated, cruel, capable of putting large numbers of people in fear either as a result of direct victimization by them or in some sense it is just as bad being aware of the horrible stories of juvenile crime that have occurred.

Mr. President, the first business of a government in a society is to maintain security, to maintain confidence in the process of that government; so long as there is fear among people, the kind of fear that keeps them in their homes, the kind of fear that governs the way in which they actually live within their homes, then those people are unable to enjoy the rest of the good things that life in our society affords. And increasingly, I find in my City of New Haven and throughout this state that it is juvenile crime, it is juveniles committing serious crimes that terrify people in our society,

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that create fear and deprive those people of the full enjoyment of their rights and freedom in this society for fear can deprive an individual of freedom just as well as any of the more serious legal restraints on freedom can. And so, Mr. President, I think we must deal in this bill with that small group of most serious juvenile criminals. The only way that I know to begin to do that is to create a provision for the most serious offenders that provides for mandatory transfer to the Superior Court, to be tried as what they are, which is adults in any other sense but their age. Mr. President, this amendment does that. It does it in my opinion in a judicious and not intemperate way. It defines the categories very carefully and narrowly it says that a juvenile who commits Class A felony or double commission of a Class B felony, second time offender in Class B felony, must be transferred to the Superior Court to be tried as an adult. The numbers that you receive in this field vary but I have spoken to credible sources that tell me that if this amendment becomes law that no more than ten at most fifteen juveniles throughout the State of Connecticut will be transferred mandatorily in one year. In my opinion, based on the realities of juvenile crime as I know them, those ten or fifteen people deserve to be treated in this way. I don't enjoy saying that. It involves, for me, forsaking some of the best notions of juvenile justice treatment, rehabilitation that

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I have held dear for many years, but when I set those pieces of philosophy up against the reality of crime, the reality must prevail, the reality says to me that this amendment is correct. I view this amendment also as part of a reevaluation of what our juvenile justice system has meant in this state and, indeed, in this country. We have come a long way from the early days when the juvenile court was a kind of family court where the bad boys and girls, the truants, the young people who occasionally threw a rock through a window or something of that kind and could be taken into the privacy of a judge's chambers and gently slapped on the wrist and watched for while to make sure that that child was not going to commit further wrongful acts. We have come a long way from that time and I think the two bills before us today, the one on status offenders that we have just put on the Consent Calendar earlier, and this one, indicate that there is a turn in the road that we are approaching and that we have reached in our system of laws. On the one hand we still have many young people who are guilty of status offenses who ought not to be treated within a court system. They should be treated within a more rehabilitation oriented system, a treatment system. On the other hand, in my opinion, we have young people who are criminals, who are committing serious crimes, who do not deserve the special protections and the leniency of the juvenile court division as we know it today.

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And, Mr. President, I do support the amendment and I hope that the members of the circle will support it as well.

THE PRESIDENT:

Will you remark further. Senator Smith.

SENATOR SMITH: (12th)

Thank you, Mr. President. I would just like to add my voice in support of this bill. I think over the past few years the, ah, we've heard and read a great deal about the rise in juvenile crime and along with that very often is made, the connection is made with the age of permissiveness, and what has happened with so many of our youth, their lack of responsibility for their actions, their lack, generally, of respect in connection with the juvenile crimes that we have been exposed to. I feel that this is a most important step in the direction of asserting what is right and what is just giving that firm indication that these kinds of acts will not be tolerated that society cannot continue along this way, this route, with the toleration that has been shown in the constant hope that they are too young to really know what they are doing. As Senator Lieberman pointed out, there are those who know exactly what they are doing. I would encourage all those in the circle to support this measure and to take this step that, I feel, has long been overdue. Thank you, Mr. President.

THE PRESIDENT:

Will you remark further, Senator Santaniello.

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SENATOR SANTANIELLO: (25th)

I rise, Mr. President, to first of all associate my remarks with those of Senator Lieberman and Senator DeNardis. I just had a thought on the bill, the amendment, Mr. President. I think the amendment shows great moderation and ability to reach a middle ground. I think it's a balance between the protection of young people in the judicial process and the protection of our general populace. I think the amendment shows great restraint. It is narrow in scope. It limits mandatory transfer only to three areas. First of that of murder; second to that of second time Class A felonies; thirdly to a third offense on a Class B felony. Again, I think this is balance. This affords those who should take advantage of our juvenile system that opportunity, but it does make accountable to the general public and to the people of the State of Connecticut those that should be taken from that system and held publicly accountable for their acts. The comments that I have heard in opposition to this amendment are those that will say, well, it's done anyhow. Well, I am not too sure that it is and I am not too sure that it will continue to be done that way. This makes it simply mandatory for those categories and classifications of criminal activity to be held publicly and openly accountable. One thing further, Mr. President, this amendment is an amendment that looks into the future. I think we all realize that we are going to see a time and the time is coming rapidly that

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this age bracket is the type of activity rather than decreasing is increasing. And I think for this and the other reasons I have stated, this accountability to the public and the people of the State of Connecticut is necessary. I urge that members of the circle vote in favor of this amendment.

THE PRESIDENT:

Will you remark further. Senator Ciarlone.

SENATOR CIARLONE: (11th)

Thank you very much, Mr. President. Mr. President, members of the circle, I rise with a degree of reluctance in support of this bill. However, I will support it, but I think we should not deceive or delude ourselves that this is going to be a panacea for ending the problems of juvenile delinquents in the Connecticut society. I think there are other deeprooted problems that cause some of our young people to act as they do, but part of the function of the Legislature is to react to some of the needs and the wishes of our constituency. I guess that's what we are going to do here today. I think it should be done. But I think, you know, when other legislation comes by this chamber from time to time, we should think in terms of long term to see what the long range effect is and how it affects our young people in our society and maybe we wouldn't be thinking of some of the things we have here today but I think we have no choice at this point. I support the bill, but I think we might be back here one day to hopefully rescind this action once we get some other social programs that will be responding to needs of young people.

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THE PRESIDENT:

Senator Ballen.

SENATOR BALLEEN: (28th)

Thank you, Mr. President. I can support this amendment with no reluctance whatsoever. As a matter of fact, I would like to say that the remarks that I made in support of the prior amendment to apply to this amendment. Any amendment that we can put through that will help the juvenile court system do the job it should be doing will be an improvement. I support the amendment and I would support the bill and I would urge its unanimous adoption by the members of this circle. Thank you, sir.

THE PRESIDENT:

Thank you, senator. Senator Cunningham.

SENATOR CUNNINGHAM: (27th)

Mr. President, I also rise in support of the amendment and will support the bill. I think as Senator Santaniello points out the amendment is a compromise. I personally would like to go further and provide for the mandatory transfer of certain Class B felonies on the first offense; however, I will support the amendment. It is a good amendment and I will support the bill. Thank you, Mr. President.

THE PRESIDENT:

You are welcome, senator. Will you remark further.  
Senator Barry.

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SENATOR BARRY: (4th)

Mr. President, this is an extremely important amendment and it is not one that is easily digested and I want to be sure that - frankly, Mr. President, I see it as being, as having such an impact on the bill and involving such a serious matter of transfers on major crimes that I think we ought to have an opportunity to read it, and be sure that we are citing the right sections in the law here. I am reluctant to, if this is passed, move the bill with this in it, if this amendment should pass, without having an opportunity to, for a few minutes, look at it and coordinate it with the statutes. If it does what Senator DeNardis and Senator Lieberman said it does, I am going to oppose it and I am prepared to say why, but I am not sure that it does that and in the heat of debate when these things come over here and they run a few pages, it maybe alright if we are dealing with something that isn't terribly important, if there is such a thing that goes through here, but it seems to me as though it is extremely important when we are dealing with offenses of this nature and with the lives of people who go through our judicial system and I would ask the Chair that if there is other business on the Calendar or the Clerk's desk that if we could pass this temporarily for let's say fifteen minutes or so, we would be ready. If there is no objection, Mr. President.

THE PRESIDENT:

The Senate will stand at ease momentarily. The Senate

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THE PRESIDENT:

Will you remark further. A roll call is in order.  
The Clerk please make an announcement for a roll call.

THE CLERK:

An immediate roll call has been ordered in the Senate.  
Would all senators please return to the chamber. A roll call  
in the Senate. Would all senators please take their seats.

THE PRESIDENT:

The machine is open. Please record your vote.  
The machine is closed. The Clerk please tally the vote.  
Result of the vote: 23 Yea - 7 Nay. THE BILL IS ADOPTED.

THE PRESIDENT:

A sudden quiet has descended upon the chamber.  
Either the fans have been turned off or some other obstacle  
that has contributed to the noise has been diminished.

SENATOR LIEBERMAN:

Mr. President, after the week that it has been, I  
think we all just ought to lay back and enjoy the quiet.  
But, Mr. President, I ask that Cal. 1034, which we had marked  
Pass Temporarily, now be marked Pass Retaining. The amendment SB 1227  
that was submitted had some gross mistakes in it. It did  
not realize the intention of the sponsors.

THE PRESIDENT:

I couldn't understand why Justice DeNardis and Chief  
Justice Lieberman committed such omission and inadvertence.

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THE CLERK:

Continuing on page 7 of the Calendar, Calendar 1034, File 1054, Favorable Report of the Joint Standing Committee on Appropriations, Senate Bill 1227, AN ACT TO PROVIDE FOR THE RESPONSIBLE AND EXPEDITIOUS HANDLING OF JUVENILES AND YOUNG ADULTS INVOLVED IN THE COMMISSION OF SERIOUS CRIMES, as amended by Senate Amendment, Schedules A and B.

THE CHAIR:

Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, I believe that it is in order for me now to withdraw the Amendment that Senators Lieberman, Post, Ruggiero and I offered on Friday last and, pending the withdrawal of that Amendment, I will advance a new Amendment on the same subject which is technically improved over the one I asked to withdraw.

THE CLERK:

The Clerk is in possession of Senate Amendment, Schedule D. We had called it Senate Amendment, Schedule D and then had passed the Bill, retaining its place on the Calendar and no action had been taken on D. The Clerk now can call Senate Amendment, Schedule E, File 1054, Substitute Senate Bill 1227, offered by Senator DeNardis, LCO 9145. Copies are on the desks of the Senators.

SENATOR OWENS:

Mr. President, Point of Order please.

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THE CHAIR:

Are you withdrawing Amendment Schedule D?

SENATOR DE NARDIS:

Yes Mr. President.

THE CHAIR:

All right. Do you want to proceed now with E?

SENATOR DE NARDIS:

I would. I believe Senator Owens has a Point of Order.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Mr. President, have copies of the Amendment been furnished to the Members of the Circle?

THE CLERK:

Yes. They've all been distributed.

SENATOR OWENS:

Thank you.

THE CLERK:

It's 9145. LCO 9145.

SENATOR DE NARDIS:

Then at this time Mr. President, I would move adoption of the Amendment,

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ask leave of the Chamber to summarize it and request that the vote - that a Roll Call vote on the Amendment be taken.

