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House of Representatives

Wednesday, March 30, 1988

May this item be recommitted to the Committee on Environment?

SPEAKER STOLBERG:

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

CLERK:

Calendar 206, Substitute for House Bill 5695. AN ACT CONCERNING RECORDING OF DAM SAFETY ADMINISTRATIVE ORDERS AND CHANGES TO WATER RESOURCES STATUTES. Favorable Report of the Committee on ENVIRONMENT.

REP. FRANKEL: (121st)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Frankel.

REP. FRANKEL: (121st)

May this item be referred to the Committee on Judiciary?

SPEAKER STOLBERG:

Motion is to refer to the Committee on Judiciary. Is there objection? Is there objection? Seeing no objection, it is so ordered. Clerk, please continue.

CLERK:

Calendar 207, Substitute for House Bill 5741. AN ACT CONCERNING HOLDERS OF STATE PISTOL PERMITS TO CARRY

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SUCH PERMITS ON THEIR PERSON. Favorable Report of the
Committee on PUBLIC SAFETY.

SPEAKER STOLBERG:

Representative Raia of the 23rd.

REP. RAIA: (23rd)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (23rd)

I move the acceptance of the Joint Committee's
Favorable Report and passage of this bill.

SPEAKER STOLBERG:

Will you remark, sir?

REP. RAIA: (123rd)

Yes, Mr. Speaker. The Clerk has an amendment, LCO
2580. Would the Clerk please read, and I will
summarize?

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 2580, designated
House Amendment Schedule "A". Will the Clerk please
call and read?

CLERK:

LCO 2580, designated House "A", offered by
Representative Cibes et al.

SPEAKER STOLBERG:

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And read. Thank you.

CLERK:

In line 47, strike out "STATE"

SPEAKER STOLBERG:

Representative Raia, what is your pleasure, sir?

REP. RAIA: (123rd)

Mr. Speaker, we want to strike out the word "State" on this, so that it would refer to either state or local permits, that a person must carry their permit on their person whenever carrying a hand weapon.

SPEAKER STOLBERG:

Will you move adoption, sir?

REP. RAIA: (123rd)

Yes, sir. I move the adoption of this amendment.

SPEAKER STOLBERG:

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

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, any. The amendment is adopted and ruled technical. Will you remark further on the bill?

REP. RAIA: (123rd)

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Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

I move the acceptance of this bill. What it does is that when you are carrying a hand gun on you or a weapon that you must carry the permit on your person, and I move the acceptance of the bill.

SPEAKER STOLBERG:

Will you remark further on the bill, as amended.
Representative O'Neill of the 98th.

REP. O'NEILL: (98th)

Through you, sir, to the proposer of the amendment and the bill. Would this mean that an out-of-state permit holder would also have to carry it on them? Because, by taking out the word "state", we now leave it open to permit holders from all states.

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Through you, Mr. Speaker. I could not hear. Could you repeat that about out-of-state holders?

REP. O'NEILL: (98th)

By taking out the word "state" on line 47, we have left it open to just a permit. Therefore, would a

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person with a permit from out of state have to carry that permit within the state?

REP. RAIA: (123rd)

Well, we are only doing this for Connecticut holders of permits. But, if we leave the word "state" in there, it is only going to say for state permit holders. Right now, as you know, we have to get a local permit first, and then get a state permit.

So, I want the bill to read that if you are carrying a hand weapon, it has to be state and local permit. So, we are striking the word "state", so we can have all permits.

REP. O'NEILL: (98th)

So, in other words, this is not going to effect our present law in any fashion? In other words, people who have a permit from out of state and carry it within this state, that would not fall within this particular law?

REP. RAIA: (123rd)

That is correct.

REP. O'NEILL: (98th)

Thank you.

REP. BELDEN: (113th)

Mr. Speaker?

SPEAKER STOLBERG:

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Will you remark further? Representative Belden of the 113th.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Mr. Speaker, I believe that the question proposed by Representative O'Neill was exactly what was on our minds, and I believe that deletion of the word "state" still leaves the issue open for a debate concerning which permits must be carried. And, therefore, Mr. Speaker, I would like to offer an amendment, that I am sure will clarify it totally.

Would the Clerk please call and read LCO 2177?

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 2177, designated House Amendment Schedule "B". Will Clerk please call and read?

CLERK:

LCO 2177, designated House "B", offered by Representative Farr et al.

Strike out line 47, in its entirety and insert the following in lieu thereof:

"(b) THE HOLDER OF A PERMIT ISSUED PURSUANT TO SECTION 29-28"

In line 48, strike out "PISTOL OR REVOLVER"

REP. BELDEN: (113th)

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Mr. Speaker?

SPEAKER STOLBERG:

Representative Belden.

REP. BELDEN: (113th)

Mr. Speaker, I move adoption.

SPEAKER STOLBERG:

Will you remark?

REP. BELDEN: (113th)

Yes, very briefly, Mr. Speaker. What this amendment would do is make it clear that all of the permits issued, be they municipal or state or the permit that is issued for a seller of weapons to transport that weapon to whomever he is selling it to, those three different classes of permits, which are covered under Section 29-28... It makes it very clear that those are the permits that must be carried when, in fact, an individual is transporting a weapon.

I think, Mr. Speaker, that it covers the issue very well and certainly answers Representative O'Neill's question.

SPEAKER STOLBERG:

Will you remark further on House Amendment Schedule "B"? Representative Raia.

