

Legislative History for Connecticut Act

HB 7247 PA 373 1987  
House 8666-8734 80p.  
Senate 997-998, 4401-4418 20p.  
Substance Abuse Prevention: 23, 160, 170, (186),  
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served here with distinction for the last two years, I'd like to invite Speaker Ralph Van Norstrand to the dais to preside. Van?

(Applause)

REP. VAN NORSTRAND: (141st)

I have a feeling this is not permanent. I just want to say two things, anyone interested in participating in a coup d'etat, please come to the dais. And secondly, I have never felt more deputied in my life and I very happy for the two deputies I have inherited for a brief time.

The Clerk please return to the call of the Calendar.

THE CLERK:

Please turn to page 6, Calendar 665,  
Substitute for House Bill 7247, AN ACT CONCERNING  
THE PENALTIES FOR THE SALE OR POSSESSION OF CONTROL-  
LED SUBSTANCES. Favorable Report of the Committee  
on JUDICIARY.

REP. VAN NORSTRAND: (141st)

Representative William Kiner.

REP. KINER: (59th)

Mr. Speaker, a little bit of deja vu here.

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

REP. VAN NORSTRAND: (141st)

The question is on acceptance and passage.

Will you remark, Sir.

REP. KINER: (59th)

Thank you Mr. Speaker, I would. This bill creates four new categories of crime. Number one it now defines that...I'm sorry Mr. Speaker, it now defines what crack is, that is to say, that cocaine in its freebase form is crack, that is to say that 1/2 gram of the substance when used for sale, prescribing to dispensing, compounding and soforth, that would now fall under the same category as heroin does, methadone and cocaine. That is to say there would now be a minimum 5 year sentence. Three new categories of crime are also contained in this file copy, basically what it does is to say that anyone who sells to a minor, anyone who sells within 1000 feet of a school, and anyone using a minor in trafficking would now be guilty of a crime and as such we would be adding on two years to an already five year minimum sentence.

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Mr. Speaker, I would like to yield to Representative Tulisano for an Amendment.

REP. VAN NORSTRAND: (141st)

Will the gentleman from Rocky Hill accept the yield. Representative Tulisano you have the Floor.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has Amendment LCO 7632.

REP. VAN NORSTRAND: (141st)

I see things haven't changed. The Clerk is in possession of LCO 7632 designated House Amendment Schedule "A".

CLERK:

LCO 7632 designated House "A" offered by Representative Tulisano, et al.

REP. VAN NORSTRAND: (141st)

The gentleman seeks leave to summarize, is there objection. Seeing non, you have the Floor.

REP. TULISANO: (29th)

Mr. Speaker, part, the first part of this section makes consistent language that is in the body of the law, sections 2 dealing with statements of a person involved in this process is not a drug

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dependent person. Further it takes away on lines 90 and 93, the prohibition shall be a defense to prosecution on one of these cases that you did not know you were near a schoolhouse. The body of the bill deals with a new crime dealing with sale near a schoolhouse and the body says there shall not be defense say you didn't know it. In my opinion in order to, you have to have some intent when you commit a crime, so we can't take away that area, I think we are cleaning it up.

The third part of this body, starting in section 4 really establishes a system of lesser included offenses for. I'm sorry, Section 4 deals with straightening out the penalty sections for fines in our statutes. After reviewing our statutes in a nominal use discovered, I think it says that the penalty for possession is less than the penalty for sale and it seems to me you should at least have penalty for sale as the greater crime, so we have straightened that out. And the rest of the bill deals with establishing a crime of money laundering which is part of dealing with the economic basis of crime, particularly with drug crime and starts

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off from starting with a Class C felony and a number of series of lesser included offenses. I would move its adoption.

REP. VAN NORSTRAND: (141st)

The question is on adoption, will you remark?

Question is on adoption of House "A", will you remark?

Representative Robert Farr.

REP. FARR: (19th)

Mr. Speaker, just so that the body will understand, I support the Amendment. There is one provision that I don't support in that Amendment which deals with the defense of being drug addicted, but we can address that later with another, separate Amendment. And I would urge adoption of this Amendment.

REP. VAN NORSTRAND: (141st)

Will you remark further on House "A". Will you remark? If not, all in favor, indicate by saying Aye.

REPRESENTATIVES:

Aye.

REP. VAN NORSTRAND: (141st)

All opposed, indicate by saying Nay. The Ayes

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have it. House "A" is adopted, ruled technical.

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House Amendment Schedule "A":

In line 65, after "age" insert ", and who is not, at the time of such action, a drug-dependent person,"

In line 71, delete "sections" and insert in lieu thereof "section"

In line 80, after "school" insert ", and who is not, at the time of such action, a drug-dependent person,"

In line 90, delete "It shall not be a defense to"

Delete lines 91 to 93, inclusive, in their entirety

In lines 96 and 101, delete "sections" and insert in lieu thereof "section"

After line 101, add the following:

"Sec. 4. Subsection (a) of section 21a-277 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person who manufactures, distributes, sells, prescribes, dispenses, compounds, transports with the intent to sell or dispense, possess with the intent to sell or dispense, offers, gives or administers to another person any controlled substance which is a hallucinogenic substance other than marihuana, or a narcotic substance, except as authorized in this chapter, for a first offense, shall be imprisoned not more than fifteen years and may be fined not more than fifty thousand dollars or be both fined and imprisoned; AND FOR A SECOND OFFENSE SHALL BE IMPRISONED NOT MORE THAN THIRTY YEARS AND MAY BE FINED NOT MORE THAN ONE HUNDRED THOUSAND DOLLARS, OR BE BOTH FINED AND IMPRISONED; and for each subsequent offense, shall be imprisoned not more than thirty years and may be fined not more than one TWO hundred FIFTY thousand dollars, or be both fined and imprisoned.

Sec. 5 (NEW) For the purposes of this section and sections 6 to 12, inclusive, of this act:

(1) "Monetary instrument" means coin or

currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, negotiable investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery.

(2) "Equivalent property" means property that may be readily converted into, or exchanged for, United States or foreign currency or coin, including gold, silver or platinum bullion or coins, diamonds, emeralds, rubies, sapphires or other precious stones, stamps or airline tickets, or any other property that is intended to be so converted or exchanged.

(3) "Felony" means a felony under the laws of this state or a criminal offense committed in another jurisdiction punishable under the laws of that jurisdiction by death or a term of imprisonment exceeding one year.

(4) "Exchange", in addition to its ordinary meaning, means purchase, sale, loan, pledge, gift, transfer, delivery, deposit, withdrawal or extension of credit.

Sec. 6. (NEW) (a) A person is guilty of money laundering in the first degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony and of a total value exceeding ten thousand dollars, or one or more other monetary instruments or equivalent property, with the intent to conceal that the exchanged monetary instrument or instruments or equivalent property is derived in whole or in part from the criminal sale of a controlled substance or to profit or benefit from the criminal sale of a controlled substance.

(b) Money laundering in the first degree is a class B felony.

Sec. 7. (NEW) (a) A person is guilty of money laundering in the second degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony and of a total value exceeding ten thousand dollars, for one or more other monetary instruments or

equivalent property, with intent to conceal that the exchanged monetary instrument or instruments or equivalent property is derived from any criminal activity or with intent that the exchange aid a person to commit criminal conduct or to profit or benefit from the commission of a crime.

(b) Money laundering in the second degree is a class C felony.

Sec. 8 (NEW) (a) A person is guilty of money laundering in the third degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony and of a total value exceeding ten thousand dollars, for one or more other monetary instruments or equivalent property, with knowledge that the exchange will conceal that the exchanged monetary instrument or instruments or equivalent property is derived from any criminal activity, or with knowledge that the exchange will aid a person to engage in or to profit or benefit from any criminal activity.

(b) Money laundering in the third degree is a class D felony.

Sec. 9. (NEW) (a) A person is guilty of money laundering in the fourth degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony for one or more other monetary instruments or equivalent property, with knowledge that the exchange will conceal that the exchanged monetary instrument or instruments or equivalent property is derived from any criminal activity, or with knowledge that the exchange will aid a person to engage in or to profit or benefit from criminal activity.

(b) Money laundering in the fourth degree is a class A misdemeanor.

Sec. 10. (NEW) In lieu of the fine authorized under section 53a-41 or 53a-42 of the general statutes, and in addition to any fine authorized by section 53a-44 of the general statutes, any person who violates section 6, 7 or 8 of this act shall be fined, for a first offense, not more than two hundred fifty thousand dollars, or twice the value of the criminally derived monetary instrument or

instruments, whichever is greater, and for a second or subsequent offense, not more than five hundred thousand dollars or five times the value of the criminally derived monetary instruments, whichever is greater.

Sec. 11. (NEW) Any corporation which violates section 6, 7 or 8 of this act shall be fined, for a first offense, not more than two hundred fifty thousand dollars or twice the value of the criminally derived monetary instrument or instruments, whichever is greater, and for a second or subsequent offense, not more than five hundred thousand dollars or five times the value of the criminally derived monetary instruments, whichever is greater.

Sec. 12. (NEW) (a) A person who pays or receives substantially less than face value for one or more monetary instruments that are in fact derived from criminal activity is presumed to know that the monetary instrument or instruments are derived from criminal activity.

(b) A person who engages in a transaction involving one or more monetary instruments that are in fact derived from criminal instruments, or the instrument or instruments or equivalent property exchanged for such criminally derived instruments bear fictitious names, is presumed to know that the monetary instrument or instruments derived from criminal activity are in fact so derived.

(c) A person who fails to record or report a transaction involving one or more monetary instruments that are in fact derived from criminal activity, in circumstances under which such recording or reporting is either required by law or is in the ordinary course of business, is presumed to know that the monetary instrument or instruments are derived from criminal activity.

(d) A person who engages in a transaction involving one or more monetary instruments that are in fact derived from criminal activity, knowing that the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions, is presumed to know that they are derived from criminal activity."

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REP. VAN NORSTRAND: (141st)

Will you remark further on the bill as amended?

REP. TULISANO: (29th)

Mr. Speaker.

REP. VAN NORSTRAND: (141st)

Representative Tulisano.

REP. TULISANO: (29th)

The Clerk has another Amendment LCO 6175.

REP. VAN NORSTRAND: (141st)

Is the Clerk in possession of LCO 6175? Designated House Amendment Schedule "B". Clerk, please call and read the Amendment.

THE CLERK:

LCO 6175 designated House "B" offered by Representative Farr.

In line 61, after "person" insert "eighteen years of age or older"

In line 65, after "age" insert "and is at least two years younger than such person who is in violation of section 21a-277 or 21a-278,"

REP. VAN NORTSTRAND: (141st)

The Amendment is in your possession, your

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pleasure.

REP. TULISANO: (29th)

Move for adoption.

REP. VAN NORSTRAND: (141st)

The question is on adoption, will you  
remark?

REP. TULISANO: (29th)

I would like to yield to Representative  
Farr, Mr. Speaker.

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REP. VAN NORSTRAND:

Does the gentleman from West Hartford accept the yield?

REP. FARR: (19th)

Yes, Mr. Speaker

REP. VAN NORSTRAND:

You have the floor, sir.

REP. FARR: (19th)

The concern I had with the underlying bill is the underlying bill establishes a two year minimum sentence for the sale of controlled substance. So what it would say is that if you have a seventeen year old youngster sold some marijuana to another seventeen year old youngster, there would, in fact, be a two year sentence.

I understand that the thrust of the bill is to prevent the sale of controlled substances to those youngsters...to youngsters under the age of 18 and I support that. Except I point out that what you end up with, then, is that the senior in high school who sells marijuana to his 17 year old friend, when the senior is 17, the beginning of the year, gets a two year minimum sentence.

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They turn 18 and there's no minimum sentence involved. What this amendment is attempting to say is that if you sell it to somebody who's under 18 and you're under 18, or if you're 19, at that time, and that person is 17, that you're not going to get the two year minimum sentence.

It attempts to say that what we're trying to deal with is adults selling to children. In that case, you're going to have the minimum sentence. Other than that, it's not going to be the minimum sentence.

And I would urge adoption of the amendment.

REP. VAN NORSTRAND:

Voice on adoption House "B". Will you remark?

REP. KINER: (59th)

Mr. Speaker

REP. VAN NORSTRAND:

Representative William Kiner.

REP. KINER: (59th)

Mr. Speaker, I stand to oppose this amendment and I would like to pose a question to Representative Farr and, perhaps, Representative Farr can answer this question properly or in a way that I could change my mind, I would certainly then support the amendment.

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It would seem to me, Representative Farr, that the other sections of the bill, Section 2 of the bill and Section 3, sub B and sub C, basically state that anyone over the age of 16 would fall under these...now... this minimum 2 year sentence requirement.

But what you've done here, Representative Farr, I believe and if I'm wrong, please correct me, sir, you have taken section 3, sub A and made it out of sync with the rest of the bill. In this particular paragraph, you're saying 18 where as the rest of the bill it's 16.

So I'm not too sure if that's really what you wanted to do, Mr. Speaker, through you.