THE CHAIR:

You may proceed.

SENATOR DE NARDIS:

Mr. President, the Amendment that we offer now before you, LCO 9145, is similar to the Amendment that we discussed last Friday. What it does is to add to the Bill, Senate Bill 1227, sponsored by Senator Barry, which we, the co-authors of this Amendment considered to be an important and positive piece of legislation or proposed piece of legislation, we would like to add to it, the provision that juvenile offenders who commit murder or who are alleged to have committed a class A felony for the second time, and a class B felony for the third time, after a probable cause hearing to determine whether there is probable cause and whether the transfer should be made, that the transfer then be made to the criminal section of our court and that the matter then would be out of the jurisdiction of the juvenile section of our court system.

Mr. President, as we noted on Friday, an increasing amount of juvenile crime plagues our communities. It is particularly prevalent in our major cities. The Chief of Police of the City of New Haven at a recent hearing on this matter, said that if certain juvenile, repeat juvenile offenders were removed from the streets of the City of New Haven, that the major crime problem in that city would be reduced anywhere between 30 and 40 percent. We are talking about young

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people, yes, but people who are committing some of our most serious and most heinous crimes being committed in our state at this time. And we believe that the penalty should fit the act regardless of age. That's an important concept that we advance here. We believe further, that it is the most humane thing that we can do to transfer these young perpetrators to the adult side of the court so that they may face the music, if that be the case and be dealt with accordingly. The juvenile court, as we all know, plays a very important role in our juvenile justice system, but one jurisdiction that it does not have and therefore, weakens it with respect to dealing with adult - dealing with juvenile felons, is that it does not have punishment jurisdiction. It has only rehabilitation jurisdiction and we feel that there are cases when the court and the system must punish and rehabilitate and that is what the adult court will have as its options.

No one of the four people identified with this Amendment and the many others in the Circle who support it, can be characterized in any way, shape or form as people who want to lock 'em up and throw away the keys. That is not our motivation. That is not our driving force. But we do feel that in response to growing community concern, about serious juvenile felons, that rather than treating them in the revolving door system that the juvenile court has been, that some part of the criminal justice apparatus should get serious and should recognize that there are multiple offenses of a very serious nature being committed by the same

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individual and that that individual has no respect for the system because the system merely slaps him or her on the wrist and sends him out again and in most cases, without even any rehabilitation to speak of.

Mr. President, there are a growing number of people, of young perpetrators in this state who know, from experience, and know from word of mouth, that if they are going to be inclined toward a life of crime, and if they're going to be inclined to try a robbery with a deadly weapon, that the chances of their ever coming to any serious meeting with the bar of justice are extremely limited. They know that if they are inclined to embark on a life of crime they'd better do it while they're young because the chances are they'll get away with it. They'll get away with it completely or they'll get away with it with a very minor slap of the wrist or something of that nature. It is time that we signalled to those who would act in such a way. Believe me, if we pass this legislation the word will get out quickly enough that the State of Connecticut and the various municipal law enforcement agencies and the whole criminal justice system has been toughened and has been tightened and the days of embarking on a criminal lark will be limited, in my opinion, and limited by a great deal. I urge support of this Amendment. It has been carefully drafted by Senator Lieberman, Senator Post, Senator Ruggiero and myself. Senator Lieberman and Senator Post and I are particularly indebted to Senator Ruggiero who has improved our original Amendment. Senator Ruggiero has had some experience in dealing with juvenile felons

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and through his experience in the system, has helped us improve the Amendment by building into it a probable cause hearing and we are thankful to him for that improvement. I urge adoption of the Amendment.

THE CHAIR:

Will you remark further? Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I rise to support the Amendment. We spoke at length about it, I guess on Friday and need not go over all that ground again. I'm pleased to say though, that this Amendment accomplishes what we had set out to do and what we had set out to do is to create a special category of transfers which would affect the most serious juvenile offenders, after a probable cause hearing. This I think is important as a matter of deterrence. It is important to the general public that is deeply concerned about street crime which is so often juvenile crime and in my opinion, it can also, at the risk of sounding paternalistic, be important to the few juveniles who will be thus affected by this provision because those few juveniles' history has shown have been heading along a path of crime toward a result which is their own doom and if incarceration and treatment within our correctional system can stop that, then I think even they too, will be benefitted by this stronger approach to the problem. I support the Amendment.

THE CHAIR:

Will you remark further? Senator Ballen, followed by Senator Gunther.

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SENATOR BALLEEN:

Thank you Mr. President. I too, rise in support of this Amendment. I feel that the present juvenile court system has not been adequate to cope with the serious and increasing juvenile crime situation in this state. I think that it is very important that we do implement a procedure whereby those charged with more serious crimes and certainly murder or repeat class A and class B felonies are the more serious crimes, be transferred to the Superior Court which I feel will more adequately and surely deal with juvenile crime. Under the present system, juvenile criminals go out and they repeat the crime again and again and, therefore, I would strongly support this Amendment. Thank you, Mr. President.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, I rise in opposition to this Amendment and I do so having some of the same sympathies as the previous speakers have and namely that is that the repeat offenders, the young repeat offenders must be dealt with more harshly than they are now being dealt with. While that may be true, I believe that Senate Bill 1227 as it appears in the file, does just that and that's for reasons which I expressed Friday which I think is acknowledged by others here and which we can debate if necessary, when we debate the Bill. Senator DeNardis has said that we do nothing about repeat juvenile offenders and that's what this

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Amendment is designed to do. With all due respect, let me point out to you what this Amendment does. Over the past 3 years, it would have affected a handful of young people. Over the past 3 years, we have averaged six murders by people who haven't reached their 16th birthday. In a given year, of those six, three or four are transferred to the adult section anyway, meaning that maybe two of the six in any given year would be assisted by this Bill.

Furthermore, this Amendment calls for the transfer of people who have been convicted once of a class A felony and are now charged with a class A felony again. Class A felony is kidnapping. It isn't murder, it's kidnapping. 1976-1977 and 1978 there weren't any of them in Connecticut. There were none of them referred to the juvenile authorities according to our judicial department and the same is true, Mr. President, with third time class B felonies. My information is that there have been none, in the last three years, that would fit within this category. I raise this solely to point out that this kind of an Amendment does nothing to get at a repeat juvenile offender. The basic Bill in your file, number 1054 which expands the possibility of adult treatment to some 39 crimes is a real step toward sending a message out to young people who make a career out of getting involved with the law.

Let me also point out, Mr. President, that of the six referrals in 1977, excuse me, of the six murder cases of which four were referred to the adult court, four of those six young people had had no prior contact with juvenile authorities. In other words, they're not the repeat offenders that we've heard

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about here on debate on this Amendment. And I think most of us know that, except with professional killers, murder isn't habit forming. It's generally something of a passion; something in a -young person arising out of a mental imbalance; arising out of excessive child abuse in some case. Are you going to say, Mr. President, to a judge, as you would in this Amendment if he finds probable cause, that this 14 year old committed the murder, that he can look the other way on questions of environment, questions of child abuse, of all of those things that go into the great flexibility in our present judicial system which allows for fairness in the view of the court in any given instance.

Let me ask you, Mr. President, and Members, and particularly the sponsors of this Bill - what benefits do you suppose are going to come from a mandatory transfer of these two or three cases a year? First of all, is the person who may be transferred to the adult section going to get a quicker trial? I can tell you I think without fear of contradiction, that it will probably be 18 months to 24 months before that person gets a trial. It would be a matter of weeks in the Juvenile Court before that is litigated. And what kind of punishment is that person going to get? Do we have any kind of guarantee or even any kind of hope if you will, that a 14 year old is going to be dealt with more severely in the adult section than in the juvenile section? I don't think we do.

And I think we should bear in mind, Mr. President, that we're no longer dealing with a Juvenile Court and a Superior Court. We're dealing with just a Superior Court. We only have one court; one trial court. They're all the same

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judges and they're all considered the same kinds of matters. And so, Mr. President, I think it's a fiction. The intent is good. I respect the proponents of this Amendment. I would respect something that might be designed to improve the file copy of the Bill if it can be improved in terms of getting at repeat offenders, but this doesn't do what they've indicated that it should do. Senate Bill 1227 is a tough Bill. It's a tough Bill as it is, but I believe it be a fair Bill.

And let's not clutter it up before we send it to the House with another Amendment. Thank you Mr. President.

THE CHAIR:

Senator Gunther, followed by Senator Ruggiero.

SENATOR GUNTHER:

Mr. President, I rise to support the Amendment, weak as it is. As far as I'm concerned, the file copy you can compare it with water. This is weak tea. I would like to see something in the strength of good, strong coffee coming into this Chamber, but this is the only thing we're going to have to work to, apparently. Unfortunately, I would have liked to have seen the mays taken out of the file copy and possibly put some shalls in there and have the 40 different categories that have been listed for the transfer or possible transfer into the adult court or the Superior Court. I can't help but agree with Senator Barry when he talks about just how much of an impact this will have. Of course, in 3 years, six cases of murder, four of them did find a way in that Superior Court. But look at the other ones - kidnaping, you get two shots at that one. And of

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course the fact that we haven't had any kidnapping by 14 to 16 year olds is pretty good, but get down into the B felonies. This you get 3 shots at. This is like wholesaling. If you do an A twice, you go into the Superior Court. If you do a B, three times - what do you have at 3 other than murder itself? Manslaughter 1, manslaughter 1 with a firearm; assault 1, assault one where the victim 60 years of age or over and I'd like to question the statistics that Senator Barry said that - you know, there are very few of these. I don't know whether they don't get reported or they don't get out of the Juvenile Court, but I think the major offense is against the 60 year old in assault by minors. And if you heard some of the dialogue on the New York stations that the interviews that were made of some of the young criminals under 16 because they attack these 60 year olds because they know they can't fight back and of course, they know when they know when they're 16 that from that point on they don't have to worry about it, but under 16 they can do just what they damned please.

But sexual assault with a firearm, promoting prostitution, kidnapping 2, burglary 1, arson 1, larceny 1 - I mean these are some of the offenses that you get three shots at. You get 2 shots and then go in. You know, to me, this is the frosting on the cake. It isn't going to be the strong Bill that I'd like to see come out of here. It isn't going to end the confidentiality and the habitual criminal and I'm not talking of status offenders under 16. This is a watered down Amendment. Apparently it's the only thing that we can get out of here and this is the compromise that you come up with. I think it's practically next to

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nothing. I don't think it's going to have any serious impact and I don't think it's going to impress a damned bit of those juvenile criminals because now the street-wise kid knows murder he goes to the Superior Court, but he gets 2 shots at anything in felony A because that's kidnapping. But in felony B, he's got 3 shots before he goes in and you don't think those street-wise kids are going to know that. As far as I'm concerned, I think the heinous crimes in this state that are committed by juveniles, that they deserve one shot at some of them, but no more than one shot and I say this is apparently the only Amendment we're going to be able to get through here, if we can get this through, and the only reason I support this is it's better than nothing. But it's just the frosting on the cake.

