

Legislative History for Connecticut Act

SB 86 PA 389 1984  
House 6547-6550 (4)  
Senate 1424-1425, 1461, 3340-3341, (6)  
3417  
Judiciary 61, 62, 172 (3)  
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1984

VOL. 27

PART 18

6333-6686

klc

584

House of Representatives

Monday, May 7, 1984

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Is there objection to the procedure? Is there objection? If not, that bill is referred to the special committee on reference.

CLERK:

Calendar Page 7, Calendar No. 623, File No. 625, Substitute for Senate Bill No. 86, AN ACT CONCERNING THE PLACEMENT OF COMMITTED ADJUDICATED DELINQUENTS. Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

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

SPEAKER STOLBERG:

Will you remark?

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LCO No. 3988.

klc

House of Representatives

Monday, May 7, 1984

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 3988, House "A". Will the Clerk please call.

CLERK:

LCO No. 3988, designated House Amendment Schedule "A", offered by Rep. Tulisano of the 29th District.

SPEAKER STOLBERG:

Rep. Tulisano for summarization. Is there objection? Seeing none, please proceed.

REP. TULISANO: (29th)

Yes, Mr. Speaker. This amendment obviously rewrites the language in lines 30, 31, and 32 to make it clear that any commitment will remain in the court to any association they desire. However, they would have to consult with the DCYS before making this commitment. I move adoption of the amendment.

SPEAKER STOLBERG:

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

REPRESENTATIVES:

Aye.

klc

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House of Representatives

Monday, May 7, 1984

SPEAKER STOLBERG:

All those to the contrary, nay.

REPRESENTATIVES:

No.

SPEAKER STOLBERG:

The amendment is adopted.

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House Amendment Schedule "A".

In line 30, delete the words "THE COMMISSIONER" and insert the following in lieu thereof: "PRIOR TO MAKING SUCH COMMITMENT, THE COURT SHALL CONSULT WITH THE DEPARTMENT TO DETERMINE THE PLACEMENT WHICH WILL BE IN THE BEST INTEREST OF SUCH CHILD."

Delete lines 31 and 32 in their entirety.

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SPEAKER STOLBERG:

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

CLERK:

The House of Representatives is voting by roll.

Members return to the Chamber immediately. There is a roll call vote in progress in the Hall of the House. Will the members please return to the Chamber immediately.

klc

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House of Representatives

Monday, May 7, 1984

SPEAKER STOLBERG:

Have all the members voted and is your vote properly recorded? Have all the members voted and is your vote properly recorded? If so, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 86 as amended by House Amendment Schedule "A".

Total Number Voting	137
Necessary for Passage	69
Those Voting Yea	137
Those Voting Nay	0
Those Absent and Not Voting	14

SPEAKER STOLBERG:

The bill is passed.

REP. GROPPA: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Groppo.

REP. GROPPA: (63rd)

I ask for a suspension of the rules for an immediate transmittal of this bill to the Senate.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1984

VOL. 27  
PART 4  
1227-1515

## SENATE

WEDNESDAY  
APRIL 18, 1984

197  
LFU

THE CHAIR:

Will you remark, Senator?

SENATOR CASEY:

Mr. President, this Bill would exempt for one year, the phase in of the minimum expenditure requirement and change its method of calculation. A town's fiscal year, 1984 phased in MER is equal to the fiscal year 1983 phase in MER plus a percentage of the difference between that MER and its fully implemented MER for fiscal year 1984.

Under this Bill, a town's fiscal year 1985 phased in MER would be equal to the percentage of its fully implemented 1985 MER, a percent equivalent to the percent of the state appropriation for the fully implemented guaranteed tax base grant.

If there are no objections, Mr. President, I'd ask that it be placed on the Consent Calendar.

THE CHAIR:

Are there any objections to placing the matter on Consent? Hearing none, so ordered.

THE CLERK:

On page 25, Calendar 437, File 625, Substitute for Senate Bill 86, AN ACT CONCERNING THE PLACEMENT OF COMMITTED, ADJUDICATED DELINQUENTS, Favorable Report of the Committee on Judiciary.

## SENATE

WEDNESDAY  
APRIL 18, 1984

198  
LFU

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR OWENS:

It would eliminate the requirement that a copy of the investigation performed by a probation officer prior to disposition of a delinquency case be delivered to any institution where the child is committed to such institution by the court. The Bill would also eliminate the right of the court to require that a person, institution or agency in whose care a child is placed, report as to the child and its treatment. I'd ask if there is no objection that this Bill be placed on Consent.

