

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 4
876-1126

1980

MR. HOLZBERG: (Continued)

on a writ of habeas corpus, the court must decide at the time of the hearing whether the patient would be committable under 17-178. That necessarily requires psychiatric evidence.

This amendment would provide for that psychiatric evidence. Finally, one brief comment. We took, as best as we could determine, the number of hearings in all last year, there were about 40. We do not think that these amendments would substantially increase the hearings. The machinery is already in place for appointment of attorneys and for appointment of psychiatrists and we do not believe that it would place an undue burden on either the Probate Court or on the Department of Mental Health. Thank you.

REP. TULISANO: Thank you. Patricia Graves?

PATRICIA GRAVES: Good morning Mr. Chairman, members of the Committee. My name is Patricia Graves, I am here in support of Bill No. 5845 An Act Concerning Incest. My purpose for my presence here this morning ladies and gentlemen, has to do with the fact that I am indeed in support of 5845 with the hope that if passage of this bill occurs by your Connecticut legislature, that hopefully placing this under the Sexual Assault statute of sexual assault second degree, that we will have in some way protected the victim of the offense of incest.

As you probably are all aware the crime of incest identifies its victim through newspaper publicity at which point in time when we, as a police agency, make an arrest for the crime of incest, we have immediately identified not the individual, but a member of the family as being a victim of this offense. I therefore would like to request that not only is this bill passed, certainly that you consider placing it under the Sexual Assault statute which would mean second degree, placing it as a Class C felony because incest at this point in time is a Class D felony, which would certainly make the offense of incest a much more serious offense, but, at the same time, hiding it within the sexual assault statute, therefore we would not be identifying the victim. Thank you.

REP. TULISANO: Similar to last year's

MS. GRAVES: Yes sir, it is. That is correct, Thank you.

REP. TULISANO: Charles Hoyt?

CHARLES HOYT: Ladies and gentlemen, I'm addressing Bill No. 5791. My name is Charles Hoyt, I've a short statement to make. I have spoken to this Committee on two other occasions and you all know my feelings on capital punishment.

We're not here to change the Constitution of the United States. I want everybody to know that. We're here because we want justice, all right? Not only justice for the criminals but justice for the victims. We need drastic, drastic, I say, changes in the laws pertaining to murder, I have received numerous letters and telephone calls from citizens throughout Stamford. And if we don't have some changes in the laws ladies and gentlemen, the citizens of the state of Connecticut are going to end up taking the law in their own hands. Thank you.

REP. TULISANO: Gregory Vickers.

GREGORY M. VICKERS: My name is Gregory Vickers, I'm from East Haddam, Connecticut. I'm here today to speak on two bills, one 5853, the compensation act. In 1977, actually in August of '77, my daughter was murdered and I fully know the expenses which were incurred at that time and I'm sure that there's many, many other people that have also gone through that. However, I would suggest that maybe that what you should do to try to amend that perhaps in two ways. One being that it should include the immediate family of the victim and/or also the legal guardians.

I don't think you really want to go beyond that. The second bill that I'd like to talk about is 5791 and I believe that Mr. Ebersold and Mr. Hoyt and so many others have already expressed some of my views. I'd like to speak as an individual and as a member of the National Rifle Association. One of about a million and a half. Number one, the NRA supports more stringent laws concerning the misuse of firearms and I think a lot of people feel that they do not. But a couple of years ago we had, what do you call it? Kind of a poll I guess amongst all members and it was almost unanimous that yes, we do want stricter laws.

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SENATE

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SENATOR BALLEEN:

Just very briefly, Mr. President. I am in total agreement with Senator Cunningham that if we do nothing the problem will take care of itself. He is right. The farmlands will disappear. There will be no farmland left. We will have no problem. There will be nothing to worry about. Thank you, sir.

THE PRESIDENT:

Are you prepared to vote?

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 PRESIDENT:

The machine is open. Have all senators voted?
The machine is closed. The Clerk will take a tally.

Total Number Voting 35. Necessary for Passage 18.

Those Voting Yea 34. Those Voting Nay 1. THE BILL IS
PASSED.

THE CLERK:

Cal. 585. File 418, 782. House Bill 5845. AN ACT
CONCERNING INCEST, as amended by House Amendment Schedule A.
Favorable report of the Committee on Judiciary.