THE CHAIR:

Will you remark further? Senator Ruggiero.

SENATOR RUGGIERO:

Mr. President, thru you, a question to Senator Barry please. Senator Barry, do you know what the maximum sentence or detention period that juvenile court can give to a juvenile convicted of a class A felony?

THE CHAIR:

Senator Barry if you care to respond.

SENATOR BARRY:

Mr. President, Senator Ruggiero, are you referring to under the current law?

SENATOR RUGGIERO:

Yes.

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SENATOR BARRY:

It's an indefinite sentence. I don't know the maximum offhand.

SENATOR RUGGIERO:

Thru you Mr. President, Senator Barry, does the file copy of the Bill change that indefinite sentence or the indeterminant sentence? Which incidentally, Mr. President, happens to be two years in the State of Connecticut.

THE CHAIR:

Do you have a question, Senator Ruggiero?

SENATOR RUGGIERO:

Yes. I wanted to know if the file copy of the Bill changed the indeterminate sentence or the indefinite sentence that juvenile court can now impose which has a maximum of two years on it.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, the court is empowered under the Bill, to confine for up to 4 years.

THE CHAIR:

Senator Ruggiero.

SENATOR RUGGIERO:

Mr. President, Senator Barry made a couple of comments that I think are worth repeating. Number one, he said that there were 6 murders in the State of Connecticut this past year committed by juveniles. If my information is correct, two

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of those murders, one in New Haven and one in New Britain were committed by repeat felons. Instead of saying 4 out of 6 were not committed by repeat felons, maybe we should say one third of all murders committed by juveniles in the State of Connecticut was committed by repeat felons. That sounds a little bit more reasonable. This Amendment does not affect the file copy of the Bill. It does not affect the majority of juveniles that are affected by the file copy of the Bill. It takes that small segment of juveniles; those repeat serious offenders; that that have committed murder; those that have committed more than one class A felony; those that have committed more than two class b felonies and puts - and are over the age of 14, and puts them in the hands of the Superior Court which is exactly where they belong.

I think Mr. President, when we talk about toughening juvenile laws in the State of Connecticut, we have to remember that there is a small segment, a small segment of juveniles in this state that do not deserve to be treated under our juvenile laws. This Amendment addresses that small segment. It does not address the majority of juveniles that Senator Barry's Bill addresses. As far as comments on the original Bill itself, I will obviously wait until we discuss the Bill, but I do think the Circle should remember that of that ten, twelve or fifteen youths that would be handled under this program, we are talking about those that have committed the most serious crimes in Connecticut and have committed them more than once.

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THE CHAIR:

Senator DeNardis - excuse me - you may proceed.

SENATOR DE NARDIS:

Mr. President, since we're getting into the area of statistics, few additional statistics are in order. I'm glad I have a chance to speak before Senator Ciarlone. I don't know what he's going to say when he speaks next, but he may be interested in a few statistics from the New Haven Police Department from 1977. New Haven PD records in 1977 indicate that 1,275 juveniles, that is people below 16, were arrested and referred to the Juvenile Court. Of that number, 582 or approximately 46 percent had committed serious felony offenses. Among them, robberies, burglaries, larcenies, serious assaults, rapes and so on. Almost half the kids who were picked up were accused felons and the real shocker of this is to look at an age breakdown. We take an arbitrary dividing line let's say age 13, of the 190 burglaries committed by juveniles in 1977, 64 were allegedly committed by children younger than 13 and the range goes all the way down to 8 and 9 and I'm not going to give you the breakdown by age, but it is shocking and disturbing.

The real problem is that with juvenile offenders, there is an incredibly high recidivism rate and it runs between 60 and 70 percent; that is once a kid goes to Juvenile Court, it's a good bet that he or she will be back again and again and again. Somebody, somewhere has got to signal a change. We can start here by adopting this Amendment which makes a very good Bill better. What I like about the Bill is that it establishes 40 different offenses and serious juvenile offenses. It establishes a mandatory bindover hearing, but what it

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doesn't do is say what happens after the mandatory bindover hearing. And that's what the Amendment does. The Amendment finishes what the Bill should have completed and says that for murder, second A and third B, there will be transfer after a probable cause hearing. It dots the is and crosses the t's and finishes 1227 the way 1227 should be finished. And I'm glad that Senator Ruggiero pointed out in rebuttal to Senator Barry, that the Amendment does no violence to the Bill. The Amendment does not take any thing away from the Bill, not one iota. It simply adds to the Bill. Less no one think that by voting for the Amendment they are going to do any violence to the file copy of the Bill, they simply are going to strengthen it and in the opinion of the co-sponsors, improve it.

Senator Gunther has done us a service by reciting what a class B felony is - manslaughter, assault, sexual assault, promoting prostitution, kidnapping 2nd, burglary 1st, arson, 1st, larceny 1st or extortion, robbery 1st, possession of a weapon, rioting in prison and so on. Some of these don't pertain as much to 14 and 15 year olds, but many do, Three quarters of those do, three quarters of those pertain to what kids are doing today in all of our communities and I can't tell you how terrifying it was to hear testimony in the Program Review Committee when 120 elderly citizens from Bridgeport rented two buses, came with the pastor of their church, sat in a 5 hour hearing and a few of them testified and testified what it's like to be prisoners in their home; prisoners in their

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homes, They cannot leave their homes, even to go down to the corner store for fear that they will be set upon, not by adults, but by juveniles and if you heard that testimony, or if you read that testimony, you wouldn't have any doubt whatsoever that we're doing the right thing with this Amendment should we adopt it.

THE CHAIR:

Will you remark further? Senator Ciarlone.

SENATOR CIARLONE:

Thank you very much Mr. President. I rise to support the Amendment and I think the case and the statistics have been documented very well by Senator DeNardis. He certainly has more statistics at his desk than I have at the top of my head, but I can only reaffirm and tell many of you in the Circle that those statistics, though they are somewhat shocking, they happen to be true and in an inner city like New Haven, it's my judgment that unless we have some strong legislation before us, I don't think that the wave of crime that's perpetrated by young people will come to an end. This legislation is somewhat severe, naturally. There's no question about it and I say this to all of you that perhaps mabe in two or three years, if the pendulum should swing the other way, maybe we can reamend this legislation and go back to a lighter version, but kid yourselves not, the statistics, the story, the argument presented by-Senator DeNardis is not an emotional argument. It's a factual argument. You have to live in the inner city to find out some of the hideous crimes that are perpetrated

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on some very elderly people and on some very young people who cannot defend themselves. So though the Bill seems somewhat severe, I say let's try it for a couple of years and it's my judgment, along with the judgment of many others, law enforcement offices particularly, that the problems of the juvenile perpetrator will correct itself. So I ask you all to please support the Amendment.

THE CHAIR: (Senator Cutillo in the Chair.)

Any other speakers? Senator Barry.

SENATOR BARRY:

Mr. President, I don't mean to contest Senator DeNardis on his statistics from the New Haven Police Department, but it is an extraordinary percentage if you look at the statewide figures. In 1977, there were 8,859 juveniles referred to the Juvenile Court. 3.3 percent of them were involved in serious crime. And serious juvenile offenses as defined in this Bill. Now, I know New Haven had some problems that some areas don't have. I'm also mindful of the fact that 85 percent of the serious offenses come from the 5 major cities. But I think we ought to be aware here that in 1977, we're talking about 3.3 percent of all of the young people who were referred to the Juvenile Court.

Now, it's been said that this Amendment doesn't do any violence to the Bill. Let me just tell you what it does in removing the criteria for transfer. All it says is that the judge in the juvenile setting shall determine that there's probable cause that the child has committed the act for which he's charged. It takes away the other elements beginning on line 123. In other words, that

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there is - that the child is not amenable to treatment in any institution or state agency or other available facility. There are children who aren't amenable to any treatment. They can be transferred to the adult section under the Bill in the file copy. The Amendment takes away the element which allows the judge to test the maturity and the sophistication and the previous situations before transferring them to the adult session. And what I haven't heard from anybody who advocates this, is what happens to the juvenile after conviction, in the adult section? Apparently the only motivation for this is to get at the question of confidentiality and to allow this person to have a public trial because there's no evidence to suggest that the punishment is going to be any more severe. Very likely, if we take a look at the recidivism that we have in the adult penal institutions, that this 14 year old ought to become a hardened criminal in the Department of Corrections custody rather than getting some kind of treatment or at least getting some kind of program, schooling and so forth, under the Department of Children and Youth Services in a secure facility.

What we're really concerned about here, all of us, is keeping these kids off the street and doing what we can for them, but getting them out of society. You're not going to get them out of society any quicker in the adult section. In fact, I believe you're going to get them out of society in a lot longer time because they're not going to get heard as quickly and I have no basis, and I don't know anybody who has said anything so far that would indicate that the treatment or the punishment would be more severe and a greater hedge against the

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recurrence of crime. So, for those reasons, I would urge that this Amendment be rejected.

THE CHAIR:

Further comments? Senator Skowronski.

SENATOR SKOWRONSKI:

Thru you Mr. President, to Senator Ruggiero. You have all the authority and mien of a President, Senator. Senator Ruggiero, the Amendment refers to, in Line 24, that any child referred for the commission of a murder, providing any such murder was committed after the child attained the age of 14 years, does that word 'murder' there mean first degree murder? Or does it mean manslaughter one, two, etc.

THE CHAIR:

Senator Ruggiero.

SENATOR RUGGIERO:

Thru you Mr. President, any type of murder is the intent of the word 'murder' Senator Skowronski.

SENATOR SKOWRONSKI:

So it would also include therefore, the various degrees of manslaughter.

THE CHAIR:

The answer to that is -

SENATOR RUGGIERO:

Yes.

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SENATOR SKOWRONSKI:

Mr. President, I'm a little troubled by that language in that manslaughter two, I believe, is a class C felony and aren't you creating a separate standard here, Senator Ruggiero, in that you will require a previous conviction for a class A felony, two previous convictions for a class B felony, before you mandate the transfer, but for a class C felony, manslaughter two, you require just a first shot and you're in Superior Court. What was the rationale behind that?

THE CHAIR:

Senator Ruggiero.

SENATOR RUGGIERO:

Mr. President, thru you, the statute 53a of the General Statutes which I do not have in front of me, have a specific definition of murder and what shall be included in murder and that is what the word murder would refer to here. I would presume that the manslaughter you're referring to is some type of a negligent manslaughter charge or negligent homicide charge which is not included in the definition of murder as I understand 53 a of the General Statutes. In other words, the statute Senator Skowronski specifically set forth, the definition of murder and what is included as a murder and they do not go down to a class C felony under that definition of murder.

SENATOR SKOWRONSKI:

Thru you Mr. President, then what is included in the definition of murder in 53a?

