

Legislative History for Connecticut Act

SB 468	(PA 90-261)	1990
Senate	2633-2638, 3488-3490	(10p)
House	10335-10432	(98p)
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1990

VOL. 33
PART 8
2355-2674

SATURDAY
May 5, 1990

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pas

2633

Calendar 335, File 524, Substitute SB468, AN ACT
CONCERNING THE SUPERVISED HOME RELEASE PROGRAM,
INTENSIVE PROBATION, PAROLE AND EMERGENCY. Favorable
Report of the Committee on APPROPRIATIONS. Clerk is
in possession of four amendments.

THE CHAIR:

Senator Przybysz. Senator Blumenthal, excuse me.

SENATOR BLUMENTHAL:

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

THE CHAIR:

You may proceed. Clerk is in possession of four
amendments. Clerk, please call the first amendment.

Senator Przybysz. Senator Przybysz.

SENATOR PRZYBYSZ:

Thank you, Mr. President. I would like to have the
Clerk call LCO 4190.

THE CHAIR:

Clerk, please call LCO 4190.

THE CLERK:

LCO 4190, designated Senate Amendment Schedule "A"
offered by Senator Przybysz of the 19th district.

THE CHAIR:

Senator Przybysz.

SENATOR PRZYBYSZ:

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Thank you, Mr. President. I move adoption of the amendment and request permission to summarize.

THE CHAIR:

You may proceed.

SENATOR PRZYBYSZ:

Thank you. What this amendment does is that the Commissioner of Children and Youth Services and six legislators to the Prison and Jail Overcrowding Commission. It's my opinion that the DCYS Commissioner should be on this because of their responsibility for juvenile justice matters and that it would add to the proceedings of the Commission to have legislative input.

THE CHAIR:

Will you remark further. Further remarks. All those in favor of Senate Amendment Schedule "A", signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed.

SENATORS:

Nay.

THE CHAIR:

The amendment is adopted.

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SENATOR PRZYBYSZ:

I would ask that the Clerk please call LCO 4950,
also.

THE CHAIR:

Clerk, please call LCO 4950.

THE CLERK:

LCO 4950, designated Senate Amendment Schedule "B"
offered by Senator Przybysz of the 19th district.

THE CHAIR:

Senator Przybysz.

SENATOR PRZYBYSZ:

I move adoption of the amendment and request
permission to summarize.

THE CHAIR:

You may proceed, Senator.

SENATOR PRZYBYSZ:

Thank you. What this amendment does is make a
change to the File Copy regarding the fast track
procedure which we adopted last year in regards to
emergency correctional facility projects. Instead of
allowing this procedure to go on until June 30, 1993,
the amendment specifies that it will only continue to
December 31, 1991 which gives us the opportunity next
session to review this section of the schedule.

THE CHAIR:

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Will you remark further? Further remarks. All those in favor of Senate Amendment Schedule "B", signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

The amendment is adopted.

SENATOR PRZYBYSZ:

I would request that all other amendments with my name on them be withdrawn.

THE CHAIR:

Senator Powers.

SENATOR POWERS:

Thank you, Mr. President. I believe I have LCO 5038. I would, since I got a satisfactory response to my concern, ask that this be withdrawn, also.

THE CHAIR:

Are there any further amendments? On the bill, Senator Blumenthal.

SENATOR BLUMENTHAL:

Thank you, Mr. President. The bill itself makes major changes in a number of corrections programs that have been the subject of discussion during the recent sessions of this body. First of all, it eliminates the

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supervised home release program. Second, it provides that more serious offenders, that is those serving one year or more of a prison sentence, shall, by 1993, serve at least one-half of that sentence, at least one-half of any sentence of excess of one year, before they may be considered by the Board of Parole.

In addition, it extends the Emergency Correctional Facility Construction Program to 1993, a three year extension, and increases the construction cost cap from \$12 million to \$20 million. It makes a number of other changes, all of which are designed to tighten and make more rigorous the current correctional program and provides authority to do so to the Commissioner of Corrections. I urge its passage.

THE CHAIR:

Will you remark further.

SENATOR BLUMENTHAL:

If there's no objection, Mr. President, I would move that it be placed on the Consent Calendar.

THE CHAIR:

We have very few items left, Senator. It might be more appropriate to call for a roll call so we can proceed.

SENATOR BLUMENTHAL:

I withdraw the motion.

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2638

THE CHAIR:

Clerk, please make an announcement for an 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 Calendar 335, Substitute SB468, File Copy 524, as amended by Senate Amendment "A" and Senate Amendment "B". The machine is open, please cast your vote. Has everyone voted? The machine is closed. Clerk, please tally the vote.

The result of the vote:

35 Yea

0 Nay

The bill is adopted.

Clerk, please call the next item.

THE CLERK:

Disagreeing Actions. Calendar 56, File 55 and 730. Substitute SB46, AN ACT CONCERNING THE BAR EXAMINING COMMITTEE. As amended by House Amendment Schedules "A" and "B". Favorable Report of the Committee on JUDICIARY.

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VOL. 33
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3345-3632

WEDNESDAY
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abs

3488

THE CHAIR:

The question before the Chamber is a motion to adopt Substitute HB5797, File 395. The machine is open. Please record your vote.

Senator Thomas Sullivan. Senator Avallone. Senator Scott. Senator Freedman. Senator Eads. Has everyone voted? The machine is closed. Clerk, please tally the vote.

The result of the vote:

36 Yea

0 Nay

The bill is adopted.

THE CLERK:

DISAGREEING ACTIONS, Substitute SB468, File 524, AN ACT CONCERNING THE SUPERVISED HOME RELEASE PROGRAM, INTENSIVE PROBATION, PAROLE AND EMERGENCY CORRECTIONAL FACILITY PROJECTS. (As amended by Senate Amendment Schedules "A" and "B" and House Amendment Schedule "A").

The House rejected Senate "A" and passed the bill with Senate "B" and House "A". Favorable Report of the Committee on Appropriations.

SENATOR MORRIS:

Mr. President.

THE CHAIR:

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abs

3489

Senator Morris.

SENATOR MORRIS:

Mr. President, I move the Joint Committee's Favorable Report and re-passage of the bill, in concurrence with the House.

THE CHAIR:

Will you remark?

SENATOR MORRIS:

Yes, Mr. President. This basically redefines Public Act 89-390 of last year. It's a very simple bill, and I move passage.

THE CHAIR:

Will you remark further? 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 question before the Chamber is a motion to adopt Substitute SB468, File 524. The machine is open. Please record your vote.

Senator Harper. Senator Avallone. Senator Lovegrove. Senator Robertson. Senator Benvenuto.

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abs

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Senator Robertson. Senator Avallone. Senator Lovegrove. The machine is closed. Clerk, please tally the vote.

The result of the vote:

34 Yea

0 Nay

The bill is adopted.

Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. Mr. President, we have some items to go forward on the Calendar. On page 20, Calender 341. On page 16, Calendar 541. On page 19, Calendar 204. On page 21, Calendar 392. On page 17, Calendar 559. Page 12, Calendar 518.

THE CHAIR:

The Senate will stand at ease.

Senator Scott. Senator Blumenthal, do you want to approach the podium please?

Mr. Clerk, we have two Agendas, I believe, or--

THE CLERK:

I believe, Mr. President, that we have adopted Agendas up through Agenda #5. The Clerk is in possession now of Agenda #6 for Wednesday, May 9, 1990, copies of which have been distributed and they are on the Senators' desks.

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House of Representatives

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The question is on transmittal. Is there objection? Seeing none, it's so ordered.

CLERK:

Page 7, Calendar 649, 619, 619, Substitute for Senate Bill 468, AN ACT CONCERNING THE SUPERVISED HOME RELEASE PROGRAM, INTENSIVE PROBATION, PAROLE AND EMERGENCY. (As amended by Senate Amendment Schedules "A" and "B")

Favorable Report of the Committee on APPROPRIATIONS.

SPEAKER BALDUCCI:

Representative Tulisano of the 29th.
Representative Tulisano.

REP. TULISANO: (29th)

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

SPEAKER BALDUCCI:

The question is on passage. Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Bill, Mr. Speaker. This bill attempts to reverse the trend of decreasing, reverse the trend of increasing reliance on the Supervised Home Release Program and the problems we have all encountered with regard to the limited time some individuals are serving after being sentenced. We are all aware of the

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complaints we have received concerning this program. It was developed to deal with the serious jail overcrowding problem. This bill before us attempts to deal with that same problem in a different way by reducing reliance on the Supervised Home Release Program and re-establishing a form a parole which comes into effect after the -- an individual has served a minimum of 50 percent of the time.

Mr. Speaker, the Clerk has an amendment, LCO4190, Senate Amendment "A".

SPEAKER BALDUCCI:

The Clerk please call LCO4190, previously designated Senate Amendment Schedule "A".

CLERK:

LCO4190, Senate "A", offered by Senator Przybysz.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, this establishes some changes in the Jail Overcrowding Task Force, the Commission on Prison Overcrowding and OPM.

I would move for its rejection at this point in time. It doesn't reflect a lot of things we've been talking about this session.

SPEAKER BALDUCCI:

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The motion is to reject Senate "A". Will you remark, sir?

REP. TULISANO: (29th)

Mr. Speaker, the amendment makes legislative input. Although seemingly appropriate, it really isn't done in a manner which we've been talking about in terms of dividing up those appointments equally between both sides of the aisle. I would now move its rejection.

SPEAKER BALDUCCI:

Will you remark further on the rejection of Senate "A"? If not, we'll try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed nay.

The ayes have it.

Senate "A" is rejected.

Will you remark further on the bill?

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LCO4950, also known as Senate Amendment Schedule "B".

SPEAKER BALDUCCI:

The Clerk please call LCO4950, previously designated Senate "B".

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CLERK:

LCO4950, Senate "B", offered by Senator Przybysz.

REP. TULISANO: (29th)

Permission to summarize.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, current laws allow in jail building the right to short circuit, bidding processes, etc. The file copy extends that time to 1993 in order to get everybody online. This amendment reduces it to 1991 which is a year longer than current law in 1990 and I move its adoption.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark? If not, we'll try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed nay.

The ayes have it.

Senate "B" is adopted,

Will you remark further on the bill?

tcc

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Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LC05331

SPEAKER BALDUCCI:

The Clerk please call LC05331, designated House Schedule "A".

CLERK:

LC05331, House "A", offered by Representative Tulisano.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Tulisano.

REP. TULISANO: (29th)

Yes, Mr. Speaker. The bill has a number of provisions in it, and we have -- this amendment at least. It modifies legislation passed earlier this year, certain conditions of bond. It distinguishes between serious offenders and serious and violent offenders from the misdemeanor charges in which we take public safety into account. It deals with boot camps, excluding from eligibility the same individuals which -- are currently excluded from Early Release Programs, thereby, therefore, making the boot camp provisions, people who are eligible in a narrow -- narrowing that down.

It also expands the program from 90 to 180 days. I think it's been the belief that in order to have an effective boot camp system as part of our jail system it should be expanded and permits the Department of Corrections to move the individuals from boot camp to regular incarceration facilities and if they think it's appropriate.

It also allows nonprofit substance abuse treatment agencies to expand without getting certificates of need. It includes a funding of -- or the ability to distribute some \$13 million that are already in the budget to treatment facilities dealing with drug abuse. The bill also sets up a Drug Testing Program which would impose a \$50 cost for people convicted of drug offenses to pay for the drug tests they're given and helps fund the Department of Toxicology, establishes -- and establishes a grant of \$344,000 to the Division of Criminal Justice for employment of new state's attorneys and support staff as requested by the chief state's attorney's office particularly to deal with the drug problem and taken together, together with the file copy, I believe we have a balanced bill of enforcement dealing with jail overcrowding and Diversion Drug Treatment Programs which help deal with the whole overcrowding problem.

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Mr. Speaker, I move for the adoption of House Schedule "A".

SPEAKER BALDUCCI:

The question is on adoption of House "A". Will you remark? Representative Belden of the 113th.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I don't see the Chairman of the Appropriations Committee in the room so I'll ask Representative Tulisano. Perhaps he might know. Representative Tulisano, I believe it's Section 18 -- 17 and 18, specifically 18, whether or not those monies are currently included as a line item in the budget or where that money would come from, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker, these funds are in addition to the line item in the budget. You may recall House Bill 6027 in a debate. We were trying to put together the funding for additional state attorneys last Saturday out of that extra money. I think it was \$2.4 or \$2.5 we were talking about. It's anticipated that money will come out of the money that was raised by the bill we passed last Saturday. It is not in the budget. It will be used out of that extra money being funded. You may recall that dialogue between

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Representative Wollenberg and myself.

REP. BELDEN: (113th)

Through you, Mr. Speaker, one more. That money from last Saturday, is that money that's in the General Fund or is that in the Special Fund.

REP. TULISANO: (29th)

Through you, Mr. Speaker, that would be money granted to the General Fund.

REP. BELDEN: (113th)

Thank you, Representative Tulisano.

SPEAKER BALDUCCI:

Will you remark further on the amendment? Will you remark? Representative Farr.

REP. FARR: (19th)

Yes, Mr. Speaker, just through you, Representative Tulisano, could you share us the fiscal note?

REP. TULISANO: (29th)

Yes, Mr. Speaker. I thought it had been distributed to the other side. I'd be happy to --.

REP. FARR: (19th)

We don't seem to have one over here.

REP. TULISANO: (29th)

Mr. Speaker, I apologize. Last night when I filed them I thought they had been distributed.

SPEAKER BALDUCCI:

tcc

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Will you remark further on the amendment?

Representative Farr.

REP. TULISANO: (29th)

Just for the edification of the Chamber, I gather that the basic impact is a \$344,000 appropriation to the Division of Criminal Justice and some \$40,000 in fees. Is that essentially correct in terms of the fiscal impact, through you, Mr. Speaker, to Representative Tulisano?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, essentially even the \$40,000 it is anticipated will not even come out of the fund we have just discussed. It would be like off the top from the \$50 costs that are not imposed on people convicted of drug dealing from the state toxicologist's money, so that's really -- yes, I guess -- however you look at money on a balance sheet, yes, that's \$344,000 plus \$40,000.

REP. FARR: (19th)

Thank you very much.

SPEAKER BALDUCCI:

Will you remark further? Representative Arthur of the 42nd.

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REP. ARTHUR: (42nd)

Mr. Speaker, a quick question to Representative Tulisano. We all received letters from the state's attorney about positions. Is this 300 some odd thousand dollars the money that he needed to continue?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Yes, Mr. Speaker, through you, Mr. Speaker, it reflects three-quarter year funding for all those positions that he had talked about. The reason it's not full year, by the time you get the authorization and advertise, it's only going to be three years, three-quarters of a year anyway. Yes, it does.

REP. ARTHUR: (42nd)

Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further on the amendment?

Representative Ward.

REP. WARD: (86th)

Thank you. Mr. Speaker, through you, a question to Representative Tulisano. In line 263 of the bill, of the amendment, rather, we change the provisions with regard to indigenes and not paying fee and we now in any civil or criminal matter and I'm asking if that's

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clarifying language or in fact is changing the police of the state with regard to civil matters?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, it's intended to be clarifying and to get the waiver of the fee in this drug-testing issue and nothing more in that. It's not intended to change general provisions of the statute.

SPEAKER BALDUCCI:

Representative Ward.

REP. WARD: (86th)

Then as I understand it, Mr. Speaker, in say, a normal civil action, not such as a divorce or other fee waivers or other things, it's not going to say in every case now there's a fee waiver if there's a claim of indigence?

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's correct.

REP. WARD: (86th)

Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further? Representative Nystrom of the 46th.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Just a clarification, through you, Mr. Speaker. Representative Tulisano, on Page 2 of the amendment, starting on line 52, just prior to a comma and the number 8, I notice an open bracket. However following that, there is no other and I'm just wondering if perhaps there was a typo somehow or something else was supposed to be bracketed out, all the way through line 58? Was it to delete the numbers and add the alphabet, through you, Mr. Speaker, was that the intention?

REP. TULISANO: (29th)

Through you, Mr. Speaker, let me just try to line up my thoughts. Yes, Mr. Speaker, those 8 through 10 were intended to be omitted in the misdemeanor, basically misdemeanor charges and shifted only to the most serious offenses. I don't know why there's not a closing bracket there.

REP. NYSTROM: (46th)

Through you, Mr. Speaker, where would you place the closing bracket then, in what line please, through you, Mr. Speaker?

REP. TULISANO: (29th)

Probably at the end of line 58.

REP. NYSTROM: (46th)

Through you, Mr. Speaker, at the end of line 58?

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REP. TULISANO: (29th)

I believe that's where it belongs, yes. I'm just
--.

REP. NYSTROM: (46th)

Thank you.

REP. TULISANO: (29th)

Yes, I think that's where it belongs because that's
the new standards. Yes, line 58. Those are the new
standards which belong with the most serious offenses
and not with the simple misdemeanor ones, yes, it would
be at the line 58.

