

Legislative History for Connecticut Act

HB 6536	PA 183	1983
House 2616, 2817		(2)
Senate 2294-2295, 2331-2334		(6)
Judiciary 408, 714-718		(6)
LAW/LEGISLATIVE REFERENCE DO NOT REMOVE FROM LIBRARY		
		14

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

Connecticut State Library

Compiled 2015

H-340

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 7
2493-2743

kbb

House of Representatives Tuesday, April 26, 1983

REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. At this time, I'd like to place several items on a consent to be acted upon at our next session.

SPEAKER STOLBERG:

Please proceed.

REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. On Page 8, Calendar No. 306, House Bill 6289, File No. 348, AN ACT AMENDING THE CONNECTICUT INSURANCE INFORMATION AND PRIVACY PROTECTION ACT.

Calendar No. 310, Substitute for House Bill No. 7028, File No. 350, AN ACT CONCERNING DEER HUNTING.

Calendar Page 9, Calendar No. 319, Substitute for House Bill No. 6536, File No. 384, AN ACT CONCERNING JUVENILE COMPETENCY TO STAND TRIAL.

Calendar Page 10, Calendar No. 327, Senate Bill No. 267, File No. 191, AN ACT CONCERNING THE EXEMPTION OF CERTAIN BILINGUAL STUDENTS FROM EDUCATION EVALUATION AND REMEDIAL ASSISTANCE TESTING.

Calendar Page 12, Calendar No. 335, Substitute for House Bill No. 6285, File No. 388, AN ACT CONCERNING REDUCTIONS FOR SENIOR CITIZENS COMPLETING AN ACCIDENT PREVENTION COURSE.

H-341

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 8
2744-3005

kts

House of Representatives

Wednesday, April 27, 1983

SPEAKER STOLBERG:

Calendar No. 395, House Bill No. 7182, File 466,

is removed from the Consent Calendar. Is there objection
to any other item on the Consent Calendar?

The motion is for adoption of the Consent Calendar.
Is there objection to any item?

Seeing no objection, the Consent Calendar is passed.

House Bill No. 6289, File No. 348, AN ACT AMENDING
THE CONNECTICUT INSURANCE INFORMATION AND PRIVACY PROTECTION ACT.

Substitute for House Bill No. 7028, File No. 350,
AN ACT CONCERNING DEER HUNTING.

Substitute for House Bill No. 6536, File No. 384,
AN ACT CONCERNING JUVENILE COMPETENCY TO STAND TRIAL.

Substitute for House Bill No. 6285, File No. 388,
AN ACT CONCERNING REDUCTIONS FOR SENIOR CITIZENS COMPLETING
AN ACCIDENT PREVENTION COURSE.

Substitute for House Bill No. 6547, File No. 405,
AN ACT CONCERNING MEMBERSHIP OF THE CONNECTICUT COMMISSION
ON THE DEAF AND HEARING IMPAIRED.

House Bill No. 7069, File No. 437, AN ACT PERMITTING
THE IMPOSITION OF MUNICIPAL WAITING PERIODS FOR THE
DEMOLITION OF BUILDINGS AND STRUCTURES.

Substitute for House Bill No. 7226, File No. 436,
AN ACT MAKING CERTAIN TECHNICAL CHANGES TO THE MUNICIPAL
GOVERNMENT STATUTES.

House Bill No. 7132, File No. 442, AN ACT REMOVING
REFERENCES TO THE STATE PLANNING COUNCIL FROM THE GENERAL
STATUTES.

House Bill No. 5667, File No. 440, AN ACT CONCERN-
ING THE ESTABLISHMENT OF AN INSTITUTE OF TECHNOLOGY.

S-210

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

VOL. 26
PART 7
2134 - 2495

SENATE

WEDNESDAY
MAY 4, 1983

161
roc

please signify by saying Aye. Those opposed Nay. The Ayes have it. SENATE AMENDMENT A IS ADOPTED.

SENATOR OWENS:

On the bill clarifies and makes certain that if an individual is arrested that the police have to log it and include it in the record. The amendment strengthens that. There have been some abuses in this particular area. I think the bill will correct them.