REP. VAN NORSTRAND:

Representative Farr, care to respond?

REP. FARR: (19th)

I'm sorry, could you have me a reference to the line in which you said there's a reference to age 16, now.

REP. VAN NORSTRAND:

Representative Kiner, can you improve on your irregatory?

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REP. KINER: (59th)

No, Mr. Speaker, I can't give a line item but in talking with attorneys on LCO and legislative research, I must confess that, obviously not being an attorney, I do a lot of research on this bill. And it was told to me, Representative Farr, and perhaps some other attorney here who is well versed in criminal law can tell me I'm right or wrong.

But the bill...the file, as written now, pertains to anyone over the age of 16 so that anyone over the age of 16, can be prosecuted under a file copy. Which you have done in section 3, sub A is to, for some reason, say for...just this one reason now...you're got to be 18.

What I'm suggesting then, through you, Mr. Speaker is that by doing that you've made this one section out of sync with the rest of the file copy. I'm not too sure that makes too much sense to me, through you, Mr. Speaker.

REP. FARR: (19th)

All right, let me explain. I think the reference to 16 that Representative Kiner does is that for pur-

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poses of criminal statute, if you're under the age of 16, you're treated as a juvenile offender, not as a...you're normally not treated as an adult offender.

So, if you're under the age of 16, you would still be subject to the provisions of all of this act, even without my amendment, the only difference is it would be for purposes of a juvenile offense instead of for a criminal offense and you wouldn't, therefore, be subject to the two year maximum sentence.

What this provision simply says, what the amendment simply says is that as far as the rest of the act is concerned, if somebody is...the provision in the act, for example that says if you sell on the school ground still applies to anyone. If you're over the age of 16, you get treated as an adult offender, and you have the minimum sentence of 2 years; even with the passage of this amendment.

This amendment was intended to simply deal with the one section where you have a sale to somebody under 18. And the problem being that if they're over...under the age of 18, themselves, and they sell it to somebody under the age of 18, I did not think it was appropriate

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to require a two year sentence.

In fact, as the file copy reads, a 16 year old who sells it to a 17 year old, gets a minimum two year sentence. As I pointed out, the two 18 year olds who... an 18 year old who sells it to an 18 year old gets no minimum sentence, or the 16 year old who sells it to the 18 year old gets no minimum sentence.

So what this is attempting to do is deal with that question of the individual who is, in effect, selling it to his peers; he's under 18, he's selling it to his peers. I didn't feel it was appropriate to require a two year minimum sentence in that case. But it only deals with that one section, not the rest of the bill.

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Mr. Speaker, I have another problems with this amendment that I'd like to speak on and then I would like to yield to Representative Palermino.

Again, Mr. Speaker through you, you're amendment, Representative Farr basically states that the person selling to a minor has to be 18 and the person he's

selling it to has to be at least 2 years younger. That is to say he has to be at least 16 years of age.

Mr. Speaker, I've said before and I'm going to say it again, I teach high school. Believe me, Mr. Speaker, through you, there are a lot of 17 year olds who could also be impacted by this. What in effect we're saying is that...I know Representative Farr doesn't mean this... but the implication almost is it's OK to sell to a 17 year old, because he's one year younger, but not to a 16 year old.

I'm not too sure I see the difference. Mr. Speaker, I would like to, at this point, yield to Representative Palermino who can maybe elaborate a little bit further on what I stated earlier.

REP. VAN NORSTRAND:

Representative Anthony J. Palermino, do you accept the yield, sir?

REP. PALERMINO: (5th)

Yes, I do thank you, Mr. Speaker.

REP. VAN NORSTRAND:

You have the floor, sir.

REP. PALERMINO: (5th)

Mr. Speaker, to try to help clarify this, I understand from listening to Representative Farr what he's trying to do, but I have two concerns.

The first concern is the one expressed abilly be Representative Kiner and that is that now, the only people under this amendment, the only people who can be prosecuted with a mandatory sentence for selling to someone under 18 years of age, will be someone over 18 years of age.

I'm not sure that's acceptable as a public policy of the State of Connecticut. The second thing that concerns me is that we can have a circumstance here where 19 and 20 year old individuals are selling to people who are 17 and 18 years old, and again we're avoiding the mandatory sentence.

And I guess the third thing that concerns me is that I won'd think anyone who is selling to a person under 18 years of age, regardless of their ages is doing that person that they're selling to a favor. And the purpose of this law is to discourage, in the strongest possible way we can, the sale of narcotics and controlled substances to people under the age of

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18.

And if we have a person out there who is 16 years of age, and they're selling to their friends in high school that are 17 years of age, then I think they should stand and face that mandatory sentence. To do anything less, is to not provide the protections that we need in our school systems and to our young people.

Thank you.

REP. VAN NORSTRAND:

Thank you sir. The question is on adoption of House "B". Will you remark?

REP. TULISANO: (29th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Spaker, I rise to support House "B". We're talking about mandatory minimum add-on to a mandatory minimum. It's not the mandatory minimum, for one thing; it's an add-on.

And secondly, what Representative Palermino is talking about...I think he's absolutely correct as far

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as it goes, except that unfortunately, in the enforcement of all of our laws, it's different than when we write them here. We all have great intentions when we write laws, but the enforcement means all those accomodation sales, which effectively are...we don't agree with or don't necessary support, but we know they happen.

We'll bring people in under a much greater potential exposure and therefore, it enhances plea bargaining, I think, at the prosecutorial stage. And I think that would not be a good thing for the system.

I would more to support the amendment.

REP. VAN NORSTRAND:

Question on adoption of House "B". Will you remark? Will you remark? If not, all in favor indicate by saying aye.

REPRESENTATIVES.

Aye

REP. VAN NORSTRAND:

All opposed indicate by saying nay.

REPRESENTATIVES:

No.

REP. VAN NORSTRAND:

The eyes have it. House "B" is adopted and ruled technical. Will you remark further on the Bill as amended by House "A" and House "B"? Will you remark further?

REP. FARR: (19th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Robert Farr.

REP. FARR: (19th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO Number 6399.

REP. VAN NORSTRAND:

The Clerk in possession of LCO Number 6399, Designated House Amendment, Schedule "C". Clerk please call and read the amendment.

CLERK:

LCO Number 6399, Designated House Schedule "C", offered by Representative Farr. In line 78, delete "in or on, or within one thousand feet". In line 79, delete "of, the" and insert in lieu thereof "on". In line 88, delete "in or on, or within one thousand feet of, the" and insert in lieu thereof "on".

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REP. VAN NORSTRAND:

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

REP. FARR: (19th)

Yes, Mr...I move adoption of the amendment.

REP. VAN NORSTRAND:

The question is on adoption. Will you remark, sir?

REP. FARR: (19th)

Yes, Mr. Speaker. What this amendment does is the other concern I had with the Bill, besides the one we just corrected is that the Bill says that if you sell drugs within one thousand feet of a school, it's a mandatory two year sentence.

I understand what Representative...

REP. VAN NORSTRAND:

Excuse me, Representative Farr. Will the members please keep it below the dull roar level. Representative Farr.

REP. FARR: (19th)

Thank you, Mr. Speaker. I understand Representative Kiner's purpose here. What we're trying to do is get drugs away from schools. The problem is that if you

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live in an urban area, as I do, I happen to...I haven't had a surveyor out, but I can look out my front door and look down the street, and I live within one thousand feet of an elementary school.

If you read the bill, if my 17 year old son has two 17 year old friends over and one of them distributes marijuana at our house to the other, they're subject to a minimum of two year sentence for doing that.

I don't think that was the intent. Frankly, they probably would...if I found out about it...be subject to capital punishment as well, but I don't think it's likely to happen in my individual house, but I do think that when you do go to one thousand feet in an urbanized area, as I live in, you're picking up...it actually turns out to be any building within three blocks of the school.

And when you have number of schools in the community, you're picking up a sizable portion of the community. And I just...the amendment is intended to say, if it's on the school grounds or in the school yard, yes, there is a minimum sentence. But if it's off them, it's not.

I also recognize Representative Kiner's response is

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well you can do it across the street or down the block. I recognize that. We're dealing with criminal punishments here. We still have the effect that if it's, if you sell to somebody under 18, there's a minimum sentence.

So I would urge adoption of this amendment.

REP. VAN NORSTRAND:

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

REP. KINER: (59th)

Yes, Mr. Speaker.

REP. VAN NORSTRAND:

Representative William Kiner.

REP. KINER: (59th)

Mr. Speaker, again I stand in opposition to Representative Farr's amendment. First of all, for the edification of the Chamber, this idea of selling within one thousand feet of a school, came from the Governor's task force on substance abuse, Chaired by Mayor Bussi or Bridgeport.

Man principals had come before the task force, asking for this particular amendment; or this particular piece of legislation. They claimed it was really needed.

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Representative Farr talks about marijuana. First of all, I would say that marijuana is not one of those substances listed in 21A-277 or 21A-278. We're not dealing just with marijuana, Mr. Speaker through you.

We're dealing with cocaine, heroin, crack. Some pretty major drugs. There's no doubt in anyone's mind about that. The purpose of the principals of many schools of the inner cities coming to the Governor's Task Force to ask for this particular piece of legislation, was to call attention to the fact that they wanted police officers closer to the schools to try to get drugs out of the school.

Mr. Speaker and ladies and gentlemen, drugs are not sold in the school, although in some cases, I would suspect that they are, many are sold outside the school. I'm sure there have been times, where perhaps we've gone past the school and we've seen cars parked a couple of hundred feet, five hundred feet, maybe even a thousand feet from the school, dealing with drugs.

The purpose of this amendment is to get the drugs out of the school and this is the way to do it.

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And, Mr. Speaker, I would suggest that if anyone is selling drugs in an apartment or in a house that happens to be within one thousand feet of a school; first of all, I would have no problem, to be honest with you, sending them away for two years.

But the fact of the matter is, that's not the intent of this bill, and I believe it would be up to the prosecutor to make that kind of a decision. And I would guess that the prosecutor would not prosecute under this particular section.

And, I would certainly hate to see a dealer, who deals not, again, in marijuana (which in itself is dangerous) but cocaine, heroine or methadone, get away with this by merely renting out an apartment or having some kind of a domicile within one thousand feet of the school.

Mr. Speaker, even though I spoke against the first amendment, this one is so very, very, important; probably moreso than the first one and I would certainly urge this General Assembly to vote no on this amendment.

REP. VAN NORSTRAND:

The question is on adoption of House "C". Will you

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remark?

REP. ZAJAC: (83rd)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative John Zajac.

REP. ZAJAC: (83rd)

Thank you, Mr. Speaker. I rise to associate myself with the remarks of Representative Kiner in opposing the amendment. The thousand feet modicum is modeled after initial legislation passed a year ago by the State of New York.

You know, if it's illegal to sell drugs, it's illegal to sell drugs one way or the other; in the house, out of the house, parking lots, in front of the school and whatever.

The intent, of course, is to prevent this from happening, with a built in captive audience of those being the school children of any school and it's being sold to some young children now, even at grammar school level. So to try to prevent those that would part in the ballfields and parts of school areas, the parking lots, during recess hours in the playground areas, and

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so forth. It's paramount to have a distance that's safe.

I would also say, that if I would be a drug dealer, it would be very easy under this amendment, then, for me to go buy a house-just outside the limit-near the school, knowing full well then, that I'm protected and I can, then, by word of mouth, spread it around to the school children, come down to number 83, I'm outside the limit but I'm within a stone's throw of the school and I could do my drug business easily.

I think it's a very bad amendment. And I ask you to oppose it.

REP. VAN NORSTRAND:

Representative Zajac, I thought you were a drug dealer.

REP. TAYLOR: (79th)

Mr. Speaker.

REP. ZAJAC: (83rd).

Ethical drugs only, sir.

REP. VAN NORSTRAND:

Glad you clarified that, sir. Representative Taylor.

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REP. TAYLOR: (79th)

Thank you, Mr. Speaker. Mr. Speaker, I also rise in opposition to the amendment. Mr. Speaker, I think that the references in the file copy to this section are probably the most important parts of the Bill.

I felt so...I introduced legislation to this degree, and I'm very glad that it's been incorporated. I think that our children have a right to be able to go to school in a drug free environment.

And I think that we all know that the war on drugs is a very difficult one and it's going to be a very costly one, but I think that we have to take aim first at those areas of our most vulnerable parts of society; and certainly, it's those children who do have that right to grow up and to go to school in a drug-free environment.

And I think for us to draw this circle around that school and say, we are going to take particular displeasure at the trafficking of drugs in this area, is a very strong statement that this state is making. I think it's one that has to be made and I would certainly oppose this amendment.

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REP. VAN NORSTRAND:

Thank you, sir. Again, the Chair would note, things have not changed. Would you please keep it down so the Representatives; your colleagues, can be heard.

Representative Cocco.

REP. COCCO: (127th)

Thank you, Mr. Speaker. I rise also, to oppose this amendment before us. We sat in committee for hours and listened to testimony. That particular testimony addressing the use of drugs by the young people in our state.

