

Legislative History for Connecticut Act

SB663 PA313 01/04 1980

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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JOINT  
STANDING  
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HEARINGS

JUDICIARY  
PART 4  
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JUDICIARY

March 20, 1980

MR. COFFEY: (Continued)

section, subsection c on the provision for an expedited hearing before the Supreme Court. I'm just concerned that such a provision might create some havoc with the Supreme Court docket. As you know, the Supreme Court docket is tremendously overburdened at this point and we would be very concerned--

SEN. DE PIANO: That rule of excluding anyone from the court, including the press, is very rarely used and is very stringent and I think it's worked pretty well so far. I would take a look at this, but--you're referring to the fact that it would take a lot more court time to determine whether or not that was a proper exclusion.

MR. COFFEY: That's right. That's right.

SEN. DE PIANO: There are remedies available I think, on the civil side of the court for anybody excludes an injunction and--that are available now. Okay.

MR. COFFEY: And finally, I would like to speak to Committee Bill 663, the Act Implementing the Law Revision Commission, the technical revision of the Criminal Procedures statute. I'd just like to point out that I was given an opportunity along with representative from the Public Defenders Services Commission and the Division of Criminal Justice, to review the draft of this Bill as they were prepared by the Law Revision Commission and was given an opportunity to make comments and discuss them with Mr. Clough, the Executive Director of the Commission and I know that my comments were considered in the preparation of this draft. I do believe that this Bill represents a substantial improvement in the statutes now as far as organization and readability are concerned and that we would support it. Thank you very much.

SEN. DE PIANO: Thank you. Question.

REP. PARKER: Representative Parker. I will ask the author the same question but in your review of this, are they really technical revisions or are all of them technical revisions?

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MR. COFFEY: Yes, I think I can safely say that they are.

REP. PARKER: Thank you.

SEN. DE PIANO: Thank you. For your information, and I'm talking to the people here at the hearing, what I've been doing is--we have two sheets. One that lists legislators and Commissioners and one that lists the public, so I'm going one for one. I'm calling one from one list and one from the public so I'm trying to get an even balance if I can. All right. Steven Dorfman.

MR. STEVEN DORFMAN: Good morning. My name is Steven Dorfman. I'm the Director of the Community Corrections Project in New London. It's a P-prep program working with ex-offenders, providing support services for them.

SEN. DE PIANO: You're on 5988.

MR. DORFMAN: I'm very much in favor of this Bill and basically for five reasons. One, is that it provides a legal mandate for Community Corrections to be established and second, is that it involves a state plan which is thought out where there is local input and where it can be identified. Third, that it calls for a full range of services; for victims, for offenders and for ex-offenders. And it provides for a variety of different ways to have these services.

Fourth, is that it calls for some kind of a plan for a formula of funding device could be enacted. We will have rules. There will be criteria and there will be a whole method established. And last, it calls for a service area where the state will be set up in five different regions. The other main thing is that the Bill has no cost. There will be no cost to get the Bill. There will be no cost to implement these programs because there's already a line item with--

SEN. DE PIANO: How do people get into the program?

MR. DORFMAN: How do people--clients?

SEN. DE PIANO: Yes. Somebody falls within the subject matter

MR. CADY: (Continued)

support of three Bills which your Committee has raised at the request of the Law Revision Commission. Bill 663, An Act Implementing a Law Revision Commission Technical Revision of the Criminal Procedures Statutes; 664, An Act Implementing the Law Revision Commission Technical Revision of the Probate Laws; 5942, An Act Implementing a Technical Revision of the Statutes Concerning Human Rights and Opportunities.

Each of these Bills is part of the Law Revision Commission's ongoing technical revision of the General Statutes which was undertaken at the direction of the General Assembly in 1977. I want to emphasize two points; first that these are intended to be technical revisions and they are not intended to make any change in the substance or meaning of the law, despite the fact that in some cases they do change the actual language of the law.

This is consistent with the history of technical revisions in Connecticut and this is how a long line of court decisions have interpreted language changes made by technical revisions in the past. I'd also like to emphasize that these Bills represent only a part of the Commission's work on each of the three areas of the law being revised. These Bills enact only the language change aspects of our revisions work.