REP. NYSTROM: (46th)

Thank you.

SPEAKER BALDUCCI:

Will you remark further on the amendment? If not,
we'll try your minds. All those in favor please
signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed nay.

The ayes have it.

The amendment is adopted.

House Amendment Schedule "A":

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Strike out lines 333 to 337, inclusive, and insert in lieu thereof the following:

"Sec. 9. Section 54-64a of the general statutes, as amended by section 13 of public act 89-390 and substitute house bill 6027 of the current session, as amended, is repealed and the following is substituted in lieu thereof:

(a) (1) When any arrested person is presented before the superior court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably assure the appearance of the arrested person in court: [and that the safety of any other person will not be endangered: (1) (A) Upon his execution of a written promise to appear without special conditions, [(2)] (B) upon his execution of a written promise to appear with nonfinancial conditions, [(3)] (C) upon his execution of a bond without surety in no greater amount than necessary, [(4)] (D) upon his execution of a bond with surety in no greater amount than necessary. In addition to or in conjunction with any of the conditions enumerated in [subdivisions (1) to (4)] SUBPARAGRAPHS (A) TO (D), inclusive, OF THIS SUBDIVISION the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

[(b)] (2) The court may, in determining what conditions of release will reasonably assure the appearance of the arrested person in court, consider the following factors: [(1)] (A) The nature and circumstances of the offense, [(2)] (B) such person's record of previous convictions, [(3)] (C) such person's past record of appearance in court after being admitted to bail, [(4)] (D) such person's family ties, [(5)] (E) such person's employment record, [(6)] (F) such person's financial resources, character and mental condition [, (7) AND (G) such person's community ties. [, (8) the number and seriousness of charges pending against the arrested person, (9) the weight of the evidence against the arrested person, (10) the arrested person's history of violence, (11) whether the arrested person has previously been convicted of similar offenses while released on bond, and (12) the

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likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released.

(b) (1) WHEN ANY ARRESTED PERSON CHARGED WITH THE COMMISSION OF A CLASS A FELONY, A CLASS B FELONY, EXCEPT A VIOLATION OF SECTION 53a-86 OR 53a-122, A CLASS C FELONY, EXCEPT A VIOLATION OF SECTION 53a-87, 53a-152 OR 53a-153, OR A CLASS D FELONY UNDER SECTIONS 53a-60 TO 53a-60c, INCLUSIVE, SECTION 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 531-114, 53a-136, OR 53a-216, IS PRESENTED BEFORE THE SUPERIOR COURT, SAID COURT SHALL, IN BAILABLE OFFENSES, PROMPTLY ORDER THE RELEASE OF SUCH PERSON UPON THE FIRST OF THE FOLLOWING CONDITIONS OF RELEASE FOUND SUFFICIENT TO REASONABLY ASSURE THE APPEARANCE OF THE ARRESTED PERSON IN COURT AND THAT THE SAFETY OF ANY OTHER PERSON WILL NOT BE ENDANGERED: (A) UPON HIS EXECUTION OF A WRITTEN PROMISE TO APPEAR WITHOUT SPECIAL CONDITIONS, (B) UPON HIS EXECUTION OF A WRITTEN PROMISE TO APPEAR WITH NONFINANCIAL CONDITIONS, (C) UPON HIS EXECUTION OF A BOND WITHOUT SURETY IN NO GREATER AMOUNT THAN NECESSARY, (D) UPON HIS EXECUTION OF A BOND WITH SURETY IN NO GREATER AMOUNT THAN NECESSARY. IN ADDITION TO OR IN CONJUNCTION WITH ANY OF THE CONDITIONS ENUMERATED IN SUBPARAGRAPHS (A) TO (D), INCLUSIVE, OF THIS SUBDIVISION, THE COURT MAY, WHEN IT HAS REASON TO BELIEVE THAT THE PERSON IS DRUG-DEPENDENT AND WHERE NECESSARY, REASONABLE AND APPROPRIATE, ORDER THE PERSON TO SUBMIT TO A URINALYSIS DRUG TEST AND TO PARTICIPATE IN A PROGRAM OF PERIODIC DRUG TESTING AND TREATMENT. THE RESULTS OF ANY SUCH DRUG TEST SHALL NOT BE ADMISSIBLE IN ANY CRIMINAL PROCEEDING CONCERNING SUCH PERSON.

(2) THE COURT MAY, IN DETERMINING WHAT CONDITIONS OF RELEASE WILL REASONABLY ASSURE THE APPEARANCE OF THE ARRESTED PERSON IN COURT AND THAT THE SAFETY OF ANY OTHER PERSON WILL NOT BE ENDANGERED, CONSIDER THE FOLLOWING FACTORS: (A) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE, (B) SUCH PERSON'S RECORD OF PREVIOUS CONVICTIONS, (C) SUCH PERSON'S PAST RECORD OF APPEARANCE IN COURT AFTER BEING ADMITTED TO BAIL, (D) SUCH PERSON'S FAMILY TIES, (E) SUCH PERSON'S EMPLOYMENT RECORD, (F) SUCH PERSON'S FINANCIAL RESOURCES, CHARACTER AND MENTAL CONDITION, (G) SUCH PERSON'S COMMUNITY TIES, (H) THE NUMBER AND SERIOUSNESS OF CHARGES PENDING AGAINST THE ARRESTED PERSON, (I) THE WEIGHT OF THE EVIDENCE AGAINST THE ARRESTED PERSON, (J) THE ARRESTED PERSON'S HISTORY OF VIOLENCE, (K) WHETHER THE ARRESTED PERSON HAS PREVIOUSLY BEEN CONVICTED OF SIMILAR OFFENSES WHILE RELEASED ON BOND,

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AND (L) THE LIKELIHOOD BASED UPON THE EXPRESSED INTENTION OF THE ARRESTED PERSON THAT SUCH PERSON WILL COMMIT ANOTHER CRIME WHILE RELEASED.

(c) If the court determines that a nonfinancial condition of release should be imposed pursuant to SUBPARAGRAPH (B) OF subdivision [(2)] (1) of subsection (a) OR (b) of this section, the court shall order the pretrial release of the person subject to the least restrictive condition or combination of conditions that the court determines will reasonably assure the appearance of the arrested person in court and, WITH RESPECT TO THE RELEASE OF THE PERSON PURSUANT TO SUBSECTION (b) OF THIS SECTION, that the safety of any other person will not be endangered, which conditions may include an order that he do one or more of the following: (1) Remain under the supervision of a designated person or organization; (2) comply with specified restrictions on his travel, association or place of abode; (3) not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or a controlled substance; (4) provide sureties of the peace pursuant to section 54-56f under supervision of a designated bail commissioner; (5) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; (6) maintain employment or, if employed, actively seek employment; (7) maintain or commence an educational program; (8) satisfy any other condition that is reasonably necessary to assure the appearance of the person in court and that the safety of any other person will not be endangered. The court shall state on the record its reasons for imposing any such nonfinancial condition.

(d) If the arrested person is not released, the court shall order him committed to the custody of the commissioner of correction until he is released or discharged in due course of law."

Sec. 10. Section 18 of public act 89-390 is repealed and the following is substituted in lieu thereof:

(a) For purposes of this section, "eligible defendant" means a male person between the ages of sixteen and twenty-one years who (1) is NOT convicted of a [felony other than a class A felony] CAPITAL FELONY, A CLASS A FELONY OR A VIOLATION OF SECTION 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72b OR 53a-134 and (2) has never served a term of imprisonment in an adult correctional institution.

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(b) IN addition to any other terms or conditions of probation provided for under chapter 952 of the general statutes, the court may, as a condition of a sentence of probation for a period of not less than one year nor more than five years, order that an eligible defendant shall satisfactorily complete a program of incarceration for a period of [ninety] NOT LESS THAN ONE HUNDRED EIGHTY days in a special alternative incarceration unit of the department of correction.

(c) If the department of correction indicates that space is available in a special ALTERNATIVE incarceration unit established pursuant to section [18 of this act] 17 OF PUBLIC ACT 89-390, the court may order an eligible defendant to participate in a special alternative incarceration program in accordance with subsection (b) of this section if the court is of the opinion, based on the presentence investigation report, that such defendant has no physical or mental limitation which would prevent him from participating in strenuous physical activity.

(d) THE DEPARTMENT OF CORRECTION MAY TRANSFER AN INMATE TO A REGULAR INCARCERATION UNIT IF THE COMMISSIONER DETERMINES AFTER A HEARING THAT THE INMATE IS NOT BENEFITING FROM THE SPECIAL ALTERNATIVE INCARCERATION PROGRAM.

Sec. 11. Subsection (d) of section 14 of public act 89-390 is repealed and the following is substituted in lieu thereof:

(d) Notwithstanding the provisions of sections 19a-154 and 19a-155 of the general statutes, (1) a community agency operating a program in a state institution or facility under subsection (a) of this section, [or] (2) a nonprofit community agency operating a program, identified as closing a service delivery system gap in the state-wide service delivery plan, in a state institution or facility, and receiving funds from the commission, OR (3) A NONPROFIT SUBSTANCE ABUSE TREATMENT FACILITY, IDENTIFIED AS CLOSING A SERVICE DELIVERY SYSTEM GAP IN THE STATEWIDE SERVICE DELIVERY PLAN AND RECEIVING FUNDS FROM THE COMMISSION, shall not be required to obtain a certificate of need from the commission on hospitals and health care.

Sec. 12. Subsection (c) of section 54-91a of the general statutes is repealed and the following is substituted in lieu thereof:

(c) Whenever an investigation is required, the probation officer shall promptly inquire into the circumstances of the offense, the attitude of the complainant or victim, or of the immediate family where possible in cases of homicide, and the criminal record,

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social history and present condition of the defendant. Such investigation shall include an inquiry into any damages suffered by the victim, including medical expenses, loss of earnings and property loss. All local and state police agencies shall furnish to the probation officer such criminal records as the probation officer may request. When in the opinion of the court or the investigating authority it is desirable, such investigation shall include a physical and mental examination of the defendant. If the defendant is committed to any institution, the investigating agency shall send the reports of such investigation to the institution at the time of commitment. SUCH INVESTIGATION SHALL INCLUDE AN INQUIRY INTO WHETHER THE DEPARTMENT OF CORRECTION RECOMMENDS THAT THE DEFENDANT PARTICIPATE IN A SPECIAL ALTERNATIVE INCARCERATION PROGRAM IN ACCORDANCE WITH SECTION 18 OF PUBLIC ACT 89-390, AS AMENDED BY SECTION 10 OF THIS ACT.

Sec. 13. Section 21a-283 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The chief toxicologist of the department of health services shall have primary responsibility for analysis of materials believed to contain controlled drugs, or of blood or urine believed to contain alcohol, for purposes of criminal prosecutions pursuant to this chapter; provided nothing herein shall be construed to preclude the use for such analyses of the services of other qualified toxicologists, pathologists and chemists, whether employed by the state or a municipality or a private facility or engaged in private practice, if such toxicologists, pathologists and chemists are engaged in operation of or employed by laboratories licensed by the commissioner of health services or the commissioner of consumer protection pursuant to section 21a-246. A laboratory of the United States Bureau of Narcotics is not required to be licensed under this section if it is approved by the chief toxicologist.

(b) The chief toxicologist shall establish the standards for analytical tests to be conducted with respect to controlled drugs, or with respect to body fluids believed to contain alcohol, by qualified professional toxicologists and chemists operating at his direction and shall have the general responsibility for supervising such analytical personnel in the performance of such tests. The original report of an analysis made by such analytical personnel of the department of health services or by a qualified

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toxicologist, pathologist or chemist of a laboratory of the United States Bureau of Narcotics shall be signed and dated by the analyst actually conducting the [test] TESTS and shall state the nature of the analytical [test or procedure] TESTS OR PROCEDURES, the identification and number of samples tested and the results of [each] THE analytical [test] TESTS. A copy of such report certified by the analyst shall be received in any court of this state as competent evidence of the matters and facts therein contained at any hearing in probable cause, pretrial hearing or trial. If such copy is to be offered in evidence at a trial, the attorney for the state shall send a copy thereof, by certified mail, to the attorney of the defendant who has filed an appearance of record or, if there is no such attorney, to the defendant if such defendant has filed an appearance pro se, and such attorney or defendant, as the case may be, shall, within five days of the receipt of such copy, notify the attorney for the state, in writing, if he intends to contest the introduction of such certified copy. No such trial shall commence until the expiration of such five-day period and, if such intention to contest has been filed, the usual rules of evidence shall obtain at such trial.

(c) In the case of any person charged with a violation of any provision of sections 21a-243 to 21a-279, inclusive, who has been previously convicted of a violation of the laws of the United States or of any other state, territory of the District of Columbia, relating to controlled drugs, such previous conviction shall, for the purpose of sections 21a-277 and 21a-279, be deemed a prior offense.

(d) IN ADDITION TO ANY FINE, FEE OR COST THAT MAY BE IMPOSED PURSUANT TO ANY PROVISION OF THE GENERAL STATUTES, THE COURT SHALL IMPOSE A COST OF FIFTY DOLLARS UPON ANY PERSON CONVICTED OF A VIOLATION OF THIS CHAPTER IF ANY ANALYSIS OF A CONTROLLED SUBSTANCE IN RELATION TO THE CONVICTION WAS PERFORMED BY OR AT THE DIRECTION OF THE CHIEF TOXICOLOGIST OF THE DEPARTMENT OF HEALTH SERVICES. ANY COST IMPOSED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE APPROPRIATION FOR THE DEPARTMENT OF HEALTH SERVICES AND SHALL NOT BE DIVERTED FOR ANY OTHER PURPOSE THAN THE PROVISION OF FUNDS FOR THE CHIEF TOXICOLOGIST.

Sec. 14. Section 52-259b of the general statutes is repealed and the following is substituted in lieu thereof:

[If] IN ANY CIVIL OR CRIMINAL MATTER, IF the court finds that a party is indigent and unable to pay a fee

or fees payable to the court or to pay the cost of service of process, the court shall save such fee or fees and the cost of services of process shall be paid by the state.

Sec. 15. (NEW) There is established a drug enforcement grant program which shall be administered by the office of policy and management. Grants may be made to municipalities, the department of public safety, and the state-wide narcotics task force and the division of criminal justice for the purpose of enforcing federal and state laws concerning controlled substances, undertaking crime prevention activities related to the enforcement of such laws, substance abuse prevention education, or training related to such enforcement or education activities. The secretary of the office of policy and management shall adopt regulations in accordance with chapter 54 of the general statutes for the administration of this section, including the establishment of priorities, program categories, eligibility requirements, funding limitations and the application process.

Sec. 16. The judicial department, within available appropriations, shall conduct a study concerning the drug testing of arrested persons. The study shall include, but not be limited to, examining the feasibility of testing arrested persons for drugs and a recommendation for the establishment of a pilot program in the judicial districts of Hartford-New Britain, Fairfield or New Haven. The judicial department shall submit a report of its findings and specific recommendations to the select committee on substance abuse prevention, the joint standing committee of the general assembly having cognizance of matters relating to appropriations and the budgets of state agencies and the judicial department not later than January 1, 1992.

Sec. 17. Notwithstanding the provisions of subsection (d) of section 21a-283 of the general statutes, as amended by section 13 of this act, forty thousand dollars of the amount deposited in the general fund during the fiscal year ending June 30, 1991, pursuant to the provisions of said subsection (d) shall be credited to the appropriation for the judicial department.

Sec. 18. The sum of three hundred forty-four thousand dollars is appropriated to the division of criminal justice, for the fiscal year ending June 30, 1991, for personal services.

Sec. 19. This act shall take effect from its passage, except that sections 6 to 8, inclusive, 14 to 16, inclusive, and section 18 shall take effect

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July 1, 1990, sections 3 to 5, inclusive, and sections 9, 13 and 17 shall take effect October 1, 1990, and section 2 shall take effect July 1, 1993."

SPEAKER BALDUCCI:

Will you remark further on the bill?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

This bill, again, takes a number of factors into account at the long run, and the again, purpose is to accelerate the number of years, accelerate a lessening of the years we will be reducing upon the Supervised Home Release Program and helping us get involved with the prosecution more efficiently of drug offenders.

I move passage of the bill as amended.

SPEAKER BALDUCCI:

Will you remark further? Representative Tiffany of the 36th.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. The last few days I've developed an interest in early release and halfway houses, and through you, I would like to ask a couple of questions, if I may, to the chairman bringing out

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the bill.

SPEAKER BALDUCCI:

Proceed, Representative Tiffany.

REP. TIFFANY: (36th)

Through you, Mr. Speaker. Representative Tulisano, either in the file or these various amendments that have passed or elsewhere in the statutes are there any laws or regulations governing what type of prisoners are eligible for early home release?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Yes, there are. I'll elaborate. I think it was last year or the year before a number -- basically serious A, B and C felons of serious -- anything where there's a mandatory sentence and basically almost where personal injury has been involved or manslaughter, wherever -- so basically they are excluded currently from our current law of supervised home release.

