

Legislative History for Connecticut Act

SB 1040	PA 560	1987
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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
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House of Representatives

Wednesday, May 27, 1987

They're down here to see their state government in action and I would ask that the House rise and give them our usual warm welcome. (clapping)

DEPUTY SPEAKER LAVINE:

Are there further announcements or points of personal privilege. If not, the Clerk will return to the call of the Calendar.

CLERK:

892, Page 14, Substitute for Senate Bill 1040, AN ACT CONCERNING CERTIFICATION BY THE MUNICIPAL POLICE TRAINING COUNCIL, As amended by Senate Amendment "A", "B" and "C", Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

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

DEPUTY SPEAKER LAVINE:

The motion is on acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark?

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REP. IRELAND: (111th)

Yes, thank you Mr. Speaker. This bill simply provides for the certification, renewal and revoking of certificates under the municipal police training council for police officers, as well as police training schools and law enforcement instructors.

It also makes technical language changes. It provides for when a police training school whos certification is cancelled or revoked, when they may reapply, which is anytime after the order becomes final. It eliminates the wording on part-time officers and creates a single definition for certification purposes and no longer distinguishes between full-time and part-time officers.

It more clearly defines and mandates that in order to maintain certification, police officers and instructors must complete at least 40 hours of review training every 3 years.

Mr. Speaker, the Clerk has a series of Senate Amendments. I'd like to call the first: LCO Number 6625.

DEPUTY SPEAKER LAVINE:

Will the Clerk please call 6625 and read.

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CLERK:

LCO 6625, Designated Senate "A", offered by Senator Herbst. In line 44, insert brackets around full-time. In line 88, insert a bracket before to. In line 91, insert a closing bracket after eight and renumber the remaining subdivisions accordingly and in line 106 after "establish" insert "uniform".

REP. IRELAND: (111th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

What is your pleasure?

REP. IRELAND: (111th)

I move adoption of this amendment in concurrence with the Senate.

DEPUTY SPEAKER LAVINE:

The motion is on adoption. Will you remark?

REP. IRELAND: (111th)

Yes. This is a very technical amendment that simply deletes the reference to full-time police officers in one section and deletes the reference to part-time officers in another and renumbers the sub-division.

DEPUTY SPEAKER LAVINE:

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Will you remark further? Will you remark further?
If not, I will try your minds. All in favor of the
amendment, will signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LAVINE:

Those opposed nay. The amendment is adopted and
ruled technical.

REP. IRELAND: (111th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

The Clerk has an amendment LCO Number 6631,
Designated Senate "B".

DEPUTY SPEAKER LAVINE:

Will the Clerk please call 6631, previously
designated Senate Amendment "B".

CLERK:

LCO 6631, Designated Senate "B", offered by
Senator Herbst.

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DEPUTY SPEAKER LAVINE:

The lady is seeking permission to summarize.
Is there objection? Hearing none, you may proceed.

REP. IRELAND: (111th)

Mr. Speaker, this simply changes from two years to one year, the length of time a police officer may spend unemployed by a law enforcement unit, unless he's on a leave of absence; and whereupon, his certification would lapse.

The is also a technical amendment. It lists additional ways the council may cancel or revoke certification for reasons of mental illness and emotional disorder, substance abuse or negligence.

Mr. Speaker, I move adoption of the amendment in concurrence with the Senate.

DEPUTY SPEAKER LAVINE:

The motion is on adoption. Will you remark?
Representative Raia.

REP. RAI: (23rd)

Mr. Speaker, through you the Chair, could you please repeat that last amendment that you just read?
As for the time: from one year to two years, or two

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years to one year.

REP. IRELAND: (111th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Raia, I'm going to ask for comments after the motion for adoption...and remarks... and then that might be the appropriate moment.

Would you remark further?

REP. IRELAND: (111th)

Mr. Speaker, would you like for me to answer his question, at this point in time?

DEPUTY SPEAKER LAVINE:

That would be fine, Representative.

REP. IRELAND: (111th)

It does change it from two years to one year.

DEPUTY SPEAKER LAVINE:

Will you remark further? Will you remark further? If not, I will try your minds. All in favor of the motion, will signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LAVINE:

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Those opposed, nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER LAVINE:

The amendment is defeated.

REP. IRELAND: (111th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

The Clerk has an amendment LCO Number 7278. Would he please call.

DEPUTY SPEAKER LAVINE:

Will the Clerk please call 7278, Designated Senate Amendment "C".

CLERK:

LCO 7278, Designated Senate "C", offered by Senator Avallone.

REP. IRELAND: (111th)

Mr. Speaker. May I be allowed to summarize?

DEPUTY SPEAKER LAVINE:

Representative is seeking permission to summarize.

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Is there objection? Hearing none, you may proceed.

REP. IRELAND: (111th)

Mr. Speaker, this amendment amends state statutes 29-154a under the Department of Public Safety. It allows for the additional qualification that an applicant for a private detective or investigator's license could have had five years experience as a full-time investigator in a state or municipal fire department as well as to meet the qualifications for a license.

It simply adds one word, the word "fire". Mr. Speaker, I move adoption of the amendment in concurrence with the Senate.

DEPUTY SPEAKER LAVINE:

The motion is on adoption. Will you remark?

REP. O'NEILL: (98th)

Yes, Mr. Speaker, a question...

DEPUTY SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (98th)

...through you to the proponant of the amendment.

DEPUTY SPEAKER LAVINE:

Will you proceed, sir.