Another important aspect of our technical revisions work is the reorganization of statute sections in denute chapters which, to the extent possible, contain all of the statute sections relevant to the subject matter of the chapter. For example, the statutes dealing with the release on bail pending trial, used to be scattered throughout Title 54. The commission has gathered these sections into one new chapter entitled, "Release from Custody". This rearranging of sections makes the statutes easier to locate, easier to compare and easier to use because it presents the user with one statutory scheme on one subject and it can be found in one place.

As noted, these proposed rearrangements are not contained in the Bills before you. It is within the discretion of the Legislative Commissioner's Office to adopt them in the

MR. CADY: (Continued)

next recodification of the General Statutes. This proposed new arrangement of the statutes, as well as the proposed language changes would comment explaining those language changes, they're set forth in the commission's draft revisions. Copies of these draft revisions have been sent to the co-chairmen and the ranking members of the Committee and extra copies have been deposited with your Committee Clerk so that Committee members may review and study our proposed revisions.

I have with me, one copy of each draft revision which I shall deposit with the Clerk and which I request be forwarded to the State Library with a transcript of this hearing so that the public may have access to them.

They are particularly valuable for those doing research on legislative history.

One other point, I would like to stress briefly, Bill 663 dealing with criminal procedure, was not prepared in a vacuum. The revision was developed in consultation with the Chief State's Attorney's Office, the Chief Public Defender's Office and the Judicial Department. Because these statutes used to be arranged to reflect the two tier court system, and because so many new laws have been added to this title since the last revision in 1958, this title became difficult to use. I feel that this proposed revision is an improvement.

Likewise for Bill 664, concerning probate courts and procedure. This revision was drafted in consultation with the Probate Court Administrator's Office and the Estates and Probate Section of the Connecticut Bar Association. Also, it has been reviewed by ten Probate Court Judges.

Finally, Bill 5942, revises and consolidates the statute pertaining to Human Rights which are administered by the Commission on Human Rights and Opportunities. Again, I wish to stress that this is purely a technical revision and it is not the intention of the Law Revision Commission to make any substantive changes in these particular statutes. We have, however, made an effort to rearrange the statutes which are now scattered throughout the various

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Without The Permission Of The Owner with the Favorable Report of the Committee on Judiciary.

SENATOR DEPIANO:

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

THE CHAIR:

Will you comment, Senator?

SENATOR DEPIANO:

Yes. This would make it a Class B misdemeanor to take a boat without the owner's permission. It would be punishable by imprisonment for up to six months and/or a fine of up to \$1,000.00. If there's no objections may it be placed on the consent calendar?

THE CHAIR:

Further comment on the bill? Any objection to the movement to consent? Hearing none, so ordered.

THE CLERK:

Calendar No. 395, File 507, Substitute for Senate Bill No. 663. An Act Implementing The Law Revision Commission's Technical Revision of the Criminal Procedure Statutes with a Favorable of the Committee on Judiciary and the Clerk has an amendment.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

Mr. President, I move for acceptance of the bill.

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THE CHAIR:

Will you comment? There is an amendment, I believe.

SENATOR DEPIANO:

I'm not aware of the amendment.

THE CLERK:

The Clerk has Senate Amendment Schedule "A", LCO 3610 submitted by Senator DePiano. Copies have been distributed.

SENATOR DEPIANO:

I'm familiar now with the amendment. I move for acceptance of the amendment. It's to further make a technical correction which was left out in the original bill. If there is no objection, I move for passage of that resolution. The amendment.

THE CHAIR:

Any further comment on the amendment? Hearing none, all those in favor of the amendment signify by saying yea, all those opposed? The amendment is adopted.

SENATOR DEPIANO:

Now, Mr. President, I move for acceptance of the bill as amended. This bill would make various technical amendments to the statutes relating to the criminal procedure act. If there's no objection, may it be placed on the consent calendar?

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Moving to page 11 of the calendar, Calendar No. 396, File

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Page 15, Calendar 428. Page 17, Calendar 440, 443, 445 and  
446. Page 18, Calendar 449, 450, 451 and on page 36, Calendar  
30. That concludes today's consent calendar. ~~SB 361, HB 5015, SB 100,~~

THE CHAIR: ~~SB 24, SB 574, HB 5829, HB 5130, SB 533, SB 663, HB 5831, HB 5535,  
SB 417, SB 52, SB 321, SB 552, SB 67, SB 354, SB 424, SB 544,  
SB 694, SB 168, HB 5640, HB 5538, HB 5522, HB 5577, HB 5584, SB 163~~  
Announce an immediate roll call on the consent calendar,

please?