The young people leave their family homes and go to their schools to be taught the right things, we hope, and not to be exposed by dealers, standing on the street corner, close to the schools and tempting them with things about which they know very little.

I ask this Chamber, please, to consider very carefully and vote no on this amendment. Thank you, Mr. Spaker.

REP. VAN NORSTRAND:

Thank you Representative Cocco. The question is on adoption of House "C". Will you remark? Will you remark? If not, all in favor indicate by saying aye.

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REPRESENTATIVES:

Aye.

REP. VAN NORSTRAND:

All opposed, indicate by saying nay.

REPRESENTATIVES:

House "C" fails. Will you remark further on the Bill as amended by House Amendment, Schedule "A" and "B"?

REP. FARR: (19th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Robert Farr.

REP. FARR: (19th)

Mr. Speaker, Clerk has an amendment. Will the Clerk please call and I be allowed to summarize LCO 7386?

REP. VAN NORSTRAND:

Clerk, please call LCO Number 7386, Designated House Amendment, Schedule "D".

CLERK:

LCO 7386, Designated House "D", offered by Representative Farr of the 19th.

REP. VAN NORSTRAND:

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The gentleman seeks leave of the Chamber to summarize.  
Is there objection? Seeing none, you have the floor,  
sir.

REP. FARR: (19th)

Yes, Mr. Speaker, what this amendment does is delete  
the provisions in the...in this new language...as well  
as our existing language, which allows as a defense...  
Excuse me, Mr. Speaker, I want to make sure I called the  
right amendment.

Yes, I believe this amendment deletes the language  
in the existing statute as well as the new language  
which allows as a defense that a person can say...from  
the mandatory sentence...that a person is a drug depen-  
dent person. What...and I would move adoption of the  
amendment.

REP. VAN NORSTRAND:

The question in on adoption, will you remark, sir.

REP. FARR: (19th)

Yes, Mr. Speaker. At the present time, we have  
in our statutes a provision that says that there are  
certain circumstances under which you have mandatory  
sentences. And we are, in effect, now establishing

mandatory sentence for other drug sales. But what we're doing is we're providing as a defense to that mandatory sentence, the fact that the individual is drug dependent.

So, in effect, and to put it quite crudely, what we're saying is that the junkey who sells in the school yard is not subject to the mandatory sentence. It doesn't matter whether he sells within a thousand feet or not, he can do it right in the school yard and it doesn't matter whether he's 25 and he's selling to a 13 year old.

He is not subject to any of the mandatory sentences because the statute says that if you're a drug dependent person, that is a defense to the mandatory sentence.

I don't think that's appropriate. I would point out to this body that in other areas, we have specifically excluded drug dependency as a defense. For example, in the area of insanity, you cannot plead insanity if you... if you're inability to know what you're doing to caused by the ingestion of drugs.

And yet, in the area of sale of drugs, we have excluded from the minimum sentences the people most likely to be selling it; people who are, themselves, using the drugs. And I would urge adoption of this amendment.

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REP. VAN NORSTRAND:

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

REP. KINER: (59th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative William Kiner.

REP. KINER: (59th)

Mr. Speaker, I stand to object. Mr. Speaker, I would simply state, philosophical differences aside, if the proponent of the amendment would simply look at 21A-277, it would seem to me as though the prosecutor already has that ability now.

That in that particular section, drug addition is not a defense so that, indeed, the prosecutor can prosecute under 21A-277. Therefore, I think this would be merely redundant.

Mr. Speaker, I would like to yield to Representative Tulisano who I think would give the philosophical approach.

REP. VAN NORSTRAND:

Representative Tulisano, do you accept the yield?

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REP. TULISANO: (29th)

Yes, Mr. Speaker.

REP. VAN NORSTRAND:

You have the floor, sir.

REP. TULISANO: (29th)

Mr. Speaker, I also rise to support Representative Kiner's opposition to this amendment. First, let me just say that there is a distinction between the insanity defense and drug dependency issues.

Drug dependency in the terms of the insanity defense it has been looked at as though it may be a self-imposed issue; self imposed. I'm not necessarily even agreeing with that, frankly, but this is what...the Body made that decision recently.

What we're dealing here with, in fact, is not even a criminal statute if you note, it's in 21A-240. And it not a defense. And it's been said it's a defense. What it is is a way in which one may not...may not have a mandatory sentence imposed.

However, if we have a 28 year older selling to a high school person and, depending on the case and the circumstances, the penalty could be just as stiff as if

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there's a mandatory sentence. So it should not be perceived to be that this less...potentially less of a penalty imposed. It may be just as well.

It may be that there is other things that should be done for a person, rather than mandatory jail sentences. And in each court case you take that into consideration.

Again, like I said when I supported Representative Farr's other...I supported another amendment by Representative Farr...when we take these things away, we always again, catch up with accomodation sales...people involved in accomodation sales; the easier people to arrest. And understanding all public safety officials, that's the easiest people to find and arrest.

But when we take these things away, we make less of an impact on the higher ups involved in drug sales and I think that's who we should be going after and drying up sources as we did on the first amendment we passed, drying up money laundering; hopefully attacking the economic basis, we should develop the higher ups and be willing to treat people who are already addicted with some sort of sense of recognition of their problem, if it's necessary for them. We should start off giving them

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that recognition and if they're really as bad as has been described, then I'm sure no prosecutor or judge would not oppose a jail sentence anyway.

REP. VAN NORSTRAND:

Will you remark further on the adoption of House "D"?

REP. ZAJAC: (83rd)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative John Zajac.

REP. ZAJAC: (83rd)

A question through you, Mr. Speaker, to either the sponsor of the amendment or Representative Tulisano

REP. VAN NORSTRAND:

Frame your question.

REP. ZAJAC: (83rd)

For my information, what is the definition of a drug dependent person in regard to the definition of our statutes or in definition to this amendment. In that...explain this scenario for me...in that definition. If a person was risking selling drugs on the school grounds and knew that he could cope out on a plea of being drug dependent and, therefore, get some leniency

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in his sentence, how would he have to prove that he is, indeed, drug dependent? Would he have to say that he takes coke, sniffs coke once a week, once a month, have a little bit in his blood stream, or how often or how long; how would they determine drug dependency?

REP. VAN NORSTRAND:

Either gentlemen from Rocky Hill or West Hartford care to respond? New challenger from Enfield, Representative Kiner.

REP. KINER: (59th)

The gentleman of Enfield would like to respond. Mr. Speaker, if the... Representative Zajac were to look at the statutes, Section 21A-240, section 19, it defines a drug dependent person. And if it would help out, I would like to read it; it's a very short paragraph, Mr. Speaker.

REP. VAN NORSTRAND:

Please proceed, sir.

REP. KINER: (59th)

A drug dependent person means any person who has developed a state of psychic or physical dependence or both, upon a controlled substance following administra-

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tion of that substance; upon repeated, periodic or continuous basis.

That's probably, I think, the important part. The definition goes on, but I think you your purposes, Representative Zajac, this should suffice.

REP. VAN NORSTRAND:

Representative Zajac.

REP. ZAJAC: (83rd)

Yes, thank you for the answer, Representative Kiner.

REP. VAN NORSTRAND:

Will you remark further on the adoption of House "D"?

REP. FARR: (19th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Robert Farr.

REP. FARR: (19th)

Mr. Speaker, I think the body should be aware of what we're doing here. If we pass this law, Representative Kiner says well there are other sentencing provisions and Representative Tulisano says well, we ought to have some discretion to the court. But if we pass the law without this amendment, what we're saying

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is that if someone sells drugs to a student who's under 18, and that person is an adult, they're going to get a mandatory two year sentence.

If they sell in the school yard, within a thousand feet of it, they're going to get another mandatory two year sentence. But if a person doing the sale is a junkey, well those provision don't apply. Those provisions don't apply to junkeys. Because, after all, junkeys are special.

I would just suggest to this body that if there's one group of people that ought to get the mandatory sentence, they are the drug dependent.

It's been my experience that if you want to have a deterrant for the sale of drugs, the person that you're least likely to effect through probation, is the drug dependent individual. They're the person who's most likely to be back on the street, selling the drugs as soon as you let them out of jail.

So if you want to have mandatory sentences, then let's do it for the people who are the gravest threat to our society; and those are the drug dependent...the junkeys of the world.

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Mr. Speaker, I would ask that when the vote by taken in this matter, that it be taken by roll call.

REP. VAN NORSTRAND:

The gentleman has asked that when the vote be taken it be taken by roll. All those desirous of a roll call vote, indicate by saying aye.

REPRESENTATIVES:

Aye.

REP. VAN NORSTRAND:

The required 20% has not been satisfied under rule 39, sir. The Chamber is quite full. Will you remark further on the adoption of House "D"? Will you remark further?

If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

REP. VAN NORSTRAND:

All opposed indicate by saying nay.

REPRESENTATIVES:

No.

REP. VAN NORSTRAND:

House "D" fails.

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The following is House Amendment, Schedule "D":

In line 23, insert an opening bracket before the word "and". In line 24, insert a closing bracket after the term "person,"

In line 45, insert an opening bracket before the word "and".

In line 47, insert a closing bracket after the term "person,"

Delete line 65 in its entirety and substitute the following in lieu thereof "private elementary or secondary school shall be".

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REP. VAN NORSTRAND:

Will you remark further on the Bill as amended?

REP. JAEKLE: (122nd)

Hello again, Mr. Speaker. Nice seeing you up there.

The Clerk has an amendment LCO 6181. Would the Clerk please call the amendment and may I be permitted to summarize in lieu of Clerk's reading please?

REP. VAN NORSTRAND:

Clerk, please call LCO Number 6181, Designated House Amendment, Schedule "E".

CLERK:

LCO 6181, Designated House Schedule "E", offered  
by Representative Jaekle.

REP. VAN NORSTRAND:

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The gentleman seeks leave of the Chamber to summarize.  
Is there objection? Seeing none, you have the floor, sir.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. The amendment that I'm offering, would add the two drug offenses contained in the amended file, added to the list of serious juvenile offenses that presently exist.

The two new offenses that would be listed as serious juvenile offenses are 21A-278, which is in the file copy, and 21A-277, which was included in House Amendment Schedule "A" and I move adoption of the amendment, Mr. Speaker.

REP. VAN NORSTRAND:

The question is on adoption of House "E". Will you remark, sir.

REP. JAEKLE: (122nd)

Yes, thank you Mr. Speaker. Mr. Speaker, this...the idea for this amendment really came from newspaper accounts of problems Bridgeport's police department has been having with young people that are dealing drugs in their schools; and have been picked up and sometimes, several times for the same offense.

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The two sections of...the two statutes-criminal statutes that I'm proposing to be added to the list of serious juvenile offenders, are not only in the files they, indeed are the sale or possession with intent to sell of heroin, cocaine, crack, or large quantities of marijuana, not small quantities.

It would mean that if the juvenile is fourteen years or older, the police would have more power from trying to detain the youngster from going back into the school and selling again to our youngsters in the schools and it might mean that that youngster, if he's fourteen years or older, and a repeat serious juvenile offender-meaning he's been adjudicated a serious offender at least once before, could stand trial in our adult...or regular Superior Court.

Although I will point out that in neither of these drug offenses would he be subjected to mandatory penalties because anybody below the age of 18 is not subject to the mandatory penalties. But once again, the information that showed this needed to be changed, came from newspaper accounts of a problem within Bridgeport, and the recommendation that our criminal laws be

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changed to have these drug offenses designated serious juvenile offenses to give police more ammunition in their fight against children selling drugs to children in our schools.

And often the children selling are being used by other people, adults or some of the individuals we heard here, and let those repeat juvenile drug dealers know that they are not only violating our laws but can be treated very severely if they continue to do so.

I urge adoption of the amendment. Thank you.

REP. VAN NORSTRAND:

Thank you, sir. The question is on adoption of House "E". Will you remark?

REP. KINER: (59th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative William Kiner.

REP. KINER: (59th)

Mr. Speaker, I probably cannot add anything more than what the Minority Leader has stated so I'll be very succinct and say that I also urge acceptance of this amendment, sir.

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The question is on adoption of House "E". Will you remark further? If not, all those in favor, indicate by saying aye.

REPRESENTATIVES:

Aye.

REP. VAN NORSTRAND:

All opposed, indicate by saying nay.

REPRESENTATIVES:

Nay.

REP. VAN NORSTRAND:

The ayes have it. House "E" is adopted and ruled technical. Will you remark further on the Bill as amended by House Amendment, Schedules "A", "B" and "E"?