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SENATOR RUGGIERO:

I do not have a set of Statutes, Mr. President. If somebody does, I don't know if there are any up there. I don't know, Senator Skowronski, without a set of the Statutes in front of me.

THE CHAIR:

Senator Skowronski, you have the floor. Are you thru questioning?

SENATOR SKOWRONSKI:

No. I was curious to know what the definition of murder in 53a was. Perhaps I might find the volume, Mr. President, to assist.

THE CHAIR:

Thank you Senator. Senator DeNardis, you asked for the floor previously. Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, Senator Barry raised a question about what happens to a kid after conviction and painted a picture of a 14 or 15 year old being placed among his term, hardened criminals, conjuring up the notion that if the kid wasn't already bad, he certainly would become bad as a result of that association. Let me say to Senator Barry that someone who would be convicted under our Amendment, would face the same kind of incarceration if he or she was convicted thru a process established in the file copy Bill; a mandatory bindover hearing, judging that the case should be transferred and so ordering that there be a transfer and an adult court or an adult case thereby resulting; a conviction attained. Under the

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Barry Bill the convicted would go to Cheshire where 16 year olds to 21 year olds are incarcerated. Under the Barry Bill they would go to Cheshire. Under the Amendment under discussion now, they would also go to Cheshire. There is no difference. ?

THE CHAIR:

Further discussion? Senator Ruggiero.

SENATOR RUGGIERO:

I yield at this point to Senator Barry.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, in response to -

THE CHAIR:

May I ask - the Chair is new here - is this the third time speaking?

SENATOR BARRY:

It is, Mr. President. It's the third time, but I'm responding to what I see, if not a question, at least something that I feel should be cleared up in response to statements made by Senator DeNardis.

THE CHAIR:

Well, the question wasn't asked directly, but if there is no objection, please continue.

SENATOR BARRY:

Is there any objection to my - what Senator DeNardis says about the place

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of location of a 14 or 15 year old convicted under his Amendment, is true only if there's a transfer under the file copy, but it is not true if the judge who has to weigh all of the evidence in section 2 of the file copy Bill does not transfer this young person, but keeps this young person in a juvenile end of the Superior Court, then it is not true, Mr. President. That young person, for whatever reasons the judge refuses to transfer, then convicts the young person and puts him in a secure facility and you will notice in section 2, subsection b, there shall be established or designated by DCYS, a secure facility within this state. That facility is already in place, Mr. President, it's on the grounds of Long Lane School. It has 36 beds I guess. It gives a lot of treatment and has a lot of security. It's not like the rest of Long Lane School where you can come and go if not as you please, at least without running into a fence.

So that place is already there and that's what happens to a young person who is convicted in the juvenile section so that they're not the same, Mr. President. They're only the same if there is reason for transferring that 14 or 15 year old and the judge so does it. And so, for those reasons, I think those distinctions among young people which have been preserved since the beginning of the juvenile court should be preserved now and I move again, to reject this Amendment.

THE CHAIR:

Further comments? Hearing none, excuse me - Senator Ruggiero.

SENATOR RUGGIERO:

Mr. President, I just - the original Amendment that was submitted, withdrawn

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and rewritten the way you see it now, had an additional provision in there that was withdrawn at the request of Senator Barry's staff who indicated that there would be a substantial amount of federal funding that would be lost if this Amendment was in there. That section of the Amendment I'd like to read for this Circle because I think it answers Senator Barry's question - any commitment, ordered by the Superior Court under the provisions of this section, shall be to a secure facility established or designated under subsection b of section 2 of this Act until the child has reached the age of 16 years. Upon reaching such age, such child shall be transferred to the jurisdiction of the Department of Correction for the remainder of any period of confinement ordered by the Superior Court. Personally, I thought that was an excellent section that should have stayed there, but I understand under certain juvenile funds that we do receive from the federal government that we cannot have that type of a provision in our statute. For that reason it was withdrawn, but there was a request by us to put specific places where these young people would serve whatever sentences they were given in Superior Court into the statute.

THE CHAIR:

Further comments? Hearing none, would the Clerk please announce a Roll Call vote.

THE CLERK:

Immediate Roll Call has been called for in the Senate. Would all Senators please come back to the Chamber. An immediate Roll Call has been called for in the Senate. Would all Senators please take their seats.

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THE CHAIR:

The machine is opened. The machine will be closed. The Clerk will take a tally.

26 YEA10 NAYThe Amendment is adopted.

THE CLERK:

Clerk has no further Amendments.

THE CHAIR:

Remark on the Bill as amended? Senator Barry.

SENATOR BARRY:

Mr. President, I would move at this time for passage of the Bill as amended by - I think it's Senate Amendments, Schedule A, B and E.

THE CHAIR:

Will you remark?

SENATOR BARRY:

I think that all that needs to be said has been said about the Bill in chief. It, I believe, is a positive step toward integrated and cohesive program for dealing with juvenile crime, with serious juvenile crime in our Superior Court and I think that it's the product of a great deal of work by the - by various Commissions who worked on it. It has widespread support of agencies throughout

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the state. I would hope that it would meet unanimous approval and if there is no objection, I would move it to the Consent Calendar.

THE CHAIR:

Motion is to place this on the Consent Calendar. Further remarks? Senator Ruggiero.

SENATOR RUGGIERO:

Mr. President, number one, I have no objection to it being moved to the Consent Calendar. I make some very brief remarks, not necessarily for the Members of the Circle, but for those people that will be administering the program, the juvenile justice program under Senator Barry's Bill. I have some very grave concerns that I hope over the next year they will look at to see if there were any problems with the changes that we are making in the juvenile justice system.

Number one, whether we should or should not make status offenses a non-crime in Connecticut and a non-entity. Whether we should or should not take away a child's right to counsel when we are leaving in somebody's right to force him to go to a school to force him to go to another home to live, to force him to go to a foster home. That's what the Bill allows a police department to do. That's what the Bill allows a probation officer to do. We also force that young man or that young woman to be on a period of probation. We do not give them the right to counsel nor do we give him the right to trial. I would hope that the people that will be administering the program will look to see how many youngsters that

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we do have in Connecticut over the next year that are referred by police departments, that are referred by probation officers, that are referred by those that are non-judicial in order to give up a part of their freedom, without the right to trial, without the right to counsel. I'm very concerned about that aspect. I said that last Friday when we originally debated the Bill. I still am unclear in reading the file copy what happens to those youths that parents submit a petition on as being uncontrollable, whether that child has a right to a hearing or a right to a trial and I think that in conversations with youth officers over the past 5 days, their attitude is one of since status offense is not a crime, they don't intend to do anything about the 15 year old runaway. I think the majority of the Bill strengthens our Juvenile Court system, strengthens it greatly but I think we do weaken our juvenile justice system with this Bill as we deal with status offenders.

THE CHAIR:

The Motion is to move the Bill as amended to the Consent Calendar. Any further remarks? Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I rise to support the Bill. I introduced, along with the co-sponsors the Amendment which just passed, but it was, as I said - it seems like long ago - last Friday when we first began to discuss this Bill, that Amendment was not meant to be in derogation of the outstanding work done by the Justice Commission, by the task force and by the proponents of the legislation before us coming out of the Judiciary Committee. Mr. President, I felt and feel that the

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Amendment that we passed strengthens the Bill and will give some confidence to the public about our intention to deal in every possible way with this problem of juvenile crime. But the basis of the Bill stands separately and is a substantial contribution to law enforcement and, in my opinion, justice in the State of Connecticut and if it passes the House of Representatives, as I certainly hope and believe it will, in my opinion, it will be one of the major accomplishments of this Session. We have talked in recent years about the crime problem. We've talked about juvenile crime particularly and too often it seems that either there was not enough support for substantial change or some Bill got caught between the Houses in the last days of the session, but I hope and pray that that will not be the case this year. This Bill, by spelling out the categories of crime, by - that constitute serious offenses, by subjecting juveniles in most cases to a mandatory transfer hearing and in those few cases covered by the Amendment, mandatory transfer after a finding of probable cause, by extending the time in which the Department of Children and Youth Services can maintain control over a juvenile offender in these and the other ways covered by the Bill, I think we have put in place a very serious and responsive effort that I would compare proudly to any laws that have been adopted in this area in any State in the country in recent years, and many states have adopted such laws. This proposal is a balance of toughness, if you will, to use the vernacular, and of concern; of real priority on rehabilitation and providing a better tomorrow, not only for the juveniles, but for the rest of us who are in society. So I congratulate and thank Senator Barry and all the others who brought the Bill to this point and

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I certainly hope it will find its way to the Governor's desk before long.

THE CHAIR:

Thank you Senator. Motion is to move the Bill to the Consent Calendar. Further remarks? Is there any objection? Hearing none, the Bill is moved to the Consent Calendar.

THE CLERK:

On page 7, continuing on, Calendar 1043, File 1056, Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, Substitute for Senate Bill 1315, AN ACT CONCERNING THE RAY BUILDING AT NORWICH HOSPITAL.

THE CHAIR:

Senator Beck.

SENATOR BECK:

Mr. President, I move acceptance of the Committee's Report and favorable action of the Bill and would like to yield to Senator Martin.

THE CHAIR:

Senator Martin.

SENATOR MARTIN:

Mr. President, this would affect the transfer of the Ray Building from Mental Health to the Department of Children and Youth Services because the adolescent unit at the Norwich Hospital is closing because of the law which mandates an adolescent not be under the jurisdiction of the Department of Mental Health after July 1, 1979. There has been legislation in past years acted upon by the Finance Department for renovations to a building to help these adolescents

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The vote is:                    SB 1608, SB 1609, HB 7773, HB 6104,  
                                      SB 1227, SB 1315, HB 5534, HB 5241,  
                                      HB 6154, HB 5475

35        YEA

0         NAY

The Consent Calendar passes. Further business on the Clerk's desk?

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

If I may, before I omit doing this, I'd like to move for Suspension of the Rules to allow for immediate transmittal to the House of those items that we have adopted today that should go to the House.

THE CHAIR:

The question is on suspension for immediate transmittal. Is there objection? Hearing none, the rules are suspended. The items are transmitted to the House.

THE CLERK:

Clerk has Senate Agenda page one and two and they have been distributed.

SENATOR LIEBERMAN:

Mr. President, I move for adoption of the Senate Agenda and ask that that be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

The question is on the adoption of the Senate Agenda. Will you remark? Hearing no remarks, those in favor indicate by saying aye. Those in opposition to? Senate Agenda is adopted.

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1979

VOL. 22  
PART 35  
12125-12475

House of Representatives

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kcr

SPEAKER ABATE:

The Journal will so note.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 1687.

Total number voting 134

Necessary for passage 68

Those voting yea 134

Those voting nay 0

Those absent and not voting 17

SPEAKER ABATE:

The bill passes.