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REP. O'NEILL: (98th)

This is the same amendment that this General Assembly has defeated for the last 3 to 4 to 5 years. You are going to give a private detective or investigator in this state the authority to conduct investigations in each and every category that a individual might ask then to conduct investigations in.

This would be in the criminal field, this could be in the civil field, this could be for burglaries or robberies, this could be for missing children, this could be for kidnapping. And how, in the name of God, any who because they had some experience as a fire fighter can qualify to conduct those types of investigations is utterly and completely ridiculous.

We defeated this amendment before, in the past. This is an infringement upon a bona fide, legitimate investigator who had police experience and because...a person has been a member of a fire department in no way qualifies them to be considered an investigator or receive a private investigator's license in the State of Connecticut.

I urge its rejection as we've rejected it 3 or 4

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times in the past.

DEPUTY SPEAKER LAVINE;

Will you remark further?

REP. IRELAND: (111th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE;

Representative Ireland.

REP. IRELAND: (111th)

It is my understanding that the proponant of this amendment included the word "fire" because we do have fire inspectors and that was the reason since we have also included the word "police" that he felt that it was a sufficient job to have served as a fire inspector to qualify for a license as a private detective or investigator.

DEPUTY SPEAKER LAVINE;

Representative Emmons.

REP. EMMONS: (101st)

Mr. Speaker, looking at the file though, if the gentleman thought that if you were a file inspector gave you adequate background, then it should say fire inspector. It just says "of a state or municipal fire department".

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You do not really have to have all the qualifications to be a private detective just being a simple member of a fire department.

DEPUTY SPEAKER LAVINE:

Will you remark further? Representative Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker. Mr. Speaker, I am somewhat troubled by the concept of granting licenses to fire fighters to be private investigators.

Even a fire inspector's training is limited to those things that are related to fire investigation, causal relationship, and arson and I would find great amount of difficulty in passing this amendment.

I think it's flawed.

DEPUTY SPEAKER LAVINE:

Will you remark further? Will you remark further?

If not, I will try your minds. All in favor of this amendment, will signify by saying aye. Ah ha!

~~REPRESENTATIVES:~~ All opposed will signify by saying nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER LAVINE:

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The amendment is defeated. Will you comment further on the Bill?

REP. IRELAND: (111st)

Thank you, Mr. Speaker. Just very briefly, to say those are the only amendments to this Bill and now we have the Bill before us as amended and I would urge its passage. Thank you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Will you remark further? Will you remark further?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Van Norstrand.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, if I might, through you, a couple of questions. I want to make sure I understand what's happening here.

Reprinted in the file, Representative Ireland, on lines 194-201 are what, in essence, are the grandfather provisions for people who were full-time officers in July of '82. Is that grandfather being extended. I mean, are we continuing to grandfather these people?

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DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

It's my understand that that grandfather clause was repealed in 1981.

DEPUTY SPEAKER LAVINE:

Representative Van Norstrand.

REP. VAN NORSTRAND: (141st)

Through you, if it was repealed in '81, why is it reprinted here?

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

Mr. Speaker, could I stand aside for just a minute while I look at those lines that have been referenced— just a minute.

REP. VAN NORSTRAND: (141st)

And if I might ask, Mr. Speaker, could we confine ourselves merely to the Representative and not those otherwise aiding in debate per Representative Stolberg's rulings?

DEPUTY SPEAKER LAVINE:

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Yeah, may I point out that our rules are fairly specific on tampering with Representatives.

REP. IRELAND: (111th)

Mr. Speaker

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

It is my understand, my recent understand, that there was a general grandfather clause which was repealed in 1981 but not effective until 1982. So, it would appear, with that understand, that the grandfather clause would no longer be in effect.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker...

DEPUTY SPEAKER LAVINE:

Representative Van Norstrand.

REP. VAN NORSTRAND: (141st)

...I might get an answer to my original question. Why is it reprinted in the file as existing law?

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

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Through you, Mr. Speaker, I'm afraid I can't answer that question. It would appear that we are now in the year 1987 and under that provision, they had to have gotten their hours within the next five years and so that would be the year 1987.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, it would appear to me that, at least in the opinion of the Legislative Commissioner's Office, it is still the law. If I might, to go back a page to lines 95-101 it would appear that it must still be the law because I see that new language is being added.

Certification was a one-time thing. You did your training but it did not effect your right to retain certification. Now that language is being inserted. I gather that is affecting...these people are still grandfathered but they must now get this training within 5 years in order to maintain their certification?

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

Through you, Mr. Speaker, it is my understand from the file copy that in order to maintain their certification,

they have to complete 40 hours of certified review training every 3 years. And any police officer who has completed basic training before July 1, 1982, shall have 5 years from that said date to initially fulfill this requirement. That would bring it up to 1987 which is the year that we are presently in. Which would seem to fit in with the repeal of the grandfather clause.

DEPUTY SPEAKER LAVINE:

Representative Van Norstrand.

REP. VAN NORSTRAND: (141st)

Well, Mr. Speaker, it's getting somewhat circuitous. Clearly, it has not been repealed. It's in the file as existing law. It can't have been a repealer. All it says is...all that's being added is, in relation to it, as opposed to certification being permanent. I just point this out if you've got part-time people, you know, private police associations.

The law we had and what we passed was, if you worked for a full-time organized police force, you were grandfathered. And now...and that certification stayed... now, I just want to point out, I'm not saying it's a bad policy but this says in order to maintain that certi-

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fication; that language was never there before.