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The following is House Amendment "E":

After line 101, insert the following:

"Sec. 4, Section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof:

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows: "Child" Means any person under sixteen years of age; "youth" means any person sixteen to eighteen years of age, "abused" means that a child or youth (a) has had physical injury or injuries inflicted upon him other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of

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maltreatment, such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; a child may be found "defective" who, by reason of deficiency or defect of intelligence, which has existed from birth or from early age, requires, or will require, for his protection or for the protection of others, special care, supervision and control; a child may be found "delinquent" (1) who has violated any federal or state law or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs as defined in this section or (2) who has violated any order of the superior court; a child or youth may be found "dependent" whose home is a suitable one for him, save for the financial inability of his parents, parent, guardian or other person maintaining such home, to provide the specialized care his condition requires; a "family with service needs" means a family which includes a child who (A) has without just cause run away from his parental home or other properly authorized and lawful place of abode; (B) is beyond the control of his parent, parents guardian or other custodian; (C) has engaged in indecent or immoral conduct; or (D) has been habitually truant or who, while in school, has been continuously and overtly defiant of school rules and regulations; a child or youth may be found "neglected" who (i) has been abandoned or (ii) is being denied proper care and attention, physically, educationally, emotionally or morally or (iii) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (iv) has been homeless or whose home cannot provide the specialized care which his physical, emotional or mental condition requires. For the purposes of this section the treatment of any child by an accredited Christian Science practitioner in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment. "Serious juvenile offense" means the violation by a child, including attempt or conspiracy to violate section 21a-277, 21a-278, AS AMENDED BY SECTION 2 OF THIS ACT, 53-80a, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-57, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94, inclu-

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sive, 53a-95, 53a-101, 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a, 53a-211, or for having without just cause run away from any secure placement other than home while committed as a delinquent child to the commissioner of children and youth services for a serious juvenile offense. "Serious juvenile offender" means any child adjudicated a delinquent child for commission of a serious juvenile offense."

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REP. VAN NORSTRAND:

Will you remark?

REP. TABORSK: (109th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Lynn Taborsak.

REP. TABORSK: (109th)

I don't have an amendment, Mr. Speaker. I would like to ask a question.

REP. VAN NORSTRAND:

You appear to be about the only one, madame.

REP. TABORSK: (109th)

A question through you to the proponant of the Bill.

REP. VAN NORSTRAND:

Please frame your question.

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REP. TABORSAK: (109th)

Through you, Mr. Speaker, the sale or offering of drugs to a minor will result in a mandatory two year sentence in addition to any sentence imposed under current law?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Through you, Mr. Speaker. I believe the language of the file copy reads "consecutive sentence". It would be the 5 years, plus the two years, sir.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

So then a 5 year sentence would become a 7 year sentence under this bill?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Through you, Mr. Speaker, if the Chamber feel that these crimes warrant that kind of treatment, yes sir.

REP. VAN NORSTRAND:

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Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker. Is this also true for a first offense?

REP. VAN NORSTRAND:

Representative Kiner, do you care to respond?

REP. KINER: (59th)

Through you, Mr. Speaker, yes.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker. Is this true no matter where a sale or transaction to a minor occurs?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Through you, Mr. Speaker...

REP. VAN NORSTRAND:

You have the floor, sir.

REP. KINER: (59th)

In the State of Connecticut.

REP. VAN NORSTRAND:

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Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker. If an individual sold or offered drugs to a minor within a thousand feet of a school, would this result in an addition 4 year mandatory sentence?

REP. VAN NORSTRAND:

Representative Kiner, do you care to respond?

REP. KINER: (59th)

Through you, Mr. Speaker. I don't believe so.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker, would these new penalties apply to sale or possession of drugs or offering of drugs at any of the state colleges or universities to individuals 18 or older?

REP. VAN NORSTRAND:

Representative Kiner, did you hear the question, sir?

REP. KINER: (59th)

If the state college is within the boundaries of Connecticut, and if the person being sold the drug is

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two years younger according to our amendment, than 18,  
then yes it would.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker, I believe the bill refers  
to elementary and secondary schools. Through you, Mr.  
Speaker, would it also apply to state colleges, univer-  
sities, independent colleges.

Are these considered schools for the purpose of  
this Bill?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Mr. Speaker, I'm not too sure what the lady is  
addressing. If she is addressing section 3, subsection  
b, then she is absolutely correct. Then we are dealing  
with elementary and secondary schools.

However, I didn't think that was her question, Mr.  
Speaker, through you, to Representative Taborsak, if  
she looks at section 3, it does not make any mention of  
public schools, it merely says selling to a minor.

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REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker. If an 18 year old sells a drug or a narcotic to another 18 year old at the University of Connecticut, there would be no additional penalty under this proposed Bill?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Through you, Mr. Speaker with the amendment proposed by Representative Farr, I believe not.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker, would there be any additional penalties for the sale of drugs to an 18 year old at a park or playground that was not contiguous to an elementary or secondary school?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

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Mr. Speaker, I don't understand the lady's question. I would simply state, however, that subsection b basically states that an 18...that anyone selling drugs within one thousand feet of a school, could be sentenced to a consecutive 2 year term if the prosecutor decides to prosecute under this section, through you, Mr. Speaker.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK: (109th)

Through you, Mr. Speaker, then the only buildings that we are protecting or locations that we're protecting in that section are those a thousand feet within a secondary or elementary school and no other?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Mr. Speaker, I disagree. I believe we're protecting society. I don't know why Representative Taborsak is merely referencing this entire Bill to a school.

There is 101 lines to this Bill and 5 or 10 lines state that we're dealing with a public school. The rest of the Bill basically states that anyone selling

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drugs will indeed fall under the provision of this particular file copy.

REP. VAN NORSTRAND:

Representative Taborsak.

REP. TABORSAK:

Thank you, Mr. Speaker. I have no other question. What I was attempting to discover; I know many of us are concerned with drug sales and drug sales within our community. Of course, in the city of Danbury, the drug sales in our community are in the public housing projects and they're on the backs of the people who live there.

And I was trying to discover whether or not sales in public housing projects to individuals 18 or older would incur these extra penalties and I guess I will answer my own question that they would not.

Mr. Speaker, I'm a little disappointed in these geographic penalties. I can imagine a sign like the sign we have outside our polling places at each election time saying you cannot approach closer than 75 feet; that in fact, around our public schools in this State of Connecticut, we're going to have a thousand foot

sign that says you can't sell drugs beyond this point.

I'd like those signs in front of my public housing projects. I'd like them around my new mall where there are a lot of drug transactions to minors. I'd certainly like them around playgrounds and parks; maybe near the war memorial which has no school near it where there are a lot of drug sales, and I think this is a mistake.

I think geographic penalties undermine our drug statutes and I'm going to oppose the Bill, Mr. Speaker.

REP. VAN NORSTRAND:

Thank you, Representative Taborsak. Will you remark further on the Bill? Will you remark further on the Bill as amended by House Amendment Schedules "A", "B" and "E"?

REP. JAEKLE: (122nd)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Robert Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I certainly am supportive of the Bill and the efforts to combat the spread of drug abuse and the distribution of drugs in our schools.

I do have some questions since we're talking about a new criminal law. Our police and our prosecutors are going to have to be administering this law and it might be helpful in the debate to have some of the questions that I don't think have been asked before answered, to help our law enforcement officials interpret and enforce what I'm pretty sure, will be a new law when it passes both Chambers and is signed by the Governor.

So I would like to direct some questions, through you Mr. Speaker, to the proponent of the Bill, please.

REP. VAN NORSTRAND:

Please frame your question, sir.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. To the proponent: I'm really looking at line 71 through 93, which has to do with the manufacture or sale of drugs in, on school properties or within a thousand feet of school properties. Actually, specifically, I'm looking at lines 84 through 90 which reads that to constitute a violation of this subsection, an act of transporting or possessing a controlled substance, shall be with intent to sell or dispense in or on or within one thousand

feet of the real property comprising a school.

And my question, through you Mr. Speaker, and maybe I'll try to narrow it down; does that mean that you have to be actually transporting or possessing within a thousand feet or could it mean that if a drug dealer is...I don't want to give any outs to the drug dealer, but I want to make sure how far this is going...if the police on I-91 stop a drug dealer with a large amount of controlled substances in his trunk, no where near a school, does the mere fact that that person was transporting controlled substance be deemed under this language intent to sell within a thousand feet of a school?

Cause it sounds that way to me and I don't believe it's intended. Am I misreading? What is the intent of that section and how do you interpret it, through you, Mr. Speaker.

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Mr. Speaker, I believe the interpretation of this subsection came out in the opening salvos of the debate,

if you will.

The intent is merely to stop the sale of drugs to our students who are attending the public schools within the State of Connecticut. If I understand the question properly, what Representative Jaekle is suggesting is that if a van loaded with maybe...well, let's someone has one half a gram of freebase cocaine, which we now call crack, if this person is in a van and he's merely driving along, is that what you're suggesting?-and he is stopped within that one thousand foot radius, your question then is can he be prosecuted under this particular section?

REP. JAEKLE: (122nd)

That would be one of my questions, yes through you, Mr. Speaker. That is a question.

REP. KINER: (59th)

Mr. Speaker, I would say that it certainly would be up to the prosecutor to make that particular decision. I certainly couldn't second guess what our state prosecutors would do under this kind of a situation.

That is not the intent as the legislation was written, through you Mr. Speaker, to the distinguished Minority

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Leader. It was meant to get at those people who park their vans, if you will, within a thousand feet of a school. Through you, Mr. Speaker

REP. VAN NORSTRAND:

Representative Jaekle.

REP. JAEKLE:

Thank you, Mr. Speaker. I was pretty sure that was the intent. I'm still not sure that's exactly the way this new criminal law reads. I think it's helpful, at least, that we have on the record if anybody will read it, that that's the intention of this new language.

Again, it does stand alone and I won't go to the I-95 example again, although I still think there's a problem there; but I hope Representative Zajac won't mind me asking it this way. But suppose somebody does legally possess a good amount of controlled substances; maybe they're a distributor to various pharmacies or what have you, this language, just that one sentence again, starting on 84 through 90, says that to constitute a violation of this subsection, an act of transporting a controlled substance shall be with intent to sell or dispense in or on or within a thousand feet of the

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school grounds, I just want to get it clear again. I think this one's clearer but if the mere fact of transporting controlled substances deemed intent to sell within a thousand feet? Through you, Mr. Speaker.

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Through you, Mr. Speaker, I'm looking at line 22 of the file copy. I don't know if this answers the Minority Leader's question or not. It says here that accept as authorized in this chapter.

Now, I don't have the whole chapter in front of me, Mr. Speaker. Perhaps the Minority Leader does. But I'm going to assume now, and I know what they say about assume, but I'm going to say it anyhow; I believe that what that's referring to are those people who are carrying drugs for legal reasons.

I mean it would stand to reason that if Representative DiZinno's pharmacy or...I think Representative Zajac has a pharmacy as well, obviously there are deliveries to his pharmacy. But I don't think his pharmacy, come to think of it, Mr. Speaker...I don't know that they can sell...these are substance one drugs, Mr.

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Speaker, through you, these are schedule I drugs and I don't believe that pharmacies can dispense schedule I drugs to begin with.

So anyone transporting these drugs, I don't think, would be doing it for legal reasons to begin with.

REP. VAN NORSTRAND:

Representative Jaekle:

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I guess it's still that one sentence that bothers me. If I could direct the proponent's attention to line 71 and the start of that section.

As I understand it, that section says any person that violates 21a-277 or 21a-278, which are the two drug statutes that are now in the file and the amendment and they're fine; they're also serious juvenile offenses, too. We already have covered on line 74 by transporting with intent to sell or dispense. So we already have that if you do transport with intent to sell within a thousand feet, you get the mandatory two years.

It sounds as though this new sentence says that if you possess a controlled substance, that's really on line

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86, that mere possession of a controlled substance, arguably within a thousand feet of a school, does constitute intent to sell or dispense within that thousand feet. Is that the intention of that language, through you, Mr. Speaker.

REP. VAN NORSTRAND:

Representative Kiner, do you care to respond?

REP. KINER: (59th)

Mr. Speaker, if I could just beg the indulgence of the Chamber for just a moment; if I may just read this section please.

REP. VAN NORSTRAND:

The House stand at ease.

REP. KINER: (59th)

Mr. Speaker

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

What the controlled substances are are those referred to in 21a-277 and 278 which I believe, according to our file copy, constitute heroin, methadone, cocaine, now freebase cocaine which is crack, and LSD. Those are

the controlled substances, I believe, that we're referring to. And if, indeed, someone's transporting within the school, within a thousand feet, if you will, with the intent to sell any of those substances then they would fall under the pervuew of this section, I believe.

Through you, Mr. Speaker.

REP. VAN NORSTRAND:

Representative Jaekle.

REP. JAEKLE:

Mr. Speaker. I understand that. If fact, it's pretty clear that if you transport with intent to sell or indeed, if you dispense or compound, or whatever in the first part, than that is subjecting one to a mandatory two year sentence.

I'm just a little...I want the intent pretty clear to the police officers and maybe the prosecuting officials, as well. If a highschool senior, aged 18, maybe 19...just in case...I want to mesh all the amendments together... if a 19 year old high school senior has one amphetamine in his pocket, that is possessing a controlled substance. I assume he won't have a prescription so he's not possessing it legally; so on line 86 he is possessing a con-

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trolled substance in the school so it's clearly within the thousand feet, it's in the school; does this language from 84 through 90 say that to constitute a violation, an act of transporting or possessing shall be with intent to sell, make the mere act of possessing a controlled substance within a thousand feet, intent to sell and thus, triggering 21a-277 or 21a-278, through you, Mr. Speaker?

