

Legislative History for Connecticut Act

SB/69 (PA587) 1985

Use: 11312-11339

Sen: 2145-2156, 3041, 3140-3141
5493-5494, 5552-5553

Jud: 2200, 2204-2205, 2216, 2224,
2226, 2230-2231, 2233, 2234-2235,
2254-2257, 2258, 2275-2276,
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The ayes have it. The resolution is adopted.

REP. TAYLOR: (79th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Craig Taylor.

REP. TAYLOR: (79th)

I'd ask for suspension of the rules for immediate transmittal of the resolution to the Senate.

SPEAKER VAN NORSTRAND:

The motion is to suspend the rules for the immediate transmittal of LCO No. 6947 a House Joint Resolution. Is there objection? Seeing none, the rules are so suspended for that purpose, Sir.

Return to the call of the Calendar.

CLERK:

Page 4, Calendar No. 874, Senate Bill No. 169, File No. 707, AN ACT CONCERNING TESTIMONY OF VICTIMS OF CHILD ABUSE, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Appropriations.

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Wollenberg.

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REP. WOLLENBERG: (21st)

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

SPEAKER VAN NORSTRAND:

The question is on acceptance and passage in concurrence with the Senate. Will you remark?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, what this bill does is it allows that any children under 12 years of age who were the victim, any child who was a victim of an assault, sexual assault or abuse, it would eliminate the requirement that they must be qualified in order to be witnesses. Presently under the law, there's no fixed age, but the judge makes a determination whether or not the child has the maturity to receive the correct impressions and so on and understands a moral duty to tell the truth.

This would go a step further in line with the child abuse bills that we have seen. It adds a little bit more strength to the law. These children would be allowed to testify out of the sight of the defendant which is I think the most important thing in the whole bill. They would not have to face the accused.

There are some other things that will come out in

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the amendment. The Senate has an amendment, Senate Amendment Schedule "A", LCO No. 6295 and I would ask that the Clerk call and read.

SPEAKER VAN NORSTRAND:

The gentleman has asked the Clerk to call LCO No. 6295 previously designated Senate Amendment Schedule "A". Will the Clerk please call and read.

CLERK:

Senate Amendment Schedule "A", LCO 6295 offered by Sen. Johnston.

Delete lines 36 to 44, inclusive, in their entirety.

SPEAKER VAN NORSTRAND:

The amendment is in your possession, Sir. Your pleasure?

REP. WOLLENBERG: (21st)

Mr. Speaker, may I summarize? Thank you.

SPEAKER VAN NORSTRAND:

Would you move adoption or rejection?

REP. WOLLENBERG: (21st)

I move adoption of the amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption. Will you remark?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, this removes

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the last section of the bill which would have allowed hearsay evidence of these children to be used and I think that's well taken and we should adopt this amendment, Mr. Speaker.

SPEAKER VAN NORSTRAND:

The question is on adoption of Senate Amendment Schedule "A". Will you remark? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

The ayes have it. Senate Amendment Schedule "A" is adopted.

Will you remark further on the bill as amended by Senate Amendment Schedule "A"?

REP. BELAGA: (136th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Julie Belaga.

REP. BELAGA: (136th)

Will the Clerk please call LCO No. 8072 and may I be allowed to summarize.

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SPEAKER VAN NORSTRAND:

Will the Clerk please call LCO NO. 8072 designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A", LCO 8072 offered by Rep. Belaga, Wollenberg, Giles, Tulisano and Frankel.

REP. BELAGA: (136th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

The lady from Westport seeks permission to summarize. Is there objection? You have the floor, Madame.

REP. BELAGA: (136th)

Thank you, Mr. Speaker. This bill addresses some of the, some modest and some major problems with the bill. One of the errors in the bill was that it had left out inclusion of the judge in the process and so we have included the trial judge in the hearing.

Furthermore, we removed the language that requires for special construction in the courtroom. It is that language in the bill that developed a fiscal note that made this proposal entirely out of line and so are leaving to the discretion of the judge the use of video equipment as he sees fit and we have opted not to put the language as specifically in the amendment.

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This has been worked out and I'm very grateful to Rep. Wollenberg and Tulisano and Giles and Frankel for working with us along with the members of the judiciary who have been very helpful in drafting it and I move the amendment.

SPEAKER VAN NORSTRAND:

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

REP. BELAGA: (136th)

I think one more comment, Mr. Speaker. I think that this addresses a problem that many of us have been deeply concerned about for quite some time and while it requires that the court protect the judge in this very traumatic situation, it also is supportable because it is my opinion that it does not in fact trample on the constitutional protection of the accused and I urge support of it.

SPEAKER VAN NORSTRAND:

The question is on adoption of House Amendment Schedule "A". Will you remark? Will you remark? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

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SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

The ayes have it. House Amendment Schedule "A"
is adopted.

House Amendment Schedule "A".

In line 6, after "courtroom" insert the following:
"in the presence and under the supervision of the trial
judge hearing the matter"

In line 9, after "Only" insert "the judge,"

In line 14, delete "Only the" and insert in lieu
thereof "The" and after "attorneys" insert "and the
judge"

Delete line 15 in its entirety and insert the following
in lieu thereof: "child."

Delete lines 16 to 19, inclusive, in their entirety

In line 20, delete "permit the defendant to" and
insert in lieu thereof: "The defendant may"

Delete line 21, and insert the following in lieu
thereof: "testimony of the child and may consult with
his attorney, but the court shall ensure"

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended
by Senate Amendment Schedule "A" and House Amendment
Schedule "A"? Will you remark further?

REP. WOLLENBERG: (21st)

Mr. Speaker.

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SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker. Mr. Speaker, I think the bill with these amendments now is a bill that we can go forward with with some pride. I do just want to remark briefly, if anyone has noticed, this bill came out of judiciary not on anywhere near a unanimous vote and there was some concern in members of the judiciary about the whittling away here again of the rights of the accused. Is it today the children which makes sense and I think we all agreed that it made sense and tomorrow the wife and the next day the battered woman and the next day perhaps we sit there, the accused sits there without having to face anyone.

And I just wanted to for the legislative intent that it is not the intention to go very much further with this and the children, fine, but when we get in the other areas where the accused is not going to be able to be confronted by his accuser, then we have gone much too far and I think we ought to be very, very cautious in this area. Thank you.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended?

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REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise not knowing what Rep. Wollenberg was about to say.

SPEAKER VAN NORSTRAND:

Did he use your speech, Sir?

REP. TULISANO: (29th)

He gave me part of my speech, Mr. Speaker. I introduced a bill like this earlier this year. This is part of it, submerged. And I have studied it long and hard and I think there is some justification to have the ability to have a very limited, narrowly defined legislation like this is.

But I also know and believe that we have reached our, stretched as far as we can ever possibly go. And we also know that even this has yet to be tested fully. So I think this as safest as we could ever go. I think it's appropriate, especially for young children of tender years. But I also think that we should all be aware that we have stretched the limits that are capable for the future and that we should not try to go any further in the future.

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Thank you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Will you remark?

REP. WENC: (60th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. David Wenc.

REP. WENC: (60th)

Yes, thank you, Mr. Speaker. I have a few questions, through you, to the proponent of the legislation, Rep. Wollenberg.

SPEAKER VAN NORSTRAND:

Please state your question, Sir.

REP. WENC: (60th)

Yes, Rep. Wollenberg, in lines 11 through 14 of the file copy it indicates that any person who would contribute to the welfare and wellbeing of the child may be present in the courtroom with the child. What's to prevent that person from assisting the child in perpetuation of testimony, through you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg, would you care to respond?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker, yes. I think it's quite

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clear, Rep. Wenc that we're talking there about the well-being of the child, welfare and wellbeing of the child and there's no intention to allow this individual to intercede in the testimony and in that we have added the judge into the process now, I think that'll be something that he can control to the extent that we desire.

SPEAKER VAN NORSTRAND:

Rep. Wenc.

REP. WENC: (60th)

Yes, thank you, Mr. Speaker. Another question, through you, to Rep. Wollenberg. Rep. Wollenberg, although it's highly unlikely that a defendant would not be represented by an attorney, if a defendant decided to represent himself per se without the assistance of an attorney, how would this legislation apply to that individual with respect to being able to question the child?

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, I think the accused has a right to have an attorney and if he wishes to interrogate a child, the purpose of this is so that the child does not have to face the accused and I think that should be

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upheld. The individual would have a right to an attorney. He knows that. He can make that choice knowingly. If he decides not to, he gives up a right that he has, but I think he does it knowingly.

SPEAKER VAN NORSTRAND:

Rep. Wenc.

REP. WENC: (60th)

Yes, another question, through you, Mr. Speaker, to Rep. Wollenberg. What provision in the file copy relates to certification or authentication of the video tape that is done? Would the persons who operate the video equipment have to indicate that it's true and accurate to the best of their knowledge and belief? And if they do, what provision in the file copy speaks to that issue?

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Rep. Wenc, as we know, today when we ask for a copy in these types of cases where there is a confidentiality, it is certified by the operator and so on. I should think that we would use the same

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process for that. Thank you.

SPEAKER VAN NORSTRAND:

Rep. Wenc.

REP. WENC: (60th)

Yes, one more question through you, Mr. Speaker, to Rep. Wollenberg. In section 2 of the file copy we discussed the issue of prior qualification and removing that requirement. This provision would also apply to a child who may have some or suffer from some mental defect. As I read this file copy, Rep. Wollenberg, would the accused be prohibited from qualifying the competency of a child who may suffer from a mental defect?

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Through you, Mr. Speaker, it does refer just a child under 12 years of age and it does not specify or exclude that class that you're talking about Rep. Wenc. Again, the safeguard is that the triofact would of course not eliminate the person. I see you looking, but would have the right to give whatever weight they determine in their wisdom to the testimony of the child.

SPEAKER VAN NORSTRAND:

Rep. Wenc.

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REP. WENC: (60th)

Yes, I guess just one more question. Excuse me, Mr. Speaker. Rep. Wollenberg, could you please indicate to the Chamber what evidence was presented before the Judiciary Committee that showed testifying by video tape is less traumatic for a child than testifying in open court.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, there was no testimony given that would show that it was less traumatic. As a matter of fact, as you recall, Rep. Wenc, there was some extended discussion on that and with the persons testifying in this regard and there were concerns on the part of the members of the Judiciary Committee and for that same fact then we talked, when we talk about these child abuse bills and statutes that what may or may not be more traumatic and it was explored and I think that's one of the reasons that there were so many questions in Judiciary.

I think that's why you're asking some of these questions and they're well taken, to get this on the record the way the feeling is and for the concern we have in this area. Thank you.

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SPEAKER VAN NORSTRAND:

Rep. Wenc.

REP. WENC: (60th)

Yes, Mr. Speaker. Just one more question comes to mind because I'm not entirely sure how this bill would operate. In a question through you, to Rep. Wollenberg, once the child is questioned and a video tape is made, it's my understanding that the jury would not view the child in person, but would view a video tape of the child testifying. Am I correct, Rep. Wollenberg?

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, that is the intention of the legislation, yes.

SPEAKER VAN NORSTRAND:

Rep. Wenc.

REP. WENC: (60th)

Yes, thank you, Mr. Speaker. I rise reluctantly to oppose this legislation and I can certainly appreciate the sensitivity of this issue before this Chamber. I'm afraid what we have here though is a shortcut to conviction. It's more probably than not that a child would not lie and I think the studies bear that out and I would refer

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the Chamber to the February 1985 volume of the American Bar Association Journal. But on the same page it talks about a situation that occurred last summer in Jordan, Minnesota and you may recall that where the news came out that in a town of 2,700 people about 40 miles south of Minneapolis, the news came out that children had been forced to take part in ritualistic sex parties with adults.

Officials took away the children from the parents and the town was in a state of shock. As the case proceeded, the case began to unravel because it came out that many of the children were not telling the truth and I fear that the mechanism which we set up in this file copy remove the human element in the truth seeking function of a trial.