REP. RAIA: (123rd)

Yes, Mr. Speaker. Through you, I have no problem

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with this amendment. It is all right.

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. The amendment is adopted, ruled technical. Will you remark further on the bill? Representative Emmons?

REP. EMMONS: (101st)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to the proponent of the bill.

SPEAKER STOLBERG:

Please frame your question.

REP. EMMONS: (101st)

Representative Raia, my question is the local permits, are they little permit cards? Or are they just letters of approval?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Mr. Speaker, I believe... I have a permit. I have a state permit, but when you get a... You get a permit

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from the city. Then, you turn that permit over to the state, and the state issues their permit. So, you don't... When you have a state permit, you don't have two permits. You don't have a state and a local one.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. Then, through you, under this bill, you would only be carrying the state permit?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Through you, Mr. Speaker, no. You have the option of applying for either or. You can apply for a local permit and carry that permit with you, only... and a gun, only in the city limits. Or, you can send that permit to the State Police and obtain a state permit, which allows you to carry that weapon within the state.

REP. EMMONS: (101st)

All right. Thank you, Mr. Speaker. Mr. Speaker, lastly, through you, how are people who own handguns going to know that they are supposed to have the permit on them?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Through you, Mr. Speaker. We talked to the State

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Police on this, and they are going to advise anybody obtaining a state permit that they must be carrying it on them, and also, written notice is going to go out to the local police departments.

REP. EMMONS: (101st)

Well, Mr. Speaker, I guess in all fairness to those people who have a gun permits and state pistol permits, of which some of my son's friends are the holders... I think you really have to find an outreach way to get these people to know that they are supposed to carry a permit, because they have had been not having required to carry a permit ever since they got their permit.

And, I don't see how they are ever going to know, unless they have got a mother in the Legislature. So, Mr. Speaker, I guess in response to this, I haven't really come across the reasons for the bill, well enough to make me think that the pistol permits ought to be a requirement to be carried.

SPEAKER STOLBERG:

Will you remark further on the bill?

Representative Fusscas of the 55th.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. Through you, a question to the proponent of the bill, as amended?

SPEAKER STOLBERG:

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Please frame your question, sir?

REP. FUSSCAS: (55th)

If a person is responding to an emergency or, let's say a burglar alarm goes off in a shop that he happens to have down the street or down the road. It goes off at 3:30 in the morning, and he jumps out of bed. He grabs his clothes, his pistol, jumps in the car and goes. Now, if for some reason, that permit isn't on his person, in responding to either a burglary or the chance that there might be one... The police meet you there. They ask you if you have a permit. You don't have a permit. Then, it is going to cost you a couple of hundred dollars, or \$150, \$130.

Under this bill, would that happen?

DEPUTY SPEAKER LAVINE:

Will you respond?

REP. RAIA: (123rd)

Mr. Speaker? Through you. First of all, if you are going to jump out of bed at any hour and drive down to a location, you have to have your license on you, your driver license on you. There is a state law that says you have to carry a driver's license. So, if you put your wallet, and put your pants on, you should have your wallet in there, and it should have your two permits in there: your driver's license and your permit

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to carry a gun.

Second of all, if you are responding to a burglary, this...hopefully, the police get there before you do, and they take action. I don't think that this is a thing that we have to be concerned about. You jump out of bed, to go down and answer to a burglary, in your establishment. If the police officer is going to ask you: "Are you carrying a permit for the handgun?"

That is not the object of the bill. The object of the bill is to say that if we have bills on the laws right now that says that you have to carry a driver's license with you, you have to carry your registration with you. You have to carry an insurance card with you. And, even when you go hunting, you have to carry the hunting license with you. And, when you go fishing, you have to have a hunting/fishing license with you.

But, this bill, this section of the state has omitted, has forgotten to put in if you are carrying a handgun with you, that you must carry that permit with you.

DEPUTY SPEAKER LAVINE:

Representative Fusscas.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. And, thank you for your

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answer. Having responded, having had that happen to me, I respectfully disagree with you that sometimes you don't really have the time. An emergency is a situation in which it is a great deal of difference than in planning a hunting trip, or driving to the State Capitol, because you know you have a meeting at 11:00 o'clock.

And, probably, for that reason, I would oppose the bill, because I think there should be an exception in the bill for emergency situations. I don't disagree with the bill. I think it is only reasonable to carry your permit, where it is practical or... 99% of the time. But, I can't see a person paying a fine of \$136, trying to protect their life and property.

DEPUTY SPEAKER LAVINE:

Will you remark further? Representative Migliaro. Just remove your hand, sir, from the button. Representative Migliaro, why don't you seek permission to speak from the mic of Representative Zajac?

All right. The system is....(PAUSE - MICROPHONE SYSTEM NOT FUNCTIONING CORRECTLY.) If the House will stand at ease for a moment. If the House will stand at ease...

Representative Migliaro, will you try your mic at this stage? The House will stand at ease, while the

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microphone experts attempt to get themselves together.

SPEAKER STOLBERG:

Representative Migliaro, could you check your mic one more time, please?

REP. MIGLIARO: (80th)

Nothing.

SPEAKER STOLBERG:

Representative Frankel? Representative Frankel? This might be an opportune time to break for caucus, if we don't have a sound system in here. That would give them time to get it fixed.

REP. FRANKEL: (121st)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Frankel.