REP. VAN NORSTRAND:

Representative Kiner. Excuse me, Representative Kiner. I realize there really is no more than the usual number of conversations going on but the two gentlemen, who are your colleagues, are attempting to illicit information which, in theory, would benefit the body of knowledge on behalf of the members; if they could also here.

So, if you would please take conversations outside.  
Representative Kiner.

REP. KINER: (59th)

Thank you, Mr. Speaker. I would say to Representative Jaekle; using his example of one amphetamine, I would say no. That is not intent. Because again, we

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have to reference back to section 2 where we're talking about anyone who has, and I'll read it: Who offers, gives or administers to another person, one or more preparations, compounds, mixtures or substances", this is 278 I'm reading now, "containing an arabic weight of one ounce or more...one ounce or more of heroin, methadone, cocaine or an arabic weight of one half gram or more of cocaine freebase (which he know is crack) or a substance containing 5mg of Lisergic Acid (LSD if you will)".

Those are the substances covered. That's my impression of the statute, Mr. Speaker. If the distinguished Minority Leader isn't satisfied with that answer, I would suggest that he perhaps, pose that question to a criminal lawyer here who perhaps can respond to it better.

I'm just reading the statute as...the Bill as I see it, Mr. Speaker and I am simply stating what the intent of our committee was and I believe what the intent of the Judiciary Committee was.

REP. VAN NORSTRAND:

Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I won't go on further with the questioning. I'm a little concerned that I don't fully understand the purpose of this sentence within the new statute that we're proposing.

If it does dovetail the existing laws, it's redundant and not needed and I suppose harmless. If it's supposed to be more reaching by making mere transporting or mere possession deemed intent to sell, it could be a useful tool for the police and the prosecutors, but possibly a dangerous tool for those that are merely possessing controlled substances.

And I will point out that we're not merely talking about 21a-278 which is in the file that the proponent mentioned, we're also talking about violations of 21a-277. I did not read in that section any weight amounts, whatsoever, in fact 21a-277 indicates that any person who manufactures, da da da da da da, transports with intent to sell, possesses with intent to sell, any controlled substance; no weight limits, no quantities and I'm just a little concerned that if this section is redundant it's harmless and I don't have any trouble.

If it is designed to overreach into possession of

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small quantities, maybe it could be corrected at a later time.

But again, I applaud and laud the efforts to crack down on the use of drugs and indeed, specifically crack, which motivated this legislation in our schools, but am a little troubled that with criminal laws and...I'm not a criminal lawyer and I'm asking these questions.

I imagine if people get into mandatory two year sentences, they'll be a battery of criminal lawyers out there that will be questioning exactly what we intend by this. I would just hope we could get it clarified either through an explanation or substitutive amendment to temps. Maybe even the Senate could take care of something.

Thank you.

REP. VAN NORSTRAND:

Will you remark further on the Bill?

REP. MAZZA: (115th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Vito Mazza.

REP. MAZZA: (115th)

Thank you, Mr. Speaker. Very briefly, this is a good Bill and that is a good part of the Bill. I'm happy to say I, along with other members of this Chamber, sponsored this particular piece of legislation which is incorporated in this Bill.

And I think the intent was to really eliminate sellers and traffickers of these substances within the thousand feet area of a school. Obviously if somebody's driving through that's a supplier to drug stores and he gets stopped because the truck is on the street at 400 feet from the school, then obviously there's no intent by this legislature to arrest these kinds of people.

So, I think the intent is pretty clear in the Bill and I urge support.

REP. VAN NORSTRAND:

The question is on passage of the Bill...

REP. KRAWIECKI: (78th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Edward Krawiecki, Jr.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. A question through you to Representative Kiner, please, Mr. Speaker.

REP. VAN NORSTRAND:

Please proceed, sir.

REP. KRAWIECKI: (78th)

Thank you. Representative Kiner, I didn't have a problem with the section sub b, line 71 through 93 until I heard an answer that you gave and now I'm confused as to what the intent is.

I'm particularly concerned with lines 90 through 93 which says it shall not be a defense to a prosecution under this subsection that the defendant was not aware of the existence or location of the school. I think Representative Jaekle asked you a question about the guy traveling down the highway and it was my understanding, I may be wrong, it was my understanding that your answer was, if there's no school in sight and, I presume, in that case the person who's got...I don't care what he's got in his van that he's driving down, he's got clear intent that he's gonna sell it someplace, I don't know where he's gonna sell it...but he's gonna sell it somewhere, I think your answer was, for legisla-

tive intent that a prosecutor would use their judgement as to whether or not to prosecute under that section.

And unless I'm really misreading that sentence, I don't think he's got any discretion in that section. And through you, Mr. Speaker, was I misunderstand your answer?

REP. VAN NORSTRAND:

Representative Kiner.

REP. KINER: (59th)

Mr. Speaker, this debate has lasted an hour. I'm not too sure what my answer was. All I know is I should have spent more time in law school than I did.

I the...if Representative Krawiecki were to look at the amendment that was passed early on LCO 7632, I believe we deleted those lines; lines 90-93. So that where it says now it shall not be a defense, I assume by taking it out that it shall be a defense now.

REP. VAN NORSTRAND:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. I had forgotten about that change. Thank you.

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REP. VAN NORSTRAND:

Will you remark further on the Bill?

REP. MIGLIARO: (80th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Eugene Migliaro.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. Good to see you back up there.

REP. VAN NORSTRAND:

Thank you, sir.

REP. MIGLIARO: (80th)

I think, basically, after listening to the debate, I think it's a good bill. There's two factors here that people have been kicking around. One is the 5 year sentence plus the additional 2 year sentence if you're within the thousand feet.

I think that there is a question on what the prosecutor...and I'm sure the prosecutor would use the better judgement so that they will have a definite prosecution and a conviction of the individual; but I think adding the additional two years just for being in

the area makes alot of sense. It could be a deterrant.

I think an individual knows, and I think they're going to take a second look, 5 years is plenty and 2 more would be a little bit too much. So I think it's a good amendment. I don't know why we're beating it to death.

It's obvious that the prosecutor will be the one to sit in judgement on actually what crime to charge him with so that he can get a conviction. And if there's any doubt, whatsoever, within the 1000 feet area, they will revert back to the five year mandatory sentence, just for posession.

So, I think the amendment makes sense. And if I were the one that was pushing drugs, I would look at that extra 2 years and stay out of the area and I think that's the intent of the bill. I urge your passage.

REP. VAN NORSTRAND:

Will you remark further on the Bill as amended by House Amendment, Schedule "A", "B" and "E"? Will you remark further?

REP. NYSTROM: (46th)

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Mr. Speaker.

REP. VAN NORSTRAND:

Representative Peter Nystrom.

REP. NYSTROM: (46th)

Mr. Speaker, the Clerk has an amendment LCO 7285. Could the Clerk please call the amendment and I be permitted to summarize, please?

REP. VAN NORSTRAND:

Please stand at ease, we're trying to get a copy of the day as the clerk is in possession of one. The amendment will be, when found, House Amendment, Schedule "F".

Is the Clerk in possession of LCO Number 7285? I believe you are, Designated House Amendment Schedule "F". Will the Clerk please call the Amendment.

CLERK:

LCO 7285, Designated House Schedule "F", offered by Representatives Nystrom and Wollenberg.

REP. VAN NORSTRAND:

The gentleman seeks leave of the Chamber to summarize. Is there objection? Seeing none, you have the floor, sir, for the purpose of summarization.

REP. NYSTROM: (46th)

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Ladies and gentlemen of the House, the Bill that we've been discussing deals with our penile code. This amendment does the same.

The amendment calls for a weighing factor between mitigating and aggravating factors during the imposition of a trial dealing with capital felony or murder. This has been debated at great length before this House, so I don't feel the need to go on.

So I would move for it's adoption, Mr. Speaker.

REP. VAN NORSTRAND:

The question is on adoption of House "F". Will you remark, sir. Representative William Kiner, for what purpose do you rise?

REP. KINER: (59th)

Mr. Speaker, I raise a point of order, Mr Speaker. I don't believe that this amendment is germane to the Bill before us.

REP. VAN NORSTRAND:

The House will please stand at ease. The House please come to order. The file before us deals with the imposition of, in some cases, mandatory, but in any event, penalties for the sale of controlled substances

under rather limited circumstances. To wit, in the areas of school buildings, secondary and elementary.

The Chair would note that House "A" was adopted earlier deals with defining a new crime, as near as the Chair can know, in terms of money laundering. While the Chair might note that that amendment itself might have been subject to challenge, it was not, in fact, challenged.

The amendment before us would appear to relate the circumstances under which and on what conditions the death penalty could be imposed for serious capital felonies in this State.

Referring to Section 402 and indeed, virtually every subsection thereof, the amendment must be germane to the subject of proposition or to the section of paragraph to be amended. This is basically a phrase of the rule, but each proposition should have but one subject. Hence my comments to the propriety of House "A", but that "A" is long gone.

To determine whether an amendment is germane under subsection 2, the question to be answered is whether the question is a relevant, appropriate and in a natural and local sequence to the subject matter of the original

proposal. And frankly, to be germane it is only required under subsection 3 to relate to the same subject matter.

The only general netsis that the Chair can see to House "F" to the Bill as amended, is that it deals with criminal law. I believe the specificity with which the file copy, as it appears in our files, and indeed even as to House "A" which was earlier adopted, does not provide a sufficient netsis and that one cannot under subsection 4 or 402 of Masons introduce a totally new subject, to wit the prerequisites of imposing the death penalty in this state.

Therefore, I would rule that your point is well taken, s'r. The amendment is not properly before us.

REP. NYSTROM: (46th)

Mr. Speaker.

REP. VAN NORSTRAND:

Representative Nystrom.

REP. NYSTROM: (46th)

Mr. Speaker, I thank the Chair's indulgence and the indulgence of the House. And I would ask that the House support the Bill as amended. Thank you.

REP. VAN NORSTRAND:

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Will you remark further on the Bill as amended by House schedules "A", "B" and "E". Will you remark? If not, staff and guests please come to the Well of the House, the machine will be opened. Clerk, please announce the pendency of a roll call vote for staff and members not presently in the Chamber.

CLERK:

The House of Representatives is presently taking a roll call votes, would members kindly report to the Chamber. The House of Representatives is voting by roll call, members return to the Chamber.

REP. VAN NORSTRAND:

Speaker in the affirmative. Clerk please announce the tally.

CLERK:

House Bill 7247, as Amended by House "A", "B" and "E":

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Total number Voting.....145  
 Necessary for Passage.....73  
 Those voting Yea.....144  
 Those voting Nay.....1  
 Those absent and not Voting.....6

REP. VAN NORSTRAND:

The Bill is passed. (clapping). Not so fast, not so fast. Representative Frankel, the Chair will note, this is your golden opportunity to recommit anything you wish to. (laughter)

REP. FRANKEL: (121st)

I believe the magic words are se nay de ay. Seeing as how the Speaker is not available at this time, I would suggest that perhaps we continue and perhaps you might ask for points of personal privilege, sir.

REP. VAN NORSTRAND:

Points of personal privilege or announcements.

REP. NYSTROM: (46th)

Mr. Speaker.

REP. VAN NOSTRAND:

Representative Peter Nystrom.

REP. NYSTROM: (46th)

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House Bill No. 5605. An Act Concerning Used Car Warranties.

Referred to: Appropriations.

Public Health.

House Bill No. 5941. An Act Concerning the Teenage Pregnancy  
Prevention Council.

Referred to: Appropriations.

Substance Abuse Prevention.

Substitute House Bill No. 5964. An Act Concerning a Study of  
State Sponsored Treatment Programs.

Referred to: Appropriations.

General Law.

Substitute House Bill No. 6114. An Act Concerning Interior  
Designers.

Referred to: Finance, Revenue and Bonding.

Education.

Substitute House Bill No. 6503. An Act Concerning a Pre-Eng-  
ineering Program for Minority Students.

Referred to: Appropriations.

General Law.

Substitute House Bill No. 7178. An Act Concerning Triplicate  
Prescription Forms.

Referred to: Appropriations.

Substance Abuse Prevention.

Substitute House Bill No. 7247. An Act Concerning the Penalties

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for the Sale or Possession of Controlled Substances.

Referred to: Judiciary.

Education.

Substitute House Bill No. 7356. An Act Concerning the Cooperative Extension Service.

Referred to: Appropriations.

General Law.

Substitute House Bill No. 7367. An Act Allowing Certain Selectmen to Hold Liquor Permits.

Referred to: Planning and Development.

Public Health.

Substitute House Bill No. 7394. An Act Prohibiting Discrimination Against Persons Who Have Acquired Immune Deficiency Syndrome.

Referred to: Judiciary.

Substitute House Bill No. 7395. An Act Concerning Acquired Immune Deficiency Syndrome.

Referred to: Appropriations.

Public Safety.

House Bill No. 7448. An Act Providing for the Interception of Oral Communication.

