

Legislative History for Connecticut Act

HB 7227	PA 326	fare	1983
House	3829, 3920		(2)
Senate	3071-3076		(6)
Judiciary	1567-1568, 1644-1645		(4)
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CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE

PROCEEDINGS  
1983

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3521-3846

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House of Representatives

Thursday, May 5, 1983

REP. BALDUCCI: (27th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Balducci.

REP. BALDUCCI: (27th)

Mr. Speaker, I'd like to place that and sever other items on the Consent Calendar for today, for action at our next session.

DEPUTY SPEAKER FRANKEL:

You may proceed, sir.

REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. Beginning on page 14, at the top, Calendar 471, Senate Bill 946, AN ACT CONCERNING THE USE OF FUNDS IN THE ECONOMIC DEVELOPMENT SECTION OF THE URBAN ACTION PROGRAM. Favorable Report of the Committee on Planning and Development. File 424.

Page 18, excuse me, 17, second item, Calendar 500, Substitute for House Bill 6462, AN ACT CONCERNING REGIONAL RIDESHARING ORGANIZATIONS. Favorable Report of the Committee on Transportation. File 602.

Page 18, Calendar 501, Substitute for House Bill 7227, AN ACT CONCERNING SEXUAL ASSAULT INVOLVING MENTALLY DEFECTIVE OR MENTALLY INCAPACITATED PERSONS. Favorable Report of the Committee on Judiciary. File 623.

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House of Representatives

Tuesday, May 10, 1983

Calendar No. 506, Substitute for House Bill 7266, AN ACT CONCERNING CERTAIN STATE BOARDS AND COMMISSIONS REVIEWED UNDER SUNSET LEGISLATION, File 629.

ACTING SPEAKER MARKHAM:

Is there any objection to passing the Consent Calendar as listed, Calendar Pages 1 and 2 with the exception of Calendar No. 506, AN ACT CONCERNING CERTAIN STATE BOARDS AND COMMISSIONS REVIEWED UNDER SUNSET LEGISLATION? Is there any objection?

If not, the items are so adopted. H.B. 6462, H.B. 7227, H.B. 7235,  
H.B. 6843, H.B. 5588, H.B. 5290,  
H.B. 6494, H.B. 6324

CLERK:

Returning to Calendar Page 12, Calendar No. 507, File No. 616, House Bill No. 7034, AN ACT CONCERNING THE BONDING OF MOTOR VEHICLE DEALERS AND REPAIRERS. Favorable Report of the Committee on Transportation.

REP. GROppo: (63rd)

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

ACTING SPEAKER MARKHAM:

Is there any objection? Is there any objection?

The item will be passed temporarily.

CLERK:

Calendar Page 13, Calendar No. 511, File No. 605, House Bill No. 5256, AN ACT CONCERNING AUTHORIZATION

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Chair would recognize Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I would move suspension of the rules for the last Consent Calendar to be sent down, transmitted to the House.

THE CHAIR:

Thank you very much. You have a motion before you for the suspension of the rules, for purposes of forwarding the Consent Calendar to the House so they may act on those items. Is there any objection to that motion? Any objection? Hearing none, it is so ordered. The Chair will recognize Senator Harper. We are still in session.

SENATOR HARPER:

Thank you, Madam President. A Point of Personal Privilege. Members of the Appropriations Committee, sorry to bother you, but tomorrow morning there will be a committee meeting at 10:15 in the Hall of House if anyone cares to attend to vote on one bill referred from the House, the smoking bill.

There will be another meeting Tuesday morning at 9:30 to take up Senate referrals, 9:30 Tuesday morning in 2C. Thank you.

THE CHAIR:

(Gavel) Are there any other announcements? Yes,

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Senator Maloney. (Gavel)

SENATOR MALONEY:

Thank you, Madam President. The Finance Committee will meet Tuesday morning at 9:30 in Room 2E to take up bills referred from the floor.

THE CHAIR:

Thank you very much. Are there any other announcements? Are there any further announcements? If not, Senator Larson has made a motion to stand in recess until 9:30. Hearing no objection to that motion that Chair will state that we are in recess until 9:30. The Senate stands in recess.

On motion of Senator Larson of the 3rd, the Senate at 8:30 p.m. recessed.

The Senate reconvened at 9:46 p.m., the President in the Chair.