REP. FRANKEL: (121st)

Mr. Speaker, insofar as there appears to be a technical problem, as has been indicated, and we intended to caucus a little bit later, it is our intention now to have a caucus, a House Democratic Caucus in Room 408. That is for all House Democrats, 408, immediately upon my motion to have the House stand at ease.

Before making the motion, I am going to yield the floor to the distinguished Minority Leader.

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SPEAKER STOLBERG:

Representative Jaekle, do you accept the yield?

REP. JAEKLE: (122nd)

Yes, Mr. Speaker. I do. I would like to indicate that there will be a brief House Republican Caucus in Room 310, immediately upon the recess.

REP. FRANKEL: (121st)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Frankel.

REP. FRANKEL: (121st)

First, I would like to move that the bill that we are in the midst of be passed temporarily.

SPEAKER STOLBERG:

Is there objection? Seeing no objection, it is so ordered.

REP. FRANKEL: (121st)

Mr. Speaker, at this time, I would move that the House stand at ease, subject to the Call of the Chair, and that there be... That is the motion, and as I indicated, there will be Democratic House Caucus immediately upon recess in Room 408. House Democratic Caucus, Room 408, and I move the House stand at ease, subject to the Call of the Chair.

SPEAKER STOLBERG:

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votes today because of death in the family. I understand an uncle.

SPEAKER STOLBERG:

The Journal will so note. Further announcements? Representative Nania.

REP. NANIA: (63rd)

Thank you, Mr. Speaker. There will be a caucus of the Republican members of the General Law Committee fifteen minutes before the meeting of the Committee. That will be at 10:15 on Wednesday, April 6th.

Thank you.

SPEAKER STOLBERG:

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

CLERK:

Returning to page 6, Calendar 207, Substitute House Bill 5741. AN ACT REQUIRING HOLDERS OF STATE PISTOL PERMITS TO CARRY SUCH PERMITS ON THEIR PERSON.

SPEAKER STOLBERG:

Representative Raia.

REP. RAI: (123rd)

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

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SPEAKER STOLBERG:

Will you remark?

REP. RAIA: (123rd)

Yes, sir. Just before we P.T.'ed this, we accepted House "A" and House "B", two amendments. I would just like to move forward with the passage of this bill. At this time, I would like to take a moment and say that it is our intent, on the passage of this bill, that the penalty for it would only be an infraction, which is a \$35 fine and a \$5 surcharge.

We feel as though, I feel as though, if you are going to be responsible to carry a handgun on you, you should be responsible enough to carry a permit on your person, as we do in other licenses, such as fishing, hunting, and driver's license.

So, I move acceptance of the bill.

SPEAKER STOLBERG:

Will you remark further on the bill?

Representative Eugene Migliaro.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. I rise in support of the bill. But, I think there are a few points that should be raised that I don't believe have been touched on.

Under this particular bill, and I concur with Representative Raia that the bill is a necessity. And,

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it still goes through with the fact that you have to carry your driver's license. And, that all has been said. But, I think also the fact that people are not aware of, that if an individual is stopped, and they do not have that permit in their possession, the gun is confiscated at that point by the local P.D. or State P.D., or whoever made the arrest or is stopping them.

And, I believe that that individual, before that weapon can be returned, would have to show proof of a permit, a police permit. Now, I think that is important. I think this is a way that can very well work in taking away from individuals pistols in the possession of people who are not supposed to have them to start off with.

So, I think the bill will go to great lengths in more or less alleviating those who are of the weapon, and those are the people who do not have them properly in their possession. I think it is a good bill, and the fact that it was not in the present statutes was, I think, a mistake, like so many of our statutes have been in the past.

This bill should pass, and I don't see anybody here that can possibly vote against it. And, I urge its passage. Nice job, Joe.

SPEAKER STOLBERG:

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Will you remark further on the bill?

REP. JAEKLE: (122nd)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. A question, through you, to the proponent of the bill, please?

SPEAKER STOLBERG:

Please frame your question.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker, to the proponent, did I gather there was some indication of intent, as to what this infraction would be? And, if that intent was indicated, would you repeat it for the body, please?

REP. RAIA: (123rd)

Through you, Mr. Speaker. Yes. It is our intent, for...let's say purposes, to make the penalty for failure to carry a permit on you an infraction, would be punishable by a fine of \$35 and a \$5 surcharge.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker, to the proponent?

SPEAKER STOLBERG:

Please continue.

REP. JAEKLE: (122nd)

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I appreciate the intent, but I do read that the file copy just calls this an infraction. Through you, who actually establishes the dollar amount of the infraction?

Through you, Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Through you, Mr. Speaker. It is my understanding that an infraction is anything up to \$99, and the judge can impose it. And, what we are looking for is an infraction, which I have in the State of Connecticut Superior Court booklet, that surcharge of \$5 and a fine of \$35 would be in line with an infraction fine.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker, have the judges of the Superior Court indicated to you that that would be their intention as to the setting of this fine? At \$35? Through you?

REP. RAIA: (123rd)

Through you, Mr. Speaker. No, it hasn't been, there hasn't been their acknowledgement of it, no.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker, to the proponent. How do we actually establish then, this legislative intent of

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suggesting to the judges that \$35 is the appropriate fine? Through you?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Through you, Mr. Speaker. The judge has the discretion of making it whatever he desires. But, if we make it an infraction on the law-abiding citizens, all a police officer would have to do would be to issue a summons, and it could be payable by mail. If we make it anything higher than that, then he would have to appear in court.