CLERK:

Calendar No. 1567, File 1054, Senate Bill No. 1227, AN  
 ACT TO PROVIDE FOR THE RESPONSIBLE AND EXPEDITIOUS HANDLING  
 OF JUVENILES AND YOUNG ADULTS INVOLVED IN THE COMMISSION OF  
 SERIOUS CRIMES. As amended by Senate Amendment Schedules "A",  
 "B", and "E". Favorable Report of the Committee on Appropriations.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance of the Joint Committee's

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Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER ABATE:

The questions is on acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate. Will you remark, sir?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO No. 8499. Would the Clerk please call and read.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 8499, previously designated Senate Amendment Schedule "A". Would the Clerk please call and read the amendment.

CLERK:

LCO No. 8499, offered by Senator Barry of the 4th district.

In line 115, strike out the words "or if" insert in lieu thereof "provided".

SPEAKER ABATE:

The amendment is in your possession sir. What is your pleasure.

REP. TULISANO: (29th)

Mr. Speaker, I move for its adoption.

SPEAKER ABATE:

The question is on adoption of Senate Amendment Schedule "A". Will you remark on its adoption?

REP. TULSIANO: (29th)

Yes, Mr. Speaker. I think this is a clarifying language dealing with making sure that this bill affects only those attaining the age of 14 or over. I move for adoption.

SPEAKER ABATE:

Will you remark further on the adoption of Senate Amendment Schedule "A"? Will you remark further on its adoption? If not, all those in favor of its adoption please indicate by saying --

REP. BERMAN: (92nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Rosalind Berman.

REP. BERMAN: (92nd)

Through you, Mr. Speaker, a question to Rep. Tulisano.

SPEAKER ABATE:

Proceed please, madam.

REP. BERMAN: (92nd)

Rep. Tulisano, does this mean that all discretion is taken away for transfers to the adult court?

SPEAKER ABATE:

Rep. Tulisano, will you respond to the inquiry?

REP. TULSIANO: (29th)

Through you, Mr. Speaker, this amendment does not require that. That will be a subsequent amendment.

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REP. BERMAN: (92nd)

Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of Senate Amendment schedule "A"? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on this bill as amended by Senate Amendment Schedule "A"?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has another amendment, LCO No. 8467. Would he please call.

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 8467, previously designated Senate Amendment Schedule "B". Will the Clerk please call the amendment.

CLERK:

LCO No. 8467, offered by Senator Barry of the 4th district.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize, please.

SPEAKER ABATE:

The gentleman has requested leave of the Chamber to summarize this amendment in lieu of Clerk's reading. Is there objection? Is there objection to summarization? Hearing none, you may proceed to summarize the amendment, Rep. Tulisano.

REP. TULISANO: (29th)

Yes, Mr. Speaker. What this bill does is this amendment indicates that in any transfer hearing, if the child has already been in the service of, in the custody of the Commission or the Department of Children Youth Services, the commissioner is required to provide the hearing officer, the judge in the hearing, relevant information concerning amenability of the child for treatment and whether transfer would be proper for the child.

I move its adoption.

SPEAKER ABATE:

Will you remark further on the adoption of Senate Amendment Schedule "B"? Will you remark further on its adoption? If not, all those in favor of its adoption please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on this bill as amended by Senate Amendment Schedules "A" and "B"?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the bill as amended by Schedules, Senate Amendment Schedules "A" and "B" is a result of a report made by the Serious Juvenile Offender Task Force, which was funded and convened by the Connecticut Justice Commission between June 78 and January 79. That report was made available to members of this General Assembly earlier on in the session.

And what it did was it established a new category called Serious Juvenile Offenders, and for labeling as such it included a list of crimes in the legislation by statutory reference for which would be considered serious juvenile offenses, including in them all class A felonies, certain class B felonies, including class C and D felonies.

And what this bill does is require that if any of those listed crimes are committed or allegedly committed by a juvenile over the age of 14, then a required hearing would be held whether

or not there should be a transfer to the adult court for determination, determination and trial.

This legislation also requires that the hearings be held quickly, swiftly, that there not be a social worker involved, that there be a prosecutor involved in the situation. It also requires that DCYS establish new facility or use an old facility in such a manner which it can handle the commitment of such individuals.

Frankly, Mr. Speaker, this legislation is a new attack on juvenile crime. And there is a deviation from our existing law to some extent in the way we treat juveniles. But juvenile crime has been a major concern of individuals. And frankly, Mr. Speaker, I believe the file copy as amended by Senate Amendment Schedules "A" and "B" does the job which we are looking for and responds to the needs of our community without pandering to emotions and doing violence to a system of justice, which basically and in the long run has served us well.

Accordingly, Mr. Speaker, however, the Senate seems not to agree with us, or with me, and we have Senate Amendment Schedule "E", which I would ask the Clerk to please call and I will attempt to summarize.

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 9145, previously designated Senate Amendment Schedule "E". Would the

Clerk please call the amendment.

CLERK:

LCO No. 9145, offered by Senator DeNardis of the 34th district.

SPEAKER ABATE:

The gentleman is requesting leave of the Chamber to summarize this amendment in lieu of Clerk's reading. Is there objection? Is there objection? Hearing none, you may proceed to summarize the amendment, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, what the amendment, Senate Amendment Schedule "E" does at the present time the court may transfer to regular criminal dock in the superior court, matters referred to any A or B felonies, any A or B felonies after hearing.

This amendment would require a mandatory transfer and any child who has committed a murder, provided the child has attained the age of 14. It would require mandatory transfer for class B felony when the child has previously been adjudicated a delinquent for any two violations of section 53-A, which is the criminal statutes, and, which at the time of violation, was designated class A or B felonies.

Mr. Speaker, as I understand this amendment it also takes out of the file copy the requirement that there be established -- I retract that, Mr. Speaker. I misread that.

Mr. Speaker, I think in the summary that I've told what Senate Amendment Schedule "E" does. It requires mandatory transfers in certain areas as opposed to the file copy, which requires hearings in numbers of cases including those cases outlined here, before there be a transfer. In the file copy, after the transfer of hearing, the determination is made. And that determination is made with regard to a number of factors outlined in the file copy. There leaves to discretion as a result of this amendment.

And therefore, Mr. Speaker, I believe the discretion should be in the court. And I move for rejection of Senate Amendment Schedule "E".

SPEAKER ABATE:

The question is on rejection of Senate Amendment Schedule "E". Will you remark on the motion?

Rep. Pier.

REP. PIER: (15th)

Mr. Speaker, through you, a question to the Chairman of the Judiciary Committee.

SPEAKER ABATE:

Proceed please.

REP. PIER: (15th)

Rep. Tulisano, if I understood the summary of the amendment correctly, not only did we or does Senate Amendment "E"

eliminate the discretion, but it eliminates discretion prior to conviction only upon being charged with these crimes. Is that true?

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, as I understand the language of the amendment, that is correct. Any child referred for the commission of a murder, that is referred to the juvenile court, provided the murder was committed after allegedly he changed to 18, and presumably that's what it means in the file copy, though it doesn't say allegedly. That will require mandatory transfer to the adult docket.

REP. SCULLY: (75th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further?

REP. SCULLY: (75th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Scully.

REP. SCULLY: (75th)

Mr. Speaker, I would request this body to go against rejection of this amendment. I think that if one reads it properly

that is does go a long way in helping us control our juvenile delinquents today. And one of our biggest problems, underneath the present laws, we really have no great control over them, because the discretion given to so many judges. I think we should vote to accept this amendment and not to reject it.

REP. WRIGHT: (77th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the motion? Rep. Gardner Wright.

REP. WRIGHT: (77th)

Mr. Speaker, if I may, through you, a question to Representative Tulisano.

SPEAKER ABATE:

Rep. Wright.

REP. WRIGHT: (77th)

Rep. Tulisano, could you tell me how, what would happen if a 14-year-old child were to burn a building in which somebody died based on the recently passed bill which said there is mandatory life imprisonment in that situation. Could you tell me what would happen if a 14-year-old child were to burn a building with somebody in it?

REP. TULISANO: (29th)

Through you, Mr. Speaker. Presumably, if that child, if

this Senate Amendment Schedule "E" were passed, will then be, since he is accused of murder, be transferred to adult docket for trial. That if they were finding him guilty, the commitment for life would be made under, I believe that was House "B" or "C" at that time, for the life imprisonment. That would mean that the child would have to be put in a secure facility for children between the ages of 14 and 16, then there is an intermediate facility between the years 16 and 18, and after 18 probably transferred to Somers for life.

There would be three different facilities that I think have to be available, because of certain federal regulations and decisions of the federal courts dealing with the mixing of the adult population with children in incarceration facilities.

REP. WRIGHT: (77th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Wright.

REP. WRIGHT: (77th)

Mr. Speaker, I urge rejection of this amendment as Rep. Tulisano has suggested. We originally passed the bill that said that if you torch a building and somebody dies, you have to go to jail for life.

I don't think that we should feel that every 14-year-old child who might do this as a prank, far more than somebody who is

doing it being he wants to benefit from torching a building. I don't think we should create a situation where 14-year-old children should be, have to go to jail for life. I think it's a very serious mistake to say that children have to be tried in criminal court as adults and face the possibility of being there for the rest of their life.

I think this is a very bad amendment. I think we should leave the discretion with the court as the final copy says. I don't think we should pass this amendment.

REP. BERMAN: (92nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Rosalind Berman.

REP. BERMAN: (92nd)

Thank you, Mr. Speaker. I too urge rejection of this amendment. I think the amendment was offered in response to the general feeling that when a child commits an adult murder, he be treated as an adult. However, the effect of this amendment would not protect society, but rather it would do the opposite.

The file copy of this bill provides that serious juvenile offenders be dealt with as far as possible by the juvenile court before providing for mandatory transfer to the adult court.

The community would not receive relief from serious juvenile offenders through mandatory transfer, because the average

wait for trial in superior court right now is two years.

During that time the juvenile offender would be free to go out and be free to commit more crimes if necessary, and by the time he would be called to court he would be an adult anyway.

This bill would take the offender off the street. The file copy would take the offender off the street through enforced detention, and it would also provide for case disposition within 28 days of referral. This would indeed be better protection for society. And I urge rejection of Senate Amendment "E".

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert Frankel.

REP. FRANKEL: (121st)

Thank you, Mr. Speaker. First of all I don't agree that murder, as it is included in lines 24 and 25 of the amendment, includes felony murder such as the situation that was outlined by Rep. Wright. I think we're talking about murder as defined in 53A-54. We're talking about intentional murder. Murder with specific intent. And not a felony murder. That would be my understanding, and I state that for clarification, and also for legislative intent.

Secondly, I think it would be very clear about what this amendment does. Granted it does remove discretion. But

let's look where we're moving discretion away from the courts.

We're doing so in the case of murder and not felony murder. We're doing it in the situation of intentional murder.

Number two, we're doing it in situations where there has been a second violation of a class A felony. And in a situation where we have a third violation, following two previous violations of either a class A or a class B felony. We're not talking about a first offender. We're talking about a second offender of the most serious kind of crime, a class A felony murder and the life.

