

Legislative History for Connecticut Act

HB 5068	PA 554	1987
House 11447-11454 12355-12360		14
Senate 5087-5089, 5129-5130		5
Judiciary 1715, 1855-1860, 1882, 1922, 1974, 2010-2012		13
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1987

VOL. 30
PART 31
11307-11694

abs

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House of Representatives

Friday, May 29, 1987

Please proceed, madame.

REP. MURDOCK: (17th)

Thank you. Mr. Speaker, in the Gallery is a class from Drawing Brook School in Avon. The fifth graders, and they are here to watch is in our governmental process. I would like to group to rise, and give them the usual greeting.

(applause)

SPEAKER STOLBERG:

Further announcements or points of personal privilege? If not, will the Clerk please return to the Call of the Calendar?

CLERK:

Please turn to page 18, Calendar 866, Substitute for House Bill 5068. AN ACT CONCERNING COMPENSATION AND ASSISTANCE OF CRIME VICTIMS. Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. TULISANO: (29th)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Tulisano.

REP. TULISANO. (29th)

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

SPEAKER STOLBERG:

Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO 8405.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 8405, House "A". Will the Clerk please call?

CLERK:

LCO 8405, designated House Schedule "A", offered by Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker? I wish to summarize.

SPEAKER STOLBERG:

Please proceed.

REP. TULISANO: (29th)

Mr. Speaker,...

SPEAKER STOLBERG:

No objection? No.

REP . TULISANO: (29th)

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Mr. Speaker, this amendment just makes some technical changes in the language to make it clear that child, children of a deceased victim can collect some of the awards allowed. It is just technical in nature.

I move its passage, adoption.

SPEAKER STOLBERG:

Will you remark further on House "A"? If not, all those in favor of the amendment, please...

Representative Belden, do you have House "A"? I am told that your side does not have it. Do you have 8405? LCO 8405? Yes, you do.

Sorry about that, Representative Nystrom. Why don't you talk to Representative Jaekle.

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

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

The amendment is adopted.

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House Amendment Schedule "A":

In line 391, after "THE" insert the following:
"CLAIMS OF THE"

In line 393, after "OF" insert the following:
"THE CLAIM OF"

In line 565, after "death" insert the following:
"OR THE CHILD OF A DECEASED VICTIM"

SPEAKER STOLBERG:

Will you remark further? Representative
Tulisano.

REP. TULISANO: (29th)

Yes, Mr. Speaker. Clerk has an amendment, LCO
8321.

SPEAKER STOLBERG:

Well, now we are even, Representative Nystrom,
because we don't have this one.

(laughter)

Clerk has an amendment, LCO 8321, House "B".

Will the Clerk please call?

CLERK:

LCO 8321, designated House Schedule "B",
offered by Representative Tulisano.

REP. TULISANO: (29th)

abs

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House of Representatives

Friday, May 29, 1987

Mr. Speaker, permission to summarize?

SPEAKER STOLBERG:

Please... is there objection? Seeing none,
Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this amendment authorizes or requires that the psychiatrics review board provide victims with notice of decisions that they make with regard to release issues. This was the... you may recall, on a prior discussion, there was some flawed amendment that had been drafted. This is redrafted and it was originally brought out by Representative Bernier.

I move its adoption.

SPEAKER STOLBERG:

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

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

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The amendment is adopted.

House Amendment Schedule "B":

After line 575, add section 18 as follows and renumber the remaining sections accordingly:

"Sec. 18. Subsection (h) of section 17-257q of the general statutes, as amended by section 12 of substitute house bill 7362 of the current session, is repealed and the following is substituted in lieu thereof:

(h) Within twenty-five days of the conclusion of the hearing, the board shall provide the acquitee, his counsel, [and] the state's attorney AND ANY VICTIM AS DEFINED IN SECTION 17-257v with written notice of the board's decision. IF THERE IS NO VICTIM OR THE VICTIM IS UNIDENTIFIED OR CANNOT BE LOCATED, THE BOARD SHALL BE RELIEVED OF THE REQUIREMENT OF PROVIDING NOTICE TO THE VICTIM."

SPEAKER STOLBERG:

Will you remark further?

REP. TULISANO: (29th)

Mr. Speaker, the bill, as amended before us, increases the amount of compensation... first of all, it changes from the Board to a Commission. It increases the amount of compensation that may be given to crime victims, from \$10,000 to \$15,000 and up to \$25,000 for survivors of homicide victims. It also authorizes, in concurrence, in conformity with federal law, that

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the compensation awarded to anybody , as long as the crime occurred within this State, and that is something federal law requires in order that we may get reimbursements on some grants from them, under their Victim Crime Act.