REP. IRELAND: (111th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Ireland.

REP. IRELAND: (111th)

I would like to yield at this time, to Representative Millerick...Raia, I'm sorry.

DEPUTY SPEAKER LAVINE:

Representative Raia, do you accept the yield, sir?

REP. RAIA: (23rd)

Yes, Mr. Speaker, I accept the yield. The way the situation was, yes, at one time police officers were grandfathered in. Now, the Municipal Training Council wants all police officers to go through the training of 40 hours every 3 years.

They must meet this requirement to get certified. The laws keep changing and the police officers have to go back to school and catch up to what has impassed in the past 2 or 3 years.

So everybody has to have that training now and what this...the Bill is allright. I don't think anybody saw

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the amendments and that's why some of us voted against the amendments. We think that the Bill should be going forward. And the Senate amendments should be defeated.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, through you from either respondent. Could I just ask and again, I'm not against the Bill per se; how available...how many...is it easy to get slots to accomplish this training? Is there plenty of room?

DEPUTY SPEAKER LAVINE:

Representative Raia.

REP. RAIA: (23rd)

Mr. Speaker, through you, what we're doing now is that municipal training police departments are training the police officers back at their own police departments. Now everybody has to go back to MPTC training in Meriden for their 40 hours.

So, they're certifying police instructors to be able to teach their own men back at their own departments.

REP. VAN NORSTRAND: (141st)

So anyone...through you, Mr. Speaker...so anyone earnestly wanting to maintain their status, shouldn't have any trouble getting it accomplished?

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DEPUTY SPEAKER LAVINE:

Representatives Raia.

REP. RAI: (23rd)

Mr. Speaker, through you. That's correct. They have to; there's no choice. They have to do that 40 hours every 3 years.

DEPUTY SPEAKER LAVINE:

Will you comment further on the Bill. If not, staff and guests will come to the Well of the House and the machine will be opened.

CLERK:

The House of Representatives is presently voting by roll call. Will all members please proceed to the Chamber. The House is taking a roll call vote, members report to the Chamber.

DEPUTY SPEAKER LAVINE:

Will you please check the board and see that your vote is properly cast. If your vote is properly cast, the machine will be locked and the Clerk will take a tally.

Representative Fritz of the 90th.

REP. FRITZ: (90th)

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Mr. Speaker, in the affirmative please.

DEPUTY SPEAKER LAVINE:

Representative Fritz in the affirmative.

Clerk, please announce the tally.

CLERK:

Senate Bill 1040, as amended by Senate "A":

Total number voting.....141

Necessary for Adoption.....71

Those voting Yea..... 140

Those voting Nay.....1

Those absent and not Voting.....10

DEPUTY SPEAKER LAVINE:

The Bill is passed.

CLERK:

Please turn to page 30, Calendar 418, Substitute for Senate Bill 861, AN ACT CONCERNING FILING OF DAM SAFETY ADMINISTRATIVE ORDERS ON LAND RECORDS AND ISSUANCE OF A CERTIFICATE OF IMPOUNDMENT, Favorable Report of the Committee on Judiciary, As amended by Senate "A".

REP. MUSHINSKY: (85th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

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House of Representatives

Monday, June 1, 1987

SPEAKER STOLBERG:

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

CLERK:

Senate Bill 1038 as amended by House "A".

Total number voting	145
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Necessary for passage	73
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Those voting yea	113
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Those voting nay	32
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Those absent and not voting	6
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SPEAKER STOLBERG:

The bill as amended is passed.

Will the House come to order. Will the House come to order.

Page 15, Calendar 892, Substitute for Senate Bill 1040, AN ACT CONCERNING CERTIFICATION BY THE MUNICIPAL POLICE TRAINING COUNCIL. A Conference Committee is required. The Chair would appoint Rep. Raia, O'Neill and Anastasia.

Are there announcements or points of personal

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House of Representatives

Tuesday, June 2, 1987

REP. NORTON: (48th)

Mr. Speaker, I would like to introduce one of Colchester's finest Republicans, a former chairman of the board of finance, as well as the commissioner of welfare for this great State and a commissioner of welfare for the United States, my father. My mother didn't want to be introduced so my father's with some girl. (Laughter).

SPEAKER STOLBERG:

Representative Norton, as long as your father is not running for the Presidency, he's all right. Are there further announcements or points of personal privilege? Are there further announcements? If not, will the Clerk please return to the call of the Calendar.

CLERK:

Calendar 892, Conference Committee, Senate
Bill 1040. AN ACT CONCERNING CERTIFICATION FOR
THE MUNICIPAL POLICE TRAINING COUNCIL. (As amended
by Senate Amendment Schedules "A", "B" and "C").

REP. RAIA: (23rd)

Mr. Speaker.

SPEAKER STOLBERG:

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Representative Joseph Raia.

REP. RAIA: (23rd)

Mr. Speaker, I move to adopt the Conference on Committee Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. RAIA: (23rd)

Yes, sir. Members of the House and Senate met on this bill and we rejected Senate "B" and "C" and adopted Senate "D" which is a new bill and retained Senate "A" on this. I move to accept.

SPEAKER STOLBERG:

Will you remark further on the Report of the Committee on Conference?

REP. RAIA: (23rd)

Just that everybody has met in this Conference and we are all agreeable on the passage of the bill as it reads now.

SPEAKER STOLBERG:

Well, almost everybody, Representative Raia. Representative Belden.