SPEAKER BALDUCCI:

Representative Tiffany.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker, but in spite of that there

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have been some significant problems with early home release, have there not, and I believe just a few days ago there was a cab driver that was murdered in New Haven by a youngster that was out on early home release.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

That's correct. That's one of the reasons why this legislation is before us so that over the period of working time, we will be able to keep more of the individuals who obviously have been problems in for a longer period of time than they currently are.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. Another questions. Are there any laws or regulations either existing or contemplated in the file or the various amendments already on the bill that would cover the -- where these -- the facilities where these prisoners may be released to, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker. There are -- just the only internal of the Department of Corrections and I

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guess, and I'm not even sure this is true, to be honest with you, there may be some local zoning as to -- I think you refer to the kind of intermediate sanctions we use, like halfway houses, if they're released to one of those, they may, and I'm not even sure that they are controlled by that because there are certain rights of the state to override local bodies in terms of establishment of prisons and alternative sanctions.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker, but absent local zoning restrictions, there are no state laws or regulations that determine where these prisoners may be released to?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Only the internal controls that the Department of Corrections may have on them.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. I thought that was the condition and, Mr. Speaker, I have an amendment that Representative Tulisano will just love and with that I would ask the Clerk to please call LC05505 and I be

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given permission to summarize, sir.

SPEAKER BALDUCCI:

The Clerk please call LC05505, designated House "B".

CLERK:

LC05505, House "B", offered by Representative Tiffany.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Tiffany.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. The amendment is fairly long, but let me just read the operative language beginning in line 29. "No prisoner may be released except that the commissioner shall not transfer any person to any such halfway house, group home, mental health facility or community residence located in a town" and there are four conditions, "without an organized police department or a resident trooper or any town which does not have a correctional facility or a state police barracks unless such town is contiguous to a town which has a state police barracks.

I've attempted to draw a very narrow restriction. Quite frankly, Mr. Speaker, I don't believe these prisoners should be released in any town that does not

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have at least a resident state trooper or a police department of their own or at the very least, excuse me, I've summarized the amendment. May I remark?

I move adoption, sir.

SPEAKER BALDUCCI:

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

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. As I began earlier, I personally don't think certainly that any of these prisoners should be released to any town which does not have a resident trooper or is at least in a town that's contiguous to a town which has a resident state trooper or a state police barracks.

To the best of my ability, I have attempted to run this list. There are some, probably a dozen or so, towns that this would preclude the future release of prisoners and there are no halfway houses or prisoners presently existed in these towns. There has been in my town that stirred up the Town of Lyme, considerable controversy. Up in the woods there has been a house that's been purchased with some thought of turning this into a halfway house for prisoners. I can tell you it's in an area that the road was only paved a few years ago, that's how rural it is. Many of the houses are far apart. Some of the parcels are 100 acres or

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more. We really down there, I guess I shouldn't say this, but we're back in the 19th Century where we leave the cars in the yard without taking the keys out. The doors are never locked on the houses. The people work in Middletown, New Haven or Hartford or perhaps New London and there has been considerable, considerable opposition to this and that the menfolk feel that they're going away to work and leave their wives and children at home and now we're going to have this house with five prisoners in the midst of sections of Hadlyme, and with that, Mr. Speaker, I would urge my colleagues to adopt this amendment. Thank you.

REP. TULISANO: (29th)

Mr. Speaker. The question is on adoption. Will you remark? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise to oppose the amendment. I do give Representative Tiffany the greatest credit for drafting the most artfully and crafted amendment I've seen in ages to take care of a particular problem. It is narrow. As a matter of policy, I don't think we can allow, again, these halfway houses to be controlled in such a manner because ultimately we'll be limiting them from all over and these are one of the viable alternatives we have to an expensive incarceration

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program. Not all of these people are -- these people are not those we talk about in supervised home release. They are individuals who we have to place in another area. A good rural area seems appropriate, but I give credit where credit is due. This is one of the best amendments I've ever seen drafted in a particular way. Thank you, Mr. Speaker, and I would move rejection of the amendment.

SPEAKER BALDUCCI:

Will you remark further on the amendment? If not, we'll try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

All those opposed nay.

REPRESENTATIVES:

No.

SPEAKER BALDUCCI:

The nays have it.

The amendment fails.

House Amendment Schedule "B":

After line 332, insert the following and renumber the remaining section accordingly:

"Sec. 9. Subsection (e) of section 18-100 of the general statutes, as amended by section 1 of public act

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89-383, is repealed and the following is substituted in lieu thereof:

(e) If the commissioner of correction deems that the purposes of this section may thus be more effectively carried out, he may transfer any person from one correctional institute to another or to any public or private nonprofit hallway house, group home or mental health facility, or to an approved community residence with the concurrence of the warden, superintendent or person in charge of the facility to which said person is being transferred, EXCEPT THAT THE COMMISSIONER SHALL NOT TRANSFER ANY PERSON TO ANY SUCH HALFWAY HOUSE, GROUP HOME, MENTAL HEALTH FACILITY OR COMMUNITY RESIDENCE LOCATED IN A TOWN WITHOUT AN ORGANIZED POLICE DEPARTMENT OR A RESIDENT STATE TROOPER OR IN A TOWN WHICH DOES NOT HAVE A CORRECTIONAL FACILITY OR STATE POLICE BARRACKS UNLESS SUCH TOWN IS CONTIGUOUS TO A TOWN WHICH HAS A STATE POLICE BARRACKS. Any inmate so transferred shall remain under the jurisdiction of said commissioner. Any inmate transferred to an approved community residence shall also be subject to specifically prescribed supervision by personnel of the department of correction until his definite or indeterminate sentence is completed."

SPEAKER BALDUCCI:

Will you remark further on the bill?

Representative Wollenberg of the 21st.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, the has LCO4492 on his desk. Would he -- could that be called and may I be allowed to summarize, sir.

SPEAKER BALDUCCI:

The Clerk please call LCO4492, designated House "C".

CLERK:

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LCO4492, designated House Amendment Schedule "C",
offered by Representative Wollenberg.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, the amendment before you, ladies and gentlemen, is the death penalty bill slightly altered that -- the amendment that we saw earlier this year and the change, it is a weighing test that we went through. I don't believe that we need to belabor this at all. However, we have -- this has been changed as somewhat to probably square more with what the Senate is talking about.

It is only applicable to two instances of crimes rather than the eight instances and I move the amendment, sir.

REP. TULISANO: (29th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

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

REP. TULISANO: (29th)

I don't know what Mr. Wollenberg is doing today with this. I know we had a discussion on this bill

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before and as much as I think very highly of him, we did have an agreement that this would not be called, and frankly, I think it's inappropriate to put it on this bill and take up the time of this General Assembly on this last day with this matter which has already been fully debated and I would hope he would reconsider his position on this at this point in time.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Wollenberg.

REP. WOLLENBERG: (21st)

Yes, Madam Speaker, having seen the amendment process at work here so well, I just felt that having learned all I did from both sides of the aisle this session that I would put it to good use with very important legislation.

However, I do acknowledge to Representative Tulisano that we had some kind of a very flimsy agreement which he did not fulfill his part, but nevertheless, in spite of that, I think that I will fulfill my part and in the spirit of letting legislation move more smoothly along this very rocky road through this building and especially upstairs where this amendment and this legislation has seemed to have some stumbling block and with the assurance as

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part of the agreement from Representative Tulisano that he was going to do all he can next year to assist me in drafting a bill that probably could whiz through here, I will withdraw this amendment.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked for withdrawal of House Amendment "C". Is there objection? Without objection, the amendment is withdrawn. Will you remark further on this bill as amended? Will you remark further? Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. The Clerk has an amendment, LC05085. Would he please call and I be allowed to summarize.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LC05085 which shall be designated House Amendment "D".

CLERK:

LC05085, House "D", offered by Representative Jaekle et al.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Without objection, please proceed, sir.

REP. KRAWIECKI: (78th)

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Thank you, Madam Speaker. Members of the House, you will recall a debate a couple of nights ago about drivers' licenses and the suspension of those licenses when people are convicted of a drug charge.

This amendment does substantially the same thing. For those of you that are searching for where the change occurs, I believe it was Representative Lawlor who had asked the question on the floor about whether an individual who was under the age of 18 at the time of arrest whether they were to be prosecuted as if they were a minor or as if they were an adult. I thought that maybe there might be some confusion in the amendment although I think it's perfectly clear how a person would be prosecuted. In line 56 of the amendment you'll see that there is a declaratory phrase that if they are under the age of 18 at the time of the arrest, the result would be as indicated.

Madam Speaker, I don't intent to debate the bill. I think this Chamber knew how they'd like to vote a couple of nights ago. I would suggest that we should rapidly adopt this amendment. Again, Madam Speaker, I'd ask for a roll call vote.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked for a roll call vote. All those in favor of a roll call please indicate by saying

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aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

When the vote is taken, it shall be taken by roll. Will you remark further? Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, I rise to oppose this amendment. I appreciate the comments made by Representative Krawiecki, but for the same reasons I oppose, as a policy, this issue last week. I think we can incorporate it by reference, but even on a more important matter, that other bill was derailed, and would have to go to another committee.

I think the hiring of state's attorneys, the ability to reduce the time relying on the state toxicologist from some six months to three months that the file copy and amendment reflects is very important to dealing with the crime problem. There are lots of ways to run with it, lots of ways of dealing with the drug problem. We can all think of new things to add on. This is inappropriate at this time, and I move for rejection.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "D"? Will you

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remark further? Representative Krawiecki.

REP. KRAWIECKI: (78th)

Madam Speaker, I'd remind the Chamber that the amendment passed with a 2/3 vote the other day. Certainly Representative Tulisano understands the rules well enough to know that we can suspend our rules to send a bill anywhere we want to send a bill, get it back here, and adopt it all within a matter of minutes frankly.

I think for Representative Tulisano to at this point indicate that it wouldn't be appropriate to adopt this amendment, and to any way, shape or form indicate to this Chamber that we shouldn't adopt something that we felt very strongly about just two nights ago is perfectly unreasonable.

I agree. The underlying bill and the amendment that the Representative brought out is a very important amendment. That's probably the reason why I'm bringing out this amendment on this bill. I know this bill is going to go through, and I think that if this Chamber wants to remain committed to the issue that it took a vote on in overwhelming fashion two nights ago, I would suggest that we all vote in favor of the amendment once again.

DEPUTY SPEAKER POLINSKY:

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Will you remark further on House Amendment "D"?
 Will you remark further? If not, will all members
 please take their seats? Staff and guests, to the Well
 of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll-
 call. Members, report to the Chamber please. The
 House of Representatives is taking a roll call vote.
 Members, please report to the Chamber.

DEPUTY SPEAKER POLINSKY:

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

Clerk will announce the tally.

CLERK:

House Amendment "D" to Senate Bill 468	
Total Number Voting	140
Necessary for Adoption	71
Those Voting Yea	60
Those Voting Nay	80
Those absent and Not Voting	11

DEPUTY SPEAKER POLINSKY:

House Amendment "D" is rejected.

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The following is House Amendment Schedule "D":

After line 332, insert the following and renumber the remaining section accordingly:

"Sec. 9 Subsection (b) of section 14-111 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) Whenever the holder of any motor vehicle operator's license has been convicted or has forfeited any bond taken or has received a suspended judgment or sentence of any of the following violations, the commissioner shall, without hearing, suspend his operator's license as follows: For a first violation of subsection (a) of section 14-224 or section 14-110, 14-215 or 53a-119b, for a period of not less than one year and, for a subsequent violation thereof, for a period of not less than five years; for a violation of subsection (a) of section 14-222, for a period of not less than thirty days nor more than ninety days and, for a subsequent violation thereof, for a period of not less than ninety days; for a first violation of section 14-145, for a period of not less than six months, and for a subsequent violation thereof, for a period of not less than five years; for a violation of subsection (b) of section 14-224, for a period of not less than ninety days; for a first violation of subsection (b) of section 14-147, for a period of not less than ninety days and, for a subsequent violation thereof, for a period of not less than five years; for a first violation of subsection (c) of section 14-147, for a period of not less than thirty days and, for a subsequent violation thereof, for a period of not less than one year. THE COMMISSIONER SHALL SUSPEND THE OPERATOR'S LICENSE OF ANY PERSON CONVICTED OF ANY OFFENSE INVOLVING THE POSSESSION, USE OR SALE OF CONTROLLED SUBSTANCES AS FOLLOWS: FOR A FIRST VIOLATION, FOR A PERIOD OF NINETY DAYS; FOR A SECOND VIOLATION, FOR A PERIOD OF ONE YEAR; AND FOR A SUBSEQUENT VIOLATION, FOR A PERIOD OF TWO YEARS. IF SUCH PERSON IS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME OF ARREST, THE COMMISSIONER SHALL SUSPEND HIS OPERATOR'S LICENSE OF A PERIOD OF ONE YEAR OR UNTIL SUCH PERSON ATTAINS THE AGE OF EIGHTEEN YEARS, WHICHEVER IS LONGER. IF SUCH PERSON IS UNDER THE AGE OF SIXTEEN YEARS, THE COMMISSIONER SHALL NOT ISSUE AN OPERATOR'S LICENSE TO SUCH PERSON UNTIL HE ATTAINS THE AGE OF EIGHTEEN YEARS."

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DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill? Will you remark further on this bill? Representative Caruso.

REP. CARUSO: (134th)

Thank you, Madam Speaker. Madam Speaker, this bill does deal with an important issue which we're all trying to solve, and that's the drug crisis. Last week, we had a very good bill before us which we debated in the spirit of bipartisanship, the tax on marijuana, and that was good because it was innovative and new, and it used old ideas and applied them to our new situation.

Madam Speaker, this bill also can do that.

DEPUTY SPEAKER POLINSKY:

Excuse me, Representative Caruso. (gavel)

I know it's the last day. I know you're all tired.

I know you're all dying to get out of here, and you will at midnight. However, until that time, we still have a load of work to do, and it really is important that we keep things moving. Please take your conversations outside the Chamber, please. Please remove your conversations from the Chamber so we can hear the debate. I apologize, Representative Caruso. Please continue.

REP. CARUSO: (134th)

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informant, and it provides that the judges of the Superior Court will make provisions to insure that the funds are distributed in accordance. Thank you, Madam Speaker. Madam Speaker, I move adoption.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House Amendment "E". Will you remark? Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, I rise to oppose this amendment also.

REP. CARUSO: (134th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Caruso, for what purpose do you rise?

REP. CARUSO: (134th)

Madam Speaker, I would like to continue my remarks. I just moved adoption, Madam Speaker.

REP. TULISANO: (29th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, I apologize. It was my mistake. Representative Caruso, please proceed.

REP. CARUSO: (134th)

Thank you, Madam Speaker. Madam Speaker, as I said

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what we were looking for was a way to bring every citizen in our state to get them involved in the war on drugs more than they are, to provide them with an incentive, that incentive to deal with the war on drugs, and to receive the appropriate rewards, not just as far - in addition to safe streets, winning the war on drugs, but also to be rewarded for that fact.

This, Madam Speaker, is a means by which our citizens who are abused by the drug dealers, who have to suffer every day, can take action, can help to reclaim our streets, and for that reason, I believe this is an amendment whose time has come and I urge the House to accept it. Thank you, Madam Speaker.

REP. TULISANO: (29th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment?

Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, I rise to oppose this amendment for a couple of reasons. First, Representative Caruso indicated that this would be a way in which private citizens would help in reclaiming the streets against drug dealers. It's also, I guess, a way for drug dealers to get rid of competition because the purpose

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of this is really to set up a bounty system, and one of the ways to use secret informants and give them rewards, we've experienced in the last year in the gambling area.

One of our most famous or infamous individuals, a man named Speers, at least has been well known, or at least allegedly known to use his inside information and informant status to get rid of competition. In addition to that, aside from drug dealers fighting with each other, what we probably would have is petty offenses and petty neighborhood squabbles, the state and the government being used against each other.

As a principle, that is why we have always rejected bounty systems because of what it fosters among our people. We ought to reject that as a principle. Secondly, even as a matter, you take out the 5%, you're going to be taking it away from either drug enforcement or drug education or law enforcement in one matter, because all of the money is already distributed in a well balanced way, and that's not to say more shouldn't go to treatment, and that will be promised in two years, three years again, but at this point time there is an expectation by police, prosecutors and drug rehabilitation places for this money. This would just take away from very important issues, and I move

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rejection of this amendment, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Question is on adoption of House "E".

Representative Caruso.

