

Legislative History for Connecticut Act

HB 5351	PA 402	1983
House 6035-6040		(6)
Senate 3825-3826, 3886-3887		(4)
Judiciary 1112-1113		(2)
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 17
5839-6233

kbb

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House of Representatives

Wednesday, May 25, 1983

the Calendar?

SPEAKER STOLBERG:

The motion is to pass retain. Is there objection?
Is there objection? Seeing no objection, the item is
passed retained.

CLERK:

Calendar No. 634, Substitute for House Bill No. 5351,
AN ACT CONCERNING MANDATORY TRANSFER OF SERIOUS JUVENILE
OFFENDERS TO SUPERIOR COURT, Favorable Report of the
Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

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

SPEAKER STOLBERG:

Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Speaker. The Clerk has an amendment,
LCO No. 6534.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO No. 6534, designated

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House of Representatives

Wednesday, May 25, 1983

House Amendment Schedule "A". Will the Clerk please call?

CLERK:

LCO No. 6534, designated House Amendment Schedule "A", offered by Rep. Tulisano of the 29th District.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize.

SPEAKER STOLBERG:

Is there objection? Seeing no objection, please proceed.

REP. TULISANO: (29th)

Mr. Speaker, the amendment reinstates the word hearing rather than proceeding in the file copy. After due consideration, going to the word hearing has had lots of interpretations in court decisions and it really means the due process hearing rather than a proceeding. And, rather than leave that vague, on due consideration, we think it would be proper to do that.

We also have made some other technical changes. We removed, however, the standard that was in there that said probable cause sufficient to support the issuance of a search warrant. And allowing a full hearing. It would require that the parties be before the court and not rely just on written testimony.

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We have, however, included on determining whether or not a delinquent is to be, an alleged delinquent is to be transferred, inserted language of whether the physical, mental or emotional history and condition of the child should be considered in making the transfer. And, whether it be amenable to either juvenile treatment or adult treatment. I move for passage of the amendment.

SPEAKER STOLBERG:

Will you remark on House Amendment Schedule "A"? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay. The amendment is adopted and ruled technical. Will you remark further on the bill?

House Amendment Schedule "A".

In line 4, delete the brackets before and after the word "hearing"

In line 5, delete the word "PROCEEDING"

In line 12, delete the words "AT ANY AGE"

In line 13, delete the words "OTHER THAN HAVING RUN AWAY FROM" and insert the words "AS DEFINED IN SECTION

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46b-120,"

In line 14, delete the words "ANY SECURE PLACEMENT"

In line 22, delete the brackets before and after the word "hearing" and delete the word "PROCEEDING"

In line 25, delete the opening bracket before the word "a"

In line 26, delete the closing bracket after the word "hearing" and delete the words "COURT PROCEEDINGS"

In line 27, delete the words ", SUFFICIENT TO SUPPORT THE"

In line 28, delete the words "ISSUANCE OF AN ARREST WARRANT,"

In line 29, delete the comma

Delete line 30 in its entirety

Delete line 31 in its entirety except for the semi-colon at the end of the line

In line 37, insert a semi-colon after "treatment" and delete the words ", PRIMA FACIE EVIDENCE OF WHICH SHALL BE"

Delete lines 38 and 39 in their entirety

In line 40, delete the words "AS A DELINQUENT CHILD;"

In line 47, after the words "ACTS" and before the comma insert the words "AND THE PHYSICAL, MENTAL AND EMOTIONAL HISTORY AND CONDITION OF THE CHILD"

In line 93, delete the words "AT ANY AGE"

In line 100, delete the brackets before and after the words "a hearing" and delete the words "COURT PROCEEDINGS"

In line 101, delete the words ", SUFFICIENT TO SUPPORT"

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In line 102, delete the words "THE ISSUANCE OF AN ARREST WARRANT,"

Delete lines 104 and 105 in their entirety

In line 106, delete the word "PROCEEDINGS."

REP. TULISANO: (29th)

As amended, Mr. Speaker, this bill really uses basically the same standards that exist for transfer now. The bill does extend it to class B and C felonies. If there had been other adjudications as serious juvenile offenders for transfer to the adult court. And, however, does clarify the language so judges can better interpret whether or not the children accused have the -- they can determine whether or not there's a standard they can apply.

The existing standard in our statute is one that we have been referred to as a very subjective rather than objective standard. The existing language deals with prior -- the new language deals with prior adjudications, seriousness of the acts, and rather than things like sophistication, maturity and previous adjudications. I would move its passage.