REP. BELDEN: (113th)

Mr. Speaker, I wonder if the gentleman could

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just explain for the Chamber. The profile that we are now voting on. I think I see fire department on Senate "D" and that kind of confuses me a little bit.

REP. RAIA: (23rd)

Mr. Speaker.

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (23rd)

Through you, sir. This language, the workings you have now clears up what was in the last amendment. The last amendment read that was on Senate "C", it read that if you were a firefighter for five years working for a municipality you can now become a private detective. The new language reads that if the commissioner grants a private detective or investigators license to an applicant based on such applicant's experience as an investigator as the municipal fire department, such licensee shall be restricted to be performing the same type of investigation as he has performed for the municipal fire department. So what it means in essence is that if a man's been on a municipal

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fire department as an investigator and he wants to get a private investigator's license he will be performing private investigation only related to arson or fire.

REP. BELDEN: (113th)

Through you, Mr. Speaker, one more question if I might.

SPEAKER STOLBERG:

Representative Belden, certainly, sir.

REP. BELDEN: (113th)

Am I to assume that this license will be a limited license and be given by the appropriate department in that light be a limited license?

Through you, Mr. Speaker.

REP. RAIA: (23rd)

Through you, Mr. Speaker. That is correct.

SPEAKER STOLBERG:

Representative Belden, I think you have the floor, sir.

REP. BELDEN: (113th)

Yes, Mr. Speaker, I do. I was just waiting to be recognized again.

SPEAKER STOLBERG:

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You have my perpetual recognition, sir.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I hope you agree with me on occasion.

SPEAKER STOLBERG:

On more than one, sir.

REP. BELDEN: (113th)

One more question to the proponent, if I might, sir.

The types of investigation the limited license he who had the fire training experience before, would that be such things like an insurance underwriter would normally handle when they do insurance underwriting investigations, through you, Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (23rd)

Through you, Mr. Speaker. That's correct. As long as he has that private investigator license limited to investigating other writers' insurance claims, that's correct.

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REP. BELDEN: (113th)

Through you, Mr. Speaker, one more question. Through you, Mr. Speaker, one more question, would this investigator be allowed, under the statute, to carry a weapon in the performance of his investigatory duties?

SPEAKER STOLBERG:

Representative Raia.

REP. RAI: (23rd)

Through you, Mr. Speaker, that is negative. Noone is going to be permitted to carry a weapon. If anyone is going to carry a weapon they still have to go through the procedure to get a State permit and a local permit. So this does not allow them to carry any weapons at all.

REP. BELDEN: (113th)

Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on the Report of the Conference Committee. If not will members please be seated. Staff and guests to the Well of the House. The machine will be open.

CLERK:

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The House of Representatives is presently voting by roll call. Will all members return to the Chamber. The House is taking a roll call vote. Will members return to the Chamber immediately.

SPEAKER STOLBERG:

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 the Clerk please announce the tally.

CLERK:

Senate Bill 1040, Committee on Conference

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 142

Those voting Nay 1

Those absent and not Voting 8

SPEAKER STOLBERG:

The Conference Committee Report is accepted and the bill is passed.

House Amendment Schedule "D":

After lin 211, insert the following:

"Sec. 3. Section 29-154a of the general statutes is repealed and the following is substituted in lieu thereof:

The commissioner may grant a private detective or investigator's license or a watchman, guard or patrol service license to any suitable person, or to any corporation, association or partnership subject to the following qualifications:

(1) Private detective or investigator:

The applicant for a private detective or investigator's license shall be not less than twenty-five years of age, of good moral character and shall have had at least five years experience as a full-time investigator either in the employment of a licensed private detective or investigator with a United States government investigative service or a state or organized municipal FIRE OR police department. Employment as a watchman, guard or private patrolman shall not be considered as employment as an investigator. If the applicant is a corporation, association or partnership, the person filing the application in behalf of such corporation, association or partnership shall meet the qualifications set out herein for an individual applicant, and shall be an officer of such corporation or member of such association or partnership. IF THE COMMISSIONER GRANTS A PRIVATE DETECTIVE OR INVESTIGATOR'S LICENSE TO AN APPLICANT BASED ON SUCH APPLICANT'S EXPERIENCE AS AN INVESTIGATOR WITH AN ORGANIZED MUNICIPAL FIRE DEPARTMENT, SUCH LICENSE SHALL RESTRICT SUCH LICENSEE TO PERFORMING THE SAME TYPE OF INVESTIGATIONS AS HE PERFORMED FOR THE MUNICIPAL FIRE DEPARTMENT.

(2) Watchman, guard or patrol service:

The applicant for a license as a watchmen, guard or patrol service shall be not less than twenty-five years of age, of good moral character and shall have had at least five years experience as a supervisor or administrator in industrial security or in the employment of a private guard, watchman or patrol service or with a federal security agency or a state or organized municipal police department. If the applicant is a corporation,

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association or partnership, the person making the application shall be a member of the association or partnership or an officer of the corporation and meet the foregoing qualifications.

(3) The commissioner may, at his discretion substitute up to one year of experience for either a private detective or investigator or a guard watchman or patrol service applicant upon proof of satisfactory participation in a course of instruction pertinent to the license applied for.

(4) No license shall be issued to any person who has been convicted of a felony or an offense involving moral turpitude, or has been discharged from military service under other than honorable conditions."