REP. CARUSO: (134th)

Madam Speaker, if I may respond to some of the issues which Representative Tulisano raised. I believe the first part which Representative Tulisano raised was the fact that this is terrible. It might cause drug dealers to rat on their fellow drug dealers. Madam Speaker, every time a drug dealer turns in another drug dealer, that's one less drug dealer on our streets, and I think that's good and it's going to go all the way down the chain.

Now, as far as where the money goes, Madam Speaker, we're looking at money, not which is already in the state coffers, which would ordinarily come into the state coffers. It is money that every dollar we bring in through this program is new money. It's found money. It's 95% of that will go to the state, and 5% goes to the person who turns them in.

Now, I'm also a little surprised to hear that Representative Tulisano has stated that traditionally our public policy is not to encourage rewards or bounties. Indeed, I'd like to point out that both

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Governor Grasso and Governor O'Neill offered rewards. Indeed, since 1976, they've offered \$3.9 million in rewards for different items. Last year, fiscal year, 88-89, we paid out \$10,000. The year before we paid out 120, and since 1976 we paid out \$433,000, and if I may, Madam Speaker, to review some of the things we think it's important enough to provide rewards on.

Madam Speaker, we give a reward to somebody who turns in somebody who disinterns a corpse, that's \$200, and Madam Speaker, anyone who provides information with regard to the theft of a motor vehicle, a mule, an ass, cattle, horse, poultry, shall receive \$100 in reward.

Madam Speaker, in addition, anyone who turns information leading to the arrest or conviction of a policeman - of a person who shoots a fireman or a policeman gets a reward of \$200. Madam Speaker, the Governor is authorized to give out rewards up to \$20,000, and that's why our language tracks the \$20,000 limit. Madam Speaker, I believe this is sound public policy. It's designed to encourage citizen participation, as I said before, and I believe it's founded on very strong, legal and ethical principles which we have in the State of Connecticut, and it's all new money, and it's helping us clear the streets of these drug dealers.

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Madam Speaker, for those reasons, I request approval from this House.

DEPUTY SPEAKER POLINSKY:

Motion is on House "E". Will you remark further? Representative Tulisano, for the second time on this matter.

REP. TULISANO: (29th)

Madam Speaker, I just want to ask for a roll call when the vote will be taken.

DEPUTY SPEAKER POLINSKY:

Gentleman has asked for a roll call vote. All those in favor please indicated by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

When the vote is taken, it shall be taken by roll. Will you remark further? Representative O'Neill.

REP. O'NEILL: (98th)

Thank you, Madam Speaker. Oye! Good deal. We're going to have drug dealers in drug dealers. What in the name of God is wrong with that? Any prosecutor worth his salt as a prosecutor, any criminal attorney, any law enforcement officer of the state, federal, municipal, knows that one of the ways, one of the most important ways in getting rid of crime is through

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informants.

If we can get one or two people to turn in individuals because they get a reward, what is wrong with that? Absolutely nothing. Don't listen to the situation where somebody is going to say, well, we don't have time. We're going to give that little bit of money to the police to do something additional. They're going to take that money and pay informants anyhow. Why not take that money right off the top, where it comes from?

This is a good bill. It is a better bill with this particular amendment added to it. Use it. It if you're just going to give lip service to it, forget it. If you want to do something constructive in getting rid of drug dealers, this is a way of doing it.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this amendment? Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker. I rise to support the amendment, and first I would like to say that I share the views expressed here, that the idea that getting rid of criminals reduces competition is bad is startling to me.

Secondly, I would like, through you, Madam Speaker,

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to ask a question of the esteemed Chairman of the
Judiciary Committee.

DEPUTY SPEAKER POLINSKY:

Please frame your question, sir.

REP. JONES: (141st)

Representative Tulisano, do you know what is the
largest and most pervasive bounty system in our
criminal justice system?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

Was the question what is the most pervasive bounty
system?

REP. JONES: (141st)

Right.

REP. TULISANO: (29th)

Through you, Madam Speaker, I presume it's bail
bondsmen, the returning of prisoners who have skipped
the state, which we put restrictions on last week.

DEPUTY SPEAKER POLINSKY:

Representative Jones.

REP. JONES: (141st)

Madam Speaker, I believe that's a bad guess. The
answer is plea bargaining. Plea bargaining is a bounty
system for time. It pervades our criminal justice

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system throughout. This amendment offers a very reasonable and sensible approach to fighting the war on drugs. I hope everyone will support it. Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this amendment? Will you remark? Representative Nania.

REP. NANIA: (63rd)

Thank you, Madam Speaker. You know, the more things change, the more they're the same. When our country was founded, if you think about the old west, at least one of the images that's got to come to mind is the picture on the tree. Wanted dead or alive, price, somewhere, and Representative Tulisano uses the word informant.

He talks about the fact they will turn in one another. Now back in the old west, it was this lawless area. It hadn't yet been settled, and I don't believe I've ever heard a single person complain that the picture on the tree with the price was a bad system. It worked because people were afraid. There was no organized government, and this was the only kind of incentive that could be used to catch criminals.

Now, ladies and gentlemen, things haven't changed. People still are afraid. They're afraid again because the kind of lawlessness that existed in the west 100

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years ago exists on the streets of all the major cities of the United States right now, and the kind of duty to the citizen grew up with which was to report crimes to the police has been outweighed by the fear that the police can't contain crime.

There is no law and order. The citizen is afraid to exercise the rights and the duties that he would like to. Informant is not a bad word. It's the duty of every citizen to inform the police when a crime has been committed. If through our inaction, we have allowed to grow a situation in which people are afraid to do their duty, then it's our duty to do something to enable them to do their duty.

As a rather nice side effect, it doesn't cost any money. The Representative finished, and he said there is, we're going to have criminals turning in one another. He's right. There is no honor among thieves, and we can benefit from that. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

You're quite welcome. Will you remark further on this amendment? Will you remark further on House "E"? Representative Tulisano.

REP. TULISANO: (29th)

Just for a clarification of the record, my final

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comments were not that we would be turning in criminals against...my final comments were that normal citizens would be using the state to settle pet differences by using this as an excuse, and when I talked about informants, we were talking about paid informants. Mr. Nania's right. Citizens have obligations, but they only believe that obligation arises when they get paid off, and when I'm talking about, then all their information becomes suspect, and it is tainted, and people know that when you go into cases, you go into try cases, the issue that motivation for turning somebody in becomes money raises issues that may mean that we get acquittals rather than convictions, and I don't think that's a good result.

Thirdly, Madam Speaker, the issue wasn't drug dealers turning in drug dealers. I wish people had listened closely. The issue was on drug dealer going to be using the state to clear its turf of competition, much like is happening in gambling so that the state becomes an ally rather than an opponent of drug dealers, and then there is no one else left, and you have a large uncontrollable drug dealer. That was the issue I was raising. I think it was well settled out, and that's just to clarify the records for the significant comments I made originally. Thank you,

Madam Speaker. I hope we can vote on the amendment now.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further? Will you remark further? Representative Emmons.

REP. EMMONS: (101st)

Thank you, Madam Speaker. Madam Speaker, I'd like just to point out that the federal government allows and gives you 10% of whatever taxes are collected from somebody upon you have informed. This is a bounty hunting program, I would guess, but I don't understand why it has to be looked at the way it is in such horror.

In tax matters, why the federal government does it is so that you will not have collusion within certain types of one could call industries or methodology of doing business, and then if you knew enough information about a particular person because you worked for them or you knew them well enough, and you were to tell IRS that there was a probable reason that this person should be audited and he's paying his taxes, and he's hiding his income, and they audit him, and they assess him, say for \$50,000, you would get \$5,000.

I don't really think that this amendment is that

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bad. If it turns out that we have all kinds of drug dealers turned in and we think we're going to have a monopoly, then we can take away the law, so we have competition in a couple of years. I mean I think to say we're afraid that we're going to get rid of drug dealers and only have one source of supply and have no competition in the drug market is really ridiculous.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment? Will you remark further? Representative Nania.

REP. NANIA: (63rd)

Thank you, Madam Speaker. I would like to respond to the gentleman's remarks by saying that as far as they go, they are correct. It is unseemly for a state to be used as an instrument of revenge between competing criminals, but the state only allows itself to be used as that instrument if in the end it does not also collect the last on the block. Now the Representative seems to have referred to a fact situation in which a gentleman ratted on all the competition and then he survived.

I suggest that even in that fact situation, and I won't reference the gentleman's name, he did not survive. The issue is not the principle, but how it's exercised. If the state allows itself to be used as an

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instrument to exterminate all the competition except one, and then fails to take action against that one, why then the Representative is correct, but that's not a problem with the Legislative Body. That's a problem with the Executive Body.

Let's put in their hands the tools to do the right thing and then leave the job up to them. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this amendment? Will you remark further on this amendment?

REP. JAEKLE: (122nd)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Madam Speaker. Rising in support of the amendment, and I don't mean to repeat anything that was said, but this really isn't any sort of earthshaking new ground. Not to detract from the amendment, because it certainly is a suggestion of a rather innovative approach in adding a new arsenal in the war against drugs, but we have provisions already in the statutes, and I know some were mentioned in criminal statutes.

The Governor - it's unfortunate, usually there's a

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tragic crime, usually a capital felony. The Governor can issue a proclamation for a reward right now - \$20,000 for information leading to the arrest and conviction of a felon in the State of Connecticut. Our towns can do this right now. When there is a death of a police officer or a fireman, our cities and towns can authorize the issuance of a reward for the information leading to the arrest and prosecution.

Others were mentioned, but I don't think another program that is very widespread because I'll admit, those are rather limited in application. We don't see many of those, thank goodness, because they're only in response to some terrible crimes, we have a whole suggestion award program in this state where state employees and residents of the state can make some suggestions, provide information to the state that will save money, and they actually get a percentage, up to 25% of the dollar savings realized, so it's almost an extension of, on the civil noncriminal side, if employees or people come forth with information that produces savings, makes government work better, they get a share. This is current law. This is just an extension of that to the criminal side, and I won't get into dealers turning against dealers, and if one goes down, and they find out they'll turn in the other.

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That would be terrific and that's been debated.

This frankly is kind of an extension of our suggestion award program into the criminal arena as it would apply to drug enforcement mostly, and it's not a pure poster on the tree, wanted dead or alive.

Frankly, the results from that information not only leads to an arrest, but the seizure, confiscation, and ultimately turning over to the state of the money, the contraband, the what have you. That asset forfeiture law would be triggered, and the person providing the information that lead to monies actually being recovered by the State of Connecticut from illegal operations, they'd get a share.

Minimal, but conceivably the bigger the bust, the larger the forfeiture, the bigger the reward. That I think is an appropriate incentive, whether it's from individual citizens or even competing forces within the criminal world if it's going to lead to more arrests, more forfeiture of assests. Those assets come in, are plowed right back into other law enforcement activities. This is a way of generating money from the people that we should be driving out of business and putting behind bars, and let's involve more of the citizens in that process.

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Thank you, sir. Will you remark further on this amendment? Will you remark further? Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. I want to just highlight for Representative Tulisano in particular that the policy of the State of Connecticut apparently is to go out and provide information. Last year, after we adopted our tax package, the Department of Revenue Service sent a nice little letter to all of the wonderful people of the State of Connecticut, and in this letter it said that they were encouraged to inform on your neighbor who was not paying their fair share.

As a matter of fact, the IRS goes a few steps further and they indicate that if you will report taxpayers who aren't in fact paying their fair share that they will in fact pay a bounty. The system operates as described in this amendment, Representative Tulisano, and quietly frankly, you have to understand that the people involved in this amendment are not exactly the folks that are going to be running off and standing on the steps of this building, and being revered by all of the public.

You have to remember these are individuals that are among the worst of the people in our society. They are

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the people that have created problems that permeate all walks of life, all socio-economic levels in our society, and they are the people that are tearing apart the underpinnings of our society. Why are you

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment? Will you remark further? If not, will all members please take their seats? Staff and guests, to the Well of the House. The machine will be opened.

CLERK:

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

DEPUTY SPEAKER POLINSKY:

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

Clerk will announce the tally.

CLERK:

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House Amendment "E" to Senate	468
Total Number Voting	143
Necessary for Adoption	72
Those Voting Yea	60
Those Voting Nay	83
Those absent and Not Voting	8

DEPUTY SPEAKER POLINSKY:

House Amendment "E" is rejected.

The following is House Amendment Schedule "E":

After line 332, insert the following and renumber the remaining section accordingly:

"Sec. 9 (NEW) Any person who, voluntarily and not as part of any plea bargain or not otherwise compensated by any federal, state or municipal law enforcement agency which results in the forfeiture of assets to the state pursuant to section 54-36h of the general statutes, as amended by section 1 of public act 89-269, shall receive an award in an amount equal to five per cent of the value of such forfeited assets, which amount shall not exceed twenty thousand dollars. Any such award shall be paid from the moneys in said fund prior to any distribution to agencies pursuant to subsection (c) of section 2 of public act 89-269. Upon request of any person providing such information, any identifying information concerning such person shall be confidential, and upon termination of all judicial proceedings, including any appeals therefrom, all such identifying information concerning such person shall be destroyed. The judges of the superior court shall adopt any rules they deem necessary to implement the payments to be made pursuant to the provisions of this section."

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DEPUTY SPEAKER POLINSKY:

Will you remark further on this bill? Will you remark further on this bill? Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. The Clerk has an amendment, LCO 5334. Will the Clerk please call that, and I be permitted to summarize?

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO 5334, which shall be designated House Amendment "F"?

CLERK:

LCO 5334, House "F", offered by Representative Jaekle, et al.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Without objection, please proceed, sir.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Briefly for those members who are still in the Chamber who might want to leave before I go into a full summary of this amendment.

DEPUTY SPEAKER POLINSKY:

Excuse me, Representative Nystrom. (gavel) That's nice. Let's keep it quiet like that.

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REP. NYSTROM: (46th)

Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Please excuse us.

REP. NYSTROM: (46th)

Madam Speaker and members of the Chamber, this amendment I think complements the file and the job done by the Judiciary Chairman, which I think was a very good job. The amendment before you now addresses an issue that I think we've all come in contact with and read about.

An individual charged with a serious offense is granted bail. They're out on bail, and while they're out of the jurisdiction of the court because they've been released, they commit another serious crime, so they're on bail, they're out in society again, and they violate the provisions of the bail.

What this amendment would do is give the court the ability to revoke the individual's bail, bring the new charges at the same time, and then that individual would not be allowed to have bail granted again because, remember, they already violated bail once. Madam Speaker, I move adoption.

DEPUTY SPEAKER POLINSKY:

Question is on adoption. Will you remark, sir?

REP. NYSTROM: (46th)

Yes, Madam Speaker. I'd like to turn attention to the file as amended particularly on page 3. There's a number of standards that have been established, and again I want to compliment Representative Tulisano. I think he's done a very fine job.

The first standard I'd like to point is on line 89, and it says such person's past record of appearance in court after being admitted to bail. That's allowed to be considered, and I think that's very important. The next standard I'd like to point out is on line 93, and that's standard H. The number and seriousness of charges pending against the arrested person. In all likelihood, we're talking about someone who has committed crimes previously.

Standard I on line 94, the weight of the evidence against the arrested person; someone who's charged with a serious crime, if it gets to that stage, I think we can all assume. Madam Speaker.

DEPUTY SPEAKER POLINSKY:

One moment, Representative Nystrom. There is too much noise in this Chamber, much too much noise. Conversations can be carried on outside the Chamber. There are a lot of bills that are still on the Calendar, some you can hear a great deal about, and we

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only have 'til midnight. Please take your conversations out of the Chamber, and keep them there. Representative Nystrom, please proceed.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Continuing on some of the standards that Representative Tulisano established, standard J on line 95, the arrested person's history of violence. That can be considered by the judge whether or not bail would be granted. Also on lines 96, standard K, whether the arrested person has previously been convicted of a similar offense while released on bond, and I think we're now getting to the point that I'm trying to establish by I think improving the file.

We're saying in the file as amended that we may consider what the individual's history has been when they've had a bond provided in the past. Did they live up to the standards and the provisions of that bond? Did they appear in court on time and so forth. That can be considered, and finally, on line 98, standard L, the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released. Again, we're taking some small steps to consider what a person's past history of crime and violence is.

We're saying, we're not denying. I should say, by

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the way, that they get bail on the first offense. I would prefer that. I think if you're charged with a violent crime against someone, someone's life has been lost, someone's been physically harmed, I think a judge should have the ability to deny bail. I know they use tools of economic hardship, I'll call it. They post the bond very high, and sometimes that actually works in that manner, but the amendment before you is not denying bail. I want to make that very clear.

What it's addressing is someone who has been given bail, and then they violate the rules of the court. They commit another serious crime while on bail. I'd like to remind the Chamber of an individual and this wouldn't address this individual by the way, because to my knowledge, and I may be wrong.

I don't think he had been charged with murder in the past. He had a history of crime and some other problems in his life, but Adam Zachs killed someone right here in Hartford in 1987, shot him in the back outside a bar. His family was wealthy. Adam Zachs was lucky. Personally, I think he was spoiled. Mom and Dad did everything for him. Well, bail was set I believe at about a quarter of a million dollars.