The child does not have to view the accused. The jury does not have to view in person the accuser. And I think with removing that human element, the tendency to determine between whether or not a person is telling the truth or telling a lie becomes more and more clouded. I think a balancing test has to be set up when considering whether or not to vote in favor of this legislation. And that is on the one hand.

Is the procedure going to be less traumatic for the child rather than having that child testify in open court? It may or it may not be. I think the evidence, the

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imperable evidence still has to come in on that.

And on the other side of the equation, is the accused's constitutional right to confront his or her accuser, and I think that's a substantial and a significant and a fundamental constitutional right, and without more evidence and with some of the concerns I've raised in this file copy through the questioning of Rep. Wollenberg, the scale, as far as I'm concerned, still tips in the favor of maintaining that constitutional right to confront the accuser.

And therefore, ladies and gentlemen, I oppose this legislation.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill?

REP. SWENSSON: (13th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Elsie Biz Swensson.

REP. SWENSSON: (13th)

Thank you. I feel very concerned and I back this bill because I believe it is a start. It's someplace where we can finally bring this into court because there's so much of it going on today. It's the same thing with the obscenity bill that we feel that some things aren't

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obscene. But I did have one question, through you, Sir, of Rep. Wollenberg, and as a lay person why was the age of 12 picked for this bill?

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, there are other areas of the statutes and I can't give them to you just now that refer to 12, but it seems to be an age, a break age, Rep. Swensson, for this type of thing. We did have some testimony on it that a little older, a little younger, but I don't like to say that it's arbitrary. I think it's been more thought out than that. But this seems to be the age that we use for these type things.

SPEAKER VAN NORSTRAND:

Rep. Swensson.

REP. SWENSSON: (13th)

Through you, Sir, 13 or 14, could they still request, someone under 16, could they request to go behind closed doors or because of this law, they wouldn't be allowed to do that?

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

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REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, it can be requested now even children of tender years talk in Chambers, most times if you are a criminal attorney representing an accused, you would not want that to happen of course. You'd want them to be facing them and that's a tactic as well.

I would suggest that they are not precluded. I would suggest that any weight given to their testimony might not be that weighty if they were allowed to talk with a judge in private, in Chambers, as now you can do from time to time. But as to whether it will be excluded from evidence, very likely it wouldn't.

REP. SWENSSON: (13th)

Thank you.

SPEAKER VAN NORSTRAND:

Rep. Swensson.

REP. SWENSSON: (13th)

Yes, And I'd like to continue to say that our police are getting cases, one or two, sometimes three or four a week and there's nothing that the police department can do. So maybe we can put the fear of the Good Lord into the abuser and it's about time we did. Thank you.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill?

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REP. GYLE: (108th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Norma Gyle.

REP. GYLE: (108th)

Mr. Speaker, first I would like to thank the lawyers who worked on this bill. I understand their concerns. It's a very difficult thing to say that when we have a constitution that says the accused can face his accuser to put the accuser behind closed doors if you will. And that's the nice thing about this legislation if we don't do that.

We do let the accuser see, the accused see who is accusing him and he can consult with his lawyer. And the only thing we're sparing is the child. And if you think for a minute why an 11 year old would submit to abuse, for 7 or 8 or 9 or 10 or, yes, ladies and gentlemen, 11 years for an 11 year old, why would they have submitted so long? And the answer is fear. They're afraid. And their only authority object that they have that they could turn to is also the fear object many times.

And that is why it's very important for that person who finally, finally is able to go to someone who might possibly help them, not have to be traumatized by

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facing that symbol of authority and fear one more time because that in and of itself is enough to put him right back, he or she, back in the same situation from which they came. I think this is a compassionate and a very well considered way of addressing this problem. I think it's overdue, but it's something that we haven't even been aware of until very recently because more and more people have not been afraid to step forward and say what has been happening to them. Even one of our United States Congressman has come forward and said that she was abused also.

So that's why it's important that we put this legislation on the books and give these children an opportunity to tell their story without being traumatized one more time. And once again I'd like to thank the lawyers for working on this with us and helping us address this problem in this way.

SPEAKER VAN NORSTRAND:

Rep. Patricia Dillon.

REP. DILLON: (92nd)

Mr. Speaker, I hadn't planned on speaking on this. First of all I'm very strongly in support of this bill. Secondly, however, I'm somewhat disturbed that some of the attorneys speaking on the bill made reference to, what

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sounded to be an implicit understanding and support for this bill would mean that it should go no further, that is that we should not open the door to protecting rape victims or battered women. I say this specifically because there was an incident in New Haven where a woman was stabbed in the jugular vein after testifying against her boyfriend in a simple breach of peace incident and from my own professional experience it seems to me that the protection, not only from trauma, but of physical harm of witnesses and victims is an issue that this assembly and the court system has not fully dealt with.

Therefore, this issue is a very important one and I would hope that the members of this assembly will be supporting this bill on its merits alone and not with any understanding that any future issues should be implied in any way. Thank you very much.

SPEAKER VAN NORSTRAND:

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

REP. STOLBERG: (93rd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Stolberg.

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REP. STOLBERG: (93rd)

Rep. Joyce was on his feet. I don't think he was in your line of vision.

SPEAKER VAN NORSTRAND:

I didn't see any light on, Sir. Rep. Joyce.

REP. JOYCE: (25th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, a question to the proponent.

SPEAKER VAN NORSTRAND:

State your question, Sir.

REP. JOYCE: (25th)

Rep. Wollenberg, just one thing is not too clear to me. It says a child 12 years of age or younger, assault, prosecution offenses, abuse of a child 12 years of age or younger, for legislative intent I'm wondering if the actual act was done when the child was less than 12 and let's say the child became 13 by the time the court case came around, through you, Mr. Speaker, would the 13 year old child still have the advantages of the bill?

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, yes. We take the age at

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the time of the commission of a crime and use that and it might go for two years. I hesitate slightly. I hadn't thought of that, frankly, Rep. Joyce, and it's a good question.

We then go on to limit it to 12 years and under, but I think we would take the child at the time the crime was committed and then go forward from there.

Again, remember we're putting the judge in there now to supervise. I think we're giving more direction than just the judge sitting on a bench in normal proceedings. We're asking him under this legislation to supervise. And I think he's going to use some judgment in this as well.

REP. JOYCE: (25th)

Thank you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Tulisano.

REP. TULISANO: (29th)

Just to address some of the issues that may have been raised also when questioning I think this paragraph,

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the second paragraph of the bill dealing with qualifications of the individual, that was based on age alone and parallels the federal rule of procedure and I understand that's the way it's been written into it so that for purpose of legislative intent when people looking to the court in Connecticut ever be looking for some precedent it does parallel in fact the federal rules of procedure with regard to that.

I do think the age of 12 has been generally accepted nationally in legislation similar to this as about the outer extreme of what tender are meant to be. So that in fact there may be cases even younger, but based on the individual where even the court because of his on motion to the court and it's not necessarily required in all cases. The court can close the closing and follow this procedure.

And secondly, with regard to the issue of a defendant defending themselves, again, that same issue, the court and its own may make a decision based on it and that fact it would seem to me if that is the only attorney who can present the case, he may very well come down with the conclusion that in that situation this procedure would not be applicable. Thank you, Mr. Speaker.

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SPEAKER VAN NORSTRAND:

Will you remark further on the bill?

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, just very shortly and pondering the answer to Rep. Joyce taken to its illogical conclusion I suppose if the case went on and on for some reason that seven or eight years later we could have a 19 or 20 year old trying to invoke this and I don't think that makes any good sense and perhaps under the letter of the law rather than the spirit, after 12 perhaps they would not be allowed into the video situation, Rep. Joyce, and I'm changing my opinion on that and that's what it is.

And I don't think it makes sense after 12 unless there are some other extenuating circumstances and in that case the judge can make the decision and also make a decision upon how much weight they're going to give it and so on. But I think 12 is the cutoff under the bill and I think that's right.

SPEAKER VAN NORSTRAND:

Thank you, Sir. Will you remark further on the bill?

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

CLERK:

The House of Representatives is now voting by roll call. Will all members please return to the Chamber. The House of Representatives is now voting by roll. Will all members please return to the Chamber so their votes may be properly recorded.

SPEAKER VAN NORSTRAND:

During the pendency of this roll call, rather than waste your time in the succeeding minutes. The Chair would note that inquiries made to a person bringing out a bill or other members of the Chamber to elicit information have and will always be a mark of this Chamber. I have a feeling, however, with more than 80 bills doubled starred for action on our Calendar and with the awareness the members have as to what the State Constitution says as to adjournment, I believe you may begin to get the picture. If you only do eight bills in 2½ hours, I do not know how much longer we can or should indulge in lawyerly tete a tetes when both parties know the answers and the questions.

And I'm not singling out anyone in particular, but if you have a statement to make as a product of your knowledge about a bill, make the statement. Let's not draw it out any longer than we have to.

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

Will the Clerk please announce the tally.

CLERK:

Senate Bill 169, as amended by Senate Amendment Schedule "A" and House Amendment Schedule "A".

Total number voting	148
Necessary for passage	75
Those voting yea	147
Those voting nay	1
Those absent and not voting	3

SPEAKER VAN NORSTRAND:

The bill as amended is passed.

At this time the Chair with continuing our list of designated hitters, we would ask to come to the dias to preside over the next bill, the gentleman from Newington, Rep. Richard Balducci.

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court may waive the requirement for supplying the copies of that search warrant, they must detail, through affidavit, just why the issuance of those affidavits to the person to be searched might be waived. The only exemptions supporting a waiver of the affidavit to be supplied to the person whose premises are searched is that the personal safety of a confidential informant might be revealed that the search is part of a continuing investigation and finally that the giving of the affidavits would require information or material prohibited by other statute, and if there is no objection, Mr. President, I move that this bill be placed on consent.

THE CHAIR:

Any objection? Hearing no objection, the item is placed on the consent calendar.

THE CLERK:

Page 12, calendar 451, Senate Bill No. 169, File 707.
An Act Concerning Testimony Of Victims Of Child Abuse.
Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill.

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THE CLERK:

Clerk has Senate Amendment Schedule "A", LCO No. 6295 introduced by Senator Johnston of the 9th.

THE CHAIR:

Senator Johnston - Richard Johnston.

SENATOR JOHNSTON:

Thank you, Mr. President. I move adoption of the amendment, would waive a reading of same and wish to be permitted to summarize.

THE CHAIR:

Without objection, you may proceed.

SENATOR JOHNSTON:

This amendment would delete in entirety section 3 from the legislation which relates to hearsay statements that might be admissible in court given certain conditions and I would move adoption of the amendment.

THE CHAIR:

Do you wish to remark further on the amendment? Senator Mustone.

SENATOR MUSTONE:

Yes, Mr. President. Earlier in the day when I read the amendment, Sir, I was going to oppose it. This bill has been very important to me. I've been researching it since last

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October and it's a very fine piece of legislation. Upon consulting with several judges this afternoon, I've been convinced that by removing this hearsay amendment that Senator Johnston has eliminated from section 3 of the bill is acceptable to me and I urge its passage.

THE CHAIR:

Will you remark further on the amendment? Senator O'Leary.

SENATOR O'LEARY:

Just a question, Mr. President. The amendment as I see it, strikes section 3 of the act and I believe that what that does is it eliminates some hearsay evidence. What would be a practical effect of that on the child testifying? How would that, if I could see a fact pattern before the removal of the section and after the removal of the section, how exactly would that impact the individual?

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

Through you, Mr. President, if I understand Senator O'Leary's question correctly, it does not relate to the issue of testimony of a child twelve years or older relative to what I consider the essence of the bill which is televised testimony. What the amendment seeks to do is to remove what I consider to be a

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problematical situation with hearsay evidence it being admissible in court.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

I understand, thank you, through you, Mr. President, I understand what hearsay evidence is and this, I believe, through you, if I'm correct, strikes hearsay evidence out of the bill. Apparently the bill had allowed the child to make testimony which would normally have been inadmissible as hearsay. This is striking that, restoring the hearsay rule to the situation. Is that correct, through you, Mr. President?