THE CHAIR:

Any objections to placing the item on Consent?

Hearing none, so ordered.

THE CLERK:

Calendar 438, File 619, Substitute for Senate Bill 200, AN ACT CONCERNING LIBRARY THEFT, Favorable Report of the Committee on Judiciary.

1984 GENERAL ASSEMBLY

SENATE

1461

WEDNESDAY  
APRIL 18, 1984

234 SB284-SB351  
LFU HB5166-SB367

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.

SB16-SB561  
SB536-SB484  
SB571-HB5536  
HB5656-HB5181  
HB5596-H5503

THE CHAIR:

Please give your attention to the Clerk as he pro-  
ceeds with our rather extensive Consent Calendar.

HB5725-HB5204  
SB95-SB535  
SB596-SB355  
SB458-SB427

THE CLERK:

On page 1, Calendar 392. On page 2, Calendar 393,  
394, 395. On page 3, Calendar 167, 186, 214. On page  
4, Calendar 231, 236. On page 5, Calendar 252. On page  
6, Calendar 277, 282, 286. On page 7, Calendar 290, 297,  
305. On page 8, Calendar 315, 323, 327. On page 9,  
Calendar 329, 333, 334. On page 10, Calendar 337, 339,  
340, page 11, Calendars 343, 344, 346. Page 12, Calendar  
349, 350.

SB453-SB474  
SB192-SB310  
SB422-SB496  
SB577-SB197  
SB276-SB227  
SB266-SB495  
SB548-SB589  
SB592-SB215  
SB281-SB331

Page 13, Calendar 360, 361, 362, 364. Page 14,  
Calendar 368, 369, 370, 371, 372. Page 15, Calendar 373,  
374, 375, 376 and 378. Page 16, Calendar 379, 380, 381,  
383. On page 17, Calendar 386, 387, 388, 389, 390. Page  
18, Calendar 391, 396, 397, 398, 399, 400. Page 19,  
Calendar 401, 402, 403, 404, 405. Page 20, Calendar 406,  
Calendar 407, 409, and 410.

SB400-SB578  
SB456-SB194  
SB419-SB520  
SB603-SB606  
HB5790-HB5600  
HB5144-HB5358  
HB5639-HB5575  
HB5644-HB5075

Page 21, Calendar 413, 414, 416, 417. On page 22,  
Calendar 420 and 421. Page 23, 424, 425, 426, 427, 428,

HB5773-HB5547  
HB5649-HB5726  
HB5758-H5760  
HB5560-SB130  
SB494-HB5872

WEDNESDAY  
MAY 9, 1984

14  
LFU

Clerks, Deputy Chief Clerks, Clerks and Deputy Clerks are subject to annual reappointment because they serve in high managerial positions. Also, the provision concerning Assistants and Deputy State's Attorneys was deleted because duplicate provision was passed in House Bill 5893, the Division of Criminal Justice.

In sum, the Bill would no longer require annual reappointment for Assistant Clerks, Court Messengers, Court Reporters and Messengers. I'd ask if there is no objection, that this Bill as amended be placed on Consent.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Calendar 437, File 625, Substitute for Senate Bill 86, AN ACT CONCERNING THE PLACEMENT OF COMMITTED ADJUDICATED DELINQUENTS, as amended by House Amendment, Schedule A, Favorable Report of the Committee on Judiciary. Passed Senate on April 18th.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Mr. President, I move acceptance of the Joint Committee's Favorable Report in concurrence with the action of the House and passage of this Bill.

## SENATE

WEDNESDAY  
MAY 9, 1984

15  
LFU

THE CHAIR:

Will you remark?

SENATOR OWENS:

Basically what the House did on May 8th was it passed the Bill and adopted House A which provides that prior to the commission of a child to DCYS, as set forth in the Bill, the court will notify DCYS and consult with them prior to its ordering the placement of a delinquent committed children; a good Amendment. I'd ask if there is no objection that this matter as amended by House Amendment A be placed on Consent.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Calendar 439, File 621, Substitute for Senate Bill 531, AN ACT INCREASING POWERS OF REVENUE SERVICES COMMISSIONER IN RELATION TO CIGARETTE TAX ENFORCEMENT AND VIOLATIONS UNDER STATE MINIMUM PRICING LAWS FOR CIGARETTES, as amended by House Amendment, Schedule A, Favorable Report of the Committee on Judiciary, passed Senate on April 19.

THE CHAIR:

Senator Owens.