REP. JAEKLE: (122nd)

Thank you. And, again, Mr. Speaker, through you, is there any insurance that this fine will be set at \$35? Through you. Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Mr. Speaker, could you please repeat that, please?

REP. JAEKLE: (122nd)

Yes, indeed. Mr. Speaker, through you, to the proponent, do you have any indication that this infraction fine will be \$35?

SPEAKER STOLBERG:

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Representative Raia.

REP. RAIA: (123rd)

No, I don't. I just hoping that in the discretion of the judge, that it would be an infraction by a written summons for an infraction of a \$35 fine.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker. If the intention is to make this only a \$35 fine, why doesn't the law so specify? Through you?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Mr. Speaker, through you. It was our intent to make it an infraction so that in case, or to give time for the people to realize that they have to carry the permit on them. If a person was arrested for it, that it wouldn't be punishing a law-abiding citizen who was not aware of the law that went into effect.

So, what we wanted to do was just make it punishment by a fine, and through further research on this, this was approved with the State Police and also the Board of Firearms Review Board. They accepted a \$35 fine or infraction, I should say, an infraction would be appropriate for them.

REP. JAEKLE: (122nd)

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Well, then, through you, Mr. Speaker, it the intention of the proponent is to make this an infraction at \$35, I would like to know why the law doesn't specify that a violation of this would be an infraction, punishable by a fine of \$35? If that is the intention, why isn't the \$35 spelled out in this bill, if it is the intention to make it a \$35 fine?

Through you, Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Just a minute, Mr. Speaker. Mr. Speaker, it was our intent to have this language drafted up, that it would be an infraction and, an infraction and a penalty of a \$35 fine and a \$5 surcharge.

Apparently, when the amendment was drafted up, it wasn't included in the amendment.

REP. JAEKLE: (122nd)

Then, Mr. Speaker, through you, to the proponent, are you indicating that an amendment making this a fine punishable by \$35 would be appropriate at this point?

SPEAKER STOLBERG:

Representative Raia.

REP. RAIA: (123rd)

Through you, Mr. Speaker. That is affirmative.

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Speaking with other parties involved with this, with the drafting of this bill, all concerned say that \$35 fine and an infraction would be appropriate.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker, without that amendment that I gather was the intention of the proponent to be included, could the judges set the fine as high as \$99?

SPEAKER STOLBERG:

Representative Raia.

REP. RAI A: (123rd)

Through you, Mr. Speaker, that is correct. They could.

REP. JAEKLE: (122nd)

Through you, Mr. Speaker?

SPEAKER STOLBERG:

Representative Jaekle.

REP. JAEKLE: (122nd)

Is there a request for an amendment on this, to make it a \$35 fine, pending at the Legislative Commissioner's Office? Through you, Mr. Speaker?

SPEAKER STOLBERG:

Representative Raia.

REP. RAI A: (123rd)

There is none at this time, but you bring up a good point.

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REP. JAEKLE: (122nd)

Thank you. Mr. Speaker, I will certainly indicate that I am supportive of the legislation. I think it does make sense, and I understand that many permit holders have thought this has been the law all along, that the permit must kind of accompany your pistol or handgun.

But, I am a little concerned that we are trying to establish, through some vague legislative intent, the judges' affixing a fine at \$35, which I gather is the intent, and probably does make sense, within the schedule of infractions. But, if it is really this body's intention to make this a \$35 fine, there is only one way I know of doing so, and that is to specify it in the bill, or maybe to have gotten some solid representation from the judges that that would be the level they would establish for the infractions.

So, while I support the legislation, if this body's intention is to make it \$35, we better do so prior to voting on it, rather than hoping that the judges will listen to some vague legislative intent.

Thank you.

REP. FRANKEL: (121st)

Mr. Speaker?

SPEAKER STOLBERG:

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Will you remark further? Representative Frankel.

REP. FRANKEL: (121st)

Mr. Speaker, first I should like to point out to the membership that....

SPEAKER STOLBERG:

Just a minute, Representative Frankel. I am going to ask members of the press to leave the floor, please. Representative Frankel, please proceed.

REP. FRANKEL: (121st)

Thank you, Mr. Speaker. First, some clarification of what I understand the procedure to be, and what brought about the confusion. Currently, when we specify something as an infraction and say nothing more, it is then up to the judges to establish a set of guidelines for the various infractions. They may establish a fine of \$40 for one, \$50 for another, and these are circulated to the various judges in Superior Court, and they follow these guidelines.

Generally, the guidelines run from \$35 up to \$99, as I understand it. And, therein lies the confusion about \$35, because that is generally the base line. And, in those instances where we have wanted a different number, or we wanted to lock in a specific number, we have done so. For example, on the seat belt law, we specified \$15, so that the judges would not be

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establishing a guideline. We wanted to establish it.

So, therein lies what appears to be the confusion. The intent was to have \$35 as the amount. Clearly, the judges could set it at \$35, and based on the desires of some members to have it locked in at \$35, at this time, I am going to ask that this matter be P.T.'ed, so the members can have an opportunity to vote on an amendment with a \$35 absolute lock-in.

Mr. Speaker, I move that this item be P.T.'ed.

SPEAKER STOLBERG:

Motion is to pass temporarily. Is there objection?
Seeing no objection, it is so ordered. Will the Clerk please continue with the call of the Calendar?

