

Legislative History for Connecticut Act

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HB 7855	FAX PA 288	1985
House	5357-5362	6
Senate	2774, 2843	2
Judiciary	2228	1

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1985

VOL. 28  
PART 15  
5245-5585

5357

Chamber. Would the Clerk please announce the tally.

CLERK:

House Bill 7848.

present	Total number voting	138
incom	Necessary for passage	70
perfor	Those voting yea	98
the	Those voting nay	40
idua	Those absent and not voting	13

SPEAKER VAN NORSTRAND:

of Pub The bill is passed.

CLERK:

Calendar No. 584, Substitute for House Bill 7855, File No. 704, AN ACT CONCERNING DISMISSAL OF CHARGES OF PERSONS INCOMPETENT TO STAND TRIAL. Favorable Report of the Committee on Judiciary.

REP. WOLLENBERG: (21st)

Mr. Speaker,

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

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

SPEAKER VAN NORSTRAND:

The question is on passage of the bill. Will

kpp

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5358

House of Representatives

Thursday, May 9, 1985

you remark, Sir?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker, Mr. Speaker, at the present time, the state of the law is that if someone is incompetent to stand trial, they may be committed for a period of up to 18 months. At the end of that period, they -- a hearing will be held to determine if the individual is still incompetent to stand trial. There are options such as they may be turned over to the Commissioner of Public Health or other places until he supposedly is competent to stand trial.

However, if the individual doesn't necessarily have to be institutionalized and the individual, under the present law, after the 18 months, would have the charges dismissed. He had never been charged now. He had been institutionalized for 18 months. He comes out. He's still not competent. The charges would be dismissed.

Under this bill, the charges would not be dismissed until the statute of limitations ran on the particular crime. If the crime were murder, where there is no statute of limitations, then it would never be dismissed so that if he became competent, he could be charged with the crime.  
Mr. Speaker.

kpp

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House of Representatives

Thursday, May 9, 1985

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, the Clerk has an amendment, LCO No. 6276 on his desk. Would he please call the amendment.

SPEAKER VAN NORSTRAND:

Would the Clerk please call LCO 6276, designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A", LCO 6276, offered by Rep. Wollenberg.

SPEAKER VAN NORSTRAND:

The gentleman seeks permission to summarize. Is there objection? Seeing none, please proceed, Sir.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, this amendment rather cleans up the present language in the bill which would be eliminating from line 9 before the word court to line 15 after the number two in the parenthesis and inserting in line 27 substantially the language we have, "THE COURT SHALL DISMISS, WITH OR WITHOUT PREJUDICE, ANY CHARGES FOR WHICH A NOLLE PROSEQUI IS NOT ENTERED WHEN THE TIME WITHIN WHICH THE DEFENDENT MAY BE PROSECUTED FOR THE CRIME WITH WHICH HE IS CHARGED, AS PROVIDED IN SECTION 54-193, HAS

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EXPIRED". Section 54-193 does set out the statute of limitations in the various crimes. It's about the same wording but it fits better in the position it is now and I would move adoption of the amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption. Will you remark?

The question is on adoption of House "A". Will you remark?

If not, all in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay. The ayes have it. House "A" is adopted and ruled technical.

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House Amendment Schedule "A".

In line 9, insert an opening bracket after "court"

Delete lines 12 to 14, inclusive, in their entirety and insert "and" in lieu thereof:

In line 15, insert a closing bracket after "(2)"

In line 27, after the period insert the following:

"THE COURT SHALL DISMISS, WITH OR WITHOUT PREJUDICE ANY CHARGES FOR WHICH A NOLLE PROSEQUI IS NOT ENTERED WHEN THE TIME WITHIN WHICH THE DEPENDANT MAY BE PROSECUTED FOR THE CRIME WITH WHICH HE IS CHARGED, AS PROVIDED IN SECTION 54-193, HAS EXPIRED."

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5361

House of Representatives

Thursday, May 9, 1985

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended by House "A"? Will you remark further on the bill as amended? If not, staff and guests please come to the well of the House. The machine will be opened. Will the Clerk please announce the pendency of a roll call vote for the benefit of the members not in the Chamber.

CLERK:

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

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

SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? Have all the members voted? If so, the machine will be locked. Will the Clerk please take a tally. Will the Clerk please announce the tally.

CLERK:

House Bill 7855 as amended by House "A".

Total number voting 137

Necessary for passage 69

Those voting aye 137

Those voting nay 0

Those absent and not voting 14

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House of Representatives

Thursday, May 9, 1985

5362

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Calendar No. 586, Substitute for House Bill 7747,  
File No. 701, AN ACT CONCERNING STATUTORY LIENS. Favorable  
Report of the Committee on Finance, Revenue and Bonding.

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. May this item be referred  
to the Committee on Judiciary.