SPEAKER STOLBERG:

Will you remark further on the bill as amended?

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Will you remark further? If not, will members please be seated. Will staff and guests come to the well of the House. The machine will be opened.

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

Have all the members voted? Have all the members voted? Have all the members voted? If so -- have all the members voted? If so, the machine will be locked and the Clerk will take a tally. Would the Clerk please announce the tally?

CLERK:

House Bill No. 5351, as amended by House Amendment Schedule "A".

Total number voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not Voting	7

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar Page 13, Calendar No. 640, Substitute for

S-214

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

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PART 11
3591-3995

Regular Session
Tuesday, May 31, 1983

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THE CHAIR:

Will you remark on the bill in concurrence?

SENATOR DANIELS:

Yes, Mr. President. House Amendment rewrote the entire bill which originally established a state certification program for technologists, dental radiologists, radiation therapists and therapists and technologists. What this amendment does, Mr. President, it simply provides a study to Connecticut Academy of Science and Engineering. It shall study the licensing and certification of users of ionized radiation for medical diagnostic and therapeutic purposes. If there's no objection to this bill, I move that it be placed on the consent calendar.

THE CHAIR:

Is there any objection to placing the bill as amended by House "A" on the consent calendar? Hearing none, the bill will go on consent.

THE CLERK:

Calendar 805 on page 23, File 781, Substitute for House Bill No. 5351. An Act Concerning Mandatory Transfer Of Serious Juvenile Offenders To Superior Court. (As amended by House Amendment Schedule "A").

Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Yes. Move acceptance of the joint committee's favorable report as amended by House Amendment "A" and passage of the bill.

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served upon banks to be served upon the bank's main office. This bill would allow service on bank's branch as was brought out when the bill was originally passed. I move that if there's no objection, that this bill as amended by House Amendment "A" be placed on consent.

THE CHAIR:

Any objection to placing on consent? Hearing no objection, it will go on consent.

THE CLERK:

On page 19, Calendar 787, I believe that was inadvertently passed retained. File Nos. 767 and 1103, Substitute for House Bill 7128, An Act Requiring A Court To Make Certain Findings When Terminating Parental Rights. (As amended by House Amendment Schedule "A").

Favorable Report on Judiciary.

SENATOR OWENS:

Mr. President.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

I move acceptance of the joint committee's favorable report as amended by House Amendment "A" and passage of the bill.

THE CHAIR:

Will you remark on House "A"?

SENATOR OWENS:

Yes. House Amendment "A" is basically technical in nature

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Mr. Clerk?

THE CLERK:

That completes the business of the day except for the consent calendar, Mr. President.

THE CHAIR:

The Clerk will make the appropriate announcement for the roll call on the consent calendar, and when the Clerk starts the consent calendar, give your attention because it's about sixty items long.

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:

Please give your attention to the Clerk who will proceed with the roll call on a consent calendar which is our second consent calendar of the day, the first having concerned ourselves with Executive and Legislative Nominations. The Clerk will proceed with the list.

THE CLERK:

On page 7, Calendar No. 239. On page 9, Calendars 689 and 690
Page 10, Calendar 696, 716, 718. Page 11, Calendar 721, 722, 723, 724,
725. Page 12, Calendars 726, 728. Page 14, Calendar 736. Page 18, Cal-
endars 761, 763, 764, 784. Page 19, Calendars 785, 786, 787, 788 and 789.
Page 20, Calendars 790, 791, 793 and 794. On page 21, Calendar 795, 796,
797, 798 and 799. Page 22, Calendar 800, 801, 804. Page 23, Calendar

SB433, HB6921
HB7048,
HB5371,
HB5542,
HB6290, SB102,
SB400, SB1050
SB450, SB608,
SB836, SB1159
SB948, SB913,
SB432, SB853,
HB5691,
HB7133,
HB7063, HB7128,
HB7179,
HB5521,
HB5676,
HB6164, HB6400, HB6508, HB6833, HB7012, HB7026, HB7037, HB7046,
HB7156, HB7245, HB5385

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805, 806, 807, 808. Page 24, Calendar 810, 811, 812. Page 25, Calendar 824 and 825, 827 and 828. Calendar 26, page 26, excuse me, Calendar 829, 831, 833, 834. Page 27, Calendar 539, 283, 284. Page 28, Calendar 285, 381 and 455. Page 29, Calendar 460, 527, 532. On page 33, Calendars 77 and 119. That completes the items on today's consent calendar.