CLERK:

Continuing. Page 6, Calendar 208, Substitute for House Bill 5799. AN ACT CONCERNING THE PURCHASE OF DEVELOPMENT RIGHTS TO FARMLAND. Favorable Report of the Committee on ENVIRONMENT.

SPEAKER STOLBERG:

Representative Frankel.

REP. FRANKEL: (121st)

May this item be passed temporarily?

SPEAKER STOLBERG:

Motion is to pass temporarily. Is there objection?
Seeing no objection, it is so ordered. Clerk, please

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Please check the roll call machine to ensure that your vote is properly recorded. If all members have voted, the machine will be locked, and the Clerk will take a tally.

Clerk, please announce the tally.

CLERK:

House Bill 5088, as amended by House "A".

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	146
Those Voting Nay	0
Those absent and not Voting	5

DEPUTY SPEAKER CIBES:

The bill is passed.

CLERK:

Returning to Calendar 207, on page 6. Substitute for House Bill 5741. AN ACT REQUIRING HOLDERS OF STATE PISTOL PERMITS TO CARRY SUCH PERMITS ON THEIR PERSON. Favorable Report of the Committee on PUBLIC SAFETY.

House earlier today adopted Amendments "A" and "B".

REP. RAIA: (23rd)

Mr. Speaker?

DEPUTY SPEAKER CIBES:

Representative Joseph Raia.

REP. RAIA: (23rd)

abs

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I move the acceptance of the Joint Committee's Favorable Report and passage of this bill.

DEPUTY SPEAKER CIBES:

The question is on acceptance and passage of the bill, as amended by House Amendment Schedules "A" and "B". Will you remark further?

REP. RAIA: (23rd)

Yes, sir, Mr. Speaker. This was passed temporarily, because we waited for another amendment. Would the Clerk please read amendment 250...2590, please.

DEPUTY SPEAKER CIBES:

Clerk is in possession of LCO #2590, designated House Amendment Schedule "C". Will Clerk please call and read?

CLERK:

LCO 2590, designated House "C", offered by Representative Cibes of the 39th District.

In line 80, after 'INFRACTION' and before the period, insert "AND SHALL BE FINED THIRTY-FIVE DOLLARS"

DEPUTY SPEAKER CIBES:

Representative Raia, the amendment is in your possession, sir. What is your pleasure?

REP. RAIA: (23rd)

abs

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

DEPUTY SPEAKER CIBES:

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

REP. RAIA: (23rd)

This amendment would make an infraction of a \$35 fine for failure to carry your permit on your person. I move the acceptance.

DEPUTY SPEAKER CIBES:

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CIBES:

Those opposed indicate by saying no.

REPRESENTATIVES:

No.

DEPUTY SPEAKER CIBES:

The ayes have it. The amendment is adopted and is ruled technical. Will you remark further on the bill, as amended? Will you remark further on the bill, as amended? If not, will members please be seated? Staff and guests, to the Well of the House. The machine will be opened.

CLERK:

abs

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

SPEAKER STOLBERG:

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

Would Clerk please announce the tally?

CLERK:

House Bill 5741, as amended by House
Amendments "A", "B" and "C".

Total Number Voting	147
Necessary for Passage	74
Those Voting Yea	136
Those Voting Nay	11
Those absent and not Voting	4

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Please turn to page 15, Calendar 175, Substitute
for House Bill 5810. AN ACT CONCERNING MODIFICATION TO
COLLECTIVE BARGAINING AGREEMENTS COVERING STATE

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
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if there is no objection, that this be placed on
Consent.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Page 10, Calendar No. 246, File No. 207 and 310,
Substitute for House Bill No. 5741. AN ACT REQUIRING
HOLDERS OF PISTOL PERMITS TO CARRY SUCH PERMITS ON
THEIR PERSON. (As amended by House Amendments
Schedules "A", "B", and "C"). Favorable Report of the
Committee on PUBLIC SAFETY.

THE CHAIR:

Senator Herbst.

SENATOR HERBST:

Mr. President, may I have just a moment, please?

THE CHAIR:

The Senate will stand at ease.

SENATOR HERBST:

Thank you, Mr. President. I move acceptance of the
Joint Favorable report and concurrence with the House,
the passage of this bill, please.

THE CHAIR:

Would you remark?

SENATOR HERBST:

Yes. This bill is a bill which requires holders of

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pistol permits to carry such permits on their person, and if they are caught without the permit on person, it will be an infraction of \$35.

THE CHAIR:

Further remarks on the bill? Senator Herbst.

SENATOR HERBST:

If there are no further remarks, I suggest that this bill be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Page 11, under MATTERS RETURNED FROM COMMITTEE, Calendar No. 12, File No. 26 and 199, Substitute for Senate Bill No. 22. AN ACT CONCERNING THE TIME PERIOD IN WHICH THE CONNECTICUT SITING COUNCIL IS REQUIRED TO DECIDE CERTAIN APPLICATIONS AND CERTIFICATION PROCEEDINGS. Favorable Report of the Committee on ENVIRONMENT.

THE CHAIR:

Senator Meotti.

SENATOR MEOTTI:

Yes, Mr. President. I move the acceptance of the Committee's Favorable Report and passage of the bill. Clerk has an amendment.