CLERK:

Please turn to Page 10, Calendar 756,
Committee on Conference, Substitute for Senate
Bill 89. AN ACT CONCERNING THE MEMBERSHIP OF THE
CONNECTICUT'S RESOURCES RECOVERY AUTHORITY AND
APPOINTMENTS OF AD HOC MEMBERS. (As amended by
Senate Amendment Schedule "C" and House Amendment
Schedule "A"). Favorable Report of the Committee
on GOVERNMENT ADMINISTRATION AND ELECTION.

SPEAKER STOLBERG:

Representative Liz Brown

REP. BROWN: (74th)

Thank you, Mr. Speaker. Mr. Speaker, I
move acceptance of the Report on the Committee of

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held accountable for what we do here today.

THE CHAIR:

Further remarks.

Clerk please make an announcement for immediate
roll call.

THE CLERK:

Immediate roll call has been ordered in the
Senate. Will all Senators return to the chamber.
Immediate roll call has been ordered in the Senate. Will
all Senators return to the chamber.

THE CHAIR:

The motion before the chamber is a motion to
recommit to Judiciary Committee, Calendar Number 474,
House Bill Number 7526, File Number 507,695.

If you wish to vote for recommitment, you vote
Yea. Contrary mind is Nay.

The machine is open. Please record your vote.

Has everyone voted?

Machine is closed. Clerk, please tally the vote.

Result of the vote:

21 Yea

14 Nay

The vote for recommitment is passed.

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grant on state-owned property from a formula which was based on the proportion of a municipality's tax levy to the total state tax levy to a new formula which will pay a fixed 20% reimbursement on the tax loss. The new 20% formula also provides for a \$4,000 minimum grant, a whole harmless provision and a cap at 7½% of the total tax levied by the municipality in the preceding Calendar year.

I urge passage.

THE CHAIR:

Further remarks on the bill. Senator Harper.

SENATOR HARPER:

If there's no comments, I would move the item to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Returning to Calendar Page 2, Favorable Reports, Calendar 221, File 265, Substitute for Senate Bill 1040, AN ACT CONCERNING CERTIFICATION BY THE MUNICIPAL POLICE TRAINING COUNCIL. Favorable Report of the Committee on Appropriations.

THE CHAIR:

Senator Herbst.

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SENATOR HERBST:

Thank you, Mr. President. I move for passage of this Joint Favorable Report and approval of the bill.

THE CHAIR:

The Clerk has an amendment.

THE CLERK:

LCO 6625, designated Senate Amendment Schedule "A" offered by Senator Herbst of the 35th District.

THE CHAIR:

Senator Herbst.

SENATOR HERBST:

I move adoption of Senate Amendment Schedule "A". It is primarily a technical amendment. If you will look at the lines referred to on the amendment, lines 44, 88, 91 and 106, you will see that they are strictly technical amendments.

THE CHAIR:

Further remarks on the amendment? All those in favor of the amendment signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

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SENATORS:

No.

THE CHAIR:

The amendment is adopted.

THE CLERK:

LCO 6631, designated Senate Amendment Schedule "B",
offered by Senator Herbst of the 35th District.

THE CHAIR:

Senator Herbst.

SENATOR HERBST:

I move adoption of Amendment "B" and ask for waiving
of the reading, please, Mr. President.

THE CHAIR:

Without objection, you may proceed.

SENATOR HERBST:

This amendment deals with two technical amendments,
line 159, inserting brackets around "two years" and inserting
"one year" instead.

In line 177, after "fraud" insert an opening bracket
before "or" and strike out the opening bracket before "three",
and last but not least is the addition in line 178 of a
full paragraph labeled "D" which indicates that the holder
would be suffering from mental illness or emotional disorder
or the holder of the certificate is suffering from the

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excessive use of drugs including alcohol, narcotics or chemicals or if the holder has acted diligently, incompetently and illegally the performance of his training duties.

This addition, Mr. President, is primarily to clarify.

THE CHAIR:

Further remarks on Senate Amendment Schedule "B"?

Senator Robertson.

SENATOR ROBERTSON:

Yes, Mr. President. I appreciate Senator Herbst suggesting that the Clerk not read it, so that she could read it. I'm just wondering if she could explain on line 159 where you inserted brackets around "two years" and after the closing of the brackets insert "one year". I believe that's exactly what you read. I'm wondering if you could tell us what the impact to that was?

THE CHAIR:

Senator Herbst.

SENATOR HERBST:

Well, if you can't read it, then I'll have to read it to you again, Senator Robertson. "1 year".

THE CHAIR:

Further remarks on Amendment "B"? All those in favor of the amendment signify by saying aye.

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SENATORS:

Aye.

THE CHAIR:

Opposed.

SENATORS:

No.

THE CHAIR:

The amendment is adopted. Further amendments?

THE CLERK:

LCO 7278, designated Senate Amendment Schedule "C"
offered by Senator Herbst of the 35th District.

SENATOR HERBST:

I move adoption for Amendment "C" and I seek leave
of the Chamber to summarize.

THE CHAIR: (President Pro Tempore in the Chair.)

You may proceed, Senator.

SENATOR HERBST:

This amendment inserts in the Act Section 3, I mean
Section 3 of Section 29-154a of the General Statutes, a
repeal which includes that an organized municipal fire
department personnel may also apply for a licensed private
detective license or investigator license.

THE CHAIR:

Will you remark further? All those in favor of the

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amendment signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed. The amendment is adopted. Further
amendments?

THE CLERK:

No further amendments, Mr. President.

