

Legislative History for Connecticut Act

SB 501	PA 213	Sen	1986
House	4262, 4736		(2)
Senate	1490 - 1492, 1515		(4)
Judiciary	1377-1382		(6)
			12
		Total	12 p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 4
1040-1411

1986

ATT. SABO: (continued)

To supplement the foregoing, Raised Committee Bill 501, which amends 51-286 of the General Statutes, would also be adopted. The amended portion would delineate authority where there is a conflict between the Division of Criminal Justice, the State and local police departments in regard to investigations, and places the resolution of conflict in the hands of the Chief State's Attorney.

This is consistent with the 23rd Amendment to our Connecticut Constitution.

A more difficult area, obviously I've reached now and I see I don't have much time. The Attorney General is a tough act to follow. I heard surprise, indignation, can't understand why this bill is here. Well, I think I know why it's here and I'm not a politician. I've been all my life an administrator. I've been a successful businessman, and I'm a damned good labor lawyer.

So I listen to words, I listen to actions. What we've seen today is a play. A play by the Attorney General to gain sympathy for his plight. It seems like we're after him. We want to do this to him. Well, he got a taste of honey a few years ago when he got into the criminal regulatory area. He suggests to you that the regulatory offenses were not being pursued. He's right. They weren't being pursued, not because of lack of prosecution. It was because the agencies who had the responsibility of enforcement did not have the investigators to pursue them.

So how can you develop the case unless the matter is investigated and the matter is turned over to a prosecutor for prosecution. He also infers, or not infers, he states that six years he's done more in the last couple of months by a handful of cases than the prosecutors had done in that period. Well, that's a lot of nonsense. On these home improvement scams, the prosecutors would take the charge from Title 20 and change it into a 53A charge to seek a greater penalty. So let's not play the statistical game. Because I can play statistics, that's been my life for the last six years.

Now, the surprise, why we have the bill. Let me refresh his recollection. On a very eventful morning on December 17, a letter. We had a meeting that meeting consisted of

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ATT. SABO: (continued)
the Attorney General, his staff concerned with the designated crimes, and the state's attorneys of the judicial district. I was there, and the other deputy was there.

There were two people from the Division of Criminal Justice I found out were taking notes. Myself, and later I found out, by reference of letter, someone else was taking notes. We went through this meeting and well, to make a long story short, the Chief State's Attorney says, basically, you've got enough, and that he will consider kosher meats and odometer fixing. Well, Mr. Lieberman then sends his bill in, not regulatory offenses only. You people have seen the bill. My God, he wanted to get in the appeal area, he wanted to get into extorting credit transactions, which are Class B felonies. Who's kidding who? The record speaks for itself.

Now, I want to reference, and I'll leave copies, the January 21, 1986 letter to the Honorable Joseph Lieberman, signed by Jack Kelly. This is after he got the bill, after that eventful December 17 match, meeting.

This is a reply to your letter of December 23 regarding the above matter. As I explained to Assistant Attorney General Joe Ruben in a conversation subsequent to the receipt of your letter, my reply will await the outcome of regularly scheduled state's attorneys meeting which will be held on January 13 of '86. The meeting was attended by eleven of the twelve state's attorneys, the two deputies. And we had agreed that we could not support your proposed 86-1 bill, the one where he's expanding.

Your term proposed as one which will more efficiently define cooperative relationship between our office, and has had to be revised to take into consideration the concerns expressed at our meeting on December 17. December 17 meeting was held in our office, and was attended by you and several members of your staff, and most of the state's attorneys, the two deputies and himself. You will recall, this is all underlined, that you stated that your office would not seek legislation that would substantially increase the number and type of regulatory offenses you could be designated to prosecute under 51-285.

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ATT. SABO: (continued)

Proposed Bill 86-1 appears to be, and I think Mr. Kelly is being generous, because I would have put it a different way, to be a complete contradiction of your statement to us. And then he goes on --

REP. WOLLENBERG: Bob, we'll ask you to wrap up.

ATT. SABO: Well, he goes on and Jack explains why he's opposed and Jack indicates in a letter that based on statistics that the program is unnecessary and should be abolished. Also, here's a letter to Jack Kelly in response to this saying oh, I can't understand it. This must be a forgery on your part. Utter nonsense. But a day later, but a day later, this attorney general sent a letter to Mr. Markel who sent him a letter that stated this, and this is extremely important.