And we're talking about a third violation, after a class A and class B adjudication. Two times. I think we have to be very very thorough in our thinking, and we have to be mindful of the situations we're talking about.

I recognize the concerns of those who feel that juveniles must be treated differently. But I think what we have in Senate "E" is a very carefully thought out dichotomy as to where we should draw the line. It's a very serious amendment, but I would support it.

REP. AHEARN: (55th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. Aloysius Ahearn.

REP. AHEARN: (55th)

Thank you, Mr. Speaker. I rise to object to Senate "E",

and urge rejection of Senate "E". I too am concerned about juvenile crime and I feel it is perhaps one of the most serious things we have in the state today. But I don't think this is the way to go. I think this is wrong.

If this passes, this means that all cases of juvenile crime involving murder, people 16 to 14 would have to be transferred to a superior court rather than tried in the juvenile court.

I think that what this means is that it's saying the juvenile court is doing a lousy job today. I don't agree with that. I think the people and the judges of the juvenile court are doing a good job today, and I don't know why we would need them if we're going to transfer cases like this to the superior court. I urge rejection of the amendment.

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the motion. Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. I think what we're really talking about here is what is a 14 year-old really like. And I think it's not a question of definition of murder or felony murder or questions of that sort. It's what makes a 14-year-old act up

and act out.

And one thing, I don't think it's possible to recognize in an adult court, is the very profound difference in the nature of motivations of adolescents from the motivations of adults. That an adolescent it seems to me who gets into trouble is usually a child trying very hard to focus all of his efforts on gaining control over his own life. When he is an adult he has that control over his own life and his motives shift.

But if you do not recognize that difference in motives and I do not think you can unless you have some training in this and unless you are focussing on the problem, you are going to end up treating these children as adults. To me one of the most wonderful miracles there is is to watch a delinquent teenager grow up. And believe me they do.

One that I knew for instance, she wasn't ever a murderer, but she did try to kill her mother. She was a pretty seriously delinquent child. She's now a very good citizen, mother, wife, churchgoer. All of the things you want a grown up child to be. And there's almost no resemblance between this and the disturbed teenager that I knew.

Now, as I say, the worst thing apart from trying to kill her mother that she did, was to get pregnant to punish her mother. I think girls have a slightly different way of getting control over their own lives than boys do. Boys tend to do it more over

violence. Girls have the room of punishing their elders through getting pregnant. And they do.

Well I don't think we should then say that because there is a very fundamental difference in the way boys and girls react to the problems of adolescence that we should treat boys as adults when we treat girls in the same kind of situation as adolescents. I would urge defeat of this amendment with everything I've got.

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I oppose rejection of Senate "E". This debate is a little reminiscent to the debate we had in the closing days of the 1978 session of the General Assembly, where we had before us a bill dealing with juvenile offenders and the Senate at that time adopted a similar amendment concerning mandatory transfer of juveniles for serious felony offenses if they had a prior conviction record.

On that occasion we rejected that amendment, necessitating a committee of conference. The conference report never came back to us because, as I said, it was in the closing days of the General Assembly.

We are faced once again with a similar fact situation. We are going to be in session at most only 3 more days. If we reject this amendment, and the Senate readopts it, I'm not sure whether we will have any bill this session dealing with serious juvenile offenders in this state.

Putting that aside, let's look at the merits of this Senate "E". We are not talking about minor juvenile offenses. We are talking about the most serious kinds of crime in our society today. We're talking about murder. In the case of someone charged with murder age 14 to 16, we're talking that person because he has committed, or is alleged to have committed the most serious offense against man, murder, that he be transferred to the superior court and be given a trial like an adult for the commission of a crime that I don't usually consider a juvenile crime.

We are then talking about mandatory transfer of 14 to 16-year-olds if they are charged not only with a class A felony, but in the event where they have a record of a previous adjudication of delinquency for a similar violation, class A felony.

And then we're talking about mandatory transfer if a juvenile is charged with a class E felony, and he has not only one prior offense of a class A or B felony, but two prior adjudications of delinquency for class A or B felonies. I don't think these are such a serious departure from the way we treat

juveniles. I for one would certainly allow for that period of growth of young people where they might get into mischief, and I emphasize mischief. But we are talking about murder. We are talking about rape. We are talking about serious crimes in our society.

And we're talking about juveniles that have prior history of commission of these same serious felony offenses. I for one support this amendment, and urge that if we are serious about doing something to solve juvenile crime, not only the amendment should be considered on its merit, but the fact that we're in the closing days and that to reject this amendment might seriously jeopardize the bill itself, and the bill itself has a lot of merit for attacking juvenile crime in our society.

It's for this reason that I urge opposition to rejection of Senate "E", and adoption of Senate "E".

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this is the kind of legislation which the lines are very closely drawn, opinions are really made up based on the philosophical background and beliefs, so I do not wish to take up much more time with regard to this amendment, because effectively

as far as I am concerned, this Amendment goes to the very gist of this bill.

The bill before us is a result of a one-year study, a number of professionals who obviously looked at this kind of a view of transfer and rejected it. And frankly, Mr. Speaker, when the study came to me in some areas, I even thought that went too far. But I am willing to recognize the concerns that our society has, for juvenile crime. But let there be no mistake, what we are dealing with is a small number of individuals. If you listen to Mr. Jaekle or some of the others who are in favor of this amendment, you'd think we would be sending a thousand kids to jail to protect the streets, well we're not, we're probably dealing with one or two kids.

The study indicates in the whole serious juvenile offenders classification, A, B, C and D, we're talking about 300 and some odd children. When you're talking about murder, you're talking about one or two people. We can give you the statistics, but no one is going to listen to them. Because we're pandering to a fault process and I call upon this General Assembly to rise above that once in a while, and let's seek what's right, let's not go home and say, "look what we did for you today", because we really didn't do anything. And when you're told it doesn't include felony murder, let's read the statute again, it says "a murder".

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And what's the statute saying under felony murder - "a person is guilty of murder" and then goes on to describe felony murder with no intention at all.

Then there is another section of the statute, 53A, 54A. Murder defined. "A person who is guilty of murder when with intent". There's two kinds of murder. This amendment doesn't distinguish those murders. We're talking about 14 and 15 year olds. We're talking about by the time you're 16 you're in adult court anyway, and do any of you really believe that the whole appellate process in a murder or third serious offense, you will get three convictions or two convictions, or even the first conviction on a murder charge within that two year period totally finished to come under this amendment? That's why I ask you to reject this amendment, because you're doing it again. You're going back and saying, "look at that folks, look at what we did for you again today", and you didn't do anything, because that process, that fair process, that process for which we are proud of this country, does take some time and by time they're 16 years old they'll be in the adult process anyway.

There is nothing to fear by rejecting this amendment. But, by accepting the file copy we will have recognized that there is some problems with serious juvenile crimes, that we are for the first time recognizing that all the way down to Class D felonies, which sometimes is yelling at cop, when you're right, when you get

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charged with it.

Mr. Speaker, I urge the members of this House to reject this amendment, and it's not too late. We all know the Senate, they're much better at it than we are. We move it up there today, they've got three days next week to address the bill. We have passed plenty of good legislation in the final days of the Session and we have passed very bad legislation in the final days of the Session based on just those kind of arguments that we don't have time. Let's do it right. Let's send it to the Senate. Let's get this matter over with.

Thank you Mr. Speaker.

SPEAKER ABATE:

Will you remark further?

REP. QUINN: (132nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Quinn.

REP. QUINN: (132nd)

Thank you, Mr. Speaker. Mr. Speaker, the former speaker has just said, that we're doing it again. Yes, we are doing it again. We are debating. Where we care about the victims of crimes in this State.

As a person who has worked with youths, I can tell you that

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after the second time, there's not much more room left, and I'm not talking second status offenses, I'm talking serious crimes which we're talking about in this amendment. The amendment says "A" and "D" felonies. If you look at page 2 of your Legal Office and Research File, you'll see just what those crimes are. We are not talking runaways, truants, we're talking serious offenses. I'm not talking about people who've tried to work with youths, who've dealt with them after their first offense, and have dealt with them after their second offense, have talked to them tried to counsel them, live with them, and yet it happens again. Manslaughter, assault with firearms, kidnapping, larceny, arson. We're talking about those crimes, those crimes are Class D felonies. We're talking of committing those crimes for the third time, Mr. Speaker.

Mr. Speaker, I served on the Judiciary Committee for four years, served on the Barry Commission, I've heard testimonies, I've worked with families, and maybe some of you might expect me to be the other way on this issue, but I'm not, etc. etc. People have come who've been victims, and have said they need some protection. Take a look at a 14 or 15 year old someday. You say at 16 they go to adult court anyways, well 14 or 15 year olds in size or stature very often is not much different than an 18 year old. I submit to you, Mr. Speaker, those crimes are being committed by these people, and I would say this amendment I would not support if it was a first time Class B felony. We certainly have to give these children that break in some instances. But three times, Mr. Speaker, I just can't

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agree with, Mr. Speaker. I think we have to reject this movement to reject the amendment, and to pass the amendment and pass this bill, Mr. Speaker.

REP. HOFMEISTER: (117th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hofmeister.

REP. HOFMEISTER: (117th)

Mr. Speaker, the articulation on the amendment has been very valuable, I'm sure to all of us. However, I feel that the people that I represent in my district and my neighborhoods back home, are not happy with this judicial system, are not happy with what we've been doing the last several years, and they support this kind of legislation. In addition, Mr. Speaker, when it comes time to vote on this bill, I would request that the vote be by roll and at that time if we should agree that it be by roll, that you explain the vote.

SPEAKER ABATE:

Thank you. The question is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Requisite 20% having been satisfied, when the vote is taken it will be taken by roll.

REP. JOHN PIER: (15th)

Mr. Speaker.

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SPEAKER ABATE:

Representative John Pier.

REP. PIER: (15th)

Mr. Speaker, Ladies and gentlemen. We don't have to be in favor of juvenile crime to reject this overkill amendment. We will be very brief but the facility exists within the present system, at the discretion of the judge, to make the kinds of transfers people would like to see in certain extraordinary circumstances.

But the argument has not been made, nor was it made in the professional studies that were prepared to eliminate this kind of discretion. We number one, already got that facility. Number two, in the system and in the amendment as proposed, we're not talking necessarily about someone who has committed murder, we're talking about someone who is charged with murder. I suggest that there is a significant difference. Not necessarily with repeat offenders or anything else.

There is another part of the amendment that says all you have to do is be charged with murder, you are automatically transferred over, you lose the protection of the expeditious hearing, you sit in languish on the Court docket in the same way as anybody else charged with a capital felony right now does, and ultimately run the risk at was pointed out by Gardner Wright of even being in prison for life for something you did between the ages of 14 and 16.

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Now, that might be the right answer in a particular individual case, but it's not the right answer to mandate.

I urge rejection of Senate Amendment.

SPEAKER ABATE:

Will you remark further?

REP. MORTON: (129th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Margaret Morton.