It defines what a crime is, and... let me see, those are the major issues. It also authorizes an individual who sues to recover damages to reimburse the Crime Victims... the Board two thirds and keep one third, similar to what we do in other matters in this State. This is only to get more recovery for the victim compensation board for individuals who bring lawsuits against offenders on their own behalf. This gives the Commission, rather than just lien right, a total reimbursement of two third reimbursement.

I move its passage, as amended.

SPEAKER STOLBERG:

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

CLERK:

The House of Representatives is presently

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voting by roll call. Will all members return to the Chamber? The House is taking a roll call vote. Will members report to the Chamber?

SPEAKER STOLBERG:

Have all the members voted? Have all the members voted, and is your vote properly recorded?

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

Clerk, please announce the tally.

CLERK:

House Bill 5068, as amended by House Amendments "A" and "B":

Total Number Voting	141
Necessary for Passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not Voting	10

SPEAKER STOLBERG:

The bill, as amended, is passed.

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House of Representatives

Tuesday, June 2, 1987

Not passed in concurrence with the Senate.

SPEAKER STOLBERG:

Representative Frankel.

REP. FRANKEL: (121st)

Mr. Speaker, I move that this item be recommitted to the Committee on the Judiciary.

SPEAKER STOLBERG:

The motion is to recommit. Is there objection? Is there objection? Seeing no objection, it is so ordered.

CLERK:

Page 7, Calendar 866, Substitute for House Bill 5068. AN ACT CONCERNING COMPENSATION AND ASSISTANCE OF CRIME VICTIME. (As amended by House "A" and "B" and Senate "A"). Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. TULISANO: (29th)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance of the

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House of Representatives

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Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER STOLBERG:

Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Clerk has an amendment, Senate "A", 8542.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 8542, Senate "A". Will the Clerk please call and read?

CLERK:

LCO 8542, previously designated Senate "A",
offered by Senator Avallone. In line... Strike out section 18.

REP. TULISANO: (29th)

Mr. Speaker, I move for adoption.

SPEAKER STOLBERG:

Representative Tulisano.

REP. TULISANO: (29th)

I move adoption of the amendment.

SPEAKER STOLBERG:

Will you remark?

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House of Representatives

Tuesday, June 2, 1987

REP. TULISANO: (29th)

Yes, Mr. Speaker. Effectively, this a \$300,000 appropriation that is in the budget, and it is already in the budget. This would be a duplicate. We caught it right after the bill passed in the House, before they took care of it in the Senate.

I move its adoption.

SPEAKER STOLBERG:

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

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

The amendment is adopted.

Will you remark further? If not, will members please be seated? Staff and guests, to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber please. The House is

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House of Representatives

Tuesday, June 2, 1987

voting by roll call. All members, please report to the Chamber.

SPEAKER STOLBERG:

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

Will Clerk please announce the tally?

CLERK :

House Bill 5068....

SPEAKER STOLBERG:

Excuse me, Representative Raia was on his feet. Representative Raia, of the 22nd.

REP. RAIA: (23rd)

23rd.

SPEAKER STOLBERG:

Excuse me , 23rd.

REP. RAIA: (23rd)

In the affirmative, Mr. Speaker.

SPEAKER STOLBERG:

Representative Raia, of the 23rd.

REP. BALDUCCI: (27th)

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Tuesday, June 2, 1987

Mr. Speaker?

SPEAKER STOLBERG:

Representative Balducci.

REP. BALDUCCI: (27th)

Mr. Speaker, in the affirmative, please?

SPEAKER STOLBERG:

Representative Balducci of the 27th in the affirmative. Representative Prague.

REP. PRAGUE: (8th)

Thank you, Mr. Speaker, in the affirmative, please.

SPEAKER STOLBERG:

Representative Prague of the 8th in the affirmative.

If everyone has voted and your votes are properly recorded, I will ask the Clerk to announce the tally.

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Tuesday, June 2, 1987

CLERK:

House Bill 5068, as amended by House Amendments
"A" and "B" and Senate "A":

Total Number Voting	137
Necessary for Passage	69
Those voting Yea	137
Those voting Nay	0
Those absent and not Voting	14

SPEAKER STOLBERG:

The bill, as amended, is passed.

CLERK:

Page 2, Calendar 920, Substitute for Senate
Bill 90. AN ACT CONCERNING THE STUDY OF THE CONSOLIDA-
TION OF WATER SERVICE IN TOWNS SERVED BY BOTH PUBLICLY
AND PRIVATELY OWNED WATER COMPANIES. (As amended by
Senate "A"). Favorable Report of the Committee on
APPROPRIATIONS.