This is concerning this 86-1. This is from Markel from his judicial district, who he had known for a number of years. Mr. Lieberman, to paraphrase an often quoted statement with reference to your letter of January 28, 1986, directed to Chief State's Attorney Kelly, methinks the Attorney General doth protest too much. My notes of the meeting of December 7, 1985, reflect that you stated that you were satisfied to hold, quote, at the present level at this time, with reference to those regulatory offenses and misdemeanors that were under your jurisdiction as a result of that compromise of '84.

He went on to state that the only areas that you might add would be regulatory offenses such as odometer tampering and kosher meats. It seems to me, referring to Markel, that you continue to exacerbate the situation, and it would now allow the past to become history.

Then here's another letter to Markel in response that says you're only partially --

REP. WOLLENBERG: I think we got the flavor. I think the mediators that Mr. Attorney General talked about is going to have to have very broad shoulders. I get the feeling here that there's more here to read.

ATT. SABO: Absolutely.

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REP. WOLLENBERG: Are there any questions? Rep. Nania.

REP. NANIA: It sounds to me like you each have cannons on the roof of your building which are especially designed to shoot letters.

ATT. SABO: No, that's not true. Because the 23rd Amendment gave us the criminal jurisdiction. That compromise was worked out thoughtfully by a representative and previous co-chairman. We honored every respect of that compromise. We're not looking for a battle.

REP. NANIA: I haven't asked that question just yet. Would it be fair to say, and I'd like you to answer this with a yes or a no, that your bill was in a sense a response tit for tat to his proposed bill?

ATT. SABO: Yes, we'll play hardball if we have to.

REP. NANIA: And what we are witnessing here to some extent is a breakdown of relations between two State agencies?

ATT. SABO: No, absolutely not.

REP. NANIA: No further questions.

REP. WOLLENBERG: Rep., David.

REP. CUNNINGHAM: If it's not a breakdown, then what is it?

ATT. SABO: Look at, the statute is clear. It's on the books. He has this authority. Let it remain there. We've given him the designation, even though he suggested they were long in coming. He got designated himself to go try these regulatory offenses. He has his seven or eight designations. He's had his hands full with cases. We're not looking to invade that area. But what we're saying, live up to your compromise. Let's not change and shift all the time. Or, give him all the power. Change the 23rd Amendment.

You know, go all the way, give it to him. Fine.

REP. CUNNINGHAM: Okay, okay, that's your position. The position of the bill which you have submitted, what does that do to his power?

ATT. SABO: Well, first he has no power. This is only designated. If you read the General Statutes about his duties, you'll be amazed at what his duties really are as compared to what's publicized in the press.

But what we've taken away is only the designation. That's all.

REP. CUNNINGHAM: Oh, I see, you're taking away the designation. You're now saying you don't want him doing that. Is that right?

ATT. SABO: That's right. We've analyzed those cases. Those are duck soup cases. What he's had the opportunity to do is get the investigation done at the level that it should have been done in the first place.

REP. CUNNINGHAM: Yeah, but those in your position are saying those are duck soup cases. We're going to take all this designation away from him. Doesn't that fly in the face of the position that you said a few moments ago before when you said it's okay for him to keep this and keep that area. Isn't that the opposite?

ATT. SABO: Well, it's for you to decide, isn't it? I could go both ways on the issue. If you want him to keep the jurisdiction, I say fine. Let him honor his agreement.

REP. CUNNINGHAM: Okay, okay, okay --

ATT. SABO: Now if you want him to expand it, that's the area that we're going to challenge you on.

REP. CUNNINGHAM: I can understand that, but I think what you've done is by saying okay, they're going to expand it, we're going to subtract it, as a kind of negotiating position, I think it has been done sometimes in international relations but is considered to be frowned upon. I think that having it, trying to argue it both ways, that you say you can do, I think you've argued it both ways. I think your position in the bill is contradicted by what you've just said that you don't really want to take away the designation.

ATT. SABO: I didn't say that. You said that. I'm saying --

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REP. CUNNINGHAM: It sure sounded that way to me.