I would ask that the bill, as amended by House Amendment Schedule A and Senate Amendment A, if there is no objections, be placed on the Consent Calendar.

THE PRESIDENT:

Hearing none, so ordered.

THE CLERK:

Cal. 480. File 384. Substitute for House Bill No. 6536. AN ACT CONCERNING JUVENILE COMPETENCY TO STAND TRIAL. Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator Owens.

1983 GENERAL ASSEMBLY

SENATE

WEDNESDAY
MAY 4, 1983

162
roc

SENATOR OWENS: (22nd)

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

THE PRESIDENT:

Will you remark?

SENATOR OWENS:

Yes. This bill provides a procedure for determining the competency of juveniles to stand trial; the placement, treatment and commitment of a child found to be competent.

I would ask, if there is no objection, that this bill be placed on Consent.

THE PRESIDENT:

Hearing none, so ordered.

THE CLERK:

Cal. 481. File 416. Substitute for House Bill No. 6982. AN ACT CONCERNING EXAMINATION OF WITNESSES. Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator Owens.

1983 GENERAL ASSEMBLY

2331

SENATE

WEDNESDAY
MAY 4, 1983

198
roc

THE PRESIDENT:

The Clerk is going to do the Consent Calendar now. We have a few Disagreeing Actions and P.T.s which we will do after the vote is taken. When you are ready, Mr. Clerk, you can make the announcement for a roll call to vote on the Consent Calendar.

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 following is the list of items that have been placed on the Consent Calendar:

Page 2 - Cal. 265, 267, 275. Page 4 - Cal. 328, 349, 356. Page 5 - Cal. 387, 390, 398. Page 6 - Cal. 401, 414. Page 7 - Cal. 434. Page 8 - Cal., Excuse me. Cal. 426 and 434 on Page 7. Page 8 - Cal. 440 and 451. Page 9 - Cal. 453, 456 and 457. Page 10 - Cal. 458 and 459. Page 11 - Cal. 465, 466, 468, 469. Page 12 - Cal. 470, 471, 473, 474.

HR6713, HB6963,
SB990, SB893,
HR6183, HB5063,
SB1132, SB895,
SB673, SB597,
SB630, HB5584,
SB879, HB5339,
SB810, SB109,
SB629, SB748,
SB428, SB972,
HB5667, HB5988,
HB5475, HB6547,
HB6575, HB7132,
HB5360, HB5762

SENATE

WEDNESDAY
MAY 4, 1983

199
roc

Page 13 - Cal. 475, 476, 477, 478. Page 14 - Cal.
480, 481, 484, 485. Page 15 - Cal. 487, 489, 490,
491. Page 16 - Cal. 492, 493, 494, 495, 496. Page
17 - Cal. 498, 500, 501. Page 18 - Cal. 502.

HB6285, HB6288,
HB6289, HB5108,
HB6536, HB6982,
HB5869, HB6142,
HB6511, HB7069,
HB7226, HB6379,
HB7113, HB7076,
HB5239, HB6266,
HB6567, HB7086,
HB6103, HB7182,
HB5456

That completes the list of items on today's

Consent Calendar.

THE PRESIDENT:

Any corrections or omissions or comments?

Senator Casey.

SENATOR CASEY: (31st)

Thank you very much, Mr. President. I would
like to ask that Cal. 434 be taken off the Consent
Calendar for a roll call vote.

HB5584

THE PRESIDENT:

Cal. 434, which is on the bottom of page 7
will be taken off the Consent Calendar and voted on
separately.

Senator O'Leary.

SENATOR O'LEARY: (7th)

Thank you, Mr. President. I would like to move
that Cal. 487 be taken off the Consent Calendar and

HB6511

1983 GENERAL ASSEMBLY

2333

SENATE

WEDNESDAY
MAY 4, 1983

200
roc

Passed Retaining its place, if there is no objection.

THE PRESIDENT:

Cal. No. 487 which is on Page 15, the request has been made to remove it from Consent and passed retained. Is there any objection to that? Hearing none, that matter will be marked Passed Retained until next time.