SPEAKER STOLBERG:

Representative Karjanis.

REP. KARJANIS: (88th)

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

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GEN. ASSEMBLY
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Administration prior to leasing space, to secure the concurrence of the Office of Policy and Management, and also requires that such space be included within the overall Capitol Needs Plan prepared by the State of Connecticut.

THE CHAIR:

Any remarks further?

SENATOR MALONEY:

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

THE CHAIR:

Without objection, so ordered.

Clerk, please call the next item

THE CLERK:

Page 6, Calendar number 862, File number 1090, Substitute for House Bill number 5068, AN ACT CONCERNING COMPENSATION AND ASSISTANCE OF CRIME VICITMS, amended by House "A" and "B", Favorable Report of the Committee on Finance, Revenue and Bonding. Clerk has an Amendment.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, I would move the Joint Committee's Favorable Report and adoption of the Bill in accordance with the

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action of the House.

THE CHAIR:

You may proceed and I believe the clerk has an
Amendment.

THE CLERK:

Senate Amendment Schedule "A", LCO number 8542,
offered by Senator Avallone of the 11th District.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President. I would move the Amendment
and request permission to summarize and waive it's
reading.

THE CHAIR:

You may proceed, Senator.

SENATOR AVALLONE:

The Amendment, Mr. President, clarifies a problem
that was in the Fiscal Note. There was a 300,000 dollar
Fiscal Note, it appears that there was not an item in
the budget for that 300,000 dollars. And, therefore,
this Amendment withdraws the 300,000 dollar allocation.

THE CHAIR:

Any remarks further?

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All those in favor of Senate Amendment Schedule
"A", signify by saying Aye. All those opposed?

Amendment is adopted.

On the Bill itself, Senator.

SENATOR AVALLONE:

Yes, Mr. President. What this does now is changes
the name of the Criminal Victim's Compensation Board, it
also allows the amounts that can be awarded for compensation
to be increased from 10,000 to 15,000 in one category and
up to 25,000 dollars in the other category. The monies
from this to pay these awards comes from fines and a fund
that has been created already. I think that it will pro-
vide more justice. It also provides, changes some of the
technical problems that we've had with the Bill. Also
allows for out-of-state residents who will become victims
of crime in Connecticut, to be eligible for compensation.
And if there's no objection, I would move it to Consent.

THE CHAIR:

Without objection, so ordered.

Clerk, please call the next item.

THE CLERK:

Page 7, Calendar number 866, File number 480 and
1136, Substitute for House Bill number 5631, AN ACT

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SENATOR HARPER:

Thank you, Mr. President. The Appropriations Committee will meet tomorrow before the beginning of the first session, whichever chamber starts first. More than likely the House, to take up a Collective Bargaining Agreement.

THE CHAIR:

Will the clerk please now call the items placed on the consent calendar. And announcement for immediate roll call.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Consent Calendar No. 1, Page 1, HS 105 Calendar No. 857, HB 7610 Calendar No. 772, Page 2, HB 7609 Calendar No. 835, Page 3, HB 5686 Calendar No. 844, Calendar No. HB 7648 Calendar No. 848, Page 4, HB 6417 Calendar No. 850, HB 7625 Calendar No. 852, Calendar HB 7083 No. 853, HB 7440 Calendar No. 855, Page 5, HB 6951 Calendar No. 856, HB 7188 Calendar No. 858, HB 7318 Calendar 859, Page 6, HB 7514 Calendar 860, HB 7596 Calendar No. 861, HB 5068 Calendar No. 862, Page 7, Calendar No. HB 5631 Calendar No. 867, HB 6652 Calendar No. 864, SB 437 Calendar No. 504, SB 1209 Calendar No. 506, SB 97 Calendar No. 511, HB 6617 Calendar No. 557,

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Page 9, Calendar SB 889 and Calendar HB 7542 No. 817.

THE CHAIR:

Are there any corrections, additions, deletions?
If not, the machine is open. We're voting on the first
consent calendar. Senator Freedman.

SENATOR FREEDMAN:

The Calendar on Page 9 again. I think some numbers
were mentioned that we didn't have.

THE CLERK:

Page 9, Calendar No. 595, and Calendar No. 817.

SENATOR FREEDMAN:

Page 7.

THE CLERK:

867, 866, 504, and 864.

THE CHAIR:

I think Calendar No. HB 7374 is on Page 6. It's the
right, the correct number. It was the matter that was
disputed before. Further corrections? If there be none,
the machine is open. Please cast your vote.

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

Result of the vote on the Consent Calendar:

33 Yea
0 Nay

The Consent Calendar is adopted. Senator O'Leary.