ATT. SABO: That's yours, not mine. Not mine.

REP. CUNNINGHAM: Okay, okay, the choices are ours, but you've decided that by asking for the bill to be raised, to influence that direction. To say hey, move in this direction.

ATT. SABO: That's right.

REP. CUNNINGHAM: Okay, so that's what you're suggesting. But then you also said that it's okay if they keep that. As I say, it flies in the face of it. I have no further questions.

SEN. JOHNSTON: Any further questions? It seems not. Thank you, Bob. Dick Good.

DICK GOOD: Sen. Johnston, members of the Judiciary Committee, my name is Dick Good.

SEN. JOHNSTON: Do you want to give us a moment, and we'll try to get all the members back. Excuse me, could we have some quiet, please? We have to listen to this testimony.

MR. GOOD: Thank you, Mr. Chairman. My name is Dick Good. A concerned corporate citizen for National Car Rental, a taxpayer and a constituent of some legislators. I am here to speak in support of Raised Committee Bill No. 522.

This bill proposes that when a rental vehicle is involved in an accident and the driver is at fault, that person's insurance will be primary coverage. Some industry representatives, including the two gentlemen that are with me, differ with my approach on how to resolve the problem that we have presently with vicarious liability. Their belief is that if your back is broken, you don't just put a bandaid on your finger. I would like to defer to these two specialists, one of course a small businessman operating in Connecticut, and the other gentleman is a specialist with twenty or thirty years in the industry.

But Mr. Chairman, vicarious liability reminds me of when I was a child. Family of four. I was the oldest, three sisters. It seemed to me that every time one of my sisters did something wrong, my mother blamed me. I didn't know

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House of Representatives

Monday, April 28, 1986

DEPUTY SPEAKER BELDEN:

Please proceed, sir.

REP. ESPOSITO: (137th)

On page 10, Calendar No. 531, Bill No. 5018, File No. 597. On Page 11, Calendar No. 533, Bill No. 5942, File No. 612. Calendar No. 537, bill No. 5072, File No. 608.

On page 12, Calendar No. 538, Bill No. 5047, File No. 607. Calendar No. 540, Bill No. 5998, File No. 624. Calendar No. 541, Bill No. 6057, File No. 614.

On page 13, Calendar No. 544, Bill No. 5150, File No. 622. Calendar No. 548, Bill No. 5847, File No. 626.

On Page 14, Calendar No. 551, Bill No. 501, File No. 461.

On Page 16, Calendar No. 561, Bill No. 72, File No. 483. Calendar No. 562, Bill No. 135, File No. 485. Calendar No. 563, Bill No. 295, File No. 482.

On Page 17, Calendar No. 565, Bill No. 475, File No. 497. Calendar No. 566, Bill No. 521, File No. 502. Calendar No. 567, Bill No. 377, File No. 488. Calendar No. 569, Bill No. 5849, File No. 650.

On Page 19, Calendar No. 579, Bill No. 336, File No. 522. Calendar No. 583, Bill No. 198, File No. 506.

On Page 20, Calendar No. 585, Bill No. 319, File

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the Consent Calendar printed in today's Calendar,
 Tuesday, April 29, 1986, Page 1 to page 6, with the
 exception of Page 4, Calendar No. 567, Bill 377, File
 No. 488. Page 5, Calendar No. 591, bill no. 71, File
 No. 503; and on page 7, Calendar No. 601, bill no. 5056,
 File No. 680.

DEPUTY SPEAKER BELDEN:

The gentleman has moved the Consent Calendar
 which is contained on pages 1-6, namely Calendar 468,
 469, 481, 519, 522, 531, 533, 537, 538, 540, 541, 544,
 551, 561, 563, 565, 566, 569, 585, 586, 589, 595, and
 604. Consent Calendar for adoption at this time. Is
 there objection? Hearing none, the Consent Calendar
is adopted.

CLERK:

Calendar No. 594, Substitute for House Bill 6002,
 File No. 675, AN ACT EXPANDING OPPORTUNITIES FOR LIMITED
 EQUITY AND SWEAT EQUITY HOUSING COOPERATIVES. Favorable
 Report of the Committee on Appropriations.