SPEAKER VAN NORSTRAND:

The motion is to refer Calendar No. 586 to the  
Committee on Judiciary. Is there objection? Seeing none,  
the matter is so referred.

CLERK:

Calendar No. 590, Substitute for House Bill 6046,  
File No. 697, AN ACT AUTHORIZING JOHN W. BRADLEY TO PRESENT  
HIS CLAIM AGAINST THE STATE TO THE CLAIMS COMMISSIONER.  
Favorable Report of the Committee on Judiciary.

REP. WOLLENBERG: (21st)

Mr. Speaker.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1985

VOL. 28  
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2468-2822

Regular Session  
May 15, 1985

2774 20  
jgt

SENATOR SMITH:

I'd like to move the following and adopt for a consent calendar for today. Page 6, calendar No. 547, House Bill 6502, calendar No. 548, House Bill 7234, calendar No. 549, House Bill 7709. On page 7, calendar No. 550, House Bill 7798, calendar 554, House Bill 5778, calendar 555, House Bill 5898. On page 8, calendar No. 558, House Bill 7168, calendar 561, House Bill 7553. On page 9, calendar No. 562, House Bill 7603, calendar 566, House Bill 6310, calendar 569, House Bill 5983. Page 10, calendar 570, House Bill 7438, calendar 571, House Bill 7527, calendar 572, House Bill 5643, calendar 573, House Bill 7825. On page 11, calendar 576, House Bill 5081, and on page 12, calendar No. 582, House Bill 7855. Mr. President, that completes the consent calendar as agreed between the Minority and the Majority.

THE CHAIR:

Thank you.

SENATOR SMITH:

Shall we now proceed with the markings of the calendar?

THE CHAIR:

You may proceed.

SENATOR SMITH:

Page 1 of the calendar, calendar No. 472 will be passed

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1985

VOL. 28  
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2823-3170

Regular Session  
May 15, 1985

89

2843 jgt

HB 7603 HB 6310  
calendar 562 and 566. On page 10, calendar HB 5983, HB 7438, HB 7527,  
HB 5643, HB 7825 572 and 573. On page 11, calendar HB 5081 576. On page 12, calendar  
HB 7855  
582. That completes the consent.

A roll call vote on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR: (THE PRESIDENT PRO TEMPORE IN THE CHAIR)

We're about to vote on a consent calendar as read by the Clerk. Is there anyone who wishes to have any bill taken off the consent calendar? Is there any opposition to any bill being on the consent calendar? Anyone wish to have a bill removed? If not, the machine will be opened. Senator Daniels. Senator Daniels.

THE CLERK:

There's a roll call in process in the Senate. Will all ..  
Senator Daniels. There's a roll call in process in the Senate.  
All Senators return to the chamber.

THE CHAIR:

All right. The machine will be closed. Clerk will take a tally. Consent calendar passes 35 to zero. Clerk will please call the next item.

THE CLERK:

Page 3, calendar 509, Substitute for Senate Bill 972,  
File 744. An Act Concerning Civil Penalties For Hazardous

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 7  
2020-2429

1985

DR. ANGLIKER: (continued)  
effective resolution to this problem.

The Department of Mental Health is willing to collaborate with the Department of Correction to accomplish this, either by participating in a task force to study and make recommendations to strengthen the program, or by assisting in another manner. Thank you.

SEN. JOHNSTON: Questions. Atty. Joseph Shortall.

ATTY. JOSEPH SHORTALL: Good morning, Sen. Johnston, ladies and gentlemen, members of the committee. My name is Joe Shortall, I'm the Chief Public Defender for the state. I want to testify on three or four bills and one resolution.

Resolution No. 99 and Bill No. 7857 have to do with denial of the right to bail. I would just say that although the idea of preventive detention may be an idea whose time has come, these two bills, in my opinion at least, are far too broad and would almost certainly be declared, well, I can't say the constitutional amendment would be declared unconstitutional, but it's certainly inadvisable.

It would allow the Legislature to adopt statutes denying every person charged with a crime of violence, to be denied the right to bail. I don't believe that that's what has generally been proposed. I think if you follow the federal model, it provides for a hearing in individual cases and provides standards for judges to use in determining which accused persons should be released and which should not. I think that both the resolution and the bill go far beyond what is necessary to deal with this problem on those occasions when it occurs and I would urge the committee respectfully, to give them an unfavorable report.

There's a bill 7855 concerning civil commitment of defendants, persons incompetent to stand trial. This bill, is, I guess a companion to one you heard earlier, 7791, An Act Concerning Civil Commitment. As to 7855, it allows the state's attorney to participate in commitment hearings which are held at the close of a person's term of commitment as being incompetent. That's not the case now. I'm not aware of any problems that have arisen under the present statute in which these proceedings are held in the probate court and in the absence of any showing that there were some serious problems, I don't see what the need is to complicate the procedure further.