THE CHAIR:

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abs

THE CLERK:

Page 4, Calendar No. 210, Substitute for Senate Bill No. 47. Calendar No. 213, Substitute for Senate Bill No. 431. Calendar No. 215, Senate Bill No. 491. Page 5, Calendar No. 220, Senate Bill No. 95. Page 7, Calendar No. 230, Substitute for House Bill No. 5016. Calendar No. 234, Substitute for House Bill No. 5696.

Page 8, Calendar No. 235, Substitute for House Bill No. 5799. Calendar No. 236, Substitute for House Bill No. 5913. Calendar No. 238, Substitute for House Bill No. 5218.

Page 10, Calendar No. 246, Substitute for House Bill No. 5741. Page 11, Calendar No. 12, Substitute for Senate Bill No. 22.

THE CHAIR:

Any changes or omissions? The machine is open.
Please record your vote.

Senator Eads. Thank you. Has everyone voted? The machine is closed. Clerk, please tally the vote.

The result of the vote.

36 Yea

0 Nay

The Consent Calendar is adopted. We have another Agenda?

THE CLERK:

JOINT
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SEN. HERBST: Good afternoon.

LIEUTENANT KENNETH KIRSCHNER: Mr. Chairman, I'm Lieutenant Kenneth Kirschner from the Connecticut State Police Weapons Unit based in Meriden, and I'm here to voice the Department of Public Safety's support for Bill 5741 and I urge you to act favorably on this bill which would require holders of state pistol permits to carry such permits on their persons while carrying their weapons.

As a background, I would like to offer that there are approximately 86,000 pistol permit holders registered in the Connecticut State Police Weapons Unit, and we receive about 32,000 new pistol permit applications annually by our Weapons Unit in Meriden. And I'd ask you to pass this legislation in the hopes that the law will require those who illegally carry a weapon on their person, also be required to carry their permit.

There seems to be a loophole in the present legislation and I urge that you cover that loophole and require persons to carry their permit and establish a fine for the failure to carry it. Thank you very much.

SEN. HERBST: Are there any questions?

REP. MORDASKY: Yes, I have a question. Representative Mordasky. What happens now if you catch somebody with a pistol and they have a permit but it's not on them. What do you do, let them go get it or what?

LIEUTENANT KENNETH KIRSCHNER: It depends on the circumstances. In most cases we hold the pistol in custody and give a receipt for it until that person can produce the pistol permit. If no other crime is involved or so forth.

REP. MORDASKY: Thank you.

SEN. HERBST: Representative Raia.

REP. RAI: Representative Raia from New Britain. Lieutenant, on that little handout that you have

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there, under Section (c), it says any person violating the provision, what we have put down there was a fine not more than \$500 and should be imprisoned more than six months. We're looking to change that. Would you have any objections to changing it to make it an infraction.

LIEUTENANT KENNETH KIRSCHNER: No, I would have no problem with that because under the new computerized systems at the infractions bureau, that information would be available to us.

REP. RAIA: Okay, I just wanted to let you know that we're (inaudible) on changing it to an infraction.

SEN. HERBST: Senator Rinaldi.

SEN. RINALDI: Lieutenant, I wonder, in addition to this bill about carrying the permit with you, what would you think about photo IDs. Should a photo identification be on that permit also?

LIEUTENANT KENNETH KIRSCHNER: Yes, I think that would be an excellent idea.

SEN. RINALDI: Thank you.

SEN. HERBST: Any other questions? If not, I thank you, Lieutenant, and we'll move on to our next speaker, since we have approximately 11 minutes. Frank Mancuso, Office of Civil Preparedness.

FRANK MANCUSO: Senator Herbst, Representative Anastasia and distinguished Members of the Committee, since we take care of disasters, I'm not going to cause one right now. So consequently, I want to be brief and to the point.

REP. ANASTASIA: Very smart, Frank.

FRANK MANCUSO: The first bill is AN ACT CONCERNING THE (HB 5806) POWERS OF THE CIVIL PREPAREDNESS DIRECTOR TO ENTER INTO CONTRACTS. At the present time, for anything under \$3,000, I have to get eight signatures, and it's a long, cumbersome procedure that takes time and wastes money and I'll leave for your perusal the problems we have to go through to get a signature for less than \$3,000. And I'm asking this Committee to give a favorable report so that I

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Mr. Arnie Markle was probably without a doubt the greatest trainer of police officers in the State of Connecticut, I've seen at least in my 18-1/2 years as policing. But we'd like to leave the name as Connecticut Police Academy and name the building that's presently there, in honor of Mr. Arnold Markle. As we add other buildings to the facility, which we will have to do over time, there may be other individuals who are deserving also of adding their name to other buildings, and I would like to see you consider that.

House Bill No. 5741, I'll make it very short. Lieutenant Kenneth Kirschner did bring across some valid points. We, the Connecticut Chiefs of Police Association are also in support that pistol permit holders do carry that permit with them at all times. I think that would help us tremendously out on the field. It does create some problems for us out there.

Last item, Number 5807, (inaudible) were going to talk on some of the bills. I also support Dr. Lee's request. To be honest with you, we represent 100 organized police departments in the State of Connecticut. There's 169 towns. That system will help each and every one of our communities and will save us thousands and thousands of manhours, and if we can get a latent print at a scene, which is unknown, left by an unknown suspect, we could turn it into Dr. Lee's staff down at the Connecticut Forensic Lab. He will be able to hopefully tell us who was responsible.