JOINT
STANDING
COMMITTEE
HEARINGS

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PART 6
1700-2097

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MR. KELLY: (continued)

problem interpreting exactly what the legislative intent was. You may wish to consider the insertion of a one or two line sentence indicating what your intent is as to exactly what type of weapons you wish covered by this proposal.

SEN. AVALLONE: We will have to check with Senator Gunther.

: That is marital.

MR. KELLY: The next would be House Bill 5068, an Act Concerning Compensation and Assistance of Crime Victims. The Division is in support of that proposal.

Next would be House Bill 6480, an Act Concerning a Pilot Program to Incarcerate Nonviolent Offenders On Weekends. The Division is not opposed to the concept but would have two problems with issues with the proposal as worded. The first would be the term nonviolent. Uh, again could be subjected to different judicial interpretations depending on the trial judge involved, and secondly the proposal to have the weekend, the Friday evening to Monday morning. Again that you may wish to making that more specific. Is the intent to be for example that someone would be able to turn themselves in 5 minutes before midnight and be released 5 minutes after midnight or did you have something else in mind.

Again, I think, no opposition to the concept, but perhaps that should be better defined. Next would be House Bill 7565, an Act Eliminating the Constance of Accusation Rule. The Division of Criminal Justice is adamantly opposed to that proposal for the following reasons: one we have had that rule in Connecticut since at least 1830, I direct the Committee's attention to State versus Segerberg, 131 Connecticut 546, page 549. It's a 1945 decision of the Connecticut Supreme Court. Where the court there cites cases going back as far as 1830 to demonstrate that we have had this rule in Connecticut since at least that time. Frankly enactment of this proposal would

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FRANCIS DOOLEY: (continued)

several technical problems with the victim trust fund as delineated in this bill. To prevent fraudulent claims it is important to safeguards such as those utilized in the prime victims compensation program should be made an intricate part of this legislation. We would be happy to work with the Committee to further identify these technical problems and develop the necessary protective mechanisms.

Senate Bill 533, An Act Concerning the Creation of a Permanent Commission on the Status of Victims. This bill would create a separate commission to function an advisory research assessment and coordination capacities regarding issues impacting upon crime and tort victims. The board would welcome an adgent group to act in this capacity. Particularly if and when the tort victims are adding to the board to mandate.

The legislature believes that the placing of this advisory group within the administrative structure of the Criminal Injuries Compensation Board is an appropriate management stradege and it cost affective course of action, we would be willing to oversee this provision of necessary administration in staffing being functioned and involved in support work of the advisory group.

In the interest of crime victims. We go on to state that we as people sincerely interested in victims oppose the passage of Senate Bill 1183 An Act Concerning Sexual Assault in the Second Degree.

Getting back to my list, one of the major pieces of legislation that we are sponsoring and which is laid before you today is House Bill 5068 An Act Concerning Compensation and Assistance of Crime Victims.

REP. TULISANO: Excuse me, you are opposing 1183?

FRANCIS DOOLEY: Yes that is correct, we are opposing 1183. In House Bill 5068 the legislature seeks to

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FRANCIS DOOLEY: (continued).

amend on the enabling legislation of the Criminal Injuries Compensation Board. It includes several changes which successfully addresses issues of concern to the board. Which strongly support passage of this legislation.

There are, however, some amendments that we would like to see incorporated at this stage in the legislating process. Because of its direct impact on the day to day operations of the board and the technical nature of several of these amendments we will eliminate our specific suggestions by reference to the line the bill where it now contained. To point out that we have presented to you and we wish to introduce our testimony in the form of a document that we have all ready presented to you.

Now going to Senate Bill 5068. The first comment that we would like to make would be in line 217, we are first introducing the change of the word homicide or the word murder. We feel that this is a much broader interpretation of that and gives us a broader opportunity to provide the services that we wish to provide for the victims. It being homicide victim would give us any person that was killed. In other words if a person would not necessarily have to be limited by the previous definition.

We also have added that the language that the victim who is killed by the other parent provided the proceedings of any payment of compensation must be placed in a trust for the benefit of any such child until such child reaches the age of 18 years. This protects the award to minors and I think it is more in the line of technical, but we wish to include it in order to provide that protection. We see situations where we feel that there is a real need to protect the funds we are able to give to minors.

Over on line 307, 309. We are adding the words at the end of the sentence that we wish to, that the dependents of a deceased victim as provided in section 5429 shall be considered the rivative of that victim and the total limit for all claims arising

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FRANCIS DOOLEY: (continued)

from the death of that victim is in maximum of 25,000 dollars. This is to provide for a derivative direction with regard to what the amount of money we are going to be passing out. We do have limitations, we are going to ask you later on for increase the 25,000 dollars per death. But in this case we are saying that it should be derivative from that victim rather than 25,000 for each of any number of children.