## SENATE

WEDNESDAY  
MAY 9, 1984

100  
LFU

lists the Bills on the Consent Calendar.

## THE CLERK:

On page 1 of today's Calendar, Calendar 744 and 373. SB585-SB86  
On page 2, Calendar 384, 437, 439, 440 and 441. On page SB531-SB568  
3, Calendar 443, 594, 603. SB537-SB588  
SB169-SB636

Turning to today's Agendas, Senate Bill 550, this is on Agenda 1, Substitute Senate Bill 128, Substitute Senate Bill 575, House Joint Resolution 60. On page 3 or Senate Agenda 3, Substitute Senate Bill 223 and on Senate Agenda 5, Substitute Senate Bill 280. That completes the list of items on today's Consent Calendar.

## THE CHAIR:

Are there any questions, any item that you want removed from the Consent Calendar? After you have voted, we would appreciate it if you would stay in your seat. The Roll Call that was taken on the Suspension of the Rules Motion by Senator DiBella apparently did not print out and we're going to have to take that vote over again and we'll do that immediately after we do this vote.

The issue before the chamber is the Consent Calendar. The machine is open. Senator Rogers, Senator Hampton, Senator Robertson. The machine will be closed and locked.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 1  
1-360

1984  
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MS. MANDELL: (continued)  
of those persons enumerated.

The two bills that we, first of all I'd like to speak in opposition to Senate Bill 86, An Act Concerning the Placement of Committed Adjudicated Delinquents. Specifically the Judicial Department opposes the proposed amendment to subsection a of section 1 of this bill. This subsection --

SEN. OWENS: This is 80 --

MS. MANDELL: 86. Did I cite the wrong --

SEN. OWENS: Yes, Faith, you told me the first time that you were speaking in favor of 86, okay?

MS. MANDELL: I'm sorry.

SEN. OWENS: That's why I asked you, you gave me a separate entitled 86.

MS. MANDELL: Okay, I'm sorry. Okay, the first bill was the definition of serious juvenile offense, it was House Bill 571.

SEN. OWENS: Let's go back on that on that then. Cause I just want to, cause I thought I was misreading something.

MS. MANDELL: Okay, oh, I --

SEN. OWENS: 5 -- 5171

MS. MANDELL: <sup>5171</sup>571, which changes the definition of a serious juvenile offense.

SEN. OWENS: Okay, briefly, what did you --

MS. MANDELL: Okay, what this does is just includes criminal liability within the definition of serious juvenile offense and would permit the prosecution of a juvenile of criminal liability for certain of the offenses set forth in that section.

SEN. OWENS: Okay.

MS. MANDELL: Okay.

SEN. OWENS: You support on that --

MS. MANDELL: We support that.

SEN. OWENS: And going back to 86, you oppose, right?

MS. MANDELL: Right.

SEN. OWENS: Go ahead.

MS. MANDELL: Sorry for the confusion.

SEN. OWENS: Okay.

MS. MANDELL: Okay. This subsection 1 is what we specifically oppose. This subsection specifies the authority of the court to place, not commit, a child out of his home, order the child to remain at home, place custody in a relative, order probation or to perform community service or restitution. The court frequently orders children to be placed in residential facilities without resorting to commitment. Not ever child who is found delinquent is committed to DCYS. This amendment would reduce the court's authority to place a child in a residential facility and for that reason we oppose just that subsection.

SEN. OWENS: Which is section?

MS. MANDELL: A of section 1.

SEN. OWENS: Go ahead.

MS. MANDELL: Okay. The last bill I'd like to address is Senate Bill 90, An Act Concerning Release of a Defendant After the Conviction and Pending Sentence or Appeal. We feel that this bill chips away at judicial discretion. To mandate evidentiary hearings and written findings would create additional delay factors in processing cases through the judicial system. To require evidentiary hearings, when we presently have oral hearings on bonds will slow up the process, utilize valuable judicial time and will result in requiring additional judge power. It is difficult to justify holding an evidentiary hearing and requiring a judge to make written findings to hold the person who has just been convicted of murder.

unbridled agency discretion without study of the merits and assessment of fiscal impact would be an unwise decision.

I urge you to proceed very cautiously and recognize the radical departure in case law and treatment trends this proposal represents. Look at the potential harm to delinquent children who may be and frequently are educationally handicapped, neglected or in the throes of a family crises and who are not serious delinquents. Transformation of our reform school into a diagnostic clearing house requires much closer scrutiny. I submit it would not benefit our communities, our children or our pocketbooks.

PATRICIA H. DENUZZE STEVENS