As I drove up to the Capitol right now, they had two burglaries in progress where I was coming from. We were chasing them southbound at 17 into Portland and the person's out of Hartford, so I mean, there's a cross-section of crime going on throughout the Connecticut community and I think this automated fingerprint system will definitely help us. There's no doubt about it. And I ask that you support that appropriation. It's something we desperately need right now. It's going to solve a lot of cases that are presently outstanding and particularly major felonies. Thank you.

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SEN. HERBST: Thank you very much. Are there any questions from the Committee? Representative Migliaro.

REP. MIGLIARO: Chief?

CHIEF JAMES THOMAS: Yes, sir.

REP. MIGLIARO: Under the present law, on the pistol HB 5741 permit... I had one since I was an officer, a long time. I have had it since 1958.

CHIEF JAMES THOMAS: Yes, sir.

REP. MIGLIARO: I have always carried it in my wallet, even though I don't carry the pistol. Now, what do you do in the case that you have someone that has a pistol on their person? I have always thought that the law specifies you had to carry that permit. Now, we have certain language, and I am surprised and shocked at this late stage, 30 years later, to find out that that never was the law. Is that so?

CHIEF JAMES THOMAS: Yes, and it is frustrating from our perspective, also. It is just like the driver's license. You are supposed to carry that on you. But, the pistol permit never said that you had to, and it's frustrating.

We feel it should have been in there, and a lot of us assumed it was. And, that is a very frustrating point. Lieutenant Kirschner brought up what we normally do. It depends on the circumstances that are out there. If it is during the normal business day, we can contact the Connecticut State Police and see if they have a state permit. The local permits are always on file, and they are accessible 24 hours a day. But, that is not necessarily true of the...

REP. MIGLIARO: Do you incarcerate these people that you catch with a pistol on their person until you have...?

CHIEF JAMES THOMAS: No.

REP. MIGLIARO: ...until you have proven positively that they have a permit?

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CHIEF JAMES THOMAS: No. No, we do not do that. It depends upon the circumstances that you are dealing with.

REP. MIGLIARO: Do you mean to tell me that if you caught somebody with a pistol on them, and they didn't have a pistol permit in their purse, you would say, "Well, go ahead. We can't touch you"?

CHIEF JAMES THOMAS: No, do they have a target practising? Are they involved in other illegal activity? Then, I definitely would. But, if they are out, let's say, shooting down in the Glastonbury Meadows, near the Glastonbury/Rocky Hill line, you go down, respond, you apprehend them, find two weapons there. You run it through, NCIC comes back negative.

There is no prior record; there is no outstanding warrant. The guy swears up and down he has a permit. It is Saturday. We would take the weapon into custody and check on it Monday, and if it didn't come back, we would apply for a warrant for his arrest.

REP. MIGLIARO: Boy, that is strange. I never knew that.

CHIEF JAMES THOMAS: But, that is what we have to do, to be honest with you.

REP. MIGLIARO: Thank you.

REP. RAIA: Representative Raia. Just want to mention one thing here, that if we support this HB 5807, you are going to have to be prepared to speak in front of Appropriations for this.

CHIEF JAMES THOMAS: I think that almost every Connecticut Chief of Police would gladly come in and support this. It is an outstanding bill, and Doc really has helped us out tremendously.

SEN. HERBST: Are there any other questions?
Representative Fusco?

REP. FUSCO: Chief, we heard before that there is HB 5741 support also for a pictured ID with the pistol

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permit. Do you also support that?

CHIEF JAMES THOMAS: Yes, I think it is going to cause some logistical headaches. If you go to Motor Vehicle to have your picture taken, you know what I am talking about. The pistol permit number should be down significantly, but it is one way of making a positive ID now.

If we come across somebody, we try to match their picture on the driver's license and what they are carrying. That is one option that we use now. But, again, we are not always proof positive.

REP. FUSCO: Do you think that that should be accomplished by attrition, as permits get renewed, or do the whole thing at once?

CHIEF JAMES THOMAS: I think you could probably do it through attrition. Because, if you did it right away, with the Connecticut State Police and the work load that they have, I don't think they could...

REP. FUSCO: Thank you.

REP. RAIA: One more thing?

SEN. HERBST: Representative Raia.

REP. RAIA: I looked into that, about getting a picture. Senator Rinaldi and I looked into that. I found it to be a problem, because the pistol permit for the state is renewed what? Every four years? Every five years?

CHIEF JAMES THOMAS: Five years.

REP. RAIA: So, that means every five years, you have to go down and get a picture taken. Who would do it? Motor Vehicle Department? And...you know, we found, I found a little bit of a problem with it. But, I thought it was a good idea to do it.

CHIEF JAMES THOMAS: Yes.

REP. RAIA: Maybe in the future, we can look at it.

SEN. HERBST: Any further questions? If not, thank you

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jackpot. This was not legal, and I think it is very important that if we are going to return the progressive game, that we do it as according to law of 1987. I also urge the passage of this, as long as you are not required to only have a progressive game on a cover-all.

My last comment is that before the new Bingo laws took effect in October, our Parish was close to closing our Parish school which educates 428 students. This cost for the state to educate these students would be much more than 5%. We do not get state funding for our school.

I would like to add that Mr. Paul Bernstein has made every effort possible to communicate with Bingo across the state, and we hope that you do the same. People are complaining that the forms are too complicated. They were complicated to us in the beginning, but after many phone calls to his office, we were given much help, and they are not complicated at all.