SEN. AVALLONE: You wish to change the name murder?

FRANCIS DOOLEY: Yes, we do, we presented that material in the material we presented you.

Over on line 336 we are taking out some language there which has to do with respect to a subrigation aspect in copying down. I have to follow some new language at line 332, and the purpose of that is to provide first that the applicant shall furnish the it should be the, yes we are going to, if we are able to subrigate and start an action to recover anything on behalf of the victim, having paid some rights out then, we are going to be obligated to notify them that we have started such an action. And conversely if we have made the award to someone we wish then to be able to have them advise us so that we may follow the subordination or the subrigation aspect that we may be able to recover in the event they are successful in recovering against the person who is attacked them, their assailant .

SEN. AVALLONE: Can I stop you one second there?

FRANCIS DOOLEY: Sure.

SEN AVALLONE: In the event that that notice is not given to you. I don't see anything in the bill as to what happens then.

FRANCIS DOOLEY: The notice, our notice, no.

SEN AVALLONE: It says the applicant shall notify the Commission if they file. What happens if they don't provide that notice?

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FRANCIS DOOLEY: I think that that is a weakness in that bill. There is no provision there for failure to give that notice. We do try to monitor our subrogation rights. But I think that that would be an appropriate indication that difficulty and I think that we have all ready made the award in this case. The penalty could be imposed, however, on the basis of any award that they are able to recover.

SEN. AVALLONE: And are you suggesting that you have a lien against that award?

FRANCIS DOOLEY: We have, we all ready have the subrogation right.

SEN. AVALLONE: To go against the individual who caused the harm, is that correct? If an action is brought up by the victim and they recover after your Commission has paid benefits. Do you have a lien against that award?

FRANCIS DOOLEY: Yes.

SEN. AVALLONE: You do have a lien?

FRANCIS DOOLEY: We presently do have.

MR. SMITH: When we make the award we have an agreement with the victim that if he pursues or if he pursues we do have rights.

SEN. AVALLONE: Okay, what I am getting at, is you do have an agreement, not by statute but by agreement that you have the right to be reimbursed out of that award. If you don't get notice of that award, of the fact that the action has been filed. Do you have, I don't mean do you have a statutory lien against that award. What you have is an agreement, so you would have to wind up suing the victim if they don't cooperate.

MR. SMITH: But we have never done that.

SEN. AVALLONE: I know, but I would hate to see that happen.

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FRANCIS DOOLEY: We would hate to see it also, and it merely requires us to do some monitoring beyond the statement they made.

On line 364, we are deleting the language Criminal Injuries Compensation Board in terms of the identification of us and although the bill is presented as Commission of Criminal Victim Services, we have also requested as an amendment to that that the looking for the line we are going to change here. That it shall read it will be the Commission on Victims Services.

The reason for this is twofold, one is that as we mentioned before there is a number of a piece of legislation pending regarding victims. And we feel that we would prefer it to be broad enough to cover the victims in terms of whatever victims we are going to be able to help.

Also, we want to remove any confusion with regard to assisting victims where the word criminal victim comes in. And we have had a few instances where people have saw help for a criminal who is a victim, where obviously there is someone we are not able to pay nor are we interested in paying. We are probably interested in prosecuting. With that change in place it would provide us with that assistance.

We are also deleting several sections from the bill that is before you. Sections 19, 20, and 21. And we are deleting these sections as they amend other sections of the General Statutes. Or request that moneys be appropriated to agencies other than the Criminal Injuries Compensation Board. And would be appropriate to handle separately from this legislation, the primary purpose is amending statutes governing this board.

We are also suggesting that a change in section 54-201 to the General Statutes to be made in that it is a definition section which applies to our Criminal Injuries Compensation Board. And there are two specific areas in which we wish to address. And that one is the definition of dependents. And that is

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FRANCIS DOOLEY: (continued)

that including children of a deceased victim, we find that there is a problem with respect to the partially dependent. And with the recent situation where spousal murder and we wanted to help these children and were unable to help them because they were, the victim was there mother who was not supporting in any way the children. And if our mandate was that they must be dependent upon the victim we are not able to help. So by changing this to add the word for the child of the deceased victim, that would give us the ability to help that child.

Also we are adding a definition of crime. In that the present statute does not include the definition.

Going on beyond 5068, House Bill 6387, an Act Concerning the Time Limitation Complaints Involving Sexual Victimization of Children. I'm simply going to state that we strongly support this in the interest of victims. There has been comments made in regard to the bill all ready and we endorse those comments.