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Mr. President, I ask that Cal. 398 be taken from the Consent Calendar for purposes of my offering an amendment and having a roll call on the amendment.

SB673

THE PRESIDENT:

398 at the bottom of Page 5 will be taken off the Consent Calendar.

Is there any other request? Senator Zinsser.

SENATOR ZINSER: (4th)

Mr. President, I would request that on Page 6, Cal. 414 be taken from the Consent Calendar for a roll call vote.

SB630

THE PRESIDENT:

1983 GENERAL ASSEMBLY

SENATE

WEDNESDAY
MAY 4, 1983

201
roc

Cal. 414 will be removed and voted on.

What we will do is do the Consent Calendar, if there are no further comments, and then we will run through those bills that were taken off with the exception of the one that has been Passed Retained.

The motion before the chamber is the Consent Calendar, somewhat amended by four requests. The machine is open. The machine will be closed and locked.

Total Voting is 36. Necessary for Passage is 19. Voting Yea is 36. Voting Nay is 0. THE CONSENT CALENDAR IS ADOPTED.

THE PRESIDENT:

Senator Skelley, a point of personal privilege?

SENATOR SKELLEY: (36th)

Yes, Mr. President. If I may invite the circle, tomorrow is the Finance Committee deadline and I've asked probably the greatest partymaker in the entire Senate to assist me and Senator Casey has agreed. We have a group coming in, what is it, MTV that will be doing some monitors around in the Finance Committee.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
393-819

1983

MS. PATRICIA DENUZZE: Hello, my name is Patricia Denuzze. I'm a public defender in juvenile matters -- certainly. My name is Patricia Denuzze. I'm a public defender in juvenile matters and I'd like to direct my comments to Committee Bill 6536, An Act Concerning Juvenile Competency to Stand Trial.

The stated purpose of this bill is to provide a procedure for determining competency of the juvenile to stand trial and I want to just emphasize to provide a procedure. There is no procedure now and, as a result, there's often a jurisdictional gap and other abuses seem to flow from that, both the Court and the lawyers and the children in the Courts are looking for some sort of guidance as to a standard to determine whether or not a child should be found competent or incompetent to stand trial and to provide a mechanism, a clear reliable mechanism to get that child some services.

I would like to recommend two changes and they're just for clarification, they're not substantive. On Line 39 where it mentions within the maximum period, I think that ought to be changed to within the six month period, and on Line 66, when it speaks of within the minimum period, there is no minimum period, so I believe minimum should be deleted.

It's my understanding that Barbara Kennedy of the Department of Children Youth Services is going to give this Committee some comments in writing and I'm aware of those comments and have no objection to them. One of them is directed at the Commissioner's discretion in terms of treatment and the other comment is directed at extending this for 16 and 17 year olds because, at present it's my understanding there's a problem in treating them in the Department of Mental Health and, in fact, the Department of Youth treats them. That's it. Thank you very much.

REP. TULISANO: Thank you. Any questions? There are some seats available for people who wish to sit here and I would appreciate it as time goes on, I've noticed a lot of staff and interns and would you circulate a little bit to let the public to have an opportunity to sit down also. Okay. Commissioner Manson.



WILLIAM A. O'NEILL
GOVERNOR

STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND YOUTH SERVICES

714



MARK J. MARCUS
COMMISSIONER

DATE: March 8, 1983
TO: Senator Howard Owens, Representative Richard Tulisano and
Members of The Judiciary Committee
FROM: Mark J. Marcus, Commissioner *MJM*
SUBJECT: Juvenile Competency To Stand Trial

Committee Bill 6536 - An Act Concerning Juvenile Competency To Stand Trial.

The department supports this Bill which addresses the issue of competency to stand trial for children under sixteen. We would ask, however, that the following phrase be inserted on line 79½ after the word "services."

"The Commissioner in his discretion shall cause the child to be treated in an institution under his direction or contract with a private facility for such treatment"

In addition, the department would like to bring to the Committee's attention the need for language which would address the same issue for sixteen and seventeen year olds. We are attaching for your consideration draft language which would satisfy the current void in the statutes. We encourage the Committee to add it to Bill 6536.