Referred to: Judiciary.

General Law.

Substitute House Bill No. 7433. An Act Concerning Charitable Solicitations.

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I move acceptance of the Bill.

THE CHAIR:

Remark further.

SENATOR PRZYBYSZ:

I would move that this be placed on the consent  
calendar Mr. President.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar No. 767, which was previously marked passed temporarily, I believe is ready to go, File 822 and 1135. Substitute for H.B. 7247, AN ACT CONCERNING THE PENALTIES FOR THE SALE OR POSSESSION OF CONTROLLED SUBSTANCES AND FOR MONEY LAUNDERING. As amended by House LCO "A", "B" and "E". Favorable Report of the Committee on Judiciary.

The Clerk is also in possession of an amendment.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes Mr. President. I would move the Joint Committee's favorable report and adoption of the Bill in accordance with the action taken by the House.

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THE CHAIR:

You may proceed.

The Clerk as an amendment.

THE CLERK:

LCO 7598, designated Senate "A". Offered by  
Senator Upson of the 15th district.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes Mr. President. I move adoption of the  
amendment and permission to waive this reading and  
permission to summarize, Mr. President.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Excuse me. I am sorry to interrupt. But I want  
to raise a question of parliamentary inquiry.

It seems to me that this amendment is very  
similar and nearly identical to the issue which was before  
us that was recommitted to the Committee. And that  
issue was recommitted after the Committee's deadline,  
therefore, it was final action. When final action has  
been taken on the item that may not come again before

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the Senate. Therefore, I would maintain that this item has come before us by our vote to recommit we took final action on it. And the amendment is therefore improperly before us.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you Mr. President. I believe the amendment is properly before us inasmuch as we did not deal with the substance. At the time we dealt with the procedural matter and a process. The substance of the amendment at the time it was recommitted, my understanding is that there would be limited debate, but only, the debate would be limited to that of process as opposed to the substance of the amendment.

And therefore, I would differ with my colleague, the majority leader, in feeling that this amendment is properly before us. The motion to recommit did not deal with the substance of the amendment itself, but dealt more with the procedural process within the Chamber. And therefore, I believe his argument is not valid.

THE CHAIR:

Senator Upson.

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SENATOR UPSON:

I guess I just yield to my majority leader. I would agree also Mr. President with that, if that is true, then the recommittal in this case was finality. And in fact my argument it was procedural and not a substantive proposition.

THE CHAIR:

The Senator will stand at ease.

Sorry Senator O'Leary, did you wish to comment further? I am sorry. I didn't mean to cut off from you.

SENATOR O'LEARY:

If you invite a little more debate, Mr. President.

THE CHAIR:

I invite a little more debate, but please limit your remarks.

SENATOR O'LEARY:

I will be brief. I think that this would have been a procedural question originally had the matter been able to be brought out of commission, but when this body refers an item, and it may not again take that item when the referral is final. It is not simply laid before a committee and subject to being withdrawn by this body. That is final action. And recommitals are final action.

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And therefore, if we examine the rule at Section 65 of Mason, it indicates that when the vote is final, it may not come before the assembly again.

The purpose of that is to prevent, as it says, the minority from continuing to make motions concerning the matter and keep it under consideration to the exclusion of other matters.

This Bill could not be brought out again from the Committee, and therefore it is beyond procedural question. It is substantive.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, if I may Mr. President. I believe there is a difference between referral and recommitted. I would look at Section 65, finality of actions and I read it differently. And I say that this was a procedural matter. And if you rule that it is in fact substantive, that means that anytime there is a referral, excuse me a recommittal, not a referral, a recommittal to a Committee that is final action. That is final substantive action on the part of the Senate.

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Senator Robertson.

SENATOR ROBERTSON:

Thank you Mr. President. Mr. President, very, very briefly, as I am listening to the debate, it seems that the rule that Senator O'Leary is quoting as we have read before of trying to protect from harassment of the minority party by constantly bringing a bill back, or a concept back time and time again, is very valid. The simple fact is that on the motion to recommit, the concept in the Bill was never debated at all. This is not a harassing factor. Certainly if there had been a debate on a specific subject, then this would be an attempt of a minority party to harass by bringing a concept back. There has never been a debate on the concept of the Bill.

THE CHAIR:

The Senator will stand at ease.

The majority leader's point was a point well taken. In reviewing Section 65 of the finality of action, understanding and appreciating the minority opinion, the rule is applicable to substantive propositions, but is not applicable to purely procedural motions.

It further then says substantive legislative body passes or refuses to pass a bill, that bill is disposed

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of for the session unless the vote is reconsidered.

Recommittal is a final action. And the matter was not reconsidered. Sure the majority leader's point is well taken.

Senator Smith.

SENATOR SMITH:

Mr. President. With all due respect to the Chair, we feel that the ruling is faulty and therefore, would initiate procedures to challenge the ruling of the Chair. And when we do so, we want to have a roll call vote.

SENATOR UPSON:

Mr. President. I believe the rules require a second to that motion.

THE CHAIR:

Duly seconded.

The 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.

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THE CHAIR:

The question before us is an appeal to the ruling of the Chair. Senator O'Leary has risen on a point of parliamentary procedure and indicated that he felt that the amendment was not properly before us. After consulting with Mason's the Chair has ruled that the majority leader's point was a point well taken.

The item then now before us is a question of the question was raised then by Senator Smith, that he felt the feeling, the ruling, was faulty. The Chair is now been challenged. If you wish to support the Chair, please indicate by roll call.

Yes, there was a request made previously by Senator Robertson for roll call. And if you wish to support the Chair, vote in the affirmative. And if you care not to, vote in the negative. The machine is open. Please cast your vote.

Senator Daniels.

SENATOR DANIELS:

Mr. President. Just for a clarification, the motion was to appeal the ruling of the Chair, am I correct in understanding that a yes vote sustains the ruling of the Chair.

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THE CHAIR:

The yes vote does sustain the ruling of the Chair.

The machine is closed. The Clerk please tally  
the vote.

The result of the vote:

23 YEA

10 NAY

The ruling of the Chair is sustained.

The amendment is properly before us.

Senator Avallone.

SENATOR AVALLONE:

If there are no other amendments on the Bill itself.

THE CHAIR:

You may proceed.

SENATOR AVALLONE:

Thank you. This is, the Bill before us was the culmination of the special committee warranted by this Legislature in January. Although I did not attend many of those meetings, I understand that they were long and hard and that it was clear to members of that committee that we in the State of Connecticut had to deal with an outrageous drug problem.

One of the main opponents of that drug problem

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is something in the vanicular referred to as crack.

The Committee also found that we had to deal with the issue of the sale, distribution of that substance as well as other drugs, controlled drugs, by minors. And the use of adults getting to our younger children and asking them to sell this outrageous substance.

So we created several new crimes in the State of Connecticut to deal with the illicit profits of this drug epidemic. We created four crimes for money laundering in the sale of drugs.

We also dealt with drugs for the sales to minors, employing minors. With a sale within a thousand feet of an elementary or secondary school.

For money laundering crimes which we have created, three of which are felonies. All dealing with various levels of intent of the perpetrator.

And the last, Class A misdemeanor. We increase the crimes for subsequent offenders. We also dealt with adding to the serious juvenile offenses. And that is a list of offenses where fourteen and fifteen year olds who if they commit that particular crime or crimes can be treated as an adult.

The Bill is a serious attempt to deal with a

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serious problem in our society. It is a serious attempt to tell those who are going to perpetrate the scene of his crime and an offense against society. That they are going to be dealt with severely in the State of Connecticut.

House "A" exempts addicted offenders from the new crimes for drug sales to minors for within a thousand feet of the school.

House "B" requires that the offenders be at least of the age of eighteen or at least two years older than the buyer to be subject to punishment of the new crime of drug sales to minors.

The effective date of the statute is October 1, 1987.

THE CHAIR:

Remark further.

Senator Rinaldi.

SENATOR RINALDI:

Thank you Mr. President.

Mr. President I also rise the support of this Bill because of the highly addictive nature of crack and its easy accessibility. I feel that it is necessary to invoke strict penalties for the sale of this drug.

The Bill which includes the definition of crack in the current statutes making everyone who comes in contact

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with drugs illegally to the current law.

The Bill also targets the drug problem faced in and around our schools including selling within a thousand feet of the grounds of the schools. And using minors as couriers. I believe that the temptation to use drugs and illegal substances is part of the present social in all teenagers today. We do need an extra pressure for easy accessibility of working in schools.

I also believe that the perpetrator should be prosecuted to the full extent and to serve a specific term that would not water down the charges.

Mr. President, it is a good bill. It has been one that was worked on very hard in the Substance Abuse Committee. There has been a great deal of testimony in our public hearings. And I would urge the passage of the bill.

THE CHAIR:

Remark further.

Senator Daniels.

SENATOR DANIELS:

Thank you Mr. President. I would like to associate myself with the remarks of the previous speakers. I particularly want to commend Senator

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Rinaldi and his Committee for putting out a bill that deals with a very serious problem that we have here in Connecticut.

I think the Bill clearly states, and I think we as a body sending a clear signal to drug pushers and particularly those who are pushing drugs onto our young people.

It has been my experience in my city that we have a serious drug problem and more and more each day we are having teenagers, youngsters who are eleven, twelve, thirteen years of age that are selling drugs on our streets.

Mr. President, it is clear that our United States Army cannot stop drugs from coming into the United States. It is clear that the State Police cannot stop drugs from coming into the State of Connecticut. It is clear that our local police cannot stop drugs from coming into our communities and our cities. But I think we this piece of legislation, we are saying to those who are going to violate this law, that the State of Connecticut, at least the General Assembly must get, and will get tough on those who are going to be selling drugs or offering drugs particularly to someone who is under the age of

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eighteen. Again I want to commend Senator Rinaldi and his Committee and ask unanimous passage of this very, very important piece of legislation which I believe is the first step in combating the serious problems of drugs that we have in our state.

THE CHAIR:

Remark further.

Senator Freedman. Followed by Senator Robertson.

SENATOR FREEDMAN:

Thank you Mr. President. This Bill is not confined just to our cities. It is a suburban problem particularly those areas that border on New York State and have drugs slipping across from New York City. And I think this is a first step. And it is a very, very strong first step. And I hope the message will get out there to all of those who violate our laws that we will not stand for this kind of treatment and we do not want our children to be involved in drugs.

I strongly support this Bill.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Thank you Mr. President. This Bill, I feel, is

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is fatally flawed, not for the fact that you did not include the death penalty on this, but from House LCO "A" which takes out persons who are on drugs.

Here we are talking about a great bill, and yet on Page 3 of File No. 1135 we say, "who is not at the time of such action a drug dependent person."

Well I ask Senator Avallone, what are the percentages of people who sell drugs. Is there a drug-dependent, versus non-drug-dependent, one. And two, if he knows, why are they exempted? Through you Mr. President, Senator Avallone.

THE CHAIR:

Senator Avallone, do you care to respond?

SENATOR AVALLONE:

Mr. President, I do not have the answer to Senator Upson's first question. Second, and not that and I was not the author of House "A", so I can't tell you what the state of mind of that individual is, I can proper a guess and that is that there are various statutes that we have currently in the State of Connecticut that indicate that people who are drug dependent who commit these crimes, are in fact treated differently.

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And the purpose being of those statutes is to catch this thing as early as we can to make sure those individuals get involved in drug rehabilitation.

I can't promise you that that was the motivation of the author of the House LCO, but it is my best guess.

THE CHAIR:

Remark further.

SENATOR UPSON:

Yes Mr. President. I suggest that what we are doing is exempting a group that are probably in the most persistent offenders. And here we are touting a bill that protects the young and innocent from crack and we are allowing the people who are hooked to get away from it.

Again, I do not understand the majority party on this one. Why they are suggesting that they are solving the problem by exempting probably the largest group that sells the item. Thank you Mr. President.

THE CHAIR:

Remark further.

Senator Avallone.

SENATOR AVALLONE:

There is no objection Mr. President.

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THE CHAIR:

I believe there was objection. The Clerk please make an announcement for immediate roll call.

SENATOR AVALONE:

Yes there is objection assuming it is an order Mr. President.

THE CLERK:

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:

The item before us is Calender No. 767, substitute for H.B. 7247, File Copy No. 8221135. The machine is open. Please cast your vote.

The Senators will remain in their seats. I believe it is the intention to call the consent calendar after this.

Senator Gunther. Senator Owens. Senator Truglia.

The machine is closed. The Clerk please tally the vote.

The result of the vote:

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33        YEA

0        NAY

The bill is adopted.

The Clerk please make an immediate announcement  
for a roll call to vote on the consent calendar.

THE CLERK:

Immediate roll call on the consent calendar has  
been ordered in the Senate. Will all Senators please  
return to the Chamber. Immediate roll call has been  
ordered in the Senate on the consent calendar. Will  
all Senators please return to the Chamber.

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DR. ALBERT: (Continued)

we get him, he is there as punishment, but not for punishment. I mean, being there is punishment enough. It's then our view that we have the responsibility to try and provide treatment so that these people will not reoffend and to make something of their lives. So that's how we view the situation.