House Bill 6388, An Act Concerning Testimony of Victims of Child Abuse. Again in the interest of victims we strongly support that bill.

House Bill 7565, An Act Eliminating the Constancy of Accusation Rule. We stongly oppose this bill because it hinders prosecution on sexual assault cases.

House Bill 7586, we give our support to that bill, and has been previously commented on.

House Bill 7625, An Act Concerning Domestic Violence This is 7625, the Board strongly favors the passage of this legislation in overall.

The last section of this bill proposes to transfer the domestic violence advocates to the Criminal Injuries Compensation Board due to transfer of funds from the Judicial Department to the CICB. Last year

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LEE TREVOR: (Cont.)

need to address the cost of defense, which it did, and that it would have to seek, as I think we achieved, an equation under which the director who behaves badly is subject to monetary penalties. The director who is merely negligent and min you the Delaware case that I opened up with, 50% premium, over the trading market, a tremendous benefit for the stockholders, and the Supreme Court of Delaware found not negligence, but gross negligence. Now that state of the law isn't, I don't think compatible with corporate governments in the context of having independent directors on the majority of publicly traded boards.

SEN. AVALLONE: Is that case on (unclear)

LEE TREVOR: No, that's all over. It was sent back, the name of the case is VanGorkum, Smith against VanGorkum, it was sent back to the trial court for determination of damages. The directors were found liable for twenty-three and one-half million dollars. A portion of which, but a portion only, was paid by insurance, and then the rest of it came, thirteen and one-half million, there's quite a story to that, but I don't want to take up the Committee's time, unless you want to hear it. But thirteen and one-half million came from private sources.

REP. TULISANO: Any provision in your statutes for public members of corporate boards? Any requirements of so called "corporate democracy"? That there be public members on publically traded corporations, do you have anything in these statutes like that?

LEE TREVOR: No, the FCC going back twenty years, in the stock exchanges, have had high on their list of priorities for corporate governments, the desirability of independent majorities, and that's come to pass as a matter of corporate practice throughout the country. Virtually, without exception, for publically traded companies that are listed on the Stock Exchange as and I think, generally for the (unclear) companies as well. There is no specific Ohio statutory requirement that differentiates between independent

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DAVID KNIFFIN: (Cont.)

advocates.

REP. TULISANO: You don't have any problem with (inaudible) one big commission, do you?

DAVID KNIFFIN: No.

REP. TULISANO: You know that we have to do that, that's the only way we're gonna be able to work it. Thank you.

DAVID KNIFFIN: Thank you.

REP. TULISANO: You want to say something? OK.

MAUREEN HARRIS: Mr. Chairman, I'm Maureen Harris from the City of Bridgeport, Director of the Victim's Assistant Center. I submitted my notes already, but I'd like to go on record in support of Committee Bill-5068. Everything that's mentioned on Page 14, under statement purpose. I must tell you the Board's been doing a marvelous job, in assisting our victims in the Bridgeport area. We have a great deal of crime in that area and the increase of the maximum will be appreciated by the victims in Bridgeport.

Next I'd like to address an act eliminating the constancy of accusation rule. I do not support this bill. This is Bill-7565 in the Judiciary, and sexual assault cases as you well know, are mostly occurring in private, and we must consider that testimony of the victim to whoever is nearby or shortly thereafter, is most important in validating this crime.

On House Joint Resolution No. 84, I'll just raise the consciousness having to do with juveniles, and mention that in my area juveniles are carrying guns, they're in the school system, they're shooting one another. I've been processing the cases. They are the victims of violent crime from one another, and they need to be held responsible. Organized crime in Bridgeport and drug jailers are largely responsible for our juveniles carrying guns in the school

BILL 533 WHICH CALLS FOR THE CREATION
OF A PERMANENT COMMISSION ON THE STATUS
OF VICTIMS. VICTIMS RIGHTS SHOULD BE
 A PRIORITY OF THIS LEGISLATURE AND A
 PART OF OUR STATE CONSTITUTION,

WE URGE ESTABLISHMENT OF A VICTIMS
HOTLINE AND CLEARINGHOUSE FOR VICTIMS' RIGHTS
 INFORMATION AS PROPOSED IN COMMITTEE BILL
NO. 200 AND SUPPORTED BY SENATOR CARSON.
 WE ALSO URGE MORE RESOURCES AND SERVICES
 FOR VICTIMS AS PROPOSED IN COMMITTEE
BILL NO. 5068, AN ACT CONCERNING COMPEN-
SATION AND ASSISTANCE OF CRIME VICTIMS,

WE ARE AGAINST COMMITTEE BILL NO. 7565
 WHICH WOULD ELIMINATE THE CONSTANCY OF
 ACCUSATION RULE WHICH IS CRUCIAL TO
 VICTIMS IN SEXUAL ASSAULT CASES.