AN ACT CONCERNING COMPETENCY OF
SIXTEEN AND SEVENTEEN YEAR OLDS TO STAND TRIAL

Section 1. Subsection (g) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof:

(g) If, at the hearing, the court finds that there is not a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the period of any placement order under this section, the court shall either release the defendant or order the defendant placed in the custody of the commissioner of mental health, the COMMISSIONER OF CHILDREN AND YOUTH SERVICES or the commissioner of mental retardation, WHICHEVER IS APPROPRIATE, for the purpose of applying for civil commitment as provided in subsection (1) of this section.

Section 2. Subsection (i) of Section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof:

(1) The placement for treatment for the purpose of rendering the defendant competent shall comply with the following conditions: (1) The period of placement under the order or

combination of orders shall not exceed the period of the maximum sentence which the defendant could receive on conviction of the charges against him or eighteen months, whichever is less; (2) The placement shall be either in the custody of the commissioner of mental health, THE COMMISSIONER OF CHILDREN AND YOUTH SERVICES or the commissioner of mental retardation or, if the defendant OR THE APPROPRIATE COMMISSIONER agrees to provide payment, in the custody of any appropriate mental health facility or treatment program which agrees to provide treatment to the defendant and to adhere to the requirements of this section and (3) the court shall order the placement, on either an inpatient or an outpatient basis, which it finds is the least restrictive placement appropriate and available to restore competency. If outpatient treatment is the least restrictive placement for a defendant who has not yet been released from a correctional facility, the court shall consider whether the availability of that treatment is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond. If the court determines that the defendant may not be so released, the court shall order treatment of the defendant on an inpatient basis at a mental health facility OR MENTAL RETARDATION FACILITY.

Section 3. Subsection (1) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof:

(1) If at any time the court determines that there is not a substantial probability that the defendant will become competent within the period of treatment allowed by this section, or if at the end of that period the court finds that the defendant is still not competent, the court (1) shall dismiss, with or without prejudice, any charges for which a nolle prosequi is not entered, and (2) shall either release the defendant from custody or order the defendant placed in the custody of the commissioner of mental health, THE COMMISSIONER OF CHILDREN AND YOUTH SERVICES or the commissioner of mental retardation. The commissioner given custody or his designee shall then apply for civil commitment according to chapter 306 or 365a. The court shall hear arguments as to whether the defendant should be released or should be placed in the custody of the commissioner of mental health, THE COMMISSIONER OF CHILDREN AND YOUTH SERVICES or the commissioner of mental retardation. Notwithstanding the erasure provisions of section 54-142a, police and court records and records of any state's attorney pertaining to a charge which is nolle or dismissed without prejudice while the defendant is not competent shall not be erased until the time for the prosecution of the defendant expires under section 54-193. A defendant who is not civilly committed as a result of an application made by the commissioner of mental health, THE COMMISSIONER OF CHILDREN AND YOUTH SERVICES or the commissioner of mental retardation pursuant to this section shall be released,

A defendant who is civilly committed pursuant to such an application shall be treated in the same manner as any other civilly committed person.

Section 4. Subsection (m) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof:

(m) The cost of the examination effected by the commissioner of mental health and of testimony of persons conducting the examination effected by the commissioner shall be paid by the department of mental health. The cost of the examination and testimony by physicians appointed by the court shall be paid by the judicial department. If the defendant is indigent, the fee of the person selected by the defendant to observe the examination and to testify on his behalf shall be paid by the public defender services commission. The expense of treating a defendant placed in the custody of the commissioner of mental health, THE COMMISSIONER OF CHILDREN AND YOUTH SERVICES or the commissioner of mental retardation pursuant to subsection (i) of this section, shall be computed and paid for in the same manner as is provided for persons committed by a probate court under the provisions of chapter 308.

Section 5. This act shall take effect from its passage.

STATEMENT OF PURPOSE: To correct an oversight in P.A. 81-365 wherein there was no provision for the commitment of 16-18 year olds found incompetent to stand trial.