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

Through you, Mr. President to Senator O'Leary, that is correct.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

So then, in a practical sense if we're dealing with a child twelve years of age or younger describing a criminal act of which the child is a victim, that testimony, if it is not ad-

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missible, under current hearsay rules, would have been admissible under the bill as written in the file, why did they want to make this admissible in the Judiciary Committee? Why did they put this in that hearsay would be admissible? What were they driving at in section 3?

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

Through you, Mr. President to Senator O'Leary, I believe that the thrust of the inclusion of section 3 was to include as a matter of evidence those hearsay statements or those statements that may have been made out of court by a child twelve years or under that would otherwise be inadmissible because of that child's reluctance, inability to testify in court and surrender that evidence in court.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you. If the child is testifying before a video camera, recording it, and it's not live, and the tape is then brought into the courtroom and played on a receiver for the jury, would that be hearsay evidence?

THE CHAIR:

Senator Richard Johnston.

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SENATOR JOHNSTON:

I believe technically that would be hearsay evidence, yes, through you, Mr. President.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Then would the striking of section 3 make that evidence inadmissible?

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

Through you, Mr. President, the amendment is not intended to strike from the admissibility into court proceedings the televised testimony, only those statements made by a child out of the courtroom.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

The video would have been made out of court, through you, Mr. President. It would not have been made in the presence of the jury. I wonder then if it would fall within the hearsay rule and if we're striking the hearsay rule are we going to the heart of this bill.

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THE CHAIR:

Now let's see what we're talking about. The amendment strikes out all of section 3, and I think, Senator Richard Johnston is offering the amendment and has given his reason. What you are attempting to do, Senator O'Leary, is to find out why section 3 is being deleted. In the light of the questions that you're asking, one can conclude from the dialogue that you're having that the sections that remain are adequate for the prosecution of these kind of cases. Now what we're trying to get now through a dialogue whether or not there is validity for the exclusion of section 3. I don't know that we can get any more definition or reason than has already been stated so that we can go on and on in this dialogue and produce the same results that those who feel that the amendment has validity and the bill is stronger by its deletion because it safeguards, probably, some of the rights of the people who are involved, I think this is what we have to weigh here. Now, I don't mind standing here, presiding over here and listening to the dialogue that's taking place, but I think you're going to get the same answers.

SENATOR O'LEARY:

Mr. President, I was very satisfied with Senator Johnston's responses. I thought that the dialogue that we were having, at

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least was enlightening me personally, and I was feeling very comfortable with that dialogue and I believe that if I choose to pursue that dialogue, it's my right as a Senator to continue to do so.

THE CHAIR:

I think you have that right, but I can also understand that I'm presiding over this body, and there is a limitation to how much we can elicit in a dialogue and make some sense out of it. You may continue.

SENATOR O'LEARY:

I agree with you and I appreciate your shedding some light on this. I think that your comments that the rest of the bill, in your opinion, Mr. President, preserves the ability of the child to make the testimony out of court and have it admitted is what exactly what I'm looking for. That's precisely the point I want. The question I raise is that when I see us striking the hearsay rule, it would be helpful if someone could show me somewhere in this statute other than simply saying that that's the fact, if someone could show me in the statute, where the child is protected, I'd be very satisfied and the dialogue would end right now.

THE CHAIR:

Senator Richard Johnston. Senator Mustone.

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SENATOR MUSTONE:

Yes, Mr. President. It's my interpretation that the hearsay ruling, Sir, would apply if a child is giving testimony on video, that child is describing the events of a sexual attack. If that child forgets an event, the parent or the adult who is present, may not add any testimony to what the child has verbalized. Now, there are about thirty exemptions to hearsay ruling, as I understand. There could be another exemption made in this case, but as I said earlier, this is my interpretation. I have checked it out with several judges this afternoon and they said that leaving this part of the hearsay section of the bill could raise some constitutional questions. By removing it, it still leaves the bill intact that the child's testimony could be acceptable on video tape in a judge's chambers and be acceptable as witness in the courtroom. That's my interpretation and that's as clearly as I can verbalize it, Sir. Thank you.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, Senator Mustone's word is good enough for me. What I'm driving at in these bills, however, is that when I see something taken out, and I think the dialogue on the

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hearsay rule clearly led to two points: 1. Child's out of court statement is hearsay. 2. That section removes the hearsay exemption. That could only lead to the conclusion that we were imperiling the heart of the bill. Senator Mustone gives us her word that in consultation with some judges that is not the case. I'll have to accept that word. I have not seen or heard an explanation on this floor that would lead to conclusive evidence that we are not doing or undoing the bill that we intend to do. That's the problem, but I will take the Senator's word for it and support the bill.

THE CHAIR:

Senator Johnston.

SENATOR JOHNSTON:

Thank you, Mr. President. Perhaps to clear up some confusion in Senator O'Leary's mind, as I read the legislation, section 3 relates to a hearsay exception for testimony that might be delivered in court not by the child who is a victim of the crime described in the statute, but testimony delivered by a person to whom the child has spoken and it does not relate to the hearsay exception for the testimony by television, and I would ask, through you, Mr. President, whether that satisfies Senator O'Leary.

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THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

That's very good. Thank you, Mr. President.

THE CHAIR:

Motion's for the adoption of the amendment. Do you wish to remark further? All those in favor of the amendment, signify by saying aye. Those opposed, nay. The ayes have it. The amendment's adopted. Senator Richard Johnston, on the bill as amended.

SENATOR JOHNSTON:

Thank you, Mr. President. On the bill as amended, perhaps one of the more important pieces of legislation out of Judiciary Committee this year, two important changes. A child twelve years old or less who is a victim of a criminal assault or criminal abuse would have his or her testimony televised rather than having to give that testimony in court in person with certain important conditions. Secondly, the children of any age could testify without a judge having to first decide the competency of that child to testify in court, and if there is no objection, Mr. President, I believe this might have to go to Appropriations because there is a fiscal impact here, so I would recommend a referral to the Appropriations Committee.

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THE CHAIR:

Refer to Appropriations. Senator Mustone.

SENATOR MUSTONE:

Yes, Mr. President, I don't object that it go to Appropriations. I certainly hope that the bill remains alive. I'm sure it will. I would just like to comment very briefly on the bill itself. It is a very important piece of legislation to eliminate children from suffering through the trauma of the open courtroom. The bill has safeguards. Both the attorney for the plaintiff and the defendant would be allowed to question the child before the video taping and the defendant would be able to watch behind a screen where the child could not see the defendant. I know the hour's very late and I don't want to elaborate any further, but I do urge that the circle do certainly vote for the bill and pass it on to Appropriations. Thank you, Mr. President.

THE CHAIR:

Is there any objection referring this item to Appropriations? The item is referred to the Appropriations Committee.

THE CLERK:

Page 13, calendar No. 454, House Bill No. 5435, Files 137 and 712. An Act Concerning The Prohibition Of Smoking In Public School Buildings. (As amended by House Amendment Sche-

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SENATE

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THE CHAIR:

Do you want to call that first?

SENATOR SMITH:

I have the Consent Calendar that's been agreed upon for Wednesday, May 22nd, Mr. President. If we could go to the Calendar, starting with page 3, Calendar 430, Senate Bill 953; same page, Calendar 451, Senate Bill 169. On page 5, Calendar 565, House Bill 7767; on page 6, Calendar 577, House Bill 6046; on page 8, Calendar 593, Senate Bill 850; also on page 8, Calendar 594, Senate Bill 757. On page 9, Calendar 598, House Bill 7616; page 10, Calendar 604, House Bill 6406. Page 11, Calendar 613, House Bill 5979; page 12, Calendar 614, House Bill 6305; also on page 12, Calendar 616, House Bill 7443.

Page 13, Calendar 620, House Bill 5565; also on page 13, Calendar 621, House Bill 7446; same page, Calendar 623, House Bill 7849; same page, Calendar 624, House Bill 5297; on page 14, Calendar 626, House Bill 5284; also on page 14, Calendar 629, House Bill 6052. Page 15, Calendar 632, House Bill 7836. Page 15, Calendar 633, House Bill 7706; page 16, Calendar 637, House Bill 7783; page 16, Calendar 638, Senate Bill 337, page 16, Calendar 639, Senate Bill 573; page 17, Calendar 641, Senate Bill 784 and turning to page 35, Mr. President, it's the final item on today's

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THE CLERK:

SB 800 SB 926 HB 7744
Page 2, Calendar 215, 265 and 316. Page 3, Calendar
SB 953 SB 980 SB 169 HB 7767
430, 435, 451. On Page 5, Calendar 565; on Page 6,
HB 6046 SB 850 SB 757
Calendar 577. On page 8, Calendar 593, 594. On Page 9,
HB 7616 HB 6406
Calendar 598. On page 10, Calendar 604; on Page 11,
HB 5979 HB 6305 HB 7443
Calendar 613. On 12, Calendar 614 and 616. On 13,
HB 5565 HB 7446 HB 7849 HB 5297 HB 5284
Calendar 620, 621, 623, 624. On Page 14, Calendar 626
HB 6052 HB 7836 HB 7706
and 629. On page 15, Calendar 632 and 633. On Page 16,
HB 7783 HJ 33
Calendar 637 and on Page 35, Calendar 619.

THE CHAIR:

Any changes, omissions? Senator Casey.

SENATOR CASEY:

Thank you very much Mr. President. Would you please
take off from the Consent Calendar, Calendar 435. I would
like to vote against that.

THE CHAIR:

What page?

SENATOR CASEY:

Page 3.

THE CHAIR:

435? That may be removed. Any other changes? Omissions?
The machine is open. Please record your vote. Sorry, clear
the board please.

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SENATOR CONSOLI:

Sorry Mr. President. I would also like number 215 off the Consent Calendar.

THE CHAIR:

Which?

SENATOR CONSOLI:

That's Page 2, Calendar 215, Bill 800.

THE CHAIR:

Thank you. Any other changes? Any omissions? The machine is open. Please record your vote. Senator Avallone, Senator Kevin Johnston, Senator Daniels. The machine is closed. Clerk please tally the vote.

The result of the vote:

36 YEA

0 NAY

The Consent Calendar is adopted. We'll need separate votes now and the Clerk will call items that have been removed and will be voted separately.

THE CLERK:

Page 2, Calendar 215, Substitute for Senate Bill 800, File 838.

THE CHAIR:

This was removed from the Consent Calendar and requires a separate vote. Clerk please make an announcement for an

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THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you, Mr. President. I would ask leave of the chamber at this time that we might pass temporarily on this item.

THE CHAIR:

Any objection? Passed temporarily.

THE CLERK:

Under Appropriations, Senate Bill 169. An Act Concerning Testimony Of Victims Of Child Abuse. File 707.

House passed with Senate "A" and House "A".

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and pasage of the bill in concurrence with the House action.

THE CHAIR:

Will you remark?

SENATOR JOHNSTON:

Yes. This, talked about this bill before, this chamber once before. It makes two important changes with respect to

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testimony of children in criminal cases. One with respect to a child twelve years old or less who is a victim specifically of assault or abuse be able to have his or her testimony televised rather than give testimony in court in person. Secondly, children of any age would be able to testify and the judge or jury would then give weight to such testimony without the judge first making determination of competence to testify. The House amendment cleaned up a technical problem with the bill and that is in respect to the fact that a little reading of the bill seemed to preclude the judge from being present during the testimony of a child twelve years old or less. Further, the amendment eliminated the fact that the camera and the camera operators would be hidden from the child's view. I would ask that this be placed on the consent calendar if there's no objection.

THE CHAIR:

Any objection? Hearing none, so ordered.