THE CHAIR:

On the bill, itself, Senator Herbst.

SENATOR HERBST:

Thank you. I think this bill is an excellent bill. It defines very clearly what certification requirements will be necessary for municipal police training applicants, not only that, but it requires that whether you are part-time, which it strikes out in this particular bill, whether you are a part-time or a full-time police officer, you must complete the same training course.

Basically, if you're going to hold a gun, arrest somebody or detain a person, then you should be fully certified whether you are a part-time officer or a full-time officer. It also allows some grace period for part-time of one year and if you are part-time, you didn't have to

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take the certification in the same amount of time as a regular officer, although the certification at the end would include the same courses. I'd like to draw your attention to the fact that under this Act, it deals only with appointed constables --.

THE CHAIR:

You may proceed, Senator.

SENATOR HERBST:

Thank you. It deals only with appointed constables and not elected constables. I would also like to point out that the constables, by regulation, are placed in various categories and the three qualifications, the general qualifications that I gave you are the ones that would be applied to those that must be certified.

THE CHAIR:

Will you remark further? Senator McLaughlin.

SENATOR McLAUGHLIN:

Thank you, Mr. President. We were really letting it rip on a couple of those amendments and I should have asked a question because I couldn't read it quickly enough, but Senator Herbst I think sincerely suggested that LCO 6625 was technical in nature and, as I was reading it quickly and inserting into the body of the file, I have a question

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about in line 44 from LCO 6625, we are inserting brackets around "full-time", so in effect, what is being stated from the last semicolon would read "probationary candidate means the police officer who, having satisfied pre-employment requirements, has commenced employment with a law enforcement unit" and so on and then I would, therefore, infer that we're talking about anyone, full-time, part-time or other status and that is the intent.

SENATOR HERBST:

That's right. Yes, that was the intent.

THE CHAIR:

Senator Herbst, do you care to respond?

SENATOR HERBST:

Thank you, Mr. President, through the Chair, to you, Senator McLaughlin, that is the intent.

THE CHAIR:

Further remarks?

SENATOR HERBST:

If there are no further remarks, I'd like to have this placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Will the Clerk please call the next item?

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THE CHAIR:

At this time the Clerk will please call the Consent Calendar for the day. Will he please announce an immediate roll call in the Chamber,

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber,

THE CHAIR:

The Clerk will please read the items on the Consent Calendar,

THE CLERK:

The third Consent Calendar beginning on Page --.

THE CHAIR:

And I would urge you to give him your undivided attention.

THE CLERK:

Calendar Page 2, Calendar No. 222, Substitute for Senate Bill 1040 -- I'm sorry, Calendar No. 221, Substitute for Senate Bill 1040; Calendar Page 7, Calendar 580, Substitute for Senate Bill 427; Calendar Page 8, Calendar 582, Substitute for Senate Bill 1026; Calendar Page 9, Calendar No. 587,

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concludes the third Consent Calendar.

THE CHAIR:

Any corrections, additions or deletions? If not, we're voting on the Consent Calendar. The machine is opened. Please cast your vote. The machine is closed. The Clerk please take the tally.

The result of the vote:

35 Yea

0 No

The Consent Calendar is adopted. Senator O'Leary.

Item 602 is --.

SENATOR O'LEARY:

Item 602 was taken off of Consent. Do we want to vote that no, Mr. President?

THE CHAIR:

Senator, would you like to suspend the rules first or was that your intention?

SENATOR O'LEARY:

That will be my intention, Mr. President, when we -- if you want when we reach the last item we'll suspend for all items.

THE CHAIR:

The Clerk please announce an immediate roll call.

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Committee's Joint Favorable Report and urge passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR DI BELLA:

Yes sir. Mr. President, this is a piece of legislation that--one second.

THE CHAIR:

The Senate will stand at ease.

SENATOR DI BELLA:

Mr. President, can we PT that Bill please?

THE CHAIR:

The item is passed temporarily.

THE CLERK:

Calendar page 13, Disagreeing Actions, Calendar 221, File 265, Substitute for Senate Bill 1040, AN ACT CONCERNING CERTIFICATION BY MUNICIPAL POLICE TRAINING as amended by Senate Amendments, Schedules A, B, and C, Favorable Report of the Committee on Appropriations. The House rejected Senate Amendments Schedules B and C.

THE CHAIR:

Senator Herbst.

SENATOR HERBST:

Thank you Mr. President. I move the Joint Committee's

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4775

Favorable Report and adoption of this Bill. I move to readopt Senate Amendment C.

THE CHAIR:

The Senate will stand at ease. The House has rejected Senate Amendments B and C. You're asking for readoption of Senate Amendment C.

SENATOR HERBST:

Only adoption of Senate Amendment C, Mr. President.

THE CHAIR:

Will you remark? Do you wish to remark?

SENATOR HERBST:

No.

THE CHAIR:

All those in favor of readoption of Amendment C signify by saying aye. Opposed? Amendment C is readopted.

SENATOR HERBST:

I now move the adoption of the Bill with the Senate C included.

THE CHAIR:

Wish to remark further? Any discussion? Senator Herbst.

SENATOR HERBST:

I have no discussion Mr. President.

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THE CHAIR:

We're now in disagreement. It will require a conference appointment. We're now in disagreement and a Conference Committee will be appointed.

SENATOR HERBST:

Thank you Mr. President.

THE CHAIR:

Call the next item.