His parents were able to meet that obligation. Adam Zachs fled, never was brought to trial. The young

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man who died, Peter Carone, and his family have been denied justice since that day, and I really feel while I would like to address that issue, not give someone that chance at bail the first time, I recognize, I mean granted six years, you can't always get what you want, not fully.

You have to recognize that there are other members of this Chamber that actually have legitimate concerns about constitutional provisions or what they perceive as constitutional provisions. Again, this would give the court the ability to revoke bail that has already been granted to someone who's out on bail, commits a serious crime. Madam Speaker, I would urge adoption and I thank the Chamber for their time and when the vote is taken it be taken by roll, please.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked for a roll call vote. All those in favor, please indicated by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

When the vote is taken, it shall be taken by roll.

Will you remark further on this amendment?

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you very much, Madam Speaker. Madam Speaker, I'm happy to assure the proponent of this amendment that last week on a separate bill, we did just what the proponent is asking us to do today. We established a procedure where if someone is charged with a felony which carries a sentence of 10 years or more is released on bail, and is arrested again while out on bail, that creates a rebuttable presumption that his bail shall be revoked. It sets up a hearing, and that person comes back into court, and the court does have the power on those serious felony releases, if a person commits a crime while they're out, to revoke bail.

That is what the file copy did last week. In part, this bill amends that somewhat, but not affecting that particular provision for the revocation of bail, but it would do just that, revoking bail for persons charged with serious felonies, violent felonies, if they commit a crime while they're release and if the proponent wishes further explanation, I'd be happy to provide it.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Will you remark further?

REP. NYSTROM: (46th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom.

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REP. NYSTROM: (46th)

Thank you, Madam Speaker. I thank Representative Lawlor for that information. I do have two questions. One, through you, Madam Speaker, has it survived the Senate? Through you, Madam Speaker. Is the bill adopted by the Senate? Is it alive? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Yes, the bill is alive, so to speak, in the Senate. There was some negotiation regarding details of whether or not dangerousness could be considered for all persons accused or whether that should be limited to persons only accused of some type of violent offense, and that is why there is some language in this bill which amends in part, the language of the bill we passed last week, but I can assure the proponent of this amendment, to my knowledge, the bill is receiving a favorable reception in the Senate, and I have every expectation that it will pass, and I can assure the proponent if that doesn't pass, I'm quite confident this won't pass either, because this amends that bill in part.

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Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Well, the Senate hasn't acted on it yet, and I guess this gives us two shots. Madam Speaker, through you, the provisions you're talking about, are they mandatory? Through you, Madam Speaker.

REP. LAWLOR: (99th)

I'm sorry, Madam Speaker, I didn't hear the question.

DEPUTY SPEAKER POLINSKY:

This is the third time during the debate on this amendment that the noise has become intolerable. Representative Lawlor could not hear Representative Nystrom, and Representative Nystrom is not far away. Let's move it out, folks, now.

We will try one more time, Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Through you, to Representative Lawlor, is the revocation of bail as defined in the bill you're talking about from last week's action here in this Chamber, is it mandatory upon the individual's failure to comply with the conditions of bail? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

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Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker, I'd say as a practical matter, it's almost mandatory. What it says is, there shall be a rebuttable presumption that bail should be revoked if a person who's eligible, in other words charged with a crime that carries 10 years or more, is arrested again.

In other words, the burden would be on that person to prove to the court why his bail should not be revoked instead of the other way around, which is ordinarily the case in any criminal proceeding, that he's presumed innocent until proven guilty. This reverses that standard. I would imagine, Madam Speaker, that one of the things that might avoid the mandatory revocation of bail, would be that he's innocent of the latest offense, and that would be something that would be relevant in that type of proceeding, so through you, Madam Speaker, it's not mandatory, but I think this is as close as you get in a criminal proceeding.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Through you, Madam

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Speaker, Representative Lawlor, the standard you talked about, the rebuttable presumption, to me allows a loophole. You cited one that I think everyone should consider, and that is that the individual charged with a second offense may be innocent. I don't think the amendment before us today does anything to harm that relationship.

If the evidence is not strong enough, I do not believe that the individual would be incarcerated at that point in time. I think the judge, as we've all said, the judges in this state have to be given the credit that they're due, that they're going to do the job and consider the facts that are presented to them.

I think what you're pointing out is that a person who may be innocent, I think in all likelihood will not end up before a judge, who has to make the decision whether or not bail is revoked because I don't think the prosecutor is going to pursue that issue. Through you, Madam Speaker, I would ask you to comment on that scenario.

DEPUTY SPEAKER POLINSKY:

Representative Lawlor, would you care to respond?

REP. LAWLOR: (99th)

Yes, Madam Speaker. My only comment would be that, when I was a prosecutor for three years, in fact there

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were a number of cases where after a year of the charges being pending in one case, after an incarceration of someone for eight months, it turned out that the only witness in the case was an eye witness was actually lying because he himself had committed the crime and identified someone else, and that is one of those instances where, if the type of investigation that would be required under this rebuttable presumption standard had been conducted, I think we might have know that earlier during that case, but these things do happen.

I'm only stressing that there has to be some provision for an inquiry. This just puts the burden for the inquiry on the defendant, and I'm quite confident that in almost every case, the proponent is concerned about, that bail would be revoked.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom, you still have the Floor.

DEPUTY SPEAKER POLINSKY:

Thank you, Madam Speaker. I'm not a lawyer. I don't think that...well, I won't pursue that. I think the standard that we're seeing before us today is a standard that the public wants. God forbid, the individual is released through the presumption that you've outlined, and they go out and commit another

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crime.

The people in our jails today are repeat offenders. They go in and out. It's a revolving door. We've seen that. We know that. That's why this bill's in front of us, because we're doing something about ending the revolving door. All those early release programs have shown us time and time again, a person's been arrested for a serious offense, we read. They were out on release. It's happening across this state. I appreciate the information you've shared. I appreciate the attempt made in the other file that was adopted here. I'll tell you right now, if you think I have faith in the third floor today, no way.

I do not. I do not faith that they would do the right thing, and that would be to pass the law or proposed bill that Representative Lawlor pointed out. I think this gives the kinds of protections the public demands. We're not denying bail in the first instance. We are denying it if they commit another crime while out on bail, and I think the public deserves that kind of protection from our courts and from us. Madam Speaker, thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment? Will you remark further? Representative Ritter.

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REP. RITTER: (2nd)

Yes, Madam Speaker. As someone who has spent actually five years working on this issue, I would just like to say that I can, as much as anyone can guarantee that the bill that Representative Nystrom's talking about will pass in the Senate, I've spent a great deal of time talking to the appropriate Senators, and the bill which we passed here is going to pass in the Senate, and it's going to pass as soon as it gets in. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you. Will you remark further on this amendment? Will you remark further? If not, will all... Representative Krawiecki.

REP. KRAWIECKI: (78th)

Madam Speaker, let me ask a question of Representative Lawlor, who I think was making representations about the bill in the Senate, if I may.

DEPUTY SPEAKER POLINSKY:

Please frame your question, sir.

REP. KRAWIECKI: (78th)

Representative Lawlor, I believe you had indicated that whatever it was House Bill 6027, or whatever that number was, it went upstairs. Is that a part of, through you, any kind of, I'll use the word deal,

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without any derogatory term meant, that that piece of legislation, together with this one, must be enacted together in order to make the process work?

REP. LAWLOR: (99th)

Through you, Madam Speaker, I'm reluctant to use the word deal.

REP. KRAWIECKI: (78th)

So was I.

REP. LAWLOR: (99th)

I can assure the Representative that it is on the goal list and it will be acted on today. We have endeavored to have a count up there. It will pass, unamended as I understand it, and this bill today only addresses one concern which is raised by a number of people about the scope of the allowance of courts to consider dangerousness to the community. We're only limiting it now to persons charged with dangerous felonies, which is appropriate.

I think it's a reasonable limitation on the amendment that was passed last week. This does modify that bill. The language in this bill modifies that bill, so written into it is, I suppose, an unspoken understanding that one has to pass together with the other.

REP. KRAWIECKI: (78th)

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Thank you, Representative Lawlor. Madam Speaker, as with so many pieces of legislation in this Chamber, very often one piece needs another piece, and sometimes we don't have the control over the two pieces at the exact same time. I know I've chatted with Representative Tulisano and now with Representative Lawlor on the record. I'm swayed by the argument that both pieces should be adopted, and I might encourage the proponent of this amendment to consider withdrawing the amendment based on those representations. I think that's the best that honorable people can offer at any given time when you have Chambers operating the way we have here, so perhaps the proponent might consider withdrawing that amendment.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. The hour is late. I would withdraw this amendment. Thank the Chamber for the time, for the argument, and I hope that our brothers and sisters upstairs pass that other bill, because if they don't we'll be back again next year. Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Question is on withdrawal of House

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"F". Is there objection? Without objection, so ordered. Will you remark further on this bill? Will you remark further on this bill as amended?

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Madam Speaker, the Clerk has an amendment LCO 5611. Would he please call and I be allowed to summarize.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO 5611, which shall be designated House Amendment "G"?

CLERK:

LCO 5611, House "G", offered by Representative Jaekle, et al.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Without objection, please proceed, sir. It's somewhat quieter than it was.

REP. KRAWIECKI: (78th)

Certainly not quiet enough, Madam Speaker. Members of the House, what this amendment does, and you will recall that at 10 minutes before 12 last year, we adopted Public Act 89-390, literally the last public act that this General Assembly adopted.

It was a pretrial diversion drug program among

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other things, and you will recall that in the debate when Representative Mintz, I believe it was, brought the bill out, a number of us had some very serious concerns about what the bill entailed as far as the ability to preclude people from participating in that pretrial diversion program.

The amendment that's before you would eliminate certain categories of individuals from participating in the pretrial diversion program. Those individuals would be people charged with an unclassified felony for which a term of imprisonment of more than five years may be imposed, and for individuals who had previously been adjudicated under the youthful offender program, accelerated rehabilitation program, and those who had previously been convicted of a crime. I would move adoption of the amendment, Madam.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House "G". Will you remark further, sir?

REP. KRAWIECKI: (78th)

Thank you. I know in this discussion today, I'm getting the distinct flavor that someone, and I've always been bothered by people walking the Chamber lobbying any given issue, but I assume the Executive Branch has sovereign immunity in that regard, but I've

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always been troubled by the fact that somebody decides someplace other than this Chamber what we're going to do and what we're not going to do.

This bill has to go back to the Senate. You've already chosen to reject the Senate amendment, and you have already chosen to adopt House amendments. The bill must go back upstairs, so don't let anyone in this Chamber convince you that anything further that you do will somehow undermine the bill. It's an important point to remember. You will recall last year when Representative Mintz brought this proposition before us that he assured the Chamber that drug dealers would not be eligible for this program.

He assured the Chamber that people that had prior convictions would not be eligible for the program. He assured us that people who had been youthful offenders would not be eligible for the program. He assured us that people that had taken part in accelerated rehabilitation would not be eligible for the program. Surprise. Surprise.

They're eligible. They're eligible. They can apply for the program. Now we've had at least some judges in the State of Connecticut that believe that when an individual who meets the criteria of the statute in 89-390 applied for the program that they

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must agree to let them into a program. Now I don't understand why that could possibly be, since the statute's rather clear on its face that a judge can deny someone from going into the program.

What I find incredible, however, is that people who have been convicted previously, people who have been charged with what we would all consider to be among the worst of the crimes in our society, are applying for a pretrial diversion program.

Now let me explain to you what that means for the laymen in the Chamber. That means somebody who's arrested for dealing drugs can apply for the program as long as they meet the limited criteria in Section 6a of Public Act 89-390. If they meet the criteria, the application must be accepted, and barring any kind of excessive evidence, judges will admit them to the program.

Now why would this Chamber want to do that? Why would we want to allow those kinds of individuals to participate in the program? It makes no sense. On day number one of this legislative session, many of us in the Chamber signed on to many different bills to get tougher on drugs. I think virtually everyone in the Chamber would say that we considered drug dealers to be amongst the lowest of low people in our society, and

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yet we are going to be told in a matter of minutes, I sure by the good Chairman of the Committee, that if you adopt this amendment that you will somehow kill a very good bill.

I got to tell you, you have to scratch your head to understand that logic. This bill is very important to the Department of Corrections. This bill is very important to the Governor. This bill is very important to the people upstairs. This bill is very important to everybody in this room. Why would this amendment kill it? Why? Now I know all of you have been contacted by the Chief State's Attorney during the course of this Legislative session.

He wrote letters to all of us asking us to consider altering this section. Through some wonderful maneuvering by the Chairman of the Committee, we haven't had very many bills with the opportunity to do those kinds of things, and I mean no disrespect to the Chairman. He's a wonderful Chairman.

You have an opportunity to correct the problem today. I would suggest that you do no harm to the underlying bill by adopting this amendment, notwithstanding anything that anyone tells you. Madam Speaker, I'd ask for a roll call vote.

DEPUTY SPEAKER POLINSKY:

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Questions is a roll call. All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

When the vote is taken, it shall be taken by roll. Will you remark further on this amendment? Will you remark further? Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, I rise to oppose the amendment, and I'm not going to say that if you pass it, it runs a risk of not being passed in the Senate. Mr. Krawiecki has raised that as an issue quite properly, something to put into the minutes, in the decision making, and I thank him for raising that issue before us as something that we should seriously consider, but I won't say that.

I'm concerned, Madam Speaker, that, and frankly Mr. Krawiecki's recollection of who said what last session is much better than mine, but I do recall that the end of the session last year when we were doing this bill, an issue was raised very clearly and very debated by this Chamber, and that was whether or not those who were to be admitted to a drug rehabilitation diversion program would be done so by a judge, an independent

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magistrate, judging all the factors presented before him by advocates for and against, generally the prosecutor against, and the defense for the admission.

I acknowledge that part, and it was very clear that Mr. Kelly last year as he continues to do, did not like the idea of having an, of taking away from him an absolute veto power among those who were to be admitted into a program. A decision was made in last year's drug bill which everybody voted for and this issue was debated, whether or not we would finally take the step and begin to rely on diversion to begin to rely on drug rehabilitation, to begin to rely on cutting off demand, rather than looking for only enforcement and place them in jail.

This is a three prong attack on the crime problem and on the drug problem particularly. Enforcement certainly, sureness of prosecution surely, but also a reduction in demand, and most law enforcement individuals today publicly acknowledge unlike they did a few years ago, we must begin to do something with the demand side. Now the bill, Senate Bill 89-390 really tried to deal with that issue.

The amendment that Mr. Krawiecki does now not only tries to reverse a decision we made last year, but does so on the most flimsiest of evidence that Mr. Kelly

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says one person has applied. Well, Mr. Krawiecki, and members of this House, we know lots of people apply for programs that are never granted, and there's nothing we're going to do if we're stopping someone from making a motion for any kind of program we grant, and yes, some times there are failures of those programs, and judges make wrong decisions. I acknowledge that, but on the other hand, for years we did have a kind of a diversion program on our books that we never used, and therefore demand grew and grew and grew, and we continue to be in a problem, because we had something that said prosecutors had absolute veto power.

Should they have input? Certainly. Should they be part of the mix? Certainly. But should they have the final decision is another issue, and this Body debated that last year.

Now, we've debated something like this similar, earlier this year, and I liked to distinguish between sales, drug people arrested for sales and those who are accommodation sale. A lot of people don't want to do that, and I understand that, but often the case is that the real bad folks, the real dealers, the real people who are helping to destroy our cities are not being attacked, and what we do is go after the easy folks, the accommodation sales, the real people who are out

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there, who may be abusers. Whether recreational or serious users is irrelevant to this argument, only to this argument only, but the fact is they're involved in accommodation sale. They're easy to nab, easy to arrest, and to solve the drug problem, you begin to treat what their addiction is. You begin to reeducate them. You begin to reduce demand.

Now if this amendment, and I spoke to Representative Wollenberg about it, were clearly represented that we could start to define, and I don't know how we do that in this short a time, define serious people who are engaged in marketing drugs, then I suppose we could, then it's an appropriate kind of an amendment, but it isn't that narrow.

Further, as we discussed in some other bills, somebody who was previously adjudicated a youthful offender, maybe he had a fight in a schoolyard. Five years later he gets involved in a drug problem, and what happens to him. The real needed treatment is going to be denied him. This goes on and on and on, so Mr. Speaker, I hope we will reject this amendment now, to get on with the business of today's business, pass a good bill which everybody acknowledges, get it to the Senate and let's get ourselves going on trying to solve these problems in a meaningful way.

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DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on House "G"? Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker and members of the Chamber, I probably don't disagree with anything Representative Tulisano says. However, he's really not speaking to this amendment, because under this amendment you can do every single thing he wants to do. If you look at line 35, line 35 says the court may for good cause shown.