REP. KINER: Thank you, Doctor Albert.

DR. ALBERT: Thank you.

REP. KINER: Don McConnell from CADAC followed by Rep. Eric Coleman followed by Sandra Harris. Don, it's a pleasure to see you.

MR. DON McCONNELL: Good morning, Rep. Kiner and Sen. Rinaldi and Members of the Committee. Thank you for this opportunity to appear before you. I'd like to run through several of your bills. I think it's a very fine package that your committee has put together here covering the areas of education and prevention, treatment, rehabilitation and incarceration and the courts.

As I start off, I'd like to talk about several bills that you might look at in going through your package. I look at the element of penalties for Crack, etc. and I look at 5071 and then in regard to 452, 830, 6364, 7244 and 7247, it seems to me that there could be some combination done in this regard and, as I said, basically, that has to do with penalties. I certainly support the interstate compact that is coming out of the Governor's Action Committee and the National Governor's Association on a regional basis. We have several of these compacts, but they're not coordinated. We have them at the Criminal Justice System with law enforcement and we have them in treatment and rehabilitation and I think the conference that will be run in May here in Hartford will bring a lot of things together and, therefore, I support 5253.

I think 5491 is an excellent idea, a Youth Advisory Board to the Select Committee on Substance Abuse

BILL CARBONE: (continued)

So in terms of all these recommendations and the nearly ten million dollars, let me just tell you that we support your Bill 7244 which is an Act concerning the sale of crack, and all of the law enforcement authorities came before the Governor's Committee recommended that this be done. They informed us that crack which is sold in vials is often sold in much smaller amounts than one ounce it would take nearly three hundred of the vials to constitute an ounce, and for that reason they wanted the minimum five year penalty which is associate with this to have a lower threshold and this Bill will essentially accomplish that. It is important to do this because crack is fairly cheap and you can get capsule for \$10 or \$20 so therefore it is available to much younger population and it is highly potent and highly additive.

Secondly, we support 7247 and that concerning penalty for the illegal sale of drugs to a minor, or near school grounds. We held three public hearings around Connecticut, at every public hearing many principals came to us and said that this type of a Bill was important because of the sale of drugs that was taking place before and after school and during school hours and they felt that we needed some deterrent in our statute and this will accomplish it.

We support 7245 and that concerning the forfeiture of money and property in drug cases. We think that this would be a fund that local and state police can continually use to increase manpower, equipment, buy money and whatever is necessary to make sure the drug cases were thoroughly investigated. We certainly support 829 the indemification of local police officers. We need to have fully staffed regional crime squads. They are the best tools that we have out there to investigate drug cases. State police can't do it alone they need local police and one of the things local governments were concerned about was the lawsuits that might result from these kinds of cases. This Bill would

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SANDRA ROMANS: (continued)

Youth Advisory Board to your Select Committee is an excellent first step to involve us - the young people of our state in the process of finding answers to these problems. I thank you for this opportunity to testify before you.

REP. KINER: Sandy and Kim I have to congratulate the both of you and I guess three of you now for testifying. There aren't too many young people that we see to come out that show an interest and I really do appreciate that. If you'd just identify yourself.

TERESA LANGELLO: Mr. Chairman, my name is Teresa Langelo. I live at 20 Elm Street in East Haven. I'm 14 years old and a freshman at East Haven High School. I'm also a member of the East Haven Task Force on Drugs and Alcohol established this year by Rep. Mike Lawlor of the 99th District. I am testifying this evening in favor of Bill 72-47. I strongly support a two-year mandatory prison sentence for individuals who sell drugs to people my age - minors- or individuals who come to our schools and sell drugs during our breaks and before or after school hours. The temptations to use and abuse illegal drugs are ever present in the social world of all teens today. We do not need the extra pressure or easy accessibility of drug pushers working our schools. Many teens are fighting hard not to use or abuse and others are trying to quit the habit. I hope you pass this bill and make sure that persons convicted of breaking these laws do not use the legal system to get their convictions bargained down to something less serious. Thank you for this opportunity to testify.

REP. KINER: Teresa, thank you very much and for your information there is a bill that's before us this evening that will do just that. It'll prevent something called plea bargaining as you are aware of in drug related offenses. Thank you very much, ladies. Clifford Skilnick.

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LIEUTENANT GARCIA: (continued)

(HB 7247)

We're also specifically interested in the bill concerning the Penalty for Illegal Sales of Drugs to Minors and/or Near Schools. As you all know, New Haven has quite a few schools and the target for most drug pushers seems to be within the vicinity of high schools and upper elementary schools. By enacting this particular act it would at least treat the sense of deterrence to those people who are engaged in the illegal act of selling. If I knew that my sentence would be a lot stricter if I was a thousand feet from the school, and I were a drug pusher I would definitely not take a chance on pedaling my wares next to that school. Again, all these acts as I view them, have to be taken collectively because by increasing the penalty for selling next to schools and not acting on the plea bargaining aspect so that we're back down to square one.

The courts are overloaded, you get arrested for selling next to a school, which is a stricter penalty the courts are plea bargaining it down to mere possession, the guy puts up his \$50,000 bond and out the door. So I think we have to look at all these acts collectively as a program for it all to become effective, not individually.

REP. KINER: Thank you very much, Lieutenant Garcia. Warren Gould. Yes, sir, you want to go next? Lieutenant Garcia was to follow Frank Williams is to follow Warren Gould so would you mind waiting for two more speakers sir? In fairness to these people. Thank you sir. Is Warren Gould here? Warren Gould, followed by Frank Williams, followed by Joe Adolizzi.

WARREN GOULD: Thank you very much. My name is Warren Gould I'm here representing the Greater New Haven Central Labor Council AFLCIO here in the New Haven area. We welcome this opportunity to speak in front of such a committee chaired by Representative Kiner. Representative Kiner was the Chairman of the Labor Committee and has fought really

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WARREN GOULD: (continued)

that all this legislation I see before us will certainly be very helpful I just want to point to some specific ones: 7245, 5491, 452, 5253, 6205, 7247, 830, 5707, 7260, 6360, 6361, 6364 and 7246. The problem that we have in the community is not only a problem for state legislature and also for our municipal government, it is also a problem for the people in our community, whether it be in the labor movement or whether it be in community organizations and we're in the process, in the New Haven area of putting together a coalition to begin to deal with some of these particular problems hopefully, especially to deal with the education end of it.

We feel that we need jobs and not illegal drugs and we need education not illegal drugs, we need housing not illegal drugs, we need health care and law enforcement and not illegal drugs. There's a sense of, the people who have come together at this particular point. Some of the things that were said at our previous meetings within this, forming this particular coalition is that we need more methadone slots, vocational job funding, adolescent slots and adequate funding, out-patient slots and so on. I think that there will be other speakers either the Out Foundation or other organizations who will give you some facts and figures of the need for those particular things but we in the labor movement in New Haven area will be working very strongly to support any legislation and anything that can be done to resolve this particular crisis in our community. Thank you, very much.

REP. KINER: Warren, thank you very much. I'm going to ask a favor of the people here this evening. We have a very busy gentleman who would like to testify, Mayor Dilieto who has another function to attend after this and if there is no opposition from the public I would beg your indulgence at this time to allow Mayor Dilieto to come before this committee. If that's okay with you, thank you Mayor, thank you everybody, Mayor Dilieto.

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SEN. RINALDI: I wonder how big of a backlog do you have because of the time element?

MR. SEDENSKY: When I first started almost three years ago, the backlog or the continuance that we would give a case when a drug case first came in was three to four weeks. As it stands now, we have to wait up to or sometimes greater than two months. We give it a two-month continuance, now. Judges are reluctant to do that, especially if a defendant is incarcerated. I have had cases dismissed by judges because the analysis was not in. Fortunately, it is not a serious deal if judges are dismissing because fortunately it is not a high number, but there have been cases where the analysis was ordered the end of October 1986 and has not been in at the beginning of February. I think that's due to the backlog up in Hartford.

With regard to the other motions, excuse me--a force of habit--the other bills that are presented, I'm referring to No. 6363, regarding drug offenders and that their cases would be handled differently. I think currently now the accelerated rehabilitation program, as it presently exists, could serve that purpose. I know sometimes some judges disallow the program to offenders, but I think in the majority of cases they properly exercise their discretion.

I suggest I make an amendment to the accelerated rehabilitation program. One thing I don't think we need is another program which would dismiss a case at the end. I think the accelerated rehabilitation program covers that sufficiently in that if the defendant successfully completes the program with the conditions, say, of drug evaluation and treatment, the dismissal from the accelerated rehabilitation would suffice.

With regard to Committee Bill No. 7247, which would create a mandatory offense of two years for anyone who violates the sale of narcotics or marijuana. The problem that that bill creates is that it would require a .... trial. It has to try the offender once, once for the 21a-227 or 21a-278, and only after he's found guilty of that could the State then go forward and prove that he had made the sale to a person under 18 years of age.

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I think we'd be better off if a separate offense were created for selling drugs to persons under 18 years of age, and then there would be one trial rather than finding them guilty at the other one and then requiring the State to go forward and perhaps having to find a second jury to try him on the second part of the offense.

Another comment I have is with regard to Proposed Bill No. 452, suggesting that a charge may not be reduced in any manner. My comment is who is the legislature suggesting does the original charging in that particular bill? As it stands right now, it's the State's Attorney's Office that charges, at least we originally cite a person for a crime when they are arrested, but it is the State's Attorney's Office.

Many times when we read a case to start out with, the facts look good. As the case develops and the witnesses come forward, if they can't prove that the crime originally charged (and must to prove any case at all)...often times, with all due respect to local police departments, what they see is a good case for say sale of narcotics or possession with intent to sell, when you pull the witnesses together and see what they actually have to say, or what a jury will convict on, is actually possession rather than the sale.

That resource of being able to change the charges has to be available to the Prosecutor's Office.

REP. COCCO: We have heard testimony on that and they suggested that we change the wording to "charge bargaining" rather than "plea bargaining". Would that meet what you are saying?

MR. SEDENSKY: In our particular office ideally, if we can prove a sale case, we are not going to reduce it. If we can't, then we have to reduce it. We charge what we can prove in court. Certainly, if you talk about plea bargaining, that comes into play with what we can prove. If we can prove a sale case, we will go forward with the sale of narcotics or marijuana case.

SEN. RINALDI: I must say that I do agree with you.

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I have a kid now that I know can walk away from in-patient treatment because of his age. He can sign in on Monday, sign out on Friday, and do drugs all weekend with the guys. And I know that even young people have civil rights, but they won't get civil rights if they're dead. I want to thank you for listening to my concerns.

I did find three great pills in the act concerning insurance benefits for drug dependency, the pre-trial alcohol and drug abuse program, the increased drug and alcohol treatment for the Department of Corrections, and an act concerning a drug abuse hotline.

(HB 7246)  
(HB 6359)  
(SB 597)  
(HB 6205)

More than 100 red bills in your package with the act concerning mandatory penalties for certain drug offenses; an act concerning elimination of the drug dependency defense; and an act concerning the penalty for selling or distributing drugs at or near a school. They don't make good public policy and I'd like to think that the individual who is not drug-dependent who is selling cocaine at a public housing project in Danbury where a lot of sales happen is going to get 25 years when he is caught and sentenced. Thank you.

(HB 6364)  
(HB 7244)  
(HB 7247)

REP. COCCO: Any questions from the Committee? Thank you, Rep. Taborsak. Superintendent Joseph Walsh.

SUPT. WALSH: Good evening. It is quite apparent that these people, especially those in Bridgeport do not realize the ... In 1985 nationwide there were 800,000 drug abusers and it's been estimated that there are more than half-a-million heroine addicts in the country. Recent surveys and studies estimate that cocaine users are at least 4.3 million and it can be anticipated that there has been another substantial increase with the introduction of Crack.

The crime problem in Bridgeport, in fact all over the country, is the drug problem. More than 60 percent of all the murders, thefts, burglaries and robberies in Bridgeport can be related to drugs. Crack, the new drug, has been called the "equal opportunity" drug. It is cheap, fast-acting and so addictive that there is an overpowering yearning after being used only two or three times.

also have a second section of that same statute which provides that a sell of narcotics by a non-drug dependent person also carries a minimum mandatory, non-suspendable sentence of at least 5 years in state's prison. Those are good statutes. They have been effective; we have utilized them on many instances in our court system. As a result of those statutes, you will see in many instances, individuals here receive sentences of at least 5 years and I think those are good. They've been utilized effectively.

I see that in some of the statutes which have been submitted here this evening; and I apologize, this is the first opportunity I've had to look at these statutes; I did pick them up this evening and made a rather quick evaluation of them, but I'm in total support of what I feel is the attitude of the Committee as reflected in these particular bills and that is to expand the mandatory required prison situation to other aggravated situations. What do we mean by "aggravated situations"? We mean situations of individuals who are selling narcotics to minors or people under 18 years of age. There should be without a question, a mandatory prison sentence required in those particular cases.