THE CLERK:

Calendar 497, File 731, Substitute for Senate Bill 837, AN ACT CONCERNING REDUCTION IN THE RATE OF THE STATE TAX ON CAPITAL GAINS, as amended by Senate Amendment, Schedule A and House Amendments, Schedules A and C, Favorable Report of the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Senator DiBella.

SENATOR DI BELLA:

Thank you Mr. President. I move--

THE CHAIR:

Senator DiBella.

SENATOR DI BELLA:

Yes Mr. President. I move the Committee's Joint

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Committee on Conference Report, File No. 265,
S.B. 1040
Senate Calendar No. 221, AN ACT CONCERNING CERTIFICATION

BY THE MUNICIPAL POLICE TRAINING COUNCIL. As amended
by Senate Amendment Schedule "A", "B" and "C". House
passed with Senate "A", and rejected Senate "B" and "C"
on 5/27. Senate readopted Senate "C" on 5/28.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Mr. President, I would move the Conference
Committee's report and adoption of the Bill.

THE CHAIR:

You may proceed Senator.

SENATOR UPSON:

Thank you Mr. President.

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Yes, the Conference Committee met, it agreed to re-
tain Senate "A", reject Senate "B" and "C", and adopt
Senate "D", which is a new amendment. And what the new
amendment does, is it makes sure that anyone who qualifies
to be an investigator or private detective as a result of
having five full years as a member of a municipal fire
department, must have served as an . . .

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, point of order is Senator Avallone bringing out
an amendment?

SENATOR AVALLONE:

No. This is a report. Which is Senate "D".

SENATOR UPSON:

Thank you.

SENATOR AVALLONE:

And it indicates further that, that license shall
state that that person is restricted to investigating
matters which he has had personal experience in investi-
gating as a member of that municipal fire department. So,
if the objection to the fact that individuals who for ex-
ample have worked as an investigator of arson, for a

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municipal fire department should not have the authority to go forth and do a full range of investigations that a private detective would be authorized to do, is now protected in the bill, and the restriction is made part of the bill.

THE CHAIR:

Will you remark further, Senator, Senator Upson.

SENATOR UPSON:

Again, Mr. President I have no idea if we're voting on Senate Amendment "D" that was handed to me, or the bill itself. If I may have a ruling.

THE CHAIR:

Senate "D" is in the report.

SENATOR UPSON:

Is the bill? Is that the bill? The entire bill?

THE CHAIR:

The motion was to adopt, to approve the report, and adopt the bill. Senator Avallone.

SENATOR AVALLONE:

With your permission, Mr. President. No, Senate "D" is not the entire bill. Senate "D" deals with only that portion of the bill that extends the ability for one, for the eligibility to be made a private detective or investigator in the State of Connecticut. The rest of the bill

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dealing with the municipal training council is as the file copy.

THE CHAIR:

As a clarifying point, though, the Chair will point out that you can only vote up or down for the report.

SENATOR UPSON:

All right, Mr. President, if I may, I'm now speaking to Senate Amendment "D", and I rise in objection to it. This was before Judiciary and was turned down. My understanding was not, well I voted against it anyway. And what it does as Senator Avallone suggested, it allows a private detective now to waive certain requirements if that person has been, has an investigator's license, based on his experience with a municipal fire department. Now I don't see how a private detective can get experience based on being with a municipal fire department.

This obviously is selective legislation for one certain person, or a constituent, someone has a problem, one of the Senators here has a problem with a constituent, and they're asking that this be widened, and I think we should instead restrict how a private detective or investigator actually can obtain his license. Or her license. And also it says here, "such license shall restrict such licensee to

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performing the same type of investigations as he performed for the municipal fire department. I would like to know how that is going to be restricted. If I may for you, Mr. President, to Senator Avallone, how in fact we're going to restrict the performance?

THE CHAIR:

Senator Avallone, do you care to respond?

SENATOR AVALLONE:

The only answer I could give you, is I can't give you the specifics, because that is up to the Commissioner of Public Safety. I can give the Senator an example of how I would do it, merely put on the license that this is a restricted license.

THE CHAIR:

Will you remark further?

SENATOR UPSON:

Well again, thank you Senator Avallone. Mr. President I rise again to ask that this be defeated. I think that the widening of the process is not going to help anybody, especially the people of Connecticut. I say it's impossible to enforce restriction of a license such as this, and to say that someone who has reviewed the private detective or investigator's status, that will restrict how they perform

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their investigations, I say that's ridiculous. Thank you.

THE CHAIR:

Would you remark further.

THE CHAIR:

Clerk please make an 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.

THE CHAIR:

The item before us is the Committee on Conference report on Senate Bill No. 1040.

The machine is open. Please cast your vote.

Has everyone voted?

The machine is closed. Clerk please tally the vote.

Result of the vote:

28 Yea

5 Nay

The Committee on Conference report is adopted.

Senator O'Leary, do you . .

**JOINT
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CONNECTICUT

REP. SCHESSL: What I mean, Rep. Zajac, is the type of facility that was intended to be built in Windsor Locks included screens and essentially was a miniature version, perhaps, of what was in New Haven by virtue of the existence of screens and a facility to view races which, apparently, distinguishes it from a branch.

REP. ZAJAC: That's what I wanted to hear. In other words, there are no surprises. Even if terminology gets mixed up a bit, the people of Windsor Locks knew what they were getting.

REP. SCHESSL: Yes. It was absolutely no surprise.

REP. ZAJAC: Thank you.

SEN. HERBST: Are there any further questions? If not, I thank you very much.