DEPUTY SPEAKER SMOKO:

Excuse me, sir, one moment. (gavel)

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Please proceed, sir.

REP. WOLLENBERG: (21st)

And I'd ask you to pick up the amendment and look at line 35. It says the court may for good cause shown waive the ineligibility provisions of this section for any person. That's a person who previously been adjudicated a youthful offender or granted accelerated rehabilitation or guilty of any of these crimes.

When we debated this bill last year, as we do many

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times, we said let's let the judge and the court make the decision. Well, the court has failed. They haven't quite done what they should have done. The one case in particular, and there are three or four in the hopper. We have a drug seller who is going to go into the program for the third time, and we're worrying about rehabilitation. We've got so many people out there that need the program, but we've got a seller who's going to go in it for the third time.

So we set the standard that the judge can use a little bit higher, and we say good cause must be shown. It's not all that much, but it is a little bit more. It's a little higher standard, and we should start doing these things. We should start treating these bills that we pass one year in light of what has happened the next year, and if we're not going to do that, then the rhetoric we give to this Body when we pass the law initially is only that.

We said last year, we'd let the judge take a look at it. Let him have his head on this and then we'd look at it. Well, the judges have not done the right thing on this by giving a third time seller the diversion program. Now, ladies and gentlemen, he still could do it, but he would have to show good cause why he did it.

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Perhaps he was a juvenile when he committed the first two. Other circumstances, but Representative Tulisano is dead wrong when he represents the things that can happen if we pass this amendment. This amendment is just doing what we said we'd do last year. Clear the bill up this year. It's a little step again. It's a big move toward drug sellers, and keeping them where they belong, and I just have to say with regard to nothing on this bill. We've got an amendment on this bill. I don't think there's a Senator who wouldn't agree with this. It will probably go on consent in the Senate. So to use under the guise of, this might kill the bill, something might happen, and that's what I'm hearing, that's a failing, because we've got the cases out there. The abuse is taking place right now with that program.

This is going to somewhat take care of that loophole. I know the marching orders are nothing. Take a look at this one. Drug sellers, we're going to treat them a little harshly and we should, but the judge is still going to make the decision. We've given him that right. We haven't taken that over as Representative Tulisano suggests. I urge adoption of this.

DEPUTY SPEAKER SMOKO:

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Thank you, sir. Will you remark further on the adoption of House "G"? Representative Ward of the 86th.

REP. WARD: (86th)

Thank you, Mr. Speaker. Representative Wollenberg made clearly one of the points that I was going to make, that this still gives the judge some discretion, but what it does is make clear that they have to exercise the discretion when there's reasonable cause, not save, not specifically excluded from the program. We have to give it to you. That's what the prosecutors are telling us is happening now. The judges are interpreting what we passed last year at the eleventh hour as a policy that doesn't matter if you're a dealer, if you weren't convicted of the specific offenses here, you're allowed to go into the diversion program.

I frankly will tell you I don't remember who debated exactly what at 11:45 p.m. a year ago, and I don't much care who said what at 11:45 a year, because we can correct the policy now. If you think that only in very limited special circumstances an occasional dealer might be able to show that he should be allowed into a diversion program, then adopt this. If you think that all dealers, virtually all should be

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eligible for a diversion program, then reject this, because that's all we're saying, and I'm not going to debate what the Senate will or won't do. I don't think any of us knows that they will or won't do for sure.

They may send the bill back anyway for who knows what reason, because it affects some other bill somewhere, so let's adopt the policy that we think makes most sense for the State of Connecticut. Let's not make it a caucus issue. Let's not be misled as to what it says. It says unless there's very good cause shown, dealers don't get diversion programs, and I will tell you in my own mind, unless I see a lot less distinction between an accommodation dealer and a dealer that's a big guy dealer.

If you're selling drugs, I think you ought almost never be in the program. Might I make an exception for a 15 or 16 year old? Maybe, but might I believe that every dealer that gets caught says, gee, I wasn't really dealing. Gee, I wasn't really doing that, but I was just helping out a friend. That's what they all say.

They all claim they're accommodation dealers. Nobody says, yeah, I'm really a big drug dealer, and those people are dangerous. They're on our streets selling drugs to our young people. They ought not be

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in treatment. They ought to be in jail. This amendment at least says that if the judge decides they don't go to jail, he's got to have darn good cause. Please let's adopt the amendment, and remember the people we hire to prosecute them tell us they need it. The state's attorneys said they need this, because what we adopted at a few minutes before midnight a year ago has created a problem for them.

Let's listen to them. We put the money in the budget to put some more people to do this, and then we say don't listen to how they want to run it. That's ridiculous.

DEPUTY SPEAKER SMOKO:

Will you remark further on the adoption of House "G"? Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Mr. Speaker, excuse me. Last year's action, last week's action that we heard about a little while ago, action this morning and this afternoon, we keep saying we're making the law stronger and better, but we always seem to leave that little back door somewhere in the bill where a very good defense lawyer, and I think under this area, you don't have to be that good a defense lawyer, because the way the bill was drafted last year, can get the person off

the hook.

That's a problem here. Since last year's action over 600 people have availed themselves of that back door. Over 600 people, people dealing drugs, that's a number from Mr. Kelly's office, over 600 times we've let drug dealers back on the street in this state.

If you just average it all out across all our towns, we're each getting three drug dealers released to our towns, but we know that's not where they all locate. They go where the demand is. The highest demand. They know who they can prey upon. That's our kids. This amendment is very much needed despite some of the positions that have been stated against it.

If we don't close this back door, the drug dealers will continue to move through it, and as Representative Wollenberg stated, you've got a person waiting to go through that door again for the third time. Something's obviously wrong with what we did last year. Something's very wrong. I urge adoption.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on House "G"? Representative O'Neill, it's good to have you back with us. I hope you're feeling better.

REP. O'NEILL: (98th)

Thank you, Mr. Speaker. Mr. Speaker, when we

started up here during this session two years ago, we took an oath to the State of Connecticut to the people of Connecticut. We're supposed to uphold the law, and we're supposed to make the law better than it is if we can.

We're trying to do something with this amendment to correct a fault in a law that was passed during the latter part of the session last year, and I find it intolerable that the people in this state are not going to have an opportunity for their Representatives to vote the way they want to vote because it's our understanding that the other side of the Aisle has given the information that there will be no Republican amendments passed today, and we'll vote right according to party lines. That is wrong. That is intolerable. This is a good amendment, and the people of this state should know that this was proposed by a group of Republicans who are doing the best thing for the state, and opposed by a small group of Democrats who don't want to do what they know is best. This is a good amendment. Pass it.

DEPUTY SPEAKER SMOKO:

Will you remark further on House "G"? Will you remark? If not, will all staff and guests, please come to the Well of the House? The members will be seated.

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The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

Members, to the Chamber. Members, to the Chamber. The House is voting by roll.

DEPUTY SPEAKER SMOKO:

Have all the members voted? Please check the roll call machine to be sure your vote is accurately recorded.

If all members have voted, the machine will be locked. Clerk will take a tally.

Clerk will announce the tally.

CLERK:

House Amendment "G" to Senate Bill 468	
Total Number Voting	140
Necessary for Adoption	71
Those Voting Yea	62
Those Voting Nay	78
Those absent and Not Voting	11

DEPUTY SPEAKER SMOKO:

House "G" is defeated.

The following is House Amendment Schedule "G":

After line 332, add the following and renumber the remaining section accordingly:

"Sec. 9. Subsection (a) of section public act 89-390 is repealed and the following is substituted in

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lieu thereof:

(a) The provisions of this section shall not apply to any person charged with a violation of section 14-227a, or section 53a-60d of the general statutes or with a class A, B or C felony, OR TO ANY PERSON CHARGED WITH AN UNCLASSIFIED FELONY FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN FIVE YEARS MAY BE IMPOSED, or to any person who was previously ordered treated under this section, subsection (i) of section 17-155y, section 19a-386 or section 21a-284 of the general statutes revised to 1989, OR TO ANY PERSON WHO WAS PREVIOUSLY ADJUDICATED A YOUTHFUL OFFENDER UNDER THE PROVISIONS OF SECTIONS 54-76b TO 54-76n, INCLUSIVE, OR GRANTED ACCELERATED REHABILITATION UNDER THE PROVISIONS OF SECTION 54-56e, OR TO ANY PERSON WHO WAS PREVIOUSLY CONVICTED OF A CRIME. The court may, FOR GOOD CAUSE SHOWN, waive the ineligibility provisions of this subsection for any person."

DEPUTY SPEAKER SMOKO:

Will you remark further on this bill as amended?
Will you remark further? Representative Farr of the
19th.

REP. FARR: (19th)

Yes, Mr. Speaker, speaking briefly on the bill.
Members of the Chamber, when I first came to this
Chamber 10 years ago, the State of Connecticut used to
have system of indeterminate sentences, and I can
recall that if somebody committed a serious crime, he
might get a sentence of 3 to 10 years. The public felt
good because he got a 3 to 10 year sentence, and then
the reality is under our then parole system, the person
would be out in a year.

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One of the things this Legislature did is it got rid of the indeterminate sentences. It required some truth in sentencing, said if you sentence somebody you no longer did an indeterminate sentence, you did a determinate sentence. That individual would be sentenced to three years in jail, and he would have to serve a minimum of 2/3 of that sentence.

The unfortunate thing that happened is that first year I got up here we had a prison overcrowding study, and said we needed more prisons. We did nothing at that year to deal with that problem, so we let the prison overcrowding problem fester, and what happened is instead of having a more determinate sentence and a more truthful sentencing system, we ended up with a system that if somebody were sentenced to three years in jail under today's law, they may actually be out in three months.

The problem with the bill before us, while there's a lot of good there, what it does is it restores, in effect, the parole system. It restores the back door system out. It does go back, as I understand it, to serving one half of the sentence instead of 10% as you might today, but it's certainly not where we were 10 years ago which was at 2/3 sentence, and I want to just comment on the problem some of the approaches that are

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used in the bill, because I think it's an important piece of legislation.

The problem we have in this assembly, and those of us who have been here long enough can see it is we go through cycles. The current vogue is to say, well, we just put everybody through rehabilitation. We solve the problems. The fact of the matter is that most people go through drug rehabilitation don't get off of drugs.

The recidivism rate for those who go through drug programs is high, often times is 90%, so you take everybody out of the criminal justice system and send them into a drug rehab program. Maybe you salvage 10%, but oftentimes as many as 90% end up back in the system.

The reality is that you're dealing with people that have been in the system, in the sense that they've been in our school systems oftentimes for 10 and 11 years, and if we fail them for 10 or 11 years, the concept we're going to put them into some sort of program in four months or six months or a year and turn them around is wishful thinking.

If we're to deal with the criminal justice problems in our society, we need to do a lot of things. One of the things we have to do is we have to build adequate

space because some of these people have to be off the streets. One of the things we have to do is we have to deal with teenage pregnancies. We have to deal with crack babies. Where do you think we're going to be in 18 years time when 5,000 crack babies this year are 18 years of age.

We've got to deal with teenage pregnancy and illegitimate birth. If we had no teenage pregnancies and no illegitimate births, the problem of overcrowding in our prisons would virtually go away. The problem, of course, is there are no simple solutions to that either, but we have to stop fooling ourselves and say, well, there's one simple solution, and that solution this year happens to be drug rehabilitation because that in itself isn't going to work. We've got to have facilities to get people off our streets, but we've also got to look at the long term problems, and we've got to deal with that from birth on. Thank you.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on this bill as amended? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, in many of, but not, because I couldn't hear them all I can't agree with everything Representative Farr said, but I certainly agree with a

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number of things he said, and we have been over the last two or three years building those building blocks. I indicated last week that we were in the process and would hope next year we'll do more.

I am as sorry as he is that I believe we've lost generations, two generations at least in this country. It's going to take us more than easy answers, easy responses to do anything.

Point of personal privilege, Mr. Speaker.

(applause)

DEPUTY SPEAKER SMOKO:

No need for commentary. Representative Knopp, you have done all our hearts good. We wish you well to a very speedy recovery. Things seem to be coming along nicely.

Representative Tulisano, you still have the Floor, sir.

REP. TULISANO: (29th)

Thank you, Mr. Speaker. I thought Felice was a bad act to follow. I can't follow that.

DEPUTY SPEAKER SMOKO:

Do the best you can, sir.

REP. TULISANO: (29th)

I hope we'll pass this bill, as just one more building block. I urge your support, and to

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Representative O'Neill, part of the House Amendment Schedule "A" does include Republican suggestions, and from these debates we do glean ideas working together we will add to the new structure for the future. Thank you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Will you remark further on this bill as amended? Will you remark? If not, will all staff and guests please come to the Well of the House? Staff and guests, to the Well. The machine will be opened.

CLERK:

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

DEPUTY SPEAKER SMOKO:

Have all members voted? Please check the roll call machine to be sure your vote is accurately recorded. The machine is still open, sir. The machine is still open, Representative Rogg.

If all the members have now voted, the machine will be locked. Thank you, sir. The machine will now be locked. Clerk will take a tally.

Clerk will announce the tally.

CLERK:

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those statutes where now the attorney general can receive the civil penalties by bringing suit on behalf of the banking and tax departments. The attorney general right now by statute can sue on their behalf and receive enhanced penalties.

So what we're saying is the concept is good but it should be placed in those statutes where the authority already is.

Next would be Raised SB468, AN ACT CONCERNING TERMINATION OF THE SUPERVISED HOME RELEASE PROGRAM. I believe William Carbone of OPM will go into detail concerning this particular proposal. Suffice to say that this is one of the recommendations that comes to you from the Prison and Jail Overcrowding Commission. Without my going into detail or taking up the time that he will go into detail on, suffice it to say that the Division supports this proposal as it will be amended by the language of Mr. Carbone.

Next would be Committee HB5235, AN ACT CONCERNING REWARD FOR PERSONS WHO PROVIDE INFORMATION REGARDING PERSONS SUBSEQUENTLY CONVICTED OF A DRUG RELATED OFFENSE. We do not object to the concept of rewarding those people who assist law enforcement. We would, however, be in favor of having the money provided in those cases where the reward is to be granted come from a source other than the drug assets forfeiture revolving fund. It is going to deprive the three agencies already specified by statute of this much needed money. So if there could be an alternate source of income, we don't oppose this particular concept.

SEN. AVALONE: You don't see this as a bounty bill?

CHIEF STATE'S ATTY. JACK KELLY: It is a bounty bill and you know, we do provide a bounty now for example, we have a statute for rewards in unsolved homicide cases. This could be somewhat complicated in the sense you could have competing claims. All I'm saying is, the concept is a good concept, but I don't think the money should come from this particular source.

SEN. AVALONE: (Inaudible-microphone not on)

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this bill does it just happen or do we have to go out and scout around and look for some community service?

CHIEF STATE'S ATTY. JACK KELLY: You have in most parts of the State right now, either through voluntary agencies, or otherwise, community service programs and routinely, people being placed on probation are being placed in that situation as part of a condition of their probation. This, as I understand it, would be an extension of that.

REP. WOLLENBERG: I'm a little bit away from it now. I'm not doing much criminal work, so I don't know, but I know there were days when the judge said 100 hours community service, find something for them to do and I know we have some volunteer people doing that now, but is it basically the same? Find something to do?

CHIEF STATE'S ATTY. JACK KELLY: No. there are any number of agencies that strictly enforce the court's order.

REP. WOLLENBERG: I understand that, but is it meaningful, Jack, or is it just for doing something to do it?

CHIEF STATE'S ATTY. JACK KELLY: No. I think, Representative Wollenberg, what it's an attempt to do is for the minor offenders who we know are not going to be incarcerated anyway, or if they were incarcerated for a brief time would be there even briefer, because of the prison and jail overcrowding.

REP. WOLLENBERG: Okay, you're telling me there are some meaningful programs out there now.

CHIEF STATE'S ATTY. JACK KELLY: I wouldn't support this if there were not.

REP. WOLLENBERG: Okay, mandatory sentencing, minimum (SB 468) mandatory and I know Bill Carbone's going to speak on it, but I keep hearing that and we get all kinds of bill here telling us, you gotta be there for a year or five years and I think all that in fine.

But in reality, we can't do that, can we? I mean, they're going to be busting out of Somers and we're going to let them all go pretty soon.

CHIEF STATE'S ATTY. JACK KELLY: I don't think so. I think if this bill is looked at carefully and it's coordinated with additional prison construction and alternate sanctions, I think what the intent is and I said this 10 years and people looked at me in disbelief. I think what you're eventually coming to is, you're going to have our correctional facilities housing only the most violent and repeat offenders and everyone else is going to be doing alternate sanctions. And frankly,

REP. WOLLENBERG: And that I agree with.

CHIEF STATE'S ATTY. JACK KELLY: And I have a problem with that.