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Jaekle.

SB 395, SB 398,
HB 5752, HB 5455,
HB 5827, HB 5018,
HB 5942, HB 5072,
HB 5047, HB 5998,
HB 6057, HB 5150,
SB 501, SB 72,
SB 295, SB 475,
SB 521, HB 5849,
SB 319, SB 145,
SB 181, HB 5908,
HB 5171

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GEN. ASSEMBLY
SENATE

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SENATOR GUNTHER:

If there's no objection, I'd ask that it be placed on the Consent Calendar.

THE CHAIR:

Any objection? Senator Avallone objects. Clerk, please make an announcement for immediate roll call.

THE CLERK:

An immediate roll call has been ordered in the Senate, will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate, will all Senators please return to the Chamber.

THE CHAIR:

Question before the Chamber is a motion to adopt Cal. No. 320, Senate Bill No. 513, File No. 429. 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, 1 nay. The bill is adopted.

THE CLERK:

Page 6, Cal. 323, Subst. for Senate Bill 501, File 461. An Act Implementing the Recommendation of the Special Committee Inquiry Into Criminal Investigation and Intelligence With Respect to Criminal Investigations By the Division of Criminal Justice. Favorable Report of the Committee on Judiciary.

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THE CHAIR:

Senator Johnston.

SENATOR RICHARD JOHNSTON:

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

THE CHAIR:

Will you remark?

SENATOR RICHARD JOHNSTON:

Thank you, Mr. President. This legislation implements the recommendations of the Special Investigative Committee, which was Chaired by Senator Smith and Representative Wollenberg, whom which relates the administration and operations of the Division of Criminal Justice. The Committee found that the present statutory framework has resulted in a fragmentation of authority between the Chief State's Attorney and the individual State's Attorney, and between the Division of Criminal Justice and the State and local police. This bill adds to and clarifies the authority of the Chief State's Attorney, who is the head of the Division of Criminal Justice in three important areas. First, the bill authorizes the Chief State's Attorney to preempt a State's Attorney in any investigation, criminal action, or proceeding when, in the opinion of the Chief State's Attorney, such action is necessary to promote and safeguard the public interest and secure enforcement of the laws. Second, this bill not only recognizes the

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authority of the Division of Criminal Justice to initiate criminal investigations and to require State and local police to assist in those investigations, but also grants primacy to the Division of Criminal Justice, whenever the Division has been asked for State or local police assistance. The bill also gives the Chief State's Attorney the authority to resolve investigatory conflicts between the Division of Criminal Justice and State or local police. Finally, at the present time, some criminal appeals are handled by individual State's Attorney, and some are handled by the Appellate unit of the Chief State's Attorney's Office. This bill specifies that it is the Chief State's Attorney, acting on behalf of the Division of Criminal Justice, who represents the State in all criminal appeals and post-trial proceedings arising from criminal actions. I move acceptance of the bill.

THE CHAIR:

Will you remark further? Senator Johnston.

SENATOR RICHARD JOHNSTON:

If there is no objection, Mr. President, I'd ask that this be placed on Consent.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Cal. 325, Senate Bill 550, File 464. An Act Authorizing Munici-

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THE CHAIR:

Correct.

SENATOR SMITH:

Some questions have come up that the Minority Leader has addressed and in as much as we would like to adjourn by 5:30, I'd like to P.R. that at this time. I'll take it up tomorrow.

THE CHAIR:

All right. Any objection? SB 163 The item is P.R.'d.

THE CLERK:

Page 4, Cal. 226, Subst. for Senate Bill 29. Cal. 266, Subst. for Senate Bill 531.

Page 5, Cal. 311, Subst. for Senate Bill 343.

Page 6, Cal. 323, Subst. for Senate Bill 501.

THE CHAIR:

Are there any changes or omissions? The machine is open, please record your vote. Senator Barrows. Senator Harper. Senator Robertson. Senator Gunther. Senator Gunther, Senator Robertson. Has everyone voted? The machine is closed, Clerk please tally the vote.

Result of the vote: 35 yea, 0 nay. The Consent Calendar is adopted. Senator Smith.

SENATOR SMITH:

Senator McLaughlin, I believe, has an announcement, Sir.