REP. SCHESSL: Thank you very much.

SEN. HERBST: We move on to Craig Appel, Police Training Academy.

MR. APPEL: Thank you, Madam Chairman. For the record, my name is Craig Appel. I'm the Executive Director of Municipal Police Training Councils, State agency of the State of Connecticut, and also the Executive Commander of the Connecticut Police Academy for Municipal Police Officers. I'm here to testify on behalf of Senate Bill No. 1006 and Senate Bill No. 1040, and House Bill No. 7355. I have a prepared testimony which I'll leave with the Clerk.

The Council seeks technical changes or amendments to the following legislation and asks in Senate Bill No. 1006 that the Chief State's Attorney of the State of Connecticut be appointed to the Municipal Police Training Council. The Council is one of the few states that lacks a prosecutorial presence on its Police Training Standards Board.

And in Senate Bill No. 1040, the Council is seeking to modify the definition of full-time and part-time police officers by deleting the number of hours stated in the statute. The result of this change would be to remove any distinction

between a part-time or full-time police officer and instead concentrate or stress the function that these officers perform as opposed to the titles that they carry.

The next set of modifications or changes requested by the Council request that the areas of certification, recertification, and cancellation or revocation of certification be considered. Currently, the Council's power to cancel or revoke certification is strictly limited to the original process, unless the holder (the police officer) is subsequently convicted of a felony. The purpose of this amendment is to modify the Council's power to cancel or revoke certification if the holder fails to meet the requirements or conditions for continued certification. The types of certification that would be affected by this change include basic training, review training, training school accreditation, and instructor certification.

Finally, the proposed amendment's attempt to address the overall dichotomy between issuing certificates and the process of certification. For example, the State statute states that certification is a signed instrument which is evidence of satisfactory completion of the police officer training requirement imposed by Section 7-294d and signed by the Council. The amendment clarifies what would happen if an applicant or a holder of certification fails to complete the satisfactory statutory requirements for such certification.

This amendment would strike a balance between issuing an appropriate certificate, which is the near physical presentation of a document, providing certification as evidenced by satisfactorily meeting the conditions or requirements of either obtaining or maintaining the certification.

Finally, the amendment strengthens the distinction between the two acts and tries to define the process by which an applicant may obtain or lose his or her certification. The Council is prepared to draft the necessary administrative regulations to outline the administrative procedures necessary for the implementation of this legislative change, which the Committee recommends for action by the General Assembly. Thank you.

- SEN. HERBST: There are a number of bills, so would you please, when you pass comments or questions, refer to that particular bill. Rep. Patton.
- REP. PATTON: With regard to Bill No. 1040, your aspect, of course, is with the training and that's where you are coming from. But when you changed your definition and you dropped the 20 hours and eliminated the distinction between full-time and part-time, does that have any impact on the municipality? Are any of them obliged to send only full-time and not part-time? Will it have any municipal impact?
- MR. APPEL: It won't have a municipal impact. The issue is what function are you performing, whether you do it one day or one hour a week, or sixty hours a week. If you are appointed by your chief elected official as a police officer, then the statute is clear--you must obtain basic training and be licensed to perform that duty. The 20 hour distinction is placed into the legislation simply to codify a labor relations ruling. In that case, the Labor Board said that for the purposes of assigning fringe benefits, those individuals who work more than 20 hours receive full fringe benefits; those that work less than 20 hours a week are part-time police officers and do not deserve fringe benefits. They couldn't find any place to codify that Labor Board ruling, so they placed it within the NPTC legislation.
- Today, if an auxiliary police officer in Shelton is only going to perform duties for eight hours, that officer understands that he or she must complete the full 480 hours of training before he or she obtains their certification.
- REP. PATTON: So, if I understand what you said, you are saying that it will have no municipal impact, that there are no municipal police part-time or spare-time that will have to go through training that do not now have to go through, and it will not have any impact on municipal labor contracts versus benefits?
- MR. APPEL: That's right.

SEN. HERBST: Are there any further questions? If not, I thank you for your patience and for your comments. Next is Captain George Moore, on Bill No. 1007.

CAPT. MOORE: Senator and Members of the Committee. For the record, my name is Capt. George Moore. I'm the Captain of the State Police, currently assigned as as Objective Officer of the Statewide Narcotics Task Force. I'm here today to speak to Raised Committee Bill No. 1007, an Act Concerning the Forfeiture of Contraband.

The Department of Public Safety strongly supports the concept of forfeiture of contraband. Experience has shown that there are enormous amounts of money to be made selling drugs. Many times, convicted persons will finish their jail time only to say it was worth it. This is quite simply the fact that they have been able to retain the assets that they acquired prior to going to jail.

What the law will do is to have to take the profit out of selling drugs. Many other states, notably Florida and Virginia, as well as the United States Government, have successfully used this approach to take away the profit from the drug trade. There are two minor corrections we would like to see made to the bill.

In Section 3 of the bill, the bill requires a police officer shall seize any vehicle, motor vehicle, vessel, aircraft, or other personal property used in a violation of Section 2. We feel that the word 'may' would be more appropriate. Many times, the vehicle used is quite frankly a piece of junk and all that it is going to do and

SEN. HERBST: We don't want it.

[laughter]

CAPT. MOORE: Well, it's a matter not only of not wanting it, but also a matter of the administrative problems involved in storing these things and so forth. We feel that some discretion should be allowed there. There's no sense to keep it if it is not worth it and would not do anything to further the case.