REP. WOLLENBERG: I think that's what we're doing and I don't either, but it's the person that does the five burglaries in the neighborhood who is back on the street after they see the judge for the fifth or sixth time because he's not really a violent guy, he's --

CHIEF STATE'S ATTY. JACK KELLY: I disagree that the burglar is not a violent guy. I don't disagree, I agree with you (inaudible--both Representative Wollenberg and Mr. Kelly speaking at once)

REP. WOLLENBERG: Alright, he steals you know, \$20 every time he breaks into a house or something, he breaks the (inaudible) at night once in awhile. And the neighbor sees him back on the street in two weeks. That isn't going to help our efforts any more than that guy in downtown, wherever, Cheshire, who gets picked up for being the biggest drug dealer in the world.

CHIEF STATE'S ATTY. JACK KELLY: I think the intent of this bill, if you look at the graduated percentages, again, not to borrow on Mr. Carbone's time, but the intent is by 1993 to have abolished the supervised home release program and at that point in time have people serving at least a minimum 50% of their sentence before they'd be

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eligible for a parole hearing. There would not be automatic parole, but that would be up to the parole board.

So rather than having as now, people doing as little as 10% of their sentences, by then, with the graduated percentages, they'd be doing at least half of their sentences and perhaps more, and particularly when they were repeat offenders.

REP. WOLLENBERG: And the way we're going to do that is to build --

CHIEF STATE'S ATTY. JACK KELLY: Build more prisons.

REP. WOLLENBERG: I don't think we can build out of it and you and I attended a seminar where they told us we couldn't build out of it and maybe we can now, but I'm not sure we can build out the prison overcrowding thing.

CHIEF STATE'S ATTY. JACK KELLY: We can't. We can do that for the most violent and repeat offenders, plus have alternate sanctions, plus have the board of parole governing all of this.

REP. WOLLENBERG: Okay, so, and this home release. I understand the public reaction on that and the whole thing, but is it then that much of a disaster?

CHIEF STATE'S ATTY. JACK KELLY: The supervised home release program has had its failures.

REP. WOLLENBERG: I understand that.

CHIEF STATE'S ATTY. JACK KELLY: The worse part about it is that people in some cases, and I think this is a misperception, not all cases, but in some cases, some people are doing as little as 10% of the sentence. And I think all of us agree that has to be upgraded. In the all better world, they would do their complete sentence but we all know that's not going to happen, so this is the best I think we can do with the financial picture, with the jail construction and with alternate sanctions.

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REP. WOLLENBERG: One more. Attorneys fees. If you're (HB 5376) going to take this money away from these people are we going to give them public defenders in drug cases?

CHIEF STATE'S ATTY. JACK KELLY: No. This is basically a quasi-civil proceeding. I don't think the public defenders legitimately can represent these people. They are there to represent them on the criminal case, not in the asset forfeiture proceeding.

My experience has been that the drug dealer always finds some way to come up with the attorneys' fees to be represented on the drug case. If he can do that, I guarantee you he'll come up with the fees to be represented on the asset forfeiture.

REP. WOLLENBERG: But aren't you going to take it?

CHIEF STATE'S ATTY. JACK KELLY: Pardon?

REP. WOLLENBERG: Why don't you take it if he comes up with it.

CHIEF STATE'S ATTY. JACK KELLY: It should go into the revolving fund.

REP. WOLLENBERG: But if you find out he's got Mr. High Priced A attorney and he's paying him \$100 grand to do this job, why don't you get the money? Why don't you garnish the money?

CHIEF STATE'S ATTY. JACK KELLY: If we can demonstrate that this resulted from illegal drug proceeds --

REP. WOLLENBERG: That's all the guy's done for the last 10 years. What's the trick?

CHIEF STATE'S ATTY. JACK KELLY: If we can prove it, we can get that money.

REP. WOLLENBERG: Okay, who's going to represent him.

CHIEF STATE'S ATTY. JACK KELLY: Pardon?

REP. WOLLENBERG: Who's going to represent him? Legal services.

ineffectual. There frankly is not enough room in the prisons for this group and that's not an effective punishment.

The intention here was to have some work related assignments, either in a governmental or a private, non-profit agency for a certain number of days in order to have some degree of punishment and some deterrents to drug use.

So Governor O'Neill strongly supports these bills. In one case they do have an appropriation that's attached to them and that has been provided for in his budget.

The next thing I'd like to discuss with you is SB468, AN ACT CONCERNING TERMINATION OF THE SUPERVISED HOME RELEASE PROGRAM. Governor O'Neill also supports this measure, and I'm here on behalf of him and also the Prison and Jail Overcrowding Commission which drafted this measure and submitted it to you.

It is really the cornerstone of the 1990 prison and jail overcrowding report, as I'm sure you are all aware. You have heard the statistics from me so many times. We are now holding over 9,000 offenders in our prisons and jails each day. Ten years ago we were holding under 4,000. Ten years ago we had only a few hundred out in the community on any given date. Today we have over 5,000 out in the community.

All of this is the direct result, in my view, of more and more arrests, 80% increase in arrests over the period of the 1980s. More than 225% arrests during that same period just in drug offenses. As a result of this tremendous volume problem facing the system, a majority of offenders who are sentenced to jail in Connecticut are serving 10% of their sentence.

I would point out to you parenthetically, because I think it's important for you to know this, that a third of the offenders in jail are not serving that. In fact they're serving their full sentence. These are the ones who are in on mandatory jail terms.

Needless to say, allowing the situation to continue where so many are serving so little time, does threaten the integrity and the deterrent value of a criminal justice system and I think it's something that this report is intended to correct.

Despite all the prison beds that we have added, and it's been 5,000 over the period of the 1980s, and despite the fact that we have another 6,000 that will be open by 1992, our projections show that by the end of 1992 we would be 8,000 beds short. The net effect of that is that we would have 8,000 offenders out in the community and we're concerned about the threat that that poses to public safety and to the effectiveness of the State's criminal justice system and the Overcrowding Commission felt it was unacceptable from a public policy standpoint to go along with that.

So SB468 is an attempt on our part to reverse the trend of offenders serving decreased time in prison and to assure some accountability and supervision for all offenders who are in the community. We believe it will help to restore integrity and effectiveness to the criminal justice system.

The key points in this bill are as follows: One, it will increase the time served by incarcerated offenders to at least 50% of the sentence imposed. It will empower the board of parole to determine when an offender sentenced to over a year should be released to the community. Again, once the minimum 50% has been served.

It will eliminate the supervised home release program entirely by July 1, 1993 and require that during the interim, by mid 91-and 92, the minimum time served in order to be eligible for home release, rise to 25% and then 40%.

Fourth, it will authorize the legislatively established emergency commission, which consists of the chief state's attorney, the chief court administrator and the attorney general, to determine between now and 1993 when and if the Commissioner of Corrections can go below the minimum time served.

It will also exclude drug sellers who have previously been incarcerated for a drug sale conviction from being eligible for home release.

And finally, it will extend the life of the emergency correctional facility legislation which allows us to build correctional facilities without the timely environmental studies and the competitive bidding process.

Now, this legislation is really founded on two premises. First, that we can deal with that 8,000 bed gap projected for 1992 by taking out of the system, about 4,000 offenders who otherwise would be in jail. These are people who are in on sentences of 12 months or less. They're essentially misdemeanants and narcotics possession individuals who are now serving a month or a little bit more, and divert them at the court level, through the alternative incarceration center program into supervision and drug treatment.

Governor O'Neill's budget has provided \$4 million for this for the next fiscal year. During that time we will have to divert 1,000 of the 4,000.

And secondly, it's founded on adding about 4,000 beds to the correctional system by mid 93, beyond those already either under design or construction. Now this is something we're going to proceed on very cautiously. If at the end of 90 or 91 the projections show that these beds are not needed, we always have time to pull back on it, but between now and the end of the year we are conducting a feasibility study on where they would go, what type of beds, what kind of program would be offered in the event that they need to be built.

So SB468 in our view, presents and opportunity for the State to recapture the goals and functions that all of us would agree are important to a criminal justice system. And I would urge your favorable action on this bill.

I have sent to you my full testimony and some technical amendments to the bill and of course I

would be available to work with the Committee as you consider it in your Committee. Thank you, and I'd be happy to answer any questions that you have.

REP. MINTZ: Representative Wollenberg.

REP. WOLLENBERG: Yes, thank you. I applaud anything you're trying to do here, don't take me wrong. I don't know the answer to it, so I'm not going to be critical of what's trying to be done here. But I really see this as a bandaid approach. I don't know how we're going to do away with home release. I understand the figures that we have now.

And you say you're going to take a look at it in a year or so and see if the figures have changed. You may not have to build. What if you look at it in a year or so and you find out that the figures have gone up so that you need to build another 3,000 beds? You know, where are we there, and again, I appreciate the try and I applaud you for it.

WILLIAM CARBONE: Well, I think we've got several things in our favor now, Representative Wollenberg and it's an excellent question that we didn't a year ago. First, every bed for which the Legislature has provided the authorization and the funding, is now either in design or under construction.

No correctional facilities at this point in court. Everything has gone forward. It is proceeding in a timely fashion. You gave us the authorization to proceed on 2,500 beds, using emergency procedures a year ago. Every one of those beds will open on time during 1990. So on that score, I think we're making some progress.

Secondly, I have a lot more confidence today in our projections. We have factored into them, the war on drugs and increase in arrests that we've experienced and that we anticipate, so I have a lot more confidence today in our projections than I did even a year ago.

REP. WOLLENBERG: Do you feel, Bill, as though we can build out of this. You were at the same conference I was that you were talking about, you can't build out of it.

WILLIAM CARBONE: No. In fact as we looked at that gap of 8,000 beds, my first response to it was, let's solve the problem entirely by taking all 8,000 and putting them into the community. But frankly, what you find once you get beyond those who are serving sentences of over a year, is that they're characterized by violence, serious offense, drug selling, not the kind of people who I would be comfortable recommending to you for release.

I think we have to continue to try to solve this problem in a balanced way, Representative Wollenberg, and that's the reason that half the problem here is being solved through alternative to incarceration.

And I think that group that's going in and getting a sentence of a year, serving just a few days, everybody agrees we're not serving the punishment function of the system, we're not treating them, it's a revolving door. The offenders know it. In many cases the penalty is outweighed by the profit that they may make, so it's far better to divert those people at the court, get them into drug treatment.

And I will say this to you. We did consult with judges and I asked them to question very directly. What would make a difference to you between sending one of these guys in and putting them out. And they said, if you had alternative incarceration center programs throughout the State and we were guaranteed they were going to be supervised, there was going to be accountability, that they were going to get treatment, that group of offenders we would rather see in the community than in jail.

REP. WOLLENBERG: Is there treatment in this bill, too? We fall very short of treatment, I know that. The Judiciary is critical of that and I am, too. Again, I don't know how you do it. I don't know how you treat all these people that we should be treating, but we fall far short of that. Is that taken care of in here? Somewhat?

WILLIAM CARBONE: Yes. We already have the legislative authorization for the diversion program. We passed that in the last session, PA390.

REP. WOLLENBERG: How many beds?

WILLIAM CARBONE: What we needed -- the target here is to say 1,000 beds during the next State fiscal year. In order to save 1,000 beds, we actually have to divert about 4,000 people, so we consulted with the individuals who run these programs. Governor O'Neill's budget includes \$4 million to support this and we've also allocated an additional \$5 million of federal narcotics enforcement money toward this effort. So I think it's adequately funded.

REP. WOLLENBERG: Because we know now if somebody waits for a program, it's 6 or 8 months before they get in a program --

WILLIAM CARBONE: That's correct.

REP. WOLLENBERG: -- so they choose to go in and spend a couple weeks and get out.

WILLIAM CARBONE: And that was the very point, by the way, the judges made to us. Yes, we would be willing to divert this group but we're not going to wait months to get them into a program. You've got to have somebody there the day they're sentenced.

REP. WOLLENBERG: And that's on the drawing board, too.

WILLIAM CARBONE: Yes.

REP. WOLLENBERG: To be a reality. Okay, well again, I don't have any alternatives, so I applaud what you're trying to do. I hope.

REP. MINTZ: Representative Ward.

REP. WARD: Mr. Carbone, how confident are you that the 1991 and 1992 goals of 25% and 40% of a definite sentence will be served?

WILLIAM CARBONE: Well, they're founded on two precepts. One, that we're successful in diverting 1,000 of these individuals during 1990 and another 1,000 in 1991. And secondly, that the additional beds that are currently on the drawing boards or under construction, open on time.

And I would say a third, that the projections turn out to be correct. I am very confident at this point that we're going to open the facilities on time.

Secondly, I'm confident that we can successfully implement this diversion program, that we have a sufficient pool of D felons, misdemeanants and drug possession people to diver the 1,000 in each of the next two years.

The projections I feel more confident about than I did a year ago, but I don't have a crystal ball. I can't say to you with any certainty that there's not going to be a greater surge in arrests for drugs than we're already experiencing.

I can tell you we're going to monitor the situation very closely and we did built into this legislation that in the event the Commissioner cannot meet the increased time served, rather than create an emergency release of inmates, he can go back to the 3 member commission and ask them to allow him to lower it. So there is an emergency valve built in.

REP. WARD: That was the reason for my asking how confident you were because your initial testimony was, here's what the law is going to say, 25%, 40% and when I read the rest of the bill I said it says that unless we can't do it, in which case we waive out of it. So it seems like we haven't really gotten rid of the home release in that period we got in that sentence. We say we are and then we say, what if it doesn't work, waive out of it, but I appreciate your --

WILLIAM CARBONE: Well, I think you know, to those of us who are running the system, Representative Ward, you have to have that kind of a relief valve to deal with it. Because otherwise, what the law says is that the Commissioner has to automatically reduce the population by 10% which would mean all at once he'd let out literally hundreds unsupervised, and that's a far less attractive alternative than having the chief state's attorney, the chief court administrator and the attorney general allow him, instead of meeting the 25% to go down to 20%, or 21%.

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REP. WARD: We need authority to repeal that statute, don't we?

WILLIAM CARBONE: The other statute?

REP. WARD: The statute on emergency releases is a statute, it's not a court order on emergency.

WILLIAM CARBONE: Yes, but I think, you know, we all know the consequence of that. We've already got about 9 or 10 facilities in Connecticut that are under federal court order and if we don't you know, take control of the problem ourselves, inevitably the courts come in and they set limits that are far more restrictive than the ones that we set.

So, ultimately, offenders will be released, either as a result of the court order or as a result of our own statute.

REP. MINTZ: Representative Wollenberg. Representative Grabarz.

REP. GRABARZ: Bill, I think that this certainly brings us in the right direction. One of the problems now is that women in incarceration don't have the same availability for some of the kinds of programs that you described that men do. Will this new plan try and correct some of that?

WILLIAM CARBONE: Absolutely. A key part of this goal also includes the facility in Niantic, so certainly a proportion of these services will be for the reduction of the population there.

I would point out to you, Representative, that last year the State did enter into a federal court agreement on the Niantic facility, and under the federal court order, the actual expense for female offenders is somewhere around \$40,000 per year, so it's nearly twice as much as it cost us to keep one male offender, so I think the services have been substantially increased.

REP. GRABARZ: It's a coincidence because they don't have the kind of services that male offenders do.

We have a plan to construct, hopefully, in here as I read it, 2,000 new beds by 1990, '92. The Department must have some kind of an idea about the distribution of those beds, now before the study is done. Is it hoped that there would be one new site, several new sites or an addition to a proportion of beds to every existing site, or is there any idea generally about how these new beds would be distributed?

WILLIAM CARBONE: Well, the Governor's budget has provided the necessary capital funds for the State to begin July 1 and conclude by the end of the year, a study on where these additional 4,000 beds would go, what kind of facility they would be, cell-construction, dormitory construction, what program would be offered, and that will provide us essentially with the blueprint so that as we go along and make a determination that they are needed, we know where they should be built and we know what should be built. So I can't tell you at this point where they would go.

REP. GRABARZ: Is there any specific category of bed that's being ruled out in this construction or is there any specific category of bed that the construction will be diverted to?

WILLIAM CARBONE: Well, I would say to you the kind of construction such as we are now doing in Suffield which takes several years to complete, it's a long-term facility, is probably not the sort of which these beds would be, because these would have to be brought on line in each case within a year's time.

And I will say to you that Connecticut is really a model in the nation for being able to put prison beds up. We can do it now within less than a year. We can put up a 300 bed facility, because of the statutory powers that the Legislature has given to the Department, so we'll do it as quickly as we can.

REP. GRABARZ: You're talking about medium security.

WILLIAM CARBONE: Typically, they're minimum security facilities.

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REP. GRABARZ: Minimum. The current per bed cost of construction is, I think I heard, \$100,000? Somewhere in there?

WILLIAM CARBONE: That sounds correct.

REP. GRABARZ: So we're talking about potentially \$40 million plus in new construction costs in four years?