Thank you.

SEN. HERBST: Any questions from the Committee? If not, we will move on to Wayne, I believe it is Hill. I am sorry, Hilt? Sorry about that, Wayne.

WAYNE HILT: My name is Wayne A. Hilt. I am the Legislative Director for the Ye Connecticut Gun Guild, which is probably one of the oldest gun-collecting fraternities in the United States, having been established in 1944. And, I represent approximately 400 members. I am speaking on Bill No. 5741, which addresses carrying a pistol or revolver without a permit.

It is very important for people to carry their permit with them. I think that they should do this as a matter of course, and this portion of the bill is legitimate. However, under the penalty phase of the bill, as proposed, I question the validity of imposing a jail sentence and an extreme fine for what should be just a fine for like, not carrying your driver's license. We are dealing here, not with a privilege, but a right.

The Constitution, again, is very explicit on the

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fact that we have the right to keep and bear arms, and people who go through the trouble of getting a pistol permit should not be harrassed and forfeit firearms and fines and jail sentences, for failing to put a piece of paper in their pocket.

SEN. HERBST: Wayne, you understand that Representative Raia said that that is one of the parts of the bill that is going to be looked at....

WAYNE HILT: Well, I just...

SEN. HERBST: I am sure there is going to be some... Thank you for your comments, though. I just wanted to, in case you weren't here when he made that comment.

WAYNE HILT: Right. A comment was made earlier pertaining to photographs on a pistol permit. As you all know, the Pistol Permit Division of the State Police is handled out of Meriden. Permits are renewed, I believe, on a five year basis. To ask citizens from Greenwich or Putnam or out in Salisbury or something to have to drive to a central locality for a photograph to be put on their permit is just an additional bureaucratic of worms. And, the people who are getting the permits are not the people who are really causing the problems, you know. What about the crooks who don't bother....

SEN. HERBST: Haven't got them. Good point. Any questions from the Committee.

WAYNE HILT: Thank you.

SEN. HERBST: If not, we will move to our next speaker. Thank you very much, Wayne. Bob Crook, Connecticut Sportsman's Alliance?

ROBERT CROOK: Good afternoon. My name is Bob Crook, and I am Executive Director of the Connecticut Sportsman's Alliance. I am testifying in support of RCB 5741, dealing with carrying State Pistol Permits on a person's person, while carrying a firearm.

We support the intent of the bill, and we think it makes sense that it should have been passed a long

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time ago. I congratulate Representative Raia for finding this. I am supposed to be one of the experts on the firearms' statute. I carry my permit as does Representative Migliaro and others, all the time, and we thought that this was in the law. We just never found it.

Like Mr. Hilt, I find that the penalty provisions in the bill are rather excessive. Talking with Representative Raia, the State Police and the Firearms Board, they basically all concurred, and we have got some substitute language. "Failure to carry, " in lines 52-54, we would like to add these. "Failure to carry such permit is required by the provisions of this subsection. It shall be an infraction and shall not constitute grounds for revocation of a permit."

We would omit section 2, lines 75-80. That is the overly severe penalty provisions. We would leave in the effective date, effective immediately. And, we don't think that these changes will detract from the intent of the bill, and it will provide a reasonable penalty, comparable of that of an operation of a motor vehicle without carrying a driver's license.

SEN. HERBST: Would you submit that as written testimony, please?

ROBERT CROOK: Yes, m'am.

SEN. HERBST: Thank you. Are there any questions?
Bob?

REP. MIGLIARO: Just one, Bob. You are talking make it a misdemeanor.

ROBERT CROOK: No, it is infraction.

SEN. HERBST: Infraction.

ROBERT CROOK: It would be a \$35, basically a \$35 fine, \$5 surcharge, so it would be the same thing as driving without a driver's license.

REP. MIGLIARO: No problem.

SEN. HERBST: Thank you very much, and you will submit

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that to Clerk?

ROBERT CROOK: Yes, ma'm.

SEN. HERBST: Next speaker will be Paul Ferry from St. Francis.

PAUL FERRY: Good afternoon.

SEN. HERBST: Good afternoon, Paul.

PAUL FERRY: My name is Paul Ferry, and I am the...

SEN. HERBST: Into the microphone, Paul, please.

PAUL FERRY: I am the Bingo Coordinator for St. Francis School Bingo in Torrington, and I have been doing that for about eight months, and walked right into the new legislation in October. (laughter) SB 225

First of all, I would like to make the comment that there are proposed changes to the law which was effective October 1st of 1987. No doubt but that it was necessary, and in my opinion, no doubt that that original legislation was drafted without serious consultation with Bingo operators like myself and Bingo players. There are some real monsters in there, okay?

However, in contract to the former State Representative that sat here, I would like to say, please, before you pass this bill. Don't just ram it though to get it through. Be careful, so you are not back here next year, so I am not back here next year, because it is tough enough to run a Bingo, okay? (applause)

SEN. HERBST: Yes.

PAUL FERRY: So, be careful. I would like to comment on two proposed provisions. First of all, I am unclear on this threshold of when someone owes a tax. However, I have read it over, and I am still confused. But, I would just like to make a comment about that. Under the legislation, as it exists today, if your gross receipts are less than \$25,000, you are exempt from taxes. I can't imagine someone having a gross receipts of less than \$500 in a Bingo game. I know they are out there, but