REP. MORTON: (129th)

Mr. Speaker, I would like to join those who are urging you to reject this amendment.

Mr. Speaker, we have heard said on this Floor, that we would do violence to this legislation if we reject it and take our chances on sending it back to the Senate. Ah, it's alright when we want to put amendments on and send the bill back to the Senate, that's perfectly alright, but let's not do it with this piece of legislation.

I say reject this amendment, do as the Chairman of the ..... as urged us to do, and let's send it back. Mr. Speaker, we in this House are a different body than the one upstairs, we do our will to legislation many times, and I would just like to say that it has been my experience that justice is not equal - those who would get out from under this legislation are those who

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have money, and those who have power, the poor will be the ones who will suffer, even if it's mandatory. I cannot support this, I urge rejection of this amendment.

SPEAKER ABATE:

Will you remark further on the motion.

REP. WELLMAN: (76th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Arnold Wellman.

REP. WELLMAN: (76th)

Mr. Speaker. Speaking as one who has worked in the probation department for some three years before coming to this Assembly, I can say that in my experiences with the Probation Department, I have worked on some 100 cases with youthful offenders, worked on some 20 or 30 very hedious situations where I had to conduct precinct investigations, and I say that the major premise here today I think is back to the 14 or 15 year old, who is a very immature person of a very tender year.

In my experience that is not the case.

A person at the age of 14 and 15 committing a very hedious crime of felony, knows exactly what they are doing, on a resitivism case, continual matter. I have had many, many situations conducting precinct investigations on youthful offenders, who have done it

time and time again.

We have to begin to hold these young people accountable for their actions. More than responding to a small number of incidences, as defined in this amendment, we are responding to a cry in every constituency here today. Today, to put some teeth in to our juvenile laws.

I sponsored a number of proposals, last session and this session to the Judiciary Committee, in a response to this kind of thing. They never even made it to a public hearing. I think it's incumbent upon us to respond to this. We must put these youths on notice that they will no longer get a slap on the wrist when they commit a very heinous crime. I urge acceptance of this amendment, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the motion?

REP. MOYNIHAN: (10th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Timothy Moynihan.

REP. MOYNIHAN: (10th)

Mr. Speaker, I'd like to further the remarks of Rep. Wellman, and I think we've heard from certainly an individual who has had a lot of experience in the field.

I think the fundamental problem here is the limited period

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of sentencing, and I'm sure there's some very learned attorneys in the room that have dealt with this matters. We've heard from Rep. Pier, and Rep. Tulisano. Would either of those two gentlemen be prepared to respond to a question regarding, through you Mr. Speaker, the question of the 15 year old or 14 year old who has been convicted of murder. What is the maximum period of time that that juvenile can be incarcerated under our present law?

SPEAKER ABATE:

Rep. Tulisano, will you respond, sir?

REP. TULISANO: (29th)

Through you, Mr. Speaker. I believe with modification made this year, it is under juvenile court, four years.

SPEAKER ABATE:

Rep. Moynihan.

REP. TULISANO: (29th)

Mr. Speaker, may I? Prior to this modification this year, it was two years.

REP. MOYNIHAN: (10th)

I think this is the problem, and I think this is really what we're talking about. Prior to this time, it was two years and then a period of review and there was a possibility of another year period. We're talking about some of the most outrageous crimes that are perpetrated in this State. Perpretrated by segments of our population in these age categories. The Amendment "E" that you have, and I would

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urge its rejection, is the result of a study by Program Review Committee with quite extensive investigation into the types of cases, the nature of those cases, and it became very clear in that process that the very short rehabilitation period that was provided for in our law, was most inappropriate for these extraordinary crimes. I think part of this problem, I think this problem has been one of our major problems in the cities where the elderly are beaten and stabbed, and robbed, and the juvenile offenders are back out in the streets in a year or two, and I think we need the kind of team that is provided in E to deal with these cases.

I would urge rejection of the amendment. Rejection is a motion and approval of the amendment.

REP. SHAYS: (147th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Christopher Shays.

REP. SHAYS: (147th)

Thank you, Mr. Speaker. Mr. Speaker, I feel that the file copy is the positive step and I'm not sure that Senate "E" is a positive step, therefore my doubt tells me that I should vote against Senate Amendment "E". But I would like to take issue with those who say that the juvenile courts are doing a good job. Who knows what kind of job the juvenile courts are doing?

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How do we know the juvenile courts are doing a good job. The entire proceedings are held behind closed doors and the results of those proceedings are never made public. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the motion.

REP. OSIECKI: (108th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Clarice Osiecki.

REP. OSIECKI:

Mr. Speaker, I think that the discussion on this politically motivated amendment is disguising what's in the file. Now those of the legislature who have worded in developing this file, included members of program review, Senators, Housemembers, judges, those who are the toughest people, members of the public who deal with juveniles.

It took a long time to come up with something that would be a positive step.

The amendment is a mandate and in defense of the amendments it's being forgotten, that the final offender from A-D felonies shall have a transfer hearing, so please I hope you won't think that the file cabinet is nothing and this amendment is something we can all take home to the public, because it's all ready there in the file copy, undertoday's law, a 14 year old can be trans-

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ferred to Superior Court for an "A" Felony, for a murder. A 14 year old can be transferred under the file copy as Rep. Tulisano said if he punches somebody. A "D" Felony. You'll have a transfer hearing to adult court.

Juvenile Law is something the legislators decided they wanted to keep on the books, I don't want any teenage murderer allowed to do it a second time anymore than anyone else does here. But I think what the file copy represents, is the much tougher answer, because we're talking about the entire spectrum of juvenile crime.

The amendment addresses itself to A and B felonies. The file copy addresses itself to all felonies and potential transfer on the second offense of a much lesser felony than murder. The file copy is a good piece of legislation and I think that the Senate Amendment would like us to believe that the file copy doesn't go far enough - it does much more than the Senate Amendment would do.

SPEAKER ABATE:

Would you remark further?

REP. LEARY: (37th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Leary.

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REP. LEARY: (37th)

Mr. Speaker, I rise to oppose this amendment. I think we've had a long debate and I find it rather disturbing that we really haven't talked about the crux of Amendment "E" and what it comes down to is apparently how the General Assembly feels about Judges. Because, Section 3, says the Court 'shall' transfer rather than 'may' transfer. I think we all know or we should know, that the Judges right now have the power to transfer these juveniles to the Superior Court for trial for commission of murder, Class A felonies, and we're increasing that list in the file copy, so all this amendment does, is tell the Judge you don't have discretion anymore, we don't trust your judgment. We don't want you to decide, we're going to tell you in advance that you can't make a choice. You're going to be mandated.

And, I have heard this before in a number of other bills, and I find it fascinating that we turn down merit selection of judges, we rubber stamp every judicial nomination that comes before us, and yet we turn around and say that we don't trust our judges enough to let them decide what case should be transferred to the Superior Court and what shouldn't. What you're saying is, no matter how mitigating circumstances, no matter how heartbreaking the situation the judge has got to do it. You don't want him to exercise his judgment.

Well, I think we ought to be more consistent in these things.

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You know, we talk about the decline of standards, we talk about permissiveness, everytime we vote against our conscience, everytime we do something because its popular, even though we think it's wrong, we undermine the standards ourselves, and I think we ought to set an example here and I think we ought to defeat this amendment.

REP. MOSLEY: (72nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Maurice Mosley.

REP. MOSLEY: (72nd)

Just very briefly, Mr. Speaker. I urge rejection of the amendment. The proposal of the amendment, that the rational I presume that the adult court is working well. I don't believe so.

Years ago there used to be one system and the juveniles used to be treated under that one system, the adult court. The reason why it was changed and the reason why we have a juvenile court is because that system was not working well.

I for one believe that the juvenile court has more tools to work with in regard to treating juveniles, and this amendment will give the public a perception that we're doing something to alleviate the juvenile crime problem, but we're not. And it's just window dressing. Thank you, Mr. Speaker.

REP. RAPOPORT: (73rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Natalie Rapoport.

REP. RAPOPORT: (73rd)

Thank you, Mr. Speaker. I rise to urge the rejection of the motion. And it's not easy for me to do that. I've been to the Juvenile Commission meetings. I've sat is many times in probate court. And I've seen parents having problems with their children, even over a father's estate, and threats going right across the isle, that you never know are going to happen or not.

I've gone to juvenile courts. And it's a very difficult decision for us to make. And I don't believe it's a political decision whatsoever. I've had problems in my district where there have been, I believe six murders, done by juveniles, under the age of 18, 14 to 16, and 16 1/2. The proof of the pudding is when we've left it up to many judges. Their hands have been tied because there was no portion of state statute that would mandate, mandate the transfer.

And yes, this is a very tough amendment. But these are tough crimes we're talking about. We're not talking about steeling a candy or swiping a bicycle. We're talking about a murder. We're talking about second and third offenses for serious crimes. We're talking about people who have entered

homes, and blackjack, mugged, and hurt victims. We're talking about people who have been hurt regardless of their color, or their financial standing in the community.

We're talking about serious things that probation officers have come forward to us and asked for. These are not just things that have come out of a pie out of the sky. There are tough crimes, and this is a tough sentencing. And if it does create some area for judicial decision, let's take in mind what was asked for and that will be spoken about again by someone else, in a review commission that looked at this.

Yes, it is a tough decision to make. And it's up to us to make it.

SPEAKER ABATE:

Will you remark further on the motion.

REP. KEMLER: (18th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Joan Kemler.

REP. KEMLER: (18th)

Thank you, Mr. Speaker. I rise to support the amendment to, and to reject the motion, to reject the amendment. I want to remind this body, that whereas Rep. Tulisano spoke of the task force that came to the conclusion that this should not be the approach, our own Program Review Committee after a long and

intensive study by partisan committee I remind you, came to the conclusion that it embodied in this amendment. The very same conclusion of the Program Review Committee is amendment "E".

And it was the conclusion of Program Review after reviewing all kinds of agency documents, after interview with officials in juvenile court, and site visits, listening to people who work in the system, that the short term rehabilitative treatment approach for juveniles who have committed these very serious offenses, was not an appropriate one.

Rather, that the proper approach should be the one that is spelled out in amendment "E". And I would hope that this body would approve that amendment.

REP. BERMAN: (92nd)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further?

REP. BERMAN: (92nd)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. Rosalind Berman.

REP. BERMAN: (92nd)

For the second time.

SPEAKER ABATE:

Second time, madam.

REP. BERMAN: (92nd)

Yes. I want to address myself and to associate myself with the remarks of those who have made mention that some of the most hideous crimes in our society are committed by juveniles under the age of 16. But I'm concerned that this amendment is not the get tough amendment that people seem to think it is. Because in our adult course, first time serious adult offenders, they're very often put out on, let out on probation, or there is plea bargaining.

The file copy of this bill does not permit for plea bargaining for serious offenders, and it does allow, as a matter of fact, it mandates, mandatory sentencing for juvenile offenders who have committed serious crimes.