THE CLERK:

Returning to Substitute Senate Bill 537. An Act Concerning The Failure To Prepare A Hazardous Waste Manifest And Maintain Records With Respect To Hazardous Waste And Establishing A Hazardous Air Pollutant Advisory Panel.

House passed with "A" "B" "D" and "E".

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all Senators please return to the chamber. Immediate roll call's been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Question before the chamber is a motion to adopt Substitute House Bill 6938, File No. 1118. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk, please tally the vote. Result of the vote, 34 yea, 2 nay, the bill is adopted.

THE CLERK:

Immediate roll call on the consent calendar for all Senators. Please return to the chamber. An immediate roll call on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Please give your attention to the Senate Clerk who will announce all those items that have been placed on the consent calendar.

THE CLERK:

Page 2 of the calendar, calendar ^{HB 7230} 896. On Senate Agenda #2, Substitute House Bill 6994, Substitute Senate Bill 800, Substitute Senate Bill 537, Senate Bill 169, Substitute Senate Bill 583, Substitute Senate Bill 784, Substitute Senate Bill 244,

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Substitute Senate Bill 888 and Substitute Senate Bill 759.

THE CHAIR:

Are there any changes or omissions? The machine is open. Please record your vote. Has everyone voted? Senator O'Leary. Senator O'Leary. Machine is closed. Clerk, please tally the vote. Result of the vote, 36 yea, zero nay. The consent calendar is adopted. Senator Avallone wishes to be recognized.

SENATOR AVALLONE:

Mr. President, I was out of the chamber on legislative business on Senate Bill 995. I'd like to be recorded in the affirmative please.

THE CHAIR:

The record will so note.

SENATOR AVALLONE:

Thank you.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I'd like to move at this time to recess until 8:00 P.M.

THE CHAIR:

Any objection? The Senate will stand in recess until 8:00 P.M.

THE SENATE RECESSED AT 6:30 P.M.

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REP. WOLLENBERG: Thank you, Jim. Are there any questions? Anyone? Thank you. Joe D'Alesio, followed by Robin Ritter.

MR. JOSEPH D'ALELIO: Good afternoon. My name is Joseph D'Alesio and I am representing the Judicial Department, and would briefly like to address three bills today. The first two bills I would like to address are Committee bill 5365, an act concerning testimony of crime victims and Committee bill 169, an act concerning testimony of victims of child abuse.

The Judicial Department is not taking a position with regard to these two bills. However, it is concerned over the provisions of the bills. The bills provide that the testimony of victims can be recorded on video equipment and played back at a court proceeding. In addition, the bills set forth procedures to be used in recording the testimony. The Department does not have the capability of caring out these provisions.

Physically and logistically, several problems are presented such as providing rooms adjacent to courtrooms as well as providing for screening of victims while they testify before the video cameras. There would also be a substantial physical impact which would entail the purchase of equipment, training of personnel, as well as any renovation to rooms to accommodate the video taping.

In conclusion, the Department's only position with regard to these two bills relates to their physical and logistical impact.

The last bill I would like to address is Committee bill 6237, an act concerning child pornography. I would just like to state for the record that the provisions of this bill requiring that fines collected for certain statutory violations be paid to the Treasurer for placement into a specific fund, would require data processing changes to our revenue system, which would cost approximately \$11,000 to implement. Thank you.

REP. WOLLENBERG: Do you have any questions? Thank you. Robin Ritter and then Henry Bissonnette.

SEN. JOHNSTON: That doesn't make sense. I'm sorry. So 1,100 under supervision, how many parole officers are there?

MR. BISSONNETTE: I think about 18. The Board of Parole does not supervise the inmates, that is handled by the Department of Correction and the officers work for them.

SEN. JOHNSTON: Do we have someone from the Department of Correction here today? Okay, well I'll deter on some of these remarks then.

REP. WOLLENBERG: Other questions? Rep. Shays.

REP. SHAYS: Thank you. Would you say again, could you talk in that mike, basically the people can't hear. You said that there are 18 parole officers.

MR. BISSONNETTE: I believe so, that's an approximation.

REP. SHAYS: And my understanding is there are about 500 cases in the State of Connecticut potentially still in the Corrections Department eligible parole and it is your testimony it's more like 800?

MR. BISSONNETTE: As of this morning I understood it was 785.

REP. SHAYS: Okay, that's good. Thank you.

MR. BISSONNETTE: 166 of those are lifers.

REP. WOLLENBERG: Sen. Mustone, followed by William Carbone.

SEN. AMELIA MUSTONE: Good afternoon, Rep. Wollenberg, Sen. Johnston, members of the Judiciary Committee, I am speaking to Committee bill 169, and I would like to take this opportunity to thank the Committee on raising this bill. This was my bill number. I understand there were in excess of 30 bills pertaining to the same subject. I did start my research on this bill last Fall and submitted to LCO sometime in December so I do thank you for the courtesy of using my bill number.

SEN. MUSTONE: (Continued)

My name is Amelia Mustone of the 13th Senatorial District and I support the Committee bill 169, an act concerning testimony of victims of child abuse. I am a co-sponsor of this bill. This bill would enact some very important legislation to eliminate children from suffering through the trauma of the open courtroom. It would permit the court to authorize the video taping of testimony by children 12 years of age or younger who are victims of assault, sexual assault, or abuse. It would permit courts to accept the testimony of all child victims regardless of age and without prior qualification. And it would provide that a statement of a child who is a victim that it otherwise inadmissible to be admissible under certain circumstances.

The bill has safeguards. Both the attorney for the plaintiff and the defendant would be allowed to question the child before the video taping and the defendant would be able to watch behind a screen where the child could not be seen by the defendant. This bill would eliminate the traumatic experience of a child having to testify before a large court audience in the retelling of the abuse. Since the testimony would be done on tape, in private in chambers, it would eliminate live testimony. The tape would be shown in court in lieu of a child's testimony in court.

The bill would increase the number of children who would testify to assault, sexual abuses, or abuse because it would relieve the horrible experience of having to retell the experience in front of the defendant. It would also eliminate the reluctance of parents who currently are reluctant to have their children press charges and to go through the trauma of a court hearing.

I believe that this legislation sensitively addresses the problem of prolonging a child's pain by making sure he or she is not subjected to having to retell their stories before a room full of people. This humane bill has also been proposed by Governor William O'Neill. I urge the Judiciary Committee to act favorably on the bill. It is sorely needed. Thank you.

REP. WOLLENBERG: Thank you, Senator. Any questions?
William Carbone, followed by Joseph Lieberman.

MS. RIDDLE: We filed our statement on Friday.

REP. BARONIAN: I know you did and I believe West Hartford signed on also and that goes through a portion of my district on I-84 and I just wondered if we are not successful through the federal government, whether or not we can deny permit.

MS. RIDDLE: Well, yes, we have a permit system that is really separate from DEP for hazardous waste and that is through the Department of Transportation. There is a whole different permitting process for radioactive waste, such as what is involved with New York and Commissioner Burns is charged with consulting with public safety and the Department of Environmental Protection for handling that and that's a separate permitting --

REP. BARONIAN: So that's in his perview.

MS. RIDDLE: That's within the DOT's perview and that's separate from this set of permits which is in DEP.

REP. BARONIAN: Okay, thank you very much.

REP. WOLLENBERG: Any other questions. Thank you, Clarine. Rep. Antonetti, to be followed by Rep. Schmidle.

REP. RICHARD P. ANTONETTI: Members of the Committee, I'd like to, I am Richard Antonetti, Representative from the 32th District. I'd like to speak in support of the following bills, S.B. 169, S.B. 245, H.B. 5150, 5509, 5164, and 6239. I will only address three because I think there has been ample statement given already and I know that we are underneath time (inaudible).

Crime victims in our state are truly the forgotten people of the criminal justice system. They are often victimized twice, once in the enactment of the crime against them, and again by the system in which they are trying to obtain justice. Under our justice system, the criminal has an attorney or a public defender to protect his interests. The state has the prosecutors office. But the victims and their family have no one. Yet studies have shown that the victims and witnesses who receive the service and assistance from the criminal justice system are more cooperative and make better

COMM. MARCUS: (continued)

We also support Committee Bill 5164, An Act Concerning the Filing of Missing Child Reports and we ask a favorable report on that bill. I think there was testimony earlier today indicating that it's been demonstrated that the earlier the search starts for a missing child, the greater the chances are of locating that child.

Besides assisting the general citizenry in locating missing children, this bill would be a specific help to DCYS in more quickly locating children who are under the protection and/or supervision of the state and who run away from their placements.

With respect to Committee Bill 169, An Act Concerning Testimony of Victims of Child Abuse, the Department supports this bill which would permit the court to allow the protection of children in sexual assault or abuse cases through videotaping of their court testimony. This would be in our opinion, a major step forward by the state in acknowledging the particular needs of children and their families to cope with the courtroom stress, which differs significantly from that of adults.

We suggest, however, that you consider having the age consistent with the definition of the age of child in 17-410 which is any person under 16 years of age. There may well be occasions where an older child requires the same courtroom protection as a 12 year old. For example, a 15 year old mildly retarded child.

We respectfully request a favorable report on Bill 169 and also support any appropriation needed to implement such videotaping process.

With respect to Committee Bill 5513, An Act Concerning Child Abuse. In our opinion, this bill in its current form is not in the interest of protecting abused children. Currently, the law requires mandated reporters to give an immediate oral report to DCYS or the local police, or the state police. Since police officers are also mandated reporters whenever they receive oral reports, they in turn give an oral report to DCYS. It would appear in reading this bill, that it would require a verbal report to be given to all three entities, DCYS, local police and

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SEN. JOHNSTON: Questions? Rep. Wenc.

REP. WENC: Yes. For the record, I'm Rep. Wenc from the 60th District. Commissioner, I have one question. Do you have any evidence that the video taping of children who are victims of sexual assault is, or the children are under less stress, or the experience is less traumatic.

SB 169

COMM. MARCUS: That is the evidence we have from our professional staff. I think that when Chief State's Atty. McGuigan testifies, as I believe he will today, I think he may have more empirical evidence, but it is certainly the case from our experience in the department that we know that some cases have not been able to proceed to successful prosecution and conviction because the child simply was not able, because of the stressful nature of that situation, offer testimony. So I would say yes, and I believe that there is information that could be provided to you to support that.

REP. WENC: With respect to the evidence you just indicated, would those children have testified if they were videotaped.

COMM. MARCUS: I believe they would have, sir.

REP. WENC: Were they asked that question?

COMM. MARCUS: I'm not sure of each specific instance, but I will tell you this, that we will be happy to get whatever specifics we have and get those to you.

REP. WENC: I think that would be very helpful if you could present some empirical evidence or studies that were done in different states with respect to the stress level of children being videotaped as opposed to not being videotaped.

COMM. MARCUS: We can do that and I think it's a good question because I also think that that kind of legislation must, as I'm sure is in your mind, be balanced with adequate protection for the rights of defendants.

SEN. JOHNSTON: Thank you, Commissioner.

COMM. MARCUS: Thank you.

SEN. JOHNSTON: Dr. Colin Angliker.

ATTY. SHORTALL: (continued)

factor that they're on parole or that they're on probation, is dangerous, because it doesn't, the question is what are they on parole or probation for. What's their relationship between that and this accusation. So I think that any bill that simply says you have an accusation and you have a parole status or probation status is dangerous. I think that's why the federal bill provides that even in a case such as that, there's a hearing and a judge has to make findings concerning the person's dangerousness to the community, not just based on the fact that she or he is on probation or parole.

SEN. JOHNSTON: Questions? Thank you, Joseph.

ATTY. SHORTALL: Thank you, ladies and gentlemen.

SEN. JOHNSTON: Atty. Austin McGuigan.