MOST IMPORTANT, AS CHIEF STATE'S ATTORNEY,
 JOHN KELLY, TESTIFIED THE PROVISIONS IN
HOUSE JOINT RESOLUTION NO. 84 WOULD MAKE
 VICTIMS RIGHTS AND PUBLIC SAFETY PRIMARY
 IN CONNECTICUT,

David Kniffin
 DAVID KNIFFIN, CHAIRMAN
 CONNECTICUT LEAGUE OF VICTIMS

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Justiciary Hearing

Dear Mr. Chairman and Committee Members:

Allow me to introduce myself,
I am Maureen Harris, Dir. Victim Assistance
for the City of Bpt.

Bill-5068

I wish to go on record as being
in full support of Committee Bill-5068!
"an Act concerning compensation
and assistance of Crime Victims"

Pg-14 - Statement of Purpose states
the position very well. In my position
as a direct service provider, I can
assure you that victims of crime
are in great need of funding for
services which will help in
their recovery from a crime and
move them smoothly through the
criminal justice system. Do you
know Bridgeport has more than
its share of crime victims and
they are utilizing the services
of the Board (P.O.B.) and my agency
to the fullest. The board is doing
a great job.

Committee Bill
7565

- act eliminating the Constancy of accusation Rule.
I do not support this bill
and its elimination of the Constancy
of accusation rule. Since ^{most} sexual assaults
occur in private we must validate
the experience.

S.B. No. 531 (COMM) AN ACT CONCERNING THE CREATION OF A VICTIMS' TRUST FUND

Our experience with compensating victims of crime has enabled us to identify several technical problems with the Victims' Trust Fund as delineated in this bill. To prevent fraudulent claims it is important that safeguards such as those utilized in the crime victims compensation program should be made an integral part of this legislation. We would be happy to work with the Committee to further identify these technical problems and develop the necessary protective mechanisms.

S.B. No. 533 (COMM) AN ACT CONCERNING THE CREATION OF A PERMANENT COMMISSION ON THE STATUS OF VICTIMS

This bill would create a separate commission to function in advisory, research, assessment, and coordination capacities regarding issues impacting upon crime and tort victims. The Board would welcome an adjunct group to act in these capacities, particularly if and when tort victims are added to the Board's mandate. If the legislature believes that placing this advisory group within the administrative structure of the Criminal Injuries Compensation Board is an appropriate management strategy and a cost effective course of action, we would be willing to oversee the provision of necessary administration and staffing functions involved in supporting the work of the advisory group with the funds allocated for that purpose.

In the interest of victims, the Board opposes the passage of **S.B. No. 1183 (COMM) AN ACT CONCERNING SEXUAL ASSAULT IN THE SECOND DEGREE.**

H.B. No. 5068 (COMM) AN ACT CONCERNING COMPENSATION AND ASSISTANCE OF CRIME VICTIMS

This legislation seeks to amend on the enabling legislation of the Criminal Injuries Compensation Board. It includes several changes which successfully address issues of concern to the Board. We strongly support the passage of this legislation. There are, however, some amendments that we would like to see incorporated at this stage in the legislative process. Because of its direct impact on the day-to-day operations of the Board, and the technical nature of several of these amendments, we will delineate our specific suggestions by referencing the line in the bill where it is or should be contained.

Deletions Enclosed in Brackets []

Additions Written in CAPITAL LETTERS

(reading) Denotes the new language of the Bill with the amendment included.

Section 1 (c): Line 41

Add the phrase "PLUS EXPENSES" after the word "dollars"

(reading) "...hundred dollars PLUS EXPENSES for each day ..."

Section 7 (a) (1): Line 217

Substitute the word "HOMICIDE" for the word [murder]

(reading) "...HOMICIDE victim who was killed by the other ..."

Section 10 (a): Line 287

Delete the phrase [as amended by section 9 of this act]

(reading) "...under section 54-210, unless the application..."

Line 291

Delete the phrase [AS AMENDED BY SECTION 8 OF THIS ACT]

(reading) "...209, which has been reported..."

Section 10 (c): Line 309

Substitute the word "HOMICIDE" for the word [murder]

(reading) "HOMICIDE victim shall be in an amount not to..."