THE CHAIR:

The Senate will please come to order. The Chair would recognize Senator DiBella. Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I would ask that the Clerk call Senate Amendment Schedule "A".

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THE CHAIR:

No, no, we did "A" already. Can you give us the LCO number?

SENATOR DIBELLA:

I'm sorry. I would move LCO No. 7611.

THE CHAIR:

7611. Mr. Clerk, would you call LCO7611.

THE CLERK:

LCO7611, which will be designated Senate Amendment Schedule "B". It's offered by Senator DiBella of the 1st District.

THE CHAIR:

Thank you very much. The Chair would recognize Senator DiBella.

SENATOR DIBELLA:

Could we stand -- could we take? Madam President, could we take one second. It's being disseminated amongst the --.

THE CHAIR:

Yes, the Senate will stand at ease while the amendment is being distributed.

The Senate will come to order and the Chair will recognize Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I move adoption of LCO

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No. 7611.

THE CHAIR:

Thank you very much. Would you wish to remark on the amendment?

SENATOR DIBELLA:

Thank you. What this amendment does very simply is removes from the arbitrary list of guns designated as assault weapons semiautomatic -- the word "Sporter" which is the designation of Colt Sporter from the designated list.

Colts Manufacturing manufactures assault weapons and sells them to the military and to certain police organizations. They include the M-16 A-2, the automatic rifle, the M4 Carbine and other carbines and submachine guns. They also make grenade launchers for these same customers. Colts does not sell any of these weapons to civilians. Colts Manufacturing also manufactures sporting rifles and have for most of their 157 years.

People buy them for their Colt collections. They buy them for bullseye target shooting. They are the official competition rifle for the National Match Shooting Championships designated under Act of Congress and for less formal kinds of target shooting.

They buy them for hunting and several other uses.

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The sporting rifle Colts has made since 1990 is the Colt Sporter. No military force in the world does or ever will equip itself with the Colt Sporter rifle. A nation would be foolish to ask its soldiers to go into battle with a Colt Sporter. Every soldier in the force would be placed in jeopardy of death an injury, injury entering combat operations with a Colt Sporter instead of an M-16 A-2 assault rifle or a comparable weapon.

It is a federal felony to convert a sporting firearm into an assault weapon. Nevertheless, Colts has gone to an extraordinary length to design and built their Sporter rifle with a special feature to thwart the criminal element who might try to alter its sporting performance.

I think it's a significant issue here to point out that this amendment, which strikes the Sporter, Colt Sporter sports weapon from this bill of what I consider arbitrary weapons designated as, if you will, assault weapons, represents the fact that we have a Connecticut come which has gone to extraordinary lengths to ensure that their weapon is for sports purposes and has taken long and difficult periods of time to design the configuration operating rod so that people cannot convert this to an automatic assault weapon without extensive milling and extensive machining which would

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put it in violation of state and federal laws.

I oppose the amendment, and let me state for the record, I take no personal exception to anything that was said in this room and I hope no member of this body takes personally what I feel is a reason for an approach that before us in the amendment we adopted is not the solution of any problems of taking guns off of the streets of our cities and towns.

This is a national phenomenon. It is a problem that confronts this country. The federal government has tried through a comprehensive gun bill in 1991 to restrict the sale of so-called assault weapons and other types of weapons. Very interesting that in that debate that our own congressional delegation lobbied hard to ensure that the Colt Sporter would not be included in either the definitions or the categories of what were being considered as assault rifles in that 1991 legislation.

The Congressional Record is expressed -- it is expressed in the Congressional Record by two of our congress people the position they have taken, the discussions with the committee chair people as to the Colt Sporter in not being applicable to the federal legislation that was proposed and I'll quote.

October 17, 1991, Thursday, Washington, D.C., the

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## JUDICIARY

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MS. COLEMAN: (continued)

Basically, this bill does two things, and addresses two problems that we have been dealing with since the guardianship bill was passed last year.

First of all, we have been unable to find people willing to act as guardians.

SEN. OWENS: 1104,

MS. COLEMAN: 1104.

SEN. OWENS: Go ahead. See if you can find this 1104 there somplace, please,

MS. COLEMAN: The probate court and the department have had a great deal of trouble finding people willing to act as guardians for those persons who need them and so the first part of this proposal would allow DMR employees acting in their personal capacity to become guardians of persons who reside in regions other than the ones in which they work.