ATTY. AUSTIN MC GUIGAN: I have some prepared testimony on Committee Bill No. 169 which is An Act Concerning the Testimony of Victims of Child Abuse. The major portion of this bill which is supported by the Division of Criminal Justice and I believe was part of our package, would permit the court in certain cases, where a child is 12 years of age or younger, and is the victim of an assault, a sexual assault or a child abuse case, to videotape the testimony of the child in a setting other than a courtroom, permitting the attorney for the state and the defendant's attorney to be present.

At the present time, I believe eight states have similar legislation to this. Texas and Wisconsin being two. It is generally recognized by psychiatrists who have studied this problem, that there is a great deal of trauma for a child to testify in a public courtroom to recount the details, particularly the sexual abuse.

We feel that it would do two things. One, it will relieve a great deal of attention for the child and the parent who have to make a very difficult decision to go forward in this type of case, and have their child relive what happened, in public. We feel it will protect the defendant and at the same time will enhance, actually, the credibility of testimony because we believe that by reducing the tension or trauma on a child, that we may in fact, procure

ATTY. MC GUIGAN: (continued)

more accurate, more credible testimony and that this may not only inure to the benefit of the victim, but may in some cases, inure to the benefit of the defendant, so we ask your support of this legislation.

As I say, I have prepared testimony which Mr. Cronan from my office will distribute to you in the interest of time. I'm not going to dwell on that bill because we have testified on it in the past.

The next bill is Committee Bill 6239, An Act Concerning the Creation of A Statewide Victim Assistance Program. Similar to the chief public defender's office, we also support the concept of expanding victim assistance programs throughout the state.

I would point out that in Section F of this bill, we are providing this, apparently this comprehensive statewide assistance program and appointing victim advocates through a statewide victim assistance board. I would recommend to the committee that the appointment of victim advocates be basically in the state's attorney's office because the major problem confronting victims is notification of the case, discussion with the prosecutors and the court as to what the results may be, etc. and I feel that the programs which have been successful around the country have been in the state's attorney's office. We do support it, but we would suggest that you, if you're going to have victim advocates in the courts, that they belong in the prosecutor's office because that's where really the (inaudible) of what's happening in the system, and we feel that would facilitate communication and further advance the rights of victims.

The next bill, Committee Bill No. 245. This requires that the state's attorney for each judicial district, notify any victim of the offense if they request notification and we must provide details concerning the arrest, the arraignment, the release and proceedings in the prosecution of the defendant. We support the bill. We feel that there could be a problem with minor misdemeanor offenses in terms of providing adequate notice of the disposition, but we think the major question here is funding. If we're going to provide notice for every victim of every case, we're going to need a victim witness advocate in every single GA court and Part A court in the State of Connecticut. I think that

ATTY. MC GUIGAN: (continued)

That's basically all my remarks. If you have any questions, I'd be glad to answer them.

REP. TULISANO: Mr. Chairman.

SEN. JOHNSTON: Rep. Tulisano, followed by Rep. Looney.

REP. TULISANO: Just one, (inaudible) victim of child abuse. (SB 169) I'm most concerned with, not concerned with, but I want to know if you think there's any problem with Sections 2 and 3 concerning, nobody's really talked about it, I think this attempts to parallel the federal rule procedure to some extent.

ATTY. MC GUIGAN: Yes.

REP. TULISANO: I mean, does that do it? Is it okay?

ATTY. MC GUIGAN: In our written statement, okay, we sponsored Section 1 in a companion bill. Section 2 and 3, I think are going to have to be seriously reviewed to see whether or not they're going to comport with, there is very little case law on this area, and I would suggest if you're going to adopt Section 2 and 3 that perhaps it be done in a separate bill so that there's no question. I feel that Section 1 is constitutional and that it will not suffer any detentional constitutional infirmities. We have pointed that out.

REP. TULISANO: Can you tell us what the Connecticut law is now?

ATTY. MC GUIGAN: There is really no case law at this point in Connecticut.

REP. TULISANO: Even on the current statute.

ATTY. MC GUIGAN: On this point, and I would suggest that we carefully study this before adopting it.

REP. TULISANO: Thank you.

SEN. JOHNSTON: Rep. Looney.

REP. LOONEY: Thank you, Mr. Chairman. Mr. McGuigan, on the bill regarding that denial of bail, could you give an example of the kinds of violent crime for which you think someone might still be eligible for bail, under this bill?

(HJ 99)

ATTY. MC GUIGAN: Well, I'm not sure I understand. You would be eligible for bail in any case. There would be, with the discretion of the court. The court does not have to automatically deny bail. It must find that you represent a substantial risk to the community and I think that's the right way to go. I think the court should always have the discretion to grant bail, but the kinds of violent crime would be literally every kind of, but there is no automatic provision of denying bail in these cases. This is not an automatic provision bill, at least the way I read it.

(HB 7857)

REP. LOONEY: So then, even if an action were, involved a great deal of violence say, but directed against a person with whom that person had a prior relationship, for instance, that might be an indication that the person who committed the crime did it out of a long-standing relationship with this other person that would not present a danger at large, even if the crime itself was one of some shocking degree of violence.

ATTY. MC GUIGAN: Yes, that's correct.

REP. LOONEY: Okay, thank you.

SEN. JOHNSTON: Rep. Nardini.

REP. NARDINI: Good afternoon. How are you doing? 169, I have a couple questions for you. If the state decides not to prosecute for whatever reason, they feel as though they don't have a case, could a victim's parents or family, whatever, decide to go ahead with the case and sue someone and bring them into court on a criminal charge?

ATTY. MC GUIGAN: Well, if the state, I'm not --

REP. NARDINI: Say for a child abuse or a child sexual molestation or something like that, the state decided they don't have enough evidence to go, but couldn't the parents of the child decide to go ahead with it?

ATTY. MC GUIGAN: That's not how, I, you mean civilly?

REP. NARDINI: Yes.

ATTY. MC GUIGAN: They could certainly --

REP. NARDINI: Okay, my question is this, then, Austin, shouldn't we maybe change the word state's attorney in there to plaintiff, allowing also someone else other than the state's attorney to go in for videotaping a child's testimony. That's my question.

ATTY. MC GUIGAN: This is limited to criminal prosecution, all right? It clearly should be expanded to include civil proceedings which are not under a strict control in terms of the defendant as criminal law. So yes, I would agree with you.

REP. NARDINI: Okay.

ATTY. MC GUIGAN: It should be permitted in civil cases.

REP. NARDINI: Thank you. The other question I have is on, it's on the agenda but you didn't speak to it. I know it's part of your package, 6045, establishing a fund for drug related cases. Are you familiar with that one?

ATTY. MC GUIGAN: Mr. Cronan will testify on that bill.

REP. NARDINI: He will, I'll ask him then.

ATTY. MC GUIGAN: Yes.

REP. NARDINI: Thank you.

SEN. JOHNSTON: Further questions? Thank you, Austin.

ATTY. MC GUIGAN: Thank you very much.

SEN. JOHNSTON: Hope you feel better. Robert Heafey.

RICHARD HEAFEY: Chairman Johnston, it's Richard Heafey.

SEN. JOHNSTON: Oh, forgive me.

RICHARD HEAFEY: It's quite all right, my printing is terrible.

SEN. JOHNSTON: It said R period.

- SEN. UPSON: (continued)
do have to obtain an attorney or have someone involved really to protect your rights, but on the other hand, if we'd had an advocate like you want, even they would have trouble staying on top of all the cases and it'd be a great expense. Do you have any idea how much this would cost the State of Connecticut?
- MR. MERTON: No, I have no idea. I guess there was a figure, but I don't remember the figure.
- SEN. UPSON: It would be a very expensive procedure, and right now as victims been handled the way you did or they hire an attorney to monitor it. And of course, in some cases, at least in the geographical area, each police department has a representative that goes every day and maybe that's one area of concern where let's say, I don't know what town you're from, but using the, not on the JD, but in the geographical area, they have a representative, a community relations person. Maybe that's the proper function for a police department to inform you, keep you informed of a victim's rights. That's an idea.
- SEN. JOHNSTON: Further questions? Thank you very much for coming down today, Gary. Carol Hochberg is it? Is Carol here? Okay. To be followed by Connie Diaz.
- MS. CAROL HOCHBERG: Chairman Johnston and Members of the Judiciary Committee, my purpose for giving testimony before you --.
- SEN. JOHNSTON: Carol, what is your last name?
- MS. HOCHBERG: Hochberg. My purpose for giving testimony before you is to voice my support of Bills 169, 5104, 548, 6239, 5903 in hope that these bills will reduce or eliminate the additional trauma experienced by the child victim of sexual abuse in the present legal system.

In order to lend credibility to my testimony I feel I must give a brief history of myself as an incest survivor. This history began at age four when my father, a police officer with the Washington, D.C. police, began molesting me. At age five, after attempting to tell a neighbor of the incest who disbelieved me and told my mother, I ran away, became frightened and returned home to punishment. That same year

MS. HOCHBERG: (continued)

I tried to tell my first grade teacher and she thought I made it up. I then decided to run in front of an ice cream truck, hoping to die like my dog. Again I was punished, this time for causing an accident.

My parents were divorced when I was six. My mother remarried, this time to a violent alcoholic who continued what Suzanne Sgroi would term "child rape". I began running away again at the age of nine, finally told another person, the police officer who picked me up and returned me home. I was not believed. At age 13, a state trooper in New York State, picked me up as a runaway in the middle of a snowstorm and was instrumental in getting me removed from my home because of physical abuse. I was not about to mention sexual abuse again. Left at home were my six brothers and sisters who became incest victims. Ten years later I found myself in a marriage where physical abuse was the main reason for my divorce years later.

My secret remained intact until about five years ago when I began therapy which was necessary as the result of living nine years under conditions similar to a concentration camp and also keeping the secret. I am considered luckier than most, especially those who are in institutions or those survivors who still have their secret locked within. I am now employed as a counselor for a mental health agency and work with adolescent parents; approximately 70% of whom have been sexually abused. I am also involved in the Child Sexual Abuse Advocacy Team whose focus is on prevention and am a volunteer speaker for the Child Protection Council. Therefore, I am acutely aware of the problems existing in the legal area of child sexual abuse, both from a child's point of view and as a service provider. In those contexts, my concerns are specifically that, (1), mandatory reporting be strengthened, (2) Bills 5136 and 5139, sponsored by Rep. Tulisano be passed, Bill 5654, sponsored by Rep. Cohen to also include the initial video take of an interview with DCYS and police to be used as testimony in order to reduce the number of interviews and that the interviewer be specially trained in the legal aspects of child sexual abuse procedures. And also that there is safeguarding of the child's rights, especially emotional and psychological rights.

Also, Bill 5104 and 5143, and in 5143, considering that

MS. HOCHBERG: (continued)
probably 90% of child molesters and rapists have themselves been abused, and also considering the fact that a survivor must undergo years of therapy in order to recover, I would ask for a minimum mandatory sentence of imprisonment of a person convicted of sexual assault of a child, including incest, to be given a mandatory controlled treatment as an adjunct to the sentencing which cannot be reduced or suspended.

Just as a point, assault for, just regular assault for a person 60 years or over, 3rd degree is no less than one year which cannot be suspended or reduced. Sexual assault, 3rd degree is 1-5 years and/or a fine up to \$5,000. There is no minimum term and no mandatory sentence. Most offenders leave without treatment within 1-5 years and we can expect them to offend again. A police record is necessary in every case in order to protect further victims.

In closing, I would like to remind you that sex offenses committed against children are rarely noticed other than in the most violent instances. Most offenses are never revealed and of those revealed, the largest percent go unprosecuted and are dismissed because of lack of proof. Even when there is proof, many cases are dropped because of the pressure and humiliation forced upon the victim. I am aware of such cases. Bill 169 and the others are a good beginning in ensuring respect for children and their rights.

It's not been easy for me to testify today, but I feel it necessary in order to give this committee who represent me the information that it needs to pass these bills.
Thank you.

SEN. JOHNSTON: Questions? Thank you very much for coming.
Connie Diaz.