I think that society will be better protected with the file copy of this bill than with the amendment.

REP. MATTIES: (20th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. Charles Matties.

REP. MATTIES: (20th)

Thank you, Mr. Speaker. Mr. Speaker, I would hope that we would adopt this amendment. Sitting here listening to some of the comments today, I had to reread the amendment because you get the impression that the amendment says "send them to the

chair" or "shoot them." It doesn't say that. It just says let treat them differently. Let's treat them after, as adults, after the second commission of a crime. We're not removing the discretion of the judges. There is still going to be judges sitting there and making the decision, or juries.

All we're saying is things have gotten out of hand, let's change the process a bit, but they're still going to be protected by all of our laws all of the way. Thank you.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. Tulisano.

REP. TULISANO: (29th)

Permission to speak for the third time.

SPEAKER ABATE:

Is there objection? Is there objection? Hearing none, pursuant to the rules, the Chair will find that there is unanimous consent and you may proceed to address this issue for the third time, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, speaking on the amendment, before the vote is cast on this amendment, I just hope that this body would realize that all of these mandatory transfers as has been indicated, by Rep. Berman, go into the adult court. With all the delay, with

all of the weight, as in indicated with the plea bargaining, and with the treatment that exists in the adult court now, are some of those things that people do not like.

But we do know, Mr. Speaker, members of this House, that the surest way, the surest way to stop crime it swift and sure punishment. Something, unfortunately, we do not provide most of the time. But the file copy does provide for swift and sure punishment of serious juvenile offenders. It mandates within 30 days there will be a trial of serious juvenile offenders. With a prosecutor, as I indicated earlier, not with a social worker.

It insures that there will be a secure facility in which to punish these children in. Just what you're looking for. But oh no. Oh no. We're going to take them out of that situation and we're going to send them over to superior court. And maybe in a year they will have a trial. And by that time, maybe, they haven't gotten their swift and sure punishment and don't really know what the system is about, and as impressionable as the young are, maybe they'll decide to act out once again, and for sure the second time they can stand in line again at the superior court regular adult docket.

But maybe, if we adopt the file copy, it got them that swift and sure punishment. With that swift and sure punishment, we might achieve some rehabilitative efforts for young people,

so they can grow up into this society and become productive members of the future.

You know, this amendment might act just the reverse of what it attempts to do. I don't intend to belabor the point, Mr. Speaker. I hope we will now be able to vote on the amendment, and then get to the bill.

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, through you, a question to Rep. Tulisano.

SPEAKER ABATE:

State your question please, sir.

REP. VAN NORSTRAND: (141st)

Rep. Tulisano, do you have any, you mentioned some statistical information. Do you have any indication for this Chamber as to, for instance, how many children of the ages 14 or 15 were arrested for a charge of would be murder in the last calendar or in any other measurable period?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

I don't have murder, but in Connecticut, it appears that the juveniles involved in serious crime as defined, it's all of them. Among the 3.3 percent of 8,859 juveniles referred to juvenile court in 1977. And the report indicated there is no indication that there has been an increase in the number of juveniles arrested for serious crimes in recent years. And in fact, in 1977, there was significantly less than 76, and I think, that in fact as time has gone on, serious juveniles crimes has gone down, which is not reflect in the popular understanding of it.

But I don't have it for murder. I know of only one case, frankly that I know about in the state.

REP. VAN NORSTRAND: (141st)

Thank you, Rep. Tulisano. I suspect your close to right with one in any given year.

You know, Mr. Speaker, it's an easy issue in some respects in terms of political votes and what have you and the mood of the public, and I have always tried to approach my duties here with reason. But I suspect that one case may be about all you're talking about. And I came to this, and listened to this debate earnestly.

I suspect the imagined consequences of adoption and enactment into law, and I say imagined, and I'll address that, of this amendment, would probably effect the very people

Mrs., Rep. Morton talked about, more than others. And I could do readily a good law and order speech. I'm not a law and order zealot but I'm aware of the increasing problem of safety on the streets for our older people, and steps we have taken in the last few years to recognize that.

But understand what this would do if this became law. What you imagine it would do. I could do a speech about the class B felonies committed by a 14 or 15-year-old. And there are some pretty strapping 14 or 15-year-olds. Big husky kids. But to get into this, if this amendment were a law to work, take an example of the kind of offense. For instance, a mugging. They'd have to pound the stuffing out of some older person, and they have to do it twice and get convicted twice, all within two years. And then do it a third time before this amendment comes into play.

Or in a class A felony. It's easy to do a law and order speech about somebody who takes a gun into a liquor store and blows away the owner. He has to do that twice. All within this two year period. And I think Rep. Tulisano is right. Get a trial, have an appeal be heard in a two year period, when this person is 14 or 15 years old. You're talking about maybe that one murder. And the present law allows transfer. It's been on the books for a long time that you can transfer to the adult side for premeditated murder.

No I don't accept some of the comments that Rep. Goodwin made. I understand perhaps the wellspring for them that many people are troubled at 14 or 15 and trying to sort their life out. And I don't agree with sorting your life out with premeditated murder, or blowing away the owner of a liquor store. Or beating up old people.

But I don't think this amendment will do it. I don't think, I think the amendment is meaningless. And I think it represents what would ultimately be an exercise in frustrated overkill. Too often I think overkill becomes the owner of the day around here. I would support the House Chairman, that we reject this amendment.

REP. RITTER: (6th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. Ritter.

REP. RITTER: (6th)

I think my district probably has more elderly than any other district in the state. The kinds of questions we have been discussing here are the meat of campaigns in our district. I just will limit my remark to express appreciation at least for myself, and I suspect an overwhelming majority of this House, and to the Chairman of the Judiciary Committee, to the minority leader, and most especially somebody who is not present

at the moment, Mrs. Osiecki, for pointing out for us the realities of this bill.

I will join with the Chairman of the Judiciary Committee. I hope everybody else will as well.

REP. VARIS: (90th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the motion? Rep. Varis.

REP. VARIS: (90th)

Mr. Speaker, I would disagree with the previous last two speakers, and for those that don't have an amendment in front of them, there is only one crime that requires automatic transfer to the superior court. Only one, unless they have a prior juvenile offense. For the charge of murder, it is automatic.

In the second instance, they'd have to have a prior offense of a class A or a class B felony. And for the third instance, commission of a class B felony, they'd had to been through the system twice, or being charged now for a third time.

I don't think it's as overpowering as those that support rejection of this amendment would have you believe, except in the one instance of murder, you'd had to been through the system either once or twice. And I would urge support of the amendment and rejection of Mr. Tulisano's motion.

SPEAKER ABATE:

Will you remark further?

REP. JOYNER: (12th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walter Joyner.

REP. JOYNER: (12th)

Thank you, Mr. Speaker. Would you please, for clarification, explain the vote on this. Is this a rejection?

SPEAKER ABATE:

The Chair will, when the time is appropriate, sir, explain the vote.

Will you remark further? Will you remark further? If not, the Chamber should be aware of the fact that the motion before us is a motion to reject Senate Amendment Schedule "E". A "yes" vote represents a rejection of the amendment. A "no" vote represents acceptance of the amendment. Therefore, a "yes" is a "no", and a "no" is a "yes".

Would all the members please be seated? Would the members please be seated. All staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately. The House of Representatives is voting by roll at this time.

Would the members please return to the Chamber immediately.

For those individuals who were not in the Chamber the time the Chair explained its vote, the motion before us is to reject Senate Amendment Schedule "E". A "yes" vote represents obviously the rejection of Senate Amendment Schedule "E". A "no" vote represents acceptance of the amendment.

Have all the members voted? Have all the members voted. Would the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally.

REP. SORENSON: (82nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Sorenson.

REP. SORENSON: (82nd)

Mr. Speaker, my vote is cast in the negative. I wish to be cast in the affirmative, please.

SPEAKER ABATE:

The Journal will so note, Rep. Sorenson has cast his vote in the affirmative, rather than in the negative.

Will the Clerk please announce the tally.

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CLERK:

On motion to reject Senate "E" to Senate Bill 1227.

Total number voting 136

Necessary for passage 69

Those voting yea 65

Those voting nay 71

Those absent and not voting 15

SPEAKER ABATE:

The motion fails. The amendment is adopted. Will you remark further on this bill as amended? Will you remark further on the bill as amended.

REP. WALSH: (53rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walsh.

REP. WALSH: (53rd)

Mr. Speaker, I think we've debated the bill in its entirety. I rise to just briefly not take issue of the merits of the bill itself, but to point out that in my judgement, we're creating additional responsibilities and duties for the Department of Children and Youth Services. And I don't think we're adequately providing for those add-ons in terms of things fiscal.

And I know that in subsequent sessions of this legislature, members of this House are going to be standing up and again

criticizing DCYS for not doing its job, and I want to point out to the membership now that they're not going to be doing their job in this case either, because we're putting out mouths up there, but we're not putting any money with it. I oppose the bill.

SPEAKER ABATE:

Will you remark further on the bill as amended?

REP. YACAVONE: (9th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Muriel Yacavone.

REP. YACAVONE: (9th)

Mr. Speaker. I support the bill. I really don't think it's going to put a great burden on the Department of Children and Youth Services, because I believe that there are not that many serious offenders, however horrible the problem is, whether it's one or two individuals. There is a security unit at Long Lane. It presently holds something like 20 inmates. This is an indication, I think, that it is a small percentage that we are so very much concerned about, because of their commission of serious crimes.

The effective date I assume is October. If we pass this, we do need new facilities. We'd better give them to the Department and not criticize the Department for not doing its job as we so often do.

SPEAKER ABATE:

Will you remark further on the bill as amended? Will you remark further? If not, would all the members please be seated. Would all staff and guests please come to the well of the House. The machine will be opened.

The House is voting by roll at this time. Would the members please return to the Chamber immediately. The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

REP. HANZALEK: (61st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hanzalek.

REP. HANZALEK: (61st)

In the affirmative, please.

SPEAKER ABATE:

The Chair will so note.

Have all the members voted? Have all the members voted? Will the members please check the roll call machine to determine if their vote is properly recorded. Rep. Neumann, I would not do that to you, sir. Have all the members voted?

REP. TULISANO: (29th)

Mr. Speaker.

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SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

A point of inquiry.

SPEAKER ABATE:

Have all the members voted? Have all the members voted?  
 Would the members please check the roll call machine to determine  
 if their vote is properly recorded. The machine will be locked.  
 The Clerk will take a tally.

The Clerk please announce the tally.

CLERK:

Senate Bill No. 1227, as amended by Senate Amendments "A",  
 "D" and "E".

Total number voting	138
Necessary for passage	70
Those voting yea	123
Those voting nay	15
Those absent and not voting	13

SPEAKER ABATE:

The bill as amended passes.

REP. :

Mr. Speaker.

SPEAKER ABATE:

At this time, the Chair will entertain points of personal  
 privilege.