The second part of the proposal, the second part of the proposal would allow guardians to use DMR's voluntary admission process, unless there's a conflict concerning the admission between the ward and the guardian, or the guardian and the ward's next of kin. And the reason for this is that at this point, all guardians have to use the commitment process and most of the time, there's absolutely no conflict.

The court rubber stamps the commitment and the guardian has to pay upwards of \$300 to the court to get this done and while we are sensitive to the need to protect people's due process rights, we think that were there is not a conflict that the provision of such a hearing is not necessary. I think that's all I'll say on that bill.

I would also say that the Department is also supporting House Bill 7227, An Act Concerning Sexual Assault Involving Mentally Defective or Mentally Incapacitated Persons.

REP. TULISANO: So nobody misunderstands that, can you tell the basic reason for that?

MS. COLEMAN: Yes, under the statutes right now, it is a crime to have sexual relations with somebody that's mentally

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MS. COLEMAN: (continued)

incapacitated. The definition of mental incapacitation, though, in the criminal statutes deals with, deals better with the ability to form the necessary intent to commit a crime, but does not deal very well with the issue of consent, and since consent is the key issue that's involved, in this statute, all we did was put the word consent in to make it clear that that's what we were talking about.

REP. TULISANO: Okay. Just for the record, is this an attempt to acknowledge the fact that some individuals who may be mentally retarded are capable of making sexual decisions for themselves, without being abused or anything else?

MS. COLEMAN: Yes, it does. And it clarifies the standards for the court.

REP. TULISANO: Thank you.

SEN. OWENS: The public sector will now open. William Olds, to be followed by Diane Shugert, Catherine Nash, and Susan Pederson, in that order.

MR. WILLIAM OLDS: Members of the Judiciary Committee, For the record, I'm Bill Olds, Director of the Connecticut Civil Liberties Union and I'm here to address Committee Bill 6227 which relates to the definition of obscenity. The title of the bill would suggest to you that it's primary focus is on the issue of child pornography, or to protect children from so-called obscenity.

I doubt that anyone in this room, including myself, is opposed to restrictions in terms of children on obscenity, but I would remind the committee, and I think most of the committee members well know this, that a few years ago this very committee and the Assembly passed legislation dealing with child pornography. The laws already cover that question and we also have, I think, very adequate federal legislation, none of which has been opposed by my organization or any of the other people who are in this room who will follow me, and I think, oppose it too.

It camouflages that issue to some extent, camouflages, I think, the real intent, or at least if not that, the effect of this bill. It really adds up to censorship of reading materials or movies for consenting adults. It certainly

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AMERICAN ASSOCIATION ON MENTAL DEFICIENCY  
ASSOCIATION AMERICAINE POUR LA DEFICIENCE MENTALE

Northeast Region X Région du Nord-Est (no 10)

April 7, 1983

Respond to:

Mr. Chairman, Members of the Committee:

My name is Dennis Ferguson, and I am testifying on behalf of the American Association on Mental Deficiency on House Bill 7227.

The purpose of these two modifications is simply to explicate what clearly was the legislative intent when this statute was passed in 1975.

Reviewing the legislative history, it is obvious that the intention of both Sec. 53a-71a and 53a - 73a is to protect those individuals who cannot give consent to sexual contact or intercourse.

Unfortunately, the section that addresses the mentally retarded person has been misinterpreted. If a retarded person cannot give consent because of their retardation and is sexually assaulted; that is a heinous crime.

However, many retarded individuals can, and do, give consent for all sorts of issues; medical treatment, admissions, sterilization, sexual activity, banking transactions, etc.

What has happened recently, is that some police officers and prosecutors have made the assumption that if you are retarded you cannot give consent, and if you have sexual relations with a retarded person, even in a

caring situation with both parties giving consent--that is statutory rape.

Obviously, this is not the intention of the existing law, that quid pro quo of if you are retarded you cannot give consent, is not consistent with other recent legislation.

That misinterpretation and misunderstanding is clearly in error, and House Bill 7227 corrects that error. AAMD urges the passage of this correction.

Dennis R. Ferguson, FAAMD  
Chairman, Legislative Affairs

DRF:jk

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