MS. CONNIE DIAZ: My name is Connie Diaz and I'm a Victim Advocate with the United Social and Mental Health Services in Northeast Connecticut. I'm here to testify in favor of Bills No. 169, 548, 245, 5131, 5164 as they exist and in favor of Committee Bills No. 6239 with a modification.

On Bill No. 169, An Act Concerning Testimony of Victims of Child Abuse, I would like to cite who cases where the

MS. DIAZ: (continued)

need for legislation is demonstrated. In one case involving a twelve year old victim of sexual assault who was cross examined by a defense attorney for four hours without the presence of her parents or an advocate in the courtroom, this particular victim had suffered severe trauma after the lengthy court proceeding. Testimony, had it been video taped would have alleviated that trauma for that child. In another case involving a nine year old victim of sexual assault who had been prepared for the event of a trial, on the day of the trial, the defendant had plead guilty. One week after this date, the child had a psychological breakdown and was hospitalized in a child psychiatric facility. The trauma and the anxiety of the impending trial was too much for the child. Passage of 169 would allow video taping of both the testimony of both victims preventing and minimizing excessive trauma.

My only concern is that Bill No. 169 or another bill had not been raised by the committee to address the issue of videotaping in child sexual abuse cases or in child abuse cases to minimize the excessive interviewing of child victims by police and/or DCYS workers and/or mandated reporters. In one case, referring back to the twelve year old sexual assault victim, she was interviewed 25 times prior to trial.

On Bill No. 245, An Act Concerning Notification of Crime Victims. I would like to cite a case which illustrates the need for this legislation. A battered woman who had testified at two different trials against the defendant who had battered her, in both cases the defendant was found guilty, given probation, in the first case, the defendant, in the first case, the defendant was given probation. In the second case, the defendant was sentenced to a 90 day jail term. One week after the sentence was imposed, the defendant obtained a sentence modification where he effectively served two weeks of a 90 day jail term. The victim was not notified of the hearing on the sentence modification, nor the defendant's release from jail. She was, however, contacted by the defendant who had threatened to kill her by phone.

My only concern with 245 is it bears no provision for informing the victim of this right to notification.

Regarding Committee Bill 6239, the creation of a statewide

MS. DIAZ: (continued)

victim assistance program, advocates would provide this information and other services to victims of crime in each of the criminal courts. As one of three victim advocates in the State of Connecticut, 6239 would provide services to 17 of 19 geographic area courts and 9 of 12 judicial district courts which are presently not able to provide services to victims. The modification on Committee Bill 6239 is that the victim advocate program be housed in the state's attorney's office rather than the Criminal Injuries Compensation Board.

On Committee Bills 5131, An Act Concerning the Establishment of a Missing Children's Information and Clearing House, and 5164, an Act Concerning the Filing of Missing Children's Reports, both bills would allow for more immediate response on the part of police to complaints of missing children. Had this bill existed four years ago, the possibility of early apprehension of an individual accused of committing six homicides may have prevented four subsequent homicides. A homicide survivor, Edwin Shelley will testify later on these cases. The only modification to Committee Bill No. 5164 is that it include the state police department as well as municipal police.

Referring back to Bill No. 169, Conn Sex will testify as to one modification in that bill and that is to allow for video taping of victims up to age 18. Are there any questions?

SEN. JOHNSTON: Questions? Apparently not. Thank you very much, Connie. Louise Linsky followed by John Stein.

MS. LOUISE LINSKY: Thank you, Sen. Johnston for the opportunity to speak in favor of Raised Committee Bill No. 7854, An Act Concerning the Penalty for Making A Fraudulent Claim for Unemployment Benefits.

My name is Louise Weintraub Linsky and our company employs approximately 800 people in the State of Connecticut. In the course of the last six months alone, I have responded to requests for certification of earnings of unemployment compensation claimant on five claimants whose unreported wages alone account for \$10,449.06. I would like to cite the following case. An employee worked for our company from July 11, 1983 to June 29, 1984 at which time he

SEN. UPSON: (continued)
be known.

MR. BROOME: Yes, I think if you take a look at the employee right to know statute, the trade secret question --.

SEN. UPSON: Does your group have written comments on this or expressions because we have five days left --.

MR. BROOME: Certainly, I can get you written suggestions on that.

SEN. JOHNSTON: Thank you, Richard. William Olds followed by Sam McClure.

MR. WILLIAM OLDS: I'm William Olds, Director of the Connecticut Civil Liberties Union. I want to speak briefly on four or five different bills. There are two or three that relate to victim assistance which I think deserves the support of the legislature. 5150 deals with victims of crime and the bill would provide victims with essential services. 6239 would, deals with the creation of a statewide victim assistance program and I certainly share the views of some of the earlier speakers that considerably more needs to be done in providing assistance to victims of crime. On one or two occasions I've had a need to write to prosecutors who did not keep the victims apprised, up-to-date on what was transpiring and I think providing victim advocates is expanded those services is a movement in the right direction.

Bill 169 deals with the testimony of victims of child abuse. That's an extremely difficult problem for the criminal justice system. Children, no doubt, need to be very often protected from the trauma in the trials, but at the same time I think everyone recognizes that we have to be very careful to obtain the truth. I've been advised that the court decisions in this area are rather tricky and the bill may need some working. The courts have allowed exceptions by indirect testimony only in two areas. One the witness cannot be provided to testify and number two the special circumstances surrounding the taking of a court statement must show individualized or particularized guarantees of what the courts have described as the word trustworthiness.

Numerous courts have ruled around the country that the

MR. OLDS: (continued)

prosecution bears the burden of proof to show that there are particular consideration in the witness's emotional well-being to undergo the rigors or courtroom testimony. Under Bill 169, the burden does not appear to be on the prosecution, it simply allows the judge to permit video tape testimony. It may be the intent of this bill to allow for such an individualized or particularized showing by the state, but the language seems to be somewhat unclear in that regard.

Let me comment very briefly on Bill 7765, criminal records of child day care employer or employees. Let me just point out that that bill is not going to be a panacea to the problem. A couple of months ago the United States Department of Health and Human Services conducted a study which said that only a small number of child sexual abusers will be identified in this type of screening. The U.S. government reported that only 15% of sexual abusers had criminal records and the U.S. Department of Health and Human Services also reported that only 7% to 8% of reported sexual abuse is committed by somebody other than a relative of the child.

There's one particular area in this bill that I think poses serious privacy problems. On line 81, it singles out for dissemination of criminal records "household members of an applicant". It's not limited solely to the applicant. We have never taken a position that the dissemination of conviction records should not be public. We've taken the freedom of information approach that that indeed is public information.

We support 7165, the bill which relates to the searches of school students. That bill may put Connecticut generally in line with a very recent U.S. Supreme Court decision although I have a memorandum from the State Department of Education in which they have already issued guidelines to local boards of education relating to searches of students in public schools.

And finally let me comment quickly on Committee Bill 7857 and H.J.R. 99 which relates to the attempt by the legislature to authorize judges to imprison untried persons not to insure their appearance at trial, but in effect, to keep them off the streets which is commonly referred to as preventive detention. Let me make four quick points on those two bills,

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REP. WOLLENBERG: That I applaud and I know you do that, Chuck, and I think that's the right direction. To think that we should persuade judges by people being there and influencing justice, it's a tragic thing, I know, when these things occur, but to think that we should influence a judge making a decision because I'm more important than the next person, I don't agree with. But the sensitivity and victims certainly deserve to have someone like yourself with them explaining to them the system and so on. That is not the time to change the system, I don't think. It must be changed, if it must be changed. But not at that individual time, with that individual. That's not justice. I don't think.

MR. LEXIUS: The influencing of the judge, I think as many times as not, the victims go in understanding that the likelihood that they are going to influence something is unlikely, but their opportunity to tell somebody, the court, they come in and they can tell the court what happened. That's what the victims are looking at.

REP. WOLLENBERG: Fine. Thanks, Chuck.

SEN. JOHNSTON: Pat Clifford, Mary Galvin.

MS. MARY GALVIN: Good afternoon. Mary Galvin and Patrick Clifford. We are Assistant States Attorneys in the New Haven judicial district. We're here this afternoon to address you on bills 169, and also 7768. As far as 169, that's more commonly known as the video tape bill, we are before this Committee representing both the New Haven States Attorney Office, for myself, the New Haven Child Sexual Abuse Task Force, and we are also involved with the Meriden CCIP group. All of the above parties strongly support the video tape bill, 169. We feel that it is going to make it much more palatable for young children to testify in court.

We have just a couple of reservations concerning omissions from the bill rather than its content and those reservations are two. One, there is no provision that a judge be present for the video taping. The child is left with a prosecutor and a defense attorney and no referee between those two parties. We feel it very important that the

MS. GALVIN: (Continued)

judge have the option to be present at the video taping. We also feel very strongly that all of our statutes protecting children go up to age fifteen and that there is really no reason that this particular statute shouldn't also apply to children aged 15 and under as opposed to the current language of age 12. We feel that children between 12 and 15 also need that protection.

As far as the other sections of that bill, I'm going to address the competence section; Mr. Clifford, the portion concerning admissibility of statements. We support both sections. You know there was some earlier testimony concerning these. I would point out that some of the states that have begun revising legislation in this area have already adopted statutes concerning a child's competence, taking away the prior incompetence of children or very stringent standards and under the case law in the State of Connecticut now it is very stringent standards for qualifying a child as a witness. Unless these standards change, offenders have a virtual free game with young children because unless there is independent corroborating evidence, children cannot testify by the case law. Utah and Michigan have lead the way in adopting statutes. Utah's is almost directly on point with Public Act 169 and we strongly support both of those sections.

Mr. Clifford would now like to address the panel on statements and 77--

MR. PATRICK CLIFFORD: I have just one question. Our job is a very delicate one here to balance and you're saying the child is a child witness. Of course, on the other side of the coin, we have the accused. And that's the balancing act we must do.

MS. GALVIN: It's true and I think all courts and legislatures have to perform that balancing act and I think that when the Utah legislature and the Utah courts and those of Michigan have reviewed those, that balancing act has come out with a competent statute that I think does balance the rights of all parties. I think it is abhorrent that the defender --

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REP. WOLLENBERG: Is there a statute 15, is that where you get the 15?

MS. GALVIN: That's on video taping is 15. No, on competence it's a general child competence bill, like ours. Utah tracks it exactly. But I think we have to give as much concern for the rights of the child victim as we have traditionally given to the offender. I think the child victim is the forgotten soul in all of the victim rights projects that we've had over the past 10 years, it is only in the past 10 years we are beginning to recognize them and I think it's only a minimal step forward to pass 169.

REP. WOLLENBERG: I'm talking about 15 years old, it should be 15 instead of 12.

MS. GALVIN: That's correct. We do believe --

REP. WOLLENBERG: Where does that come from?

MS. GALVIN: Where does that come from? Well the sexual assault statutes currently provide that the age of consent, that is what used to be called statutory rape is now 15. Risk of injury under another amendment in a recent, fairly recent, Connecticut Supreme Court case --

REP. WOLLENBERG: But a child that is the age of 12 may be charged for murder in an open courtroom, isn't that right?

MS. GALVIN: Depending on the transfer statutes.

REP. WOLLENBERG: Isn't that true, though?

MS. GALVIN: Under the transfer statutes, it is possible, yes.

REP. WOLLENBERG: So a child of 12 could be tried in an open court for murder.

MS. GALVIN: I believe that the age is 12 under the juvenile transfer statutes. Correct.

MR. PATRICK CLIFFORD: My name is Patrick Clifford as Mary Galvin stated. I am a prosecutor in the same office. I've been a prosecutor for eight and a half years, at all times in New Haven and presently an Assistant State's Attorney in New Haven office. I prosecuted many of these child sexual abuse cases and I presently have a number of them presently pending in the New Haven judicial district court. They are very difficult cases. That is why we are here in support of S.B. 169. They are extremely difficult.