At the end of the sentence contained in Line 309

Add the sentence "THE DEPENDENTS OF A DECEASED VICTIM, AS PROVIDED IN SECTION 54-209, SHALL BE CONSIDERED DERIVATIVE OF THAT VICTIM AND THE TOTAL LIMIT FOR ALL CLAIMS ARISING FROM THE DEATH OF THAT VICTIM IS A MAXIMUM OF TWENTY-FIVE THOUSAND DOLLARS."

(reading) "...shall be in an amount not to exceed twenty-five thousand dollars. THE DEPENDENTS OF A DECEASED VICTIM, AS PROVIDED IN SECTION 54-209, SHALL BE CONSIDERED DERIVATIVE OF THAT VICTIM AND THE TOTAL LIMIT FOR ALL CLAIMS ARISING FROM THE DEATH OF THAT VICTIM IS A MAXIMUM OF TWENTY-FIVE THOUSAND DOLLARS."

Section 12 (a): Lines 336 through 338

Delete the phrase [... and the applicant shall notify the commission of the filing of such a cause of action by sending copies of the civil complaint papers to the commission within thirty days of the filing of the complaint in court.]

(reading) "...such injury or death. The commission shall be..."

Line 344

Add the sentence "SHOULD THE APPLICANT BRING A CAUSE OF ACTION AGAINST THE PERSON OR PERSONS TO RECOVER DAMAGES ARISING OUT OF THE CRIME FOR WHICH AN AWARD HAS BEEN GRANTED, THE APPLICANT SHALL NOTIFY THE COMMISSION OF THE FILING OF SUCH CAUSE OF ACTION BY FURNISHING COPIES OF THE CIVIL COMPLAINT PAPERS TO THE COMMISSION WITHIN 30 DAYS OF THE FILING OF THE COMPLAINT IN COURT." between the words "action" and "if".

(reading) "the filing of such action. SHOULD THE APPLICANT BRING A CAUSE OF ACTION AGAINST THE PERSON OR PERSONS TO RECOVER DAMAGES ARISING OUT OF THE CRIME FOR WHICH AN AWARD HAS BEEN GRANTED, THE APPLICANT SHALL NOTIFY THE COMMISSION OF THE FILING OF SUCH COMPLAINT PAPERS TO THE COMMISSION WITHIN 30 DAYS OF THE FILING OF THE COMPLAINT IN COURT. If an amount greater than two-thirds."

Section 13: Line 365

Delete the word [criminal]

(reading) "...Injuries Compensation Board] Commission on Victim"

Section 14: Line 389

Add the word "/OR" between the words "and" and "receive"; and the word "STATE" between the words "federal" and "or private".

(reading) "The [board] commission may also apply for and/OR receive moneys for said account from any federal, STATE, or private source. The [board]..."

Section 17 : Lines 425 through 439

Delete this entire section

Sections 19, 20 and 21 : Lines 444 through 453

Delete these entire sections

We are requesting the that these sections of H.B. No. 5068 be deleted as they amend other sections of the General Statutes or request that monies be appropriated to agencies other than the Criminal Injuries Compensation Board; and would be more appropriately handled seperately from legislation whose primary purpose is amending statutes governing the Board.

Substitute Section 17: Beginning on line 425 ORAdditional Section 22: Beginning after line 453

(reading) Section 54-201 of the general statutes is repealed and the following is substituted in lieu thereof:
Definitions. As used in this chapter:

- (1) "Victim" means a person who is injured or killed as provided in section 54-209;
- (2) "Personal injury" means actual bodily harm and mental anguish which is the direct result of bodily injury and includes pregnancy and any condition thereof;
- (3) "Dependents" means such relatives of a deceased victim as were wholly or partially dependent upon his income at the time of his death OR THE CHILD OF A DECEASED VICTIM and shall include the child of such victim born after his death;
- (4) "Relative of any person" means the spouse, parent, grandparent, stepparent, child, including natural born, step and adopted, grandchild, brother, sister, half brother, half sister, or spouse's parents;
- (5) "CRIME" MEANS ANY ACT WHICH IS DEFINED AS A FELONY OR MISDEMEANOR AS PROVIDED IN SECTIONS 53a-25 and 53a-26 OF THE GENERAL STATUTES OF CONNECTICUT.

That concludes our suggested amendments to H.B. No. 5068.

In the interest of victims and their families, the Criminal Injuries Compensation Board supports the passage of H.B. No. 6387 (COMM) AN ACT CONCERNING THE TIME LIMITATION FOR COMPLAINTS INVOLVING THE SEXUAL VICTIMIZATION OF CHILDREN, and H.B.No. 6388 (COMM) AN ACT CONCERNING TESTIMONY OF VICTIMS OF CHILD ABUSE.