HB5351, HB5789,
HB5110, HB6993,
HB7126, HB7054,
HB7067, HB7204,
HB6876, HB5421,
HB5555, HB6152,
HB6703, HB7200,
HB6883, SB651,
SB1037, SB744,
SB986, SB882,
SB805, SB1110,
SB1093, SB872,
HB5473

THE CHAIR:

That's the consent calendar. Are there any corrections or any requests to remove any items from the consent calendar? Any questions on the consent calendar?

THE CLERK:

One more, Mr. President. It's been pointed out to me under Resolutions, Calendar No. - that was not on the consent calendar.

THE CHAIR:

Technically, 776 was adopted by a standing moment of silence and 777 on a voice vote for Resolutions. Other than that, are there any corrections? If not, the machine is open on the consent calendar. Have all Senators voted. Machine'll be closed and locked. The consent calendar is adopted 36 votes in favor and no votes against. Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I would like to remind all Democratic Senators that we'll be caucusing immediately following the session in our caucus room. Hopefully if we meet promptly, we can be out in thirty, forty minutes.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 3
820 - 1196

1983

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JUDICIARY

March 22, 1983

MS. SCHATZ: (continued)

Council of Jewish Women. I am here to speak against this Bill 5351 concerning Mandatory Transfers of Serious Juvenile Defenders to Superior Court. The Task Force which developed Connecticut's SJO law very prudently limited strictly the automatic transfer and also limited the optional transfer. The proposal before you today, in the proposal you not only broaden the definition to require waiver for less serious offense but it also allows transfer for a 14 or 15 year old who has not previously been referred to juvenile court. You are both broadening and deepening the net in which to catch more kids.

Before you make 14 and 15 year olds nominal adults before the law, please give very careful consideration to the reasons why it is wrong. In most states, 18 is the usual age of adult court jurisdiction, Connecticut is one of only four out of the 50 states in the country that already excluded 16 and 17 year olds from juvenile court.

Nationally, experience with waiver shows the children waived to adult court are usually not treated more strictly than if they'd been dealt with as serious juvenile defenders in Juvenile Court.

The record of our own adult court is not that admirable in dealing in terms of dealing with the --

SEN. OWENS: Ms. Schatz, will you keep your voice up a little bit please.

MS. SCHATZ: In terms of dealing with the already overcrowded docket. In addition, the length of time involved in the detention, hearing, transfer and prosecution of a waiver case is that much more time that the youngster is not receiving an education or any other services.

Study after study shows that locking up more juveniles is not a deterrent. Yes, incarceration keeps them out of sight for a while but what happens when they come out, and they do come out. Usually more alienated, less education and less employable and more likely to return on another offense.

We are told that a small number of youth are responsible for a disproportionate number of crimes. But no one has yet developed the ability to predict in advance who will be the

MS. SCHATZ: (continued)

chronic or serious offender. How can we possibly condemn any 14 or 15 year old as a "Career Criminal"? There are tough kids and there are tough cases. We do not minimize the seriousness or the extent of serious juvenile offenses, but the major condition we believe must continue to be the amenability to treatment in the juvenile court before a child is waived to adult court.

Notwithstanding public perceptions and political pronouncements, the number of referrals to Juvenile Court is not growing. There are options available other than treating more children as adults.

We have built, the State has built a maximum security unit at Long Lane which can house 36 offenders and usually holds somewhat less, not all of whom are serious juvenile offenders. A current plan provides for a medium security housing, cottage housing about 20 children. Incarceration per se does little, however, to deter the future crime nor to reduce the level of violence or alienation of the youth.

I call your attention to the fact that many studies have agreed that "the most powerful influences shaping and re-shaping human behavior are asserted in small face to face groups characterized by continuous personal interaction." Successful programs such as the House of Umoja in Philadelphia, New Pride in Denver, Katahdin Day Program in Minneapolis have shown exemplary recidivism records. The cost of such programs is far far less than maintaining one 14 year old in and out of prison for 20 or 40 or 60 years. We urge that you reject this bill.

I'd like to make a very brief reference to another bill, House Bill 6321 concerning processing of children arrested for serious juvenile offenses. Police officers now already may take any child arrested for any offense to a detention center. There is already concern on the part of the Juvenile Detention Association about the overuse of detention and we would certainly assume that police officers would use their judgment in assessing whether detention is "necessary and desirable" as the statute now reads.

This bill is unnecessary. On 6340, concerning Implied Emancipation. The 1979 Statute provides a legal process to