It is always difficult to get a young child to testify in an open courtroom in front of the defendant, whether that might be a stranger, whether it might be a mother, whether it might be a natural father, a mother's boyfriend, whatever. It is very difficult. It is very intimidating. It is also difficult to get the child competent to testify. There usually is, or has to be, a preliminary hearing outside the jury's presence wherein the judge has to ask certain questions, the prosecutor will, the defense lawyer will. It is very hard on the child.

There are also times, and I am referring to section 3 of bill 169, where there may be statements that a child gave outside of court which are relied and when that child is on the stand it is very difficult for the child to articulate parts of the story, parts of what occurred to that particular child. And that's why section 3 is important because if the court makes a finding that the out-of-court statement is reliable, then that can be introduced in support of the child's testimony. It is all part of the difficult task that we have in prosecuting these particular cases and that's why this particular bill is very important.

The video taping along with section 1 will go along way, obviously, towards making the ordeal less traumatic for the victim. And I think the result of it will certainly be more successful prosecutions of a particularly disturbing crime, which I am certain we all agree. These are special types of cases which requires special types of treatment and attention from the legislature, which obviously it is now seeing. And that's why I'm here as an individual prosecutor in support of S.B. 169.

MR. CLIFFORD: That's why I think that section 4 is important where if that actually passed and it was something that I just happened to spot, there would be no probational alternatives for some of these offenders.

REP. WOLLENBERG: Well, that's where we are here and I understand the strong feelings of some people to say that. It depends upon who you are talking about. About my grandchild, I think go along with , stronger, but that's the problem.

MS. GALVIN: I think we should also point out that we see a lot of prosecutions in incest or family related cases because the child knows that there is a treatment probation option. We do encounter a lot of children who did not want to see their father or close relative go to prison. So I think that it's important to keep flexibility and to realize that each case is very different.

REP. WOLLENBERG: Rep. Cunningham.

REP. CUNNINGHAM: Now that I am here, thank you. Just one question. What is the particular problem if there is (56169) one particular problem, with regard to the qualification of young children as witnesses. What is it that they get hung up on?

MS. GALVIN: Well, it's any number of things. Current case law has several requirements for child to be found competent to testify. One of those and perhaps the most basic is that they understand the obligation of an oath. Now we have some adults that come in as witnesses who, were the judge to ask if they knew what an oath was, would give some rather creative answers, albeit not the correct one. They also have to be able to narrate correctly. Most children don't even know what the word narrate means. They have to be able to observe and recollect and relate what happens.

Now there are cases where, I believe there was one not too long ago, where a 7 year old was unable to testify. As it stands now a parent comes in, a child is virtually anywhere under the age of 8, 9 or 10 and says will my child qualify as a witness. We cannot give a flat yes or no answer. It's ambiguous and ambiguity is very

MS. GALVIN: (Continued)

difficult for a parent and for families to live with. They don't even know if that child is going to be able to testify, let alone if the case will be able to go trial or if there will be a conviction. I think we need to delineate this area so that children, the competence of children is not as difficult to establish as it is under current law.

REP. CUNNINGHAM: Perhaps, something along the standard where the test, where the questions raised would go to the weight of the testimony, rather than admissibility.

MS. GALVIN: And this bill does that and that's why we think it's a good bill.

REP. CUNNINGHAM: Okay, thank you.

REP. WOLLENBERG: Am I correct in my assumption that in placement cases, at the juvenile court level, the standards are different than what you're talking about.

MR. CLIFFORD: Yes, they are.

(SB 169)

REP. O'NEILL: I've heard a lot of testimony all day concerning this particular bill and I'm getting readings from both sides. Is the purpose of the bill to facilitate prosecution or is the purpose of the bill having the traumatic experience that the child might exhibit eradicated from him by testifying in open court.

MR. CLIFFORD: I think it's number two. I think it's for the best interest of the child and testifying in that courtroom atmosphere. I think there are special types of cases that need a special type of treatment. I think I heard, I believe it was Austin McGuigan, testify earlier that there may be times where it might even help a defendant, where the person might, in a less intimidating atmosphere speak the truth. Possibly there might be some intimidation and maybe some other testimony might come out that might be helpful to the defendant. We don't know, but it's more, it's not geared to us as prosecutors. Obviously, as a prosecutor it is helpful.

REP. O'NEILL: As you were saying before, you said it is extremely difficult for you to prosecute a case so in fact

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- REP. O'NEILL: (Continued)
wouldn't it make it easier, so that is a dual purpose of the bill.
- MR. CLIFFORD: I believe, how it makes it easier is that if the child is more at ease on the stand and can articulate without being intimidated, then I think yes, it does certainly make it easier for me as a prosecutor because then I don't have to or someone doesn't have to try to force testimony out of the child or put him through a wringer like the defense lawyer/prosecutor might have to do.
- REP. O'NEILL: The bill in no way is going to change the present statutes concerning competency of the child, is it?
- MR. CLIFFORD: No, sir, not the section 2 addresses whether the child, how the child will not be found competent. By section 2 the child will be automatically, I believe, found competent, which means anything concerning the oath or their ability to recollect would go to the weight of the testimony but I believe the spirit of it is that it leaves or the feeling is that jurors are sophisticated enough to give the child's testimony the proper weight.
- REP. O'NEILL: Thank you.
- REP. WOLLENBERG: Anyone else? Thank you both very much. Stu Bohan, Debra Burns Milcan will follow, then Donna Davies.
- MR. STEWART BOHAN: Rep. Wollenberg, members of the Committee, my name is Stewart Bohan. I am Chairman of the Standards of Title Committee of the Connecticut Bar Association. I am here to speak in favor of bill 7836, which has the peculiar title an act validating acts and deeds valid except for certain irregularities and omissions. Probably the dullest bill that is before the Committee today and I suspect I'm the only speaker.

Nevertheless, it is an important piece of legislation. This is usually an act, it's a special act in every biennial session of the legislature. Similar validating acts have been passed so far as I can determine all the

MS. DAVIES: (Continued)

public concern for children and we share this concern. However, changes in our systems must be carefully considered to prevent any regression which will interfere with child sexual abuse cases being handled in the most effective way possible. A way which will increase the ability of the child to say no, of the parent to protect his own children, of the offender to obtain treatment to stop the abuse of children and of the community to provide a safe place in which to raise its children.

There is a consensus on the Task Force that bills 169 and 5365 concerned with video taping of the testimony of children makes some cautious steps in the direction of reducing the trauma of testifying for the child victim. They do not, however, deal with the permitting of video taped initial interviews or of using properly trained professionals for interviewing the child. Nor do these bills address the need to reduce the number of interviews the child must go through before ever reaching the courtroom. The Task Force recommends that your Committee consider the implications of prohibiting the use of probation in cases of child sexual assault as is one of the intentions of bill 7768. We feel that it is necessary to clearly state that the sexual abuse of children with or without force is a major offense.

We are concerned that mandatory sentencing will reduce the numbers of reports and prosecutions for the crime of child sexual abuse. We are also concerned that these offenders involved in effective treatment would decrease if the sentence is mandatory.

You also have before you bills concerning the background checks of day care personnel. In instances where this type of fingerprinting and record checking have been used it has not screened out child molesters. Bad check passers, yes, but not child molesters. Most child sexual abuse occurs in the context of a close relationship between the child and the offender. Often someone in their own home, 85% or more. Better training of day care providers, parents, and children is a better use of money and will more effectively reduce the incidents of child sexual abuse.

MS. WEEL: (Continued)

are particularly needed. Day care so that teen parents can complete high school and therefore break that cycle of poverty and so that their children don't grow up abused and neglected because their parents are living poverty and have never learned another way. These are the kinds of approaches that we need to take for these kids. And I just feel that it is very inappropriate to take the approach of lumping them in with younger kids in family with service needs.

One of the best things that you could do would be to assist with those teen health centers. We have found having a counsellor in the schools, we have found a number of 16, 17 year olds, 15 and 14 year old kids who have told us about sexual abuse in the home, who have repeated histories of runaway. And they don't tell you, they don't go outside other agencies, but if you are there in the schools, they will tell you, but there's nobody there. I think that there are two maybe three social workers for the entire City of Bridgeport in the school system.

So, I really believe that it's addressing the problem at the wrong end of the horse and I really hope that you don't take this approach and do not vote for that bill. On a personal level, I would like to speak to you on a few other bills, very briefly.

As a former Director of Rape Crisis Center and as a founding member of the Shelter for Battered Women in New Haven and also as the first victim advocate in the State of Connecticut and the New Haven's States Attorneys Office, I wish to strongly support S.B. 169, testimony on child abuse. We really, really, really need some way to support these kids through this process. It is a terrible and very difficult process.

S.B. 245, on notification, H.B. 5150, H.B. 5365, and H.B. 6239. It's time that the victim was included in the process. I have been very disturbed today to be listening to people talk about the victim of the crime as if the victim doesn't really belong there. And that somehow that testimony isn't supposed to come to the ear of the judge, when I have seen at sentencing the criminal and his mother and his aunt and his social worker

MS. GARDNER-FRUMM: (continued)

task force to recommend a comprehensive package of laws in the next legislative session and move forward in this session only the areas of strong consensus.

I'd like to speak strongly in support of Senate Bill 169, An Act Concerning the Testimony of Victims of Child Abuse. Through this legislation, we feel we can significantly decrease the trauma and embarrassment faced by child witnesses and victims and therefore increase our prosecutorial abilities and protect the child. However, several modifications in the wording of this bill are recommended.

We advocate that the judge be present at the time of the video taping to further protect the child. In addition, we would urge you to raise the age of the child from 12 to 15. Public testimony is no less traumatic for a 15 year old than for a 12 year old. This would also be congruent with statutes from other states such as Colorado a leader in legislation against child abuse. I'd also like to speak in favor of Bill 946 which would correct the many loopholes that now exist in the legal definition of sexual contact.

Finally, I'd like to call your attention to the disastrous consequences of the passage of House Bill 7768, Section 4a. The addendum to this bill which would prohibit probation as a sentencing alternative would set those of us who work with victims and their families back ten years. We expect that reporting and prosecution of incest cases would fall off dramatically as a result of the passage of this law.

We urge you to vote against this bill and look forward to a rational proposal of sentencing reform in the next session. Thank you for your consideration.

REP. WOLLENBERG: Any questions? Jan Dille. I'll read off the names we have left. Janet Gale next. Come up Jan. Elna Woberg, is it, yes, you'll be after Janet. Bill Wholean I see. Helene Beck. We have some agency people that we have not gotten to and we will.

MS. JANET GALE: My name is Janet Gale and I am trained in the issues of sexual assaults, a volunteer at the Hartford Regional YWCA, (SACS), and a member of Connecticut Sexual Assault Crisis Service, Inc., a statewide coalition for

MS. GALE: (continued)
sexual assault service providers.

I am here to urge your support for 169 and 245. I would like to address the issues of 169. While I am in substantial support of this bill as a necessary aid in the effective administration of the law and protection of victims' rights, I propose the following three modifications to the bill as it presently stands.

Number one, the age limit of 12 years is unduly restrictive and should be extended.

Number two, the right to file the motion for videotaping be extended to others.

Three, the court must protect the tape, the first issue.

If the primary goal of this legislation is to reduce the trauma associated with the sexual assault of children, then limiting the protection provided by a videotaped session only to those children under 12 arbitrarily denies much needed protection to children from the ages of 12 to 18. This group of victims should be included within the protection of the bill.

In the process of recovery any victim of sexual assault must approach resolution of the following factors: memory of the same and humiliation, the loss of personal control, the pain of the sexual act, the secrecy, the isolation and inconsolable grief the assault has brought to the victim. The same factors that affect the child under 12 impinge the adolescent even more intensely. Adolescent victims of sexual assault face, in addition, the pressures of immaturity, an emerging identify and conflicting definitions and values. Unique to adolescents is the awareness of their dependence on the person, who may in a given situation, be the perpetrator of the crime. Before age 18, this dependence is not only emotional, psychological and economical, but the perpetrator may be the provider of the child's physical needs as well.