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THE PRESIDENT:

Senator Santaniello.

SENATOR SANTANIELLO: (25th)

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the House. House Amendment Schedule A.

THE PRESIDENT:

Will you remark.

SENATOR SANTANIELLO:

Yes, Mr. President. This bill would really just change the title. Crimes that are now classified as incest would be classified as sexual assault in the third degree and the reason for that is to try to remove some of the stigma of the victims of the crime. It no longer would be labeled as an incestuous relationship and that stigma be attached but it would be assault in the third degree. The House Amendment restores the original penalties. The original file copy had increased the penalties but I think the important part about the bill is the changing of the title and the protection of the victim.

If there is no objection, Mr. President, I would move it to the Consent Calendar.

THE PRESIDENT:

Is there objection? Hearing none, it is so ordered.

The item is placed on the Consent Calendar.

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the session, and please come quickly so that we can do our business and then go on home.

THE PRESIDENT:

Thank you, Senator. Any other announcements at this time prior to the vote on the Consent Calendar. Hearing none, the machine is open. The machine is closed and the Clerk will take a tally.

The vote is 34 Yea - 0 Nay. THE CONSENT CALENDAR

IS ADOPTED, PASSED. SB 245, HB 5773, HB 5576, HB 5769, HB 5845, HB 5138,
HB 5194, HB 5722, HB 5731, HB 5748, HB 5035, HB 5641,

Senator Lieberman. HB 5870, HB 5907, HB 6008, HB 5123, HB 5151,
HB 5425, HB 5638, HB 5686, HB 5908, HB 5109,

SENATOR LIEBERMAN: (10th) HB 5317, HB 5322, HB 5419, HB 5422, HB 5827,
HB 5974, HB 5931, HB 5574, HB 5740, SB 311,

Mr. President, I move ~~for~~ ^{SB 669, SB 577} suspension of the rules

to allow for immediate transmittal to the House of those items that should go to the House.

THE PRESIDENT:

Without objection, the rules are suspended and the items needing further House action shall be immediately transmitted.

SENATOR LIEBERMAN:

Mr. President, I ask that the Senate stand in recess pending the arrival of bills from the House which could be read in to our, ah, and tabled for the Calendar tonight.

THE PRESIDENT:

Those in favor indicate by saying Aye. Those in

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CLERK:

Calendar No. 263. File No. 353. Page 9. Substitute for House Bill No. 5372. AN ACT CONCERNING TEACHER FAIR DISMISSAL AND STAFF LAYOFF PROVISIONS. Favorable report of the Committee on Education.

REP. HENDERSON: (112nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walter Henderson.

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROppo: (63rd)

May this item be passed, retaining its place in the Calendar? Someone who is interested in this particular bill is not here today.

SPEAKER ABATE:

Is there objection to the motion? Is there objection?

Hearing none, it is so ordered.

CLERK:

Calendar No. 268. File No. 418. House Bill No. 5845. AN ACT CONCERNING INCEST. Favorable report of the Committee on Judiciary.

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REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

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

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark?

REP. TULISANO: (29th)

Mr. Speaker. The Clerk has an amendment LCO No. 3537.

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 3537, designated House Amendment Schedule "A". Would the Clerk please call the amendment?

CLERK:

LCO No. 3537 offered by Rep. Tulisano of the 29th.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize?

SPEAKER ABATE:

The gentleman is seeking permission of the Chamber to summarize the amendment in lieu of Clerk's reading. Is there objection? Hearing none, you may proceed with summarization.

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Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this changes from the file copy 53871 to 53872 the section of the existing statutes is being amended with exactly the same language. It maintains that marriage without sexual intercourse would still be incest under the existing statute. In effect, what this legislation does is maintains as a Class B felony incest and the title of incest for one who marries within the degrees of kindred already prohibited in law but shifts to the sexual assault statutes as Class B felonies as existing law that of sexual intercourse, because it has been felt by many people interested in this legislation that children whose parent might be arrested, might be better served if no one would know that they were the object of an incestuous relationship. I move adoption of the resolution.

SPEAKER ABATE:

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

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand

REP. VAN NORSTRAND: (141st)

I would be reluctant to move to pass the matter, but I