THE CLERK:

An immediate roll call has been called for in the Senate.  
Will all Senators please take their seats. An immediate roll  
call has been called for in the Senate. Will all Senators  
please be seated.

THE CHAIR:

Machine is open. Have all Senators voted? The machine is  
closed and the Clerk will take a tally. The vote is 34 yea,  
0 nay, the consent calendar is passed. I understand the Clerk  
has two items to be tabled Senator prior to adjournment.

THE CLERK:

The Clerk has two items to be read into the calendar.  
Favorable Report of the Joint Standing Committee on Finance,  
Revenue and Bonding, Substitute for Senate Bill No. 736, An  
Act Concerning the Functions of Licensing Boards and Commissions.

THE CHAIR:

Table for the calendar and printing please.

THE CLERK:

Favorable Report of the Joint Standing Committee on  
Appropriations, Substitute for Senate Bill No. 641, An Act Con-

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For the information of the membership, the Senate has placed us in a posture of disagreement regarding House Bill 5163, which previously appeared on our Calendar as File 45, Calendar 344. The Act is entitled, AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS, pursuant to the provisions of the Joint Rules specifically rule 22 of the Joint Rules regarding the creation of Committees on Conference, it is my pleasure to appoint Reps. Goodwin of the 54, Orcutt of the 98th and Osler of the 150th to said Committee on Conference. Since the disagreement was caused in the Senate, the report of the Committee will be made first to the Senate.

I urge those members to gather with their Senate colleagues as soon as possible for purposes of coming to a conclusion regarding action on this stated bill.

Would the Clerk please return to the Call of the Calendar.

CLERK:

Calendar page 8. Calendar 650. File 507. Substitute for Senate Bill 663, AN ACT IMPLEMENTING THE LAW REVISION COMMISSION'S TECHNICAL REVISION OF THE CRIMINAL PROCEDURE STATUTES, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

I move for acceptance of Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER ABATE:

The question 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, the Clerk has an amendment, Senate Amendment Schedule "A", LCO No. 3610.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 3610, previously designated Senate Amendment Schedule "A". Would the Clerk please call and read the amendment?

CLERK:

LCO 3610 offered by Sen. DePiano of the 23rd.

In line 158, delete the opening brackets before no.

In line 1512, after 1-25, insert the words of the general statutes.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

The amendment is in your possession, sir, what is your pleasure?

REP. TULISANO: (29th)

The adoption of the amendment.

SPEAKER ABATE:

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

REP. TULISANO: (29th)

Mr. Speaker, it's technical, it corrects the file copy in clarifying one that we're talking about the General Statutes and removing of brackets, it doesn't belong there.

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 aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. It's adopted. And it is ruled technical.

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 file copy before us as amended implements as it is titled, the Report of the Law Revision Commission headed by Professor Cady of the University of Connecticut School of Law in which they've recodified title 54 of the General Statutes. It is technical in nature only, there are no substantive changes in the law.

It simplifies and clarifies the existing statutory language. Hopefully, it improves the readability of the statutes and removes redundant and/or obsolete language. And corrects and updates references among the statutes.

It has been reviewed by the Chief Public Defender's Office, the Chief State's Attorney and the Office of Chief Court Administrator and all, as well as our of course our own Legislative Research and they've all agreed it's technical in nature and support its passage. And I urge you to do so also.

SPEAKER ABATE:

Will you remark further on the bill as amended by Senate

Amendment Schedule "A"? If not, would all the members please be seated. 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.

SPEAKER: 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. Have all the members voted? The machine will be locked. The Clerk will take the tally. Clerk please announce the tally.

CLERK:

Senate Bill 663 as amended by Senate Amendment Schedule "A".

Total number voting	140
Necessary for passage	71
Those voting yea	140
Those voting nay	0
Those absent and not voting	11

SPEAKER ABATE:

Bill as amended passes.