I'm looking at Bill 7247 and my interpretation of that bill as I made a quick evaluation of it this evening, is that would impose a 2-year mandatory sentence for a seller to a buyer who is under 18 years of age and a 2-year mandatory sentence for sells which are made within a 1,000 ft. of a schools. I would respectfully submit to you that a 2-year mandatory sentence is an insufficient sentence in those situations. I would respectfully submit to you additionally, that in those situations under the present statutes, judges are imposing sentences in excess of 2 years in those aggravated situations. I would urge if you're going to have mandatory sentence in the situation of sells to people under 18 years of age; or sells within a 1,000 ft. of a school building; or sells of crack, a sell of crack cocaine, I would say that the minimum sentence--a mandatory non-suspendable, minimum sentence in all of those situations, should be 5 years for a first offender. I agree and I endorse this further.

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That portion of section 7247, I believe it was, that would impose a mandatory 5-year sentence for subsequent offenders. I think anybody who is before the court having previously been convicted of selling is back there a second time, ought do at least 5 years if not more and I endorse that provision without any question. Without... to reiterate, and I don't want to take your valuable time, I want to be recorded unequivocally in favor of mandatory sentences, not 2 years but of 5 years, in addition to the two situations which we presently have for sells to minors; or sells within a 1,000 ft. of a school; or subsequent offenders and for all sells of crack cocaine.

The other observation that I would make and it's one that I would be remiss if I didn't make, and that is: the more mandatory sentences that we enact, the result--and the necessary result is we're gonna have more trials within our court system. Because if you take your individual defendant and you say, "You have two alternatives, you can plead guilty and get a 5-year sentence or you can go to trial if you are convicted in all probability, you're going to get a 5-year sentence." The natural effect is the gentlemen says, "Why not go to trial; I have nothing to lose." So that the (inaudible) effect of the more mandatory sentences that we enact are more trials in our system. So if we're gonna enact more mandatory sentences; and I want to again reiterate, I am unequivocally in favor of them; we've got to also consider that we're gonna have to create more positions--we're going to have to create more judges, more state's attorneys, more courtrooms, more public defenders, etc. The necessary and unqualified effect of more mandatory sentences is more trials and the effect that that puts upon the system, again, in the way of more personnel is going to be needed and more facilities are going to be needed. That is an effect that which is necessarily going to follow the enactment of the more mandatory sentences.

Plea bargaining... I concur with Supt. Walsh that the act suggested 452, I don't think really addresses the purpose for which it is intended because the necessary effect of that act which you

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may have been--if a prosecutor in a situation we're gonna try a case, where actually he doesn't feel that he's going to be able to prove because we've got to, I think, you've got to have some confidence in your prosecutors and you've got to have some prosecutor--some confidence in your state's attorneys. You've got to have confidence that that state's attorney can assess a factual situation and then come to a conclusion whether or not this is a sells situation or whether it is some other situation.

I don't think we have had... I would very probably submit to you, at least in Bridgeport, are not aware of any abuses in the plea bargaining situation that we've had at all. I'm unaware of any situation of any accusation by any individual that I can think of where there's an accusation that an abuse has occurred or a miscarriage of justice has occurred by an inappropriate reduction of any particular charge. I don't think we have that situation here and I don't want to speak for other places in the state. I don't think that that particular statute is gonna serve (inaudible). But in any event, I'm pleased to see you people here. I'm certainly delighted with the interest which is being shown in the narcotic sells and distribution situation in the state and by your Committee. If anybody has any questions, I certainly would be delighted to make an effort to respond.

REP. KUSNITZ: I have some questions.

REP. COCCO: Rep. Kusnitz?

REP. KUSNITZ: Mr. Browne, is it your practice or do you know--can you answer this, when you have those mandatory sentences and there's one or two counts, that each carries a mandatory sentence, has it been the Bridgeport court's practice to impose those sentences concurrently or sequentially?

STATE'S ATTY. BROWNE: They're virtually always imposed concurrently. I can't recall any situations where they were imposed consecutively. They are virtually (inaudible) concurrently.

REP. KUSNETZ: What about, when a second offender?

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STATE'S ATTY. BROWNE: Second offender--there's no mandatory sentence for a second offender at the present time. All of the second offender situations--that increases the possible maximum sentence, the maximum sentence for first offender's sell or distribution is 15 years. The maximum sentence for a second offense is 30 years. It really has no effect at the present time because you don't see... I can't recall anybody receiving a sentence in excess of 15 years for sell of narcotics. We did have one 15 year sentence I can recall, about 2 years ago but I don't think that... the present situation increasing the maximum for subsequent offenders has any real effect on the system.

REP. KUSNITZ: So in effect the second offense by carrying its own longer sentence has the effect of a sequential term because...

STATE'S ATTY. BROWNE: Conceivably, but I... it doesn't really have--we don't see any judges imposing 25 year sentences on such an offense. However, if you were to impose a mandatory sentence of 5 years, I think that would really be effective.

REP. KUSNITZ: Of the cases prepared in conjunction with your office where you're going after a particular suspect on a particular crime and the case is well-prepared by both the police, the prosecutor's attorney and everybody else involved, what would you say the percentage of convictions are in the Bridgeport court?

STATE'S ATTY. BROWNE: It's got to be at least 90 percent, and possibly even higher than 90 percent. In narcotics situations you see very, very few individuals being acquitted. They are the definite exception rather than the rule, and I would like to state against as just an aside, I think the Bridgeport Police Department does an exceptionally fine job in their investigations, and as I am sure everybody's aware (I don't know what Sen. Rinaldi or our other two Representatives think) there has been a definite "crackdown" in the Bridgeport area in recent times on narcotics sellers and they've done a fine job. Virtually

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all the arrests they make are good arrests and they are strong cases, and we don't have any real problem demonstrating our cases.

REP. KUSNITZ: Of that 90 percent, how many are on the original charge and how many go down or stay at the same charge?

STATE'S ATTY. BROWNE: We don't reduce drug sale charges in the absence of some extenuating circumstances. I would say, then, probably 95 percent of people who are arrested for drug sales are convicted for drug sales. We get the situation on occasion where there are two or three people in an automobile and you got to felate who was in possession of those drugs; etc. Those are extreme situations. But the situation where an individual is caught in the act of selling, we never reduce the charge. If anybody does, they are in trouble.

REP. KUSNITZ: Thank you.

STATE'S ATTY. BROWNE: Thank you.

REP. COCCO: Any other questions? Thank you.

STATE'S ATTY. BROWNE: Thank you very much and thank you for the opportunity to make the comments. Nice to see you.

REP. COCCO: Chris Cannon. Thank you. George M. Bellinger.

Drug abuse - Education and treatment programs

MR. BELLINGER: My name is George Bellinger. I'm President of the Barknet Manufacturing Company here in Bridgeport. I'm also a Committee Member of the Region Youth Substance Abuse Project and on its Executive Committee.

I'd like to make three points. The first one is the value of a regional approach. Our research shows that drug and alcohol use among the youth is nearly the same in the suburbs of our region (Eastern Fairfield, Monroe, Stratford, Trumbull) as in the City of Bridgeport. To assure this regional partnership, we have released only regional data and our work has always been aimed at serving the youth of the entire region.

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The most exciting for all is the mini-grant program. Volunteer groups with grants up to \$500 have translated substance abuse literature into many languages, sponsored programs for elementary school children (Just-Say-No buttons, PTA seminars, puppet shows, music videos, and many more projects) thought up by local people to implement by local people of this region.

My third point concerns the minority community. Our research shows that the drug and alcohol abuse is no greater in the minority community than in the region as a whole. But we bare most of the suffering for the region. Too many of the sales are allowed to be made in our community; too many of our youth are bought by the culture; and too many must suffer the consequences which are part and parcel of this problem.

The youth must be saved; the State, municipalities, schools, business, churches, the legislature and the parents must join together to solve the problems. And I thank you for that this evening.

REP. COCCO: Any questions from the Committee? Thank you very much. Edward Schneider.

MR. SCHNEIDER: I am the Director of Support Services for the Board of Education and Student Support Services, and in that capacity I also served as the Coordinator of all the Substance Abuse Court Teams for the City school system. They represent grades 7 through 12. We have worked very closely with the United Way to form a regional approach to dealing with drug problems among students. This particular Drug Court Teams are concerned with the students themselves, those that we may find to be at-risk or who have taken drugs.

This evening, I'm really here to advocate the adoption of two proposals: No. 5707 and No. 7247. Our system has introduced drug education in some of the grades, and it's a searching way of doing it. We started in the 6th grade and we are attempting to move up and down at the same time. And what this particular bill does is to make it mandatory that drug education be giving grades K through 12, I believe.

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What we have lacked is receiving information and curriculum material from a central source and we felt that No. 5707 would require the State Board of Education to develop the curriculum materials to assist local and regional boards of education to develop these instructional programs on substance abuse and prevention, and to require public schools to offer instruction on the subject of substance abuse and prevention.

It is very difficult for any local board of education to do it by itself. I had here to implement a program of education and, of course, I didn't mean a program of education--I'm speaking in terms of when we get into the area of drugs or of AIDS or of health matters, it is at that point that we feel very, very strongly that we need the support of the State.

We also support very, very strongly No. 7247. I don't want to relate any horror stories of what does happen or could happen in the schools and on school grounds, because the slightest incident that takes place (and I think the papers have been filled with it lately) is sometimes accurate, but since it does happen on school grounds, often is blown out of proportion.

So, what No. 7247 does is it makes it clear that we will not tolerate the selling and dispensing of controlled substance in the schools and on school property. And the perpetrator, should he be prosecuted and found guilty, would serve a specific term that would not be watered down. It is vital that we send out the message, loud and clear, that this type of illegal activity, particularly, near or in the school, is an intolerable situation. Thank you.

REP. COCCO: Any questions? Thank you very much.  
Al Guillorn.

Drug abuse-Education and treatment programs  
MR. GUILLORN: To begin, I would like to introduce myself. I'm Al Guillorn and I'm Director of the Trumbull Counseling Center, and I'm the Chairman of the Professional Subcommittee on ... Regional Youth Substance Abuse Project. I've been involved with substance abuse rehabilitation since 1969 and

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(don't get me wrong--they are working at it). But to find out what's really going on, I think you should give the public a chance to talk first.

Look at the audience--everybody's gone home. Give the public and the addicts a chance to tell you what the real cause of this is. My feeling on every one of these proposals is very good. But the only one I'm interested in tonight mostly is education.

We should have a State substance abuse education and prevention program. Education, to me, is the most important. The only way you're going to stop it is really from the second, third and fourth grade, in order to teach them first, to get them away from it and to know why to get away from it. (HB 5707)

I'm concerned very strongly about the sale of illegal drugs not only near schools, but in the schools. Something has to be done to stop this. The children are really the ones that are going to come out and in high school you might as well forget it--you won't be able to do anything about it. (HB 7247)

I'm concerned about the penalty for sale of Crack. Believe me, the distributors of this, and not the kid on the street, in my opinion are murderers, and they should get just the same as anybody that committed a murder because they are ruining the lives of our young children today. I believe the penalty should be really bad enough that they should be really punished just the same as a murderer. They are murdering the lives of our children. That we can't stand too long. (HB 7244)

And plea bargaining is the biggest joke of all, not only on this but on everything else. They get into court, and in order to make it easier, they plea bargain, get them a couple of years and they're out on the streets again. We had one young kid in school. He carried a gun. He was put in care of his mother. So, then he turned around a killed somebody. He didn't go to jail and he killed somebody. (SB 452)

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the concerns of the constituents. But after reading over a couple of the bills that have been proposed, I felt I would come forward and urge support of two bills in particular.

The first one is House Bill No. 5491, which is proposing to establish an Advisory Board to your Committee of Teens. Since drug abuse starts at such a young age, I feel that it is very important that we need more involvement. And I think that perhaps rather than starting with teens, that we should start with grammar-school-aged children.

The second bill, Bill No. 7244, where it is requested that the sale or possession of one-half gram or more of Crack be punished by the same penalties as one ounce or more of heroin. And I applaud and urge support of this bill because of the violent crimes that are associated with the use of a drug such as Crack. When a man is so crazed by a drug that it influences him to murder in cold blood two children and his girlfriend, one of the children who was his son, then I think it is time to take drastic measures to eliminate this drug from our streets. Thank you.

REP. COCCO: Thank you, Rep. Baker. Alderman Mary Bruce.

ALDERMAN BRUCE: Good evening. I just want to make some comments on some of the House Bills. My name is Mary Bruce. I'm a youth worker and am an elected official in the City of Bridgeport.

Let's take a lot at House Bill No. 5491, pertaining to a youth Advisory Board, I agree wholeheartedly. I work with youth and even though we have rap sessions and educational seminars and what-not, they still feel that adults are not listening and that if they can participate in something like that, that they would feel that they are really doing something.

Also, I agree with Bill No. 7247, Substance Abuse Prevention, pertaining to the term of two years, which shall not be suspended and shall be an addition and consecutive to any term of imprisonment that calls for violation of Section 21A-277.