Number two, the right to file the motion for videotaping be expanded. The motion for videotaping could be filed by the following: the victim or witness, her attorney, parent or legal guardian, two, the prosecuting attorney,

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MS. GALE: (continued)
defendant or defendant's counsel. Three, any party in a civil proceeding, and four, the court could order the session on its own.

Number three, the courts must protect the videotape in a manner in keeping with the purpose of protecting the privacy of the victim. I suggest the limited access to the tape only to parties of the original action of their attorneys for purposes subject to judicial approval. And I might add that I'm also concerned with the eventual destruction of the tape. Thank you.

REP. WOLLENBERG: What about a jury?

MS. GALE: Okay. For consideration of the distribution of the tape afterwards?

REP. WOLLENBERG: This is a jury case. You said it should be limited.

MS. GALE: Okay, then in that case it wouldn't be.

REP. WOLLENBERG: And then it's a public record. You don't do juries --.

MS. GALE: I'm concerned about the whereabouts of the tape and who the tape is accessible to after the case?

REP. WOLLENBERG: After the case is over, after the record has been made, the public record?

MS. GALE: It's a concern.

REP. CUNNINGHAM: I think some things may be sealed.

REP. WOLLENBERG: That's not the intent here.

REP. CUNNINGHAM: No, no, I'm not saying that that's the intent of this, but I'm talking about that after trial and after an appeal period I supposed could very strict, you know the right of the public to just go in and ask for a copy of it from the reporter.

REP. WOLLENBERG: All right. I think it's another issue. I don't (inaudible) at this point.

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REP. CUNNINGHAM: I think the courts could handle that.

MS. GALE: I don't have a solution. I'm concerned about, you can have a stenographer present and have a written record of the statements made by the child and I'm concerned about the subsequent use of these films that are mentioned to be stored --.

REP. TULISANO: Why, I mean if the record is available, what is the problem with the film? And it's a film of the person saying it. One of the problems with written records obviously is you can't judge what the people are saying. What is the problem (inaudible)?

MS. GALE: I'm just concerned that usually that these would be available for other people's use who were not present at the original time.

REP. TULISANO: So what? What could it be used for? It's a problem, okay.

REP. WOLLENBERG: Anyone else? Elna.

MS. ELNA MOBERG: Most of this you've already heard before. I'm a volunteer at the YWCA Sexual Assault Crisis Service and I'm a member of the Political Action Committee of the Connecticut Sexual Assault Crisis Service and I'm here today to urge your support of S.B. 169 and S.B. 245. I'd like to speak about S.B. 245.

S.B. 245 could be a powerful tool to any victim of a crime as it enables them to move from the position of victim to the position of a survivor. This is particularly important to survivors of sexual assault. The inclusion in every step of the process can return to the survivor of sexual assault some sense of control over her life. It legitimates her rights, recognizes her fears and empowers her to act.

There are, however, two objections to the bill as it now stands. Chuck Lexius spoke of one before which is allowing the victim to have an option of what she does want to be informed about so that she just doesn't get informed from the arrest through to the police that the assailant, but can chose which, what she does want to be informed about. The second objection, or the second addition

MS. MOBERG: (continued)

that I would make to it is that the victim survivor would be able to change her mind at the end. I don't know if that's possible, but if a victim at the time of the arrest may decide that she does want to know about the release of the assailant, then five years later after she's gotten over the trauma, she may decide that she does not want to know. And I'd like there to be some type of amendment to the bill that would allow her to withdraw that request.

REP. TULISANO: Excuse me, (inaudible) how about the other way, the opposite way?

MS. MOBERG: Yes, opposite way, too.

REP. TULISANO: It would be easier to do what you just said. I'm not sure (inaudible) then get me into the system someplace.

MS. MOBERG: Exactly, exactly. I think that both of those could be important though, from a vicim's perspective, and I don't know how you do that legally, but I think it would be good. Basically, those are the two points I wanted to make. Are there any other questions?

REP. BLUMENTHAL: Do you take the same position as the previous speaker about the destruction of the tape once it's made after the trial is concluded and presumably after the appeal. SB169

MS. MOBERG: Yes, Janet and I have spoken about that. We're just concerned that the tapes would be used later on in any type of exploitation. We're not sure how that would happen, but it should be limited.

REP. BLUMENTHAL: Have you had any experience, or can you suggest any examples of how it might be used in exploitation or more likely, even embarrassment or harrassment and so forth.

MS. MOBERG: No, videotaping is something new. Obviously there are only four states, I think, that have videotaping at this point and to my knowledge, only one state, Florida, has utilized that. And it was just a concern that we had.

REP. BLUMENTHAL: Thank you.

THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES

PUBLIC HEARING 4/15/85

Committee Bill 169 - An Act Concerning Testimony of Victims
of Child Abuse

The department supports this Bill which would permit the court to allow the protection of children in sexual assault or abuse cases through a video taping of their court testimony process.

This would be a major step forward by the state in acknowledging the particular needs of children and their abilities to cope with courtroom stress which differs significantly from that of adults.

We suggest however that you consider having the age consistent with the definition of child in 17-410 which is "any person under sixteen years of age". There may well be occasions where an older child requires the same courtroom protection as a twelve year old i.e. a fifteen old mildly retarded child.

We respectfully request a favorable report on Bill 169, and also support any appropriation needed to implement such video taping process. Further, we extend to the Judicial Department any professional assistance they might find useful.

TESTIMONY: Austin J. McGuigan, Chief State's Attorney
Monday, April 15, 1985

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CHILD ABUSE PROSECUTION

Two problems which often face a prosecutor in dealing with a child SB169 sexual assault case are whether the victim will be allowed to, in fact, testify about the crime and, if allowed to testify, whether the child can withstand the pressure of doing so. The question of whether a child will be allowed to testify is called a test of competency. This is a common law doctrine that has been adopted by Connecticut courts and holds that a child must possess sufficient intelligence to observe, remember and communicate events. Furthermore, a child witness must be able to demonstrate that he or she understands the meaning of an oath and the value of telling the truth. Any child who is to be called as a witness must undergo a stern cross-examination outside the presence of the jury to determine his or her competence to be a witness. Most prosecutors can recount instances where key child witnesses have frozen during the so-called voir dire process and were unable to answer even the simplest of inquiries. If the court finds that the child is incompetent to testify, particularly in these abuse cases where there are no eyewitnesses to the assault, the prosecutor faces difficult problems in establishing the necessary elements to meet the state's burden of proving the criminal activity beyond a reasonable doubt.

If the child withstands this strict scrutiny and is allowed to testify, the second part of this problem comes into play. The child-victim must detail the circumstances of the assault before a courtroom of strangers, before, even more traumatically, the person that is accused of

the crime. Once again, the victim is placed under a tremendous amount of pressure and all too often the State's efforts to prosecute are damaged by a frightened, traumatized child who comes away from the legal process with more psychological scars.

The time has come to focus attention on the victim by taking steps to ensure that this group is not twice victimized by the legal process. A defendant is entitled to his constitutional rights and a defense attorney should zealously represent the interests of his clients, but statutory changes in court procedures can be made that would be victim oriented while still constitutionally sound.

I would like to point out that while S.B. 169 contains the general concept of the proposal which my office offered to the Judiciary Committee for its consideration, it has been modified in the drafting process. Section 1 of S.B. 169 refers to the taping or televising of the victim's testimony. Similar statutes have been adopted and upheld in several other states. To the best of my research, there has been no case law to support a challenge of sections 2 and 3 of S.B. 169. As a practical matter, it may be better to detach these two sections into a separate bill to avoid risking a challenge of the entire bill.

As to section 1, the language is based on a statute passed by the Texas legislature in 1983. It allows the televising or videotaping of a child victim's testimony outside of the courtroom. The child would be spared the trauma of having to recount the facts of the assault in open court and in the presence of the accused. The defendant's attorney would be allowed to be in attendance and to question and cross-examine the victim; thereby ensuring the defendant's constitutional rights.

Hopefully, the General Assembly will recognize the importance of this proposal and the impact that it will have on the victimized child. It will, by no means, answer all of the problems that arise in prosecuting those who abuse children. It is, however, a remedial step that would mark a significant improvement in how the state's criminal justice treats a class of victims who deserve the most sensitive treatment.



TESTIMONY BEFORE THE
JUDICIARY COMMITTEE
ON APRIL 15, 1985

My name is Susan Omilian. I am a Legislative Liaison for the Women and the Law Section of the Connecticut Bar Association. This Section's mandate is to improve the status of women in Connecticut.

I am testifying on SB 169 AN ACT CONCERNING TESTIMONY OF VICTIMS OF CHILD ABUSE. The Section supports the concept of this bill because of its interest in lessening the emotional impact of testifying upon victims of child abuse and child sexual assault. In addition, the Section believes that legislation of this kind will ensure that more of these victims will testify in criminal cases.

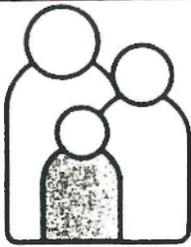
The Section is concerned, however, that the civil liberties of the defendant are preserved. The Sixth Amendment to the U. S. Constitution that a defendant has a right to confront all witnesses is clearly important in a criminal trial. The Section believes that there is a way to balance these two interests: protection for the child victim of a crime and preservation of a defendant's constitutional rights. To that end, the
(continued)

Testimony of April 15, 1985

Section supports language in SB 169 that would provide that the testimony of a child victim of abuse or sexual assault be videotaped to be utilized at trial in lieu of testimony in open court provided that the defendant may be present but not visible to the child victim.

The Section urges this Committee to draft language to adopt this concept into law.

Thank you.



Child & Family Services, Inc.

1680 Albany Avenue, Hartford, Connecticut 06105 • Phone 236-4511

William A. Baker
Executive Director

April 11, 1985

Mary S. O'Connor
President

The Honorable William L. Wollenberg, Co-chairman
Senator Richard Johnston
Judiciary Committee
State Capitol
E5 Capitol Green
Hartford, Connecticut 06106

Dear Representative Wollenberg and Senator Johnston:

Re: SB169 - An Act Concerning Testimony of Victims of Child Abuse

As an agency which has been serving children and their families for 175 years, we would like to share with you some of our understanding about children and how they relate to the adults who abuse them.

Children rely on adults for their physical and psychological survival. This dependency, coupled with the differences in physical size between children and adults, makes adults very powerful in the minds of children. When children are abused either sexually or physically by an adult, their sense of the adult's power is magnified and their fears can become overwhelming. When the abuser is a parent, in particular, children fear rejection, abandonment and loss of love. When the abuser is not a family member, fear of revenge can be almost incapacitating.

The abusing adult has abused power and violated trust. Whether or not the abuser has made additional threats to the child, his/her presence is threat enough.

Imagine from the perspective of a child, what it is like to be confronted by this abusing adult in the awesome, unfamiliar atmosphere of the courtroom, especially now that the child is about to divulge information which the abuser (defendent) may have explicitly told the child to keep "secret".

At our agency we have a specialized treatment team for children who have been sexually abused. 79% of victims we have seen are under age 12. Less than a quarter of these cases have led to any form of prosecution. This has been due, in part, to families' concerns about further trauma to the victim from frequent repetition of their experience and from testifying in public in front of the perpetrator. This is unfortunate, because consistent enforcement of the laws against sexual abuse is an important part of prevention.

We strongly urge your support for SB169 because it speaks to the need to protect the abused child from further trauma while taking into consideration the rights of the accused.

Sincerely,

Ann P. Steele

Ann P. Steele, Chairperson
Family Policy Development Committee

United Way of Greater Hartford • United Way of Manchester • Tri-Town United Way • Avon United Fund, Inc.
American Association of Psychiatric Services for Children • Child Welfare League of America, Inc. • Family Service Association of America

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