WILLIAM CARBONE: Well, we're able to put up a dormitory, for example, for 300 inmates such as we're doing now in about six locations for under \$12 million. In fact, a part of this legislation raises the cap on that to \$15 million because it's very difficult for us to continue to do that.

So, frankly, when you consider how quickly we're able to bring them on line, that's actually pretty cheap and how many beds you get.

REP. GRABARZ: Given this legislation, if we pass this, you won't have to come back to us for any of the additional 4,000 beds for any reason, would you?

WILLIAM CARBONE: No, because actually, the beds are not a part of this bill. Those are covered in the capital proposal submitted by the Governor and when that is passed, the funding is in that for the feasibility study to determine where they go, etc., and then the actual construction of those beds would be covered over the next two fiscal years.

REP. GRABARZ: Thank you.

REP. MINTZ: Representative Lawlor.

REP. LAWLOR: Good morning, Bill.

WILLIAM CARBONE: Good morning.

REP. LAWLOR: In essence what this bill is asking us to do is to endorse a long-term strategy to identify a goal today and endorse it. Has any thought been given to what the annualized Corrections budget will be once the new beds that are already in the pipeline, together with the 4,000 additional bids

you're essentially recommending today, what the annual Corrections budget will be at that point five years down the road?

WILLIAM CARBONE: Well, I don't have that figure, but I can tell you it'll probably follow the same pattern as it has over the 1980s. I think it began the decade with somewhere around \$40 million and ended the decade at \$225 million, so I'm sure it's going to continue to go upward.

REP. LAWLOR: Because I've heard projections and I assume they're based on some realistic appraisal, of what it's really going to cost, that the annual prison budget would be about \$1.3 billion.

WILLIAM CARBONE: At what point?

REP. LAWLOR: In five years. These new cells.

WILLIAM CARBONE: Well, it's \$225 million this year. I suppose it's going to rise to about \$250 or so next year. I don't know, Representative Lawlor, I can't, I don't know where you're getting the figure of over a billion.

REP. LAWLOR: Well, we're talking about, we have approximately 9,000 cells on line at the moment, beds, and you're talking about approximately 19,000 beds in 5 years, if we construct the additional 4,000. And plus, you're talking about expanding the field supervision capacity dramatically for the people who are released after they serve 10% of their time. And all of this really is guesswork.

And the field supervision ratio right now is over 100 to 1, 100 supervised offenders to one parole officer. So, in order to make the system work, we're talking about bringing on tremendous more field supervision capacity and a tremendous number of cells and I think if we're authorizing that strategy today, we ought to have a real firm idea what the budget's going to be, because if we're going to spend 20% of our total State budget on Corrections, I think people ought to deal with that reality now, before we adopt a strategy.

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WILLIAM CARBONE: Well, you may be correct in that figure. I just have not actually calculated it so I don't know that it will impact, go that high in 5 years. I can certainly foresee a time when it would.

REP. MINTZ: Are you done? Representative Thorp.

REP. THORP: Yeah, I looked at the charts and graphs on this and we started out in the 80s with something in the order of .15, .20 of 1%, a fifth of one percent of the population of the State in jail. When we get up 19,000 beds, we're going to have close to I think it's .43 or 43/100ths of one percent, or getting close to half of 1% of the population in Connecticut in jail.

If you extrapolate those figures by the year 2000, we're going to have well over 1% of our population in jail. I frankly don't see anything on the horizon that would indicate that that kind of growth isn't just simply going to go on and on and on. What do you think? What is your professional opinion? Will there be 1% by the year 2000?

WILLIAM CARBONE: Well again, as I said before, I don't have any crystal ball. At this point in time I have confidence in our projections. I think at some point it's got to level out.

Connecticut is experiencing the same kind of surge as are most other states. You know, much of the prison population is in on mandatory sentences. These are bills that are passed by the Legislature and offer really the judge's little or no option. They have to send them to jail and they have to send them in for a certain period of time.

For example, I was looking at the pool that would be eligible for the diversion program that I spoke about earlier. And what it amounts to, on any given day, we have about 6,000, I'm sorry, in 1989, this is just to give you an idea. In 1989 out of 14,700 individuals who were sentenced, 6,600 of them received a sentence of a year or less. And that meant they were typically in on a misdemeanor or a D felony or less.

But of that amount, somewhere around 30% were actually in on mandatory sentences, so even though the offenses, many of them were drunk driving crimes for which the court does not have the authority not to send to jail if it's a second or third offense, so they automatically go in.

Now there are matters, and the reason I'm explaining this, over which we really have no control. The legislation says they must go in jail. And so long as that kind of a thing continues, and here too, I really don't see any end in sight on that. I think it's certainly going to have an effect on the population.

But at this point in time, Representative Thorp, I would say to you that I have more confidence than I ever had in our projections.

REP. THORP: Well, I have no doubt that we'll up the 20,000 or 19,000 which will get us up close to half of 1%. Now, that 20,000, or 19,000 beds, is that so-called State prisons. Does that count the jails?

WILLIAM CARBONE: It's everything.

REP. THORP: It's everything. Whalley Avenue, it's Litchfield, beautiful downtown Litchfield, so everything.

WILLIAM CARBONE: Yes.

REP. THORP: Okay, well using your own figures, it looks to me like we're going to have about 1% of our population by the year 2000 in jail if the Legislature continues to try to solve the problems that they're trying to solve by the current methodology. It looks like great opportunities in the Corrections area for employment, I don't know what else.

WILLIAM CARBONE: This bill, Representative Thorp, is really founded on a belief that there's always going to be people going to jail. It forces Connecticut to make a decision, who do we want to go to jail? If we want the serious, violent

offenders, the drug pushers to go to jail and to know when they do that they're going to serve the sentence that's been given to them.

And if we're not going to just keep building as a solution to this problem, then we have to take out the classification of offenders who pose the least risk to public safety, whose crimes are really driven by a drug problem, divert them at the court level and hopefully keep them out of the correctional system at all.

And that should free up enough beds so that those who do go in can stay there and at the same time it permits us some time to monitor the system and see whether or not additional beds are needed.

REP. THORP: I guess it just sort of gets my goat that it's only Russia and South Africa and the whole world that has a larger percent of people in jail than we do, and here we are supposed to be the model for the rest of the place and Russia and South Africa are just marginally ahead of us. Not a place that I like to see us coming in third on. I'd like to see us coming in 100th, or something of that sort.

REP. MINTZ: Any other questions? Representative Prague.

REP. PRAGUE: Bill, I heard you say that it costs twice as much to, for a female prisoner as it does for a male prisoner and you know, I just wondered what that explanation was. Niantic certainly is no Hotel Summit.

WILLIAM CARBONE: Well, there was a lawsuit filed against the State about three years ago on behalf of the inmates by the Civil Liberties Union, and it ended a year ago in a court order that required the State to substantially increase services for mental health, substance abuse, education, general health programs, programs involving female offenders and their children and added several million dollars to the Department of Corrections budget last year, far more this year.

The net effect of it is that it's increased the per inmate cost. At Niantic, which of course has a limit. The federal court limit there is 598 to around \$40,000 per year. The average male cost I believe is about \$23,000.

REP. PRAGUE: Are the programs now implemented for these prisoners? Are there educational programs and mental health programs?

WILLIAM CARBONE: Every program that was the result of the court order is in effect currently. It required, I don't know the exact figure and Commissioner Meachum can probably speak to this better than I, but I know it required a significant infusion of staff which the State was forced to add to the budget mid-year last year, as a result of the court order. So I'm quite confident that all the programs are in place.

REP. PRAGUE: I just have one more question about something you said in your testimony that SB468 would give you statutory authority to bypass the bid process, the bidding process that the State usually is required to go through before money is spent.

The length of time, if you had to go through the bidding process, would be what, approximately?

WILLIAM CARBONE: Well, let me explain it to you this way. Last year the Legislature gave us the authority to waive environmental studies and waive competitive bidding, but they put a limit of one year on the bill and secondly, they put a limit of \$12 million on the amount that could be spent.

So what this bill does, it extends the time period to bid 1993, which is the period envisioned in this bill and it raises the limit up to what is it, \$20 million, and that's based on our experience.

Now let me just give you an example on time. We can put up a 300 bed dormitory under this bill, start to finish, in less than a year. This bill went into effect July 1st of 1989. We will open the first dormitory that this made possible next month, in Montville.

If this bill were not into effect and we had to conduct an environmental impact evaluation and go through competitive bidding for architects, engineers and contractors, I would venture that that building, not even at this point, be under construction.

So what we can now do in a period of nine or ten months otherwise would have taken us 18 months to two years.

REP. PRAGUE: I think the time frame is you know, a very serious consideration. It just makes me very nervous when you spend the State money without competitive bidding.

WILLIAM CARBONE: Yeah, and we're very careful about that. The Commissioner of Public Works has to actually meet with three architects under the law, or three engineers or three contractors and give them a general proposal and then they give him a bid. It's done informally, but it is documented for the record.

But the fact of the matter is, Representative Prague, is that the population in 1988 went up 35% in one year. Another 27% in 1989. So the rate of increase exceeds what our statutory authority enabled us to do in the way of construction. So that was intended to give us the tools that we needed to bring additional beds on line in order to keep pace with the need.

And I would strongly urge you to continue to let State officials have that authority and it's only for Corrections projects.

REP. MINTZ: Representative Wollenberg.

REP. WOLLENBERG: It's not for LOBs.

WILLIAM CARBONE: No.

REP. WOLLENBERG: Bill, I hear this and I asked this when Jack Kelly was here too, but it seems to me that we're saying in these alternative programs and we're talking about misdemeanants and things like

that. We're getting a little farther away from possession of marijuana in the third or fourth time and so on being a crime at all.

Whether we in the Legislature are saying that we're going to be decriminalizing it, it's kind of happening anyway, isn't it, as I see it, and alternative program, you're going to have to stay after school for two hours or something like that, rather than go to jail for a week or five days, it seems to me we're taking the sting out of it so that we're almost getting to a point where we're talking about decriminalization of some of the misdemeanor crimes of drugs.

I don't know whether that's good or bad. I haven't given it much thought. I hear pros and cons on the decriminalization of marijuana, but it seems to me that we're going in that direction whether we realize it or not, and I just mention that because I think we as legislators should understand that. Do you see it that way?

WILLIAM CARBONE: Yes, I would agree with that. I think in fact this bill is founded on a decision, who do we want to incarcerate? If you want to keep the serious offenders in, the violent offenders in, the drug pushers in, and let them know up front that the day they go in, they're going to serve at least half their sentence and there's going to be a civilian board that's going to decide when and if they can get out, there's a price we have to pay for it.

And that's that many of those who are now going in on the lesser offenses, that are not characterized by violence, that are largely driven by a drug habit, have to be diverted and handled non-judicially.

I think from our standpoint, Connecticut 1990 is a sensible thing to do, given the economics, and given the obstacles of trying to solve it any other way.

REP. WOLLENBERG: Yeah, and again, I say, I don't have any alternative, but it seems to me that that's what we're doing as an alternative, kind of decriminalizing.

WILLIAM CARBONE: Yeah.

REP. WOLLENBERG: Thank you.

REP. MINTZ: Well, we're not really decriminalizing, we're institutionalizing those offenders, they are still criminal offenses and the punishment is actually treatment, which is the proper way to go.

REP. WOLLENBERG: Well, that again, let me ask you that, now. We hear this treatment business and I think that's something we should consider and we have to consider. And then I hear other legislators saying, well, when we get these bad people in there, we are going to educate them now, aren't we, and we're going to do this and we're going to do that, and we're going to do the other thing. The money that we're going to spend for that is going to take away from incarcerating them, the other ones.

So I think that we, as a Legislature are going to have to make a decision here as to whether we're going to mollycoddle these people or we're going to have real prisons. And if we're going to have real prisons, we ought to get to work and make that decision. Bill, why am I doing this to you? You probably agree with me.

WILLIAM CARBONE: I agree with you.

REP. WOLLENBERG: I get frustrated with this when I hear these kinds of things, that drug sellers in for the third or fourth time, we're all of a sudden worrying about how much education we're giving them. And I know everybody will boo and hiss, but darn it, that's the way I see it. I see it as being, we're sending mixed messages to you people to try to do anything and to Commissioner Meachum and you folks.

WILLIAM CARBONE: And we share your frustration and some may think it's strange that the Overcrowding Commission submits a bill to terminate supervised home release program, but our principal concern is public safety.

This program in and of itself is not a bad program. What is bad about it is that it's the State's principle response to overcrowding and the message it sends to offenders. That's what this bill is intended to change.

REP. WOLLENBERG: So, let's take the bull by the horns and say, if you're possession of marijuana, a couple to three times, we're not going to put you in jail, we're going to give you some alternative and if you'd start doing that, it's well, it's tantamount to decriminalizing, I think. Thank you, Sir.

REP. MINTZ: I don't. Thank you. Any other questions? Thank you. The last public official we'll have and then we'll go to the public, and that is Larry Meachum.

COMM. LARRY MEACHUM: Thank you very much for the opportunity to be here because I think these things are extremely important to not only the public, but to us who are trying to manage the Department of Corrections.

I'd like to speak in regard to Raised SB468, AN ACT CONCERNING THE SUPERVISED HOME RELEASE PROGRAM. This is the third Jail and Prison Overcrowding Report that I have participated in and when I came here in 1987 we were managing approximately 8,000 offenders. 7,000 of those inside and approximately 1,000 in the community.

Now we're managing about 16,000 offenders, so we have, for all practical purposes, doubled our population and about 9,000 of those are inside of the facilities.

That means that we've gone from about 1,000 people between halfway houses and supervised home release, up to just shy of 6,000 people out in the community. This bill would allow us to try to address that, because I think that if we, as we have used the supervised home release program to try to manage and to control the prison population, having to do something with those people we've been very successful in moving some of these people out

of the institution but at the same time, we have caused the public, I think, to lose some confidence the system delivers on the promise.

Overcrowding does not just affect the community and put the community at risk. I think that we all ought to understand that (GAP IN CASSETTE)

(cass 2)

When offenders think that they have entitlement to programs, I don't even have to serve but 10% of my time, then it affects plea bargaining, because they may plea bargain, thinking that they're going to get out in 10% of their time.

If they come inside and think that they should have gotten out already, then they start to have an attitude thinking that you owe me this and if you don't let me out right now when I want it, then I'm going to cop an attitude or give problems to the corrections officers.

That's the last thing that I want to talk about in terms of the impact on the corrections system of overcrowding, is that we have people who work in this State 25% of our workforce, which is new, because you gave us a 25% increase last year just to deal with this population. Then that means that a lot of people in our environment are trying to work, do their jobs, serve the public, under conditions that sometimes become very difficult.

To manage an offender who has an attitude. To manage all these numbers of inmates sleeping on the floor. To manage the problems of inmates who seem to come and go, thinking that they are beating us because of our own problems. Inmates who have lost earned credits restored, simply because it will get them out of the system, and it starts to challenge the integrity of everything we do.

It challenges the integrity of the prosecution. It challenges the integrity of the courts. It challenges the integrity of criminal justice and it certainly challenges the integrity of what we think what we're supposed to be doing inside of the system and puts our staff at risk and also puts the other offenders at risk.

We think that those things need to be changed, so therefore the Department strongly supports SB468 because the idea here is not only having enough prison space to deal with these problems, but allow us to move away from this supervised home release concept and to have offenders serve their time, except when the court determines that they will receive an alternative and so there would be approximately 4,000 that would be diverted by the courts, and that 4,000, plus the 4,000 beds that are being discussed were to be brought on line, then the Department could get out of the release business simply because we do not have the space for them.

Because of that, we would strongly recommend that the decision for these diversion programs be placed at the judicial level as we think it ought to be. That would allow us to restore the integrity, I think, to much of the system.

Of the three reports that I have participated in since I have been here in the State, I think this is the most comprehensive one, and if what we say means anything in the criminal justice process, I think that this recommendation and this bill goes the furthest of anything I've seen to accomplishing that. And I'm ready for questions.
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REP. WOLLENBERG: Commissioner, I just made a note here because you're telling us that it's going to be better for the community, the perception is going to be better for your situation if judges do this instead of you. Isn't that a copout?

COMM. LARRY MEACHUM: No. I think that when you get into the level of the prosecution and the judges, to say that there are alternatives that could be looked at, whether they are short-term misdemeanors or class D felons, that if we can find other options, one of the best things that you've done, I think, is to come up with funding for an alternative incarceration center, which are spread throughout the State now.

The conversations that I've had with the courts is that they have confidence that the ARCs are really going to do the job and hold the offenders accountable and make sure that they present once they come to trial. Those are programs primarily directed at pre-trial.

My numbers are impacted by the pre-trial and the center's population and if we can find ways to divert those that are in a pre-trial status and then also find a way to manage the lesser offender in the community by an action of the court that sees the community as a viable option and alternative for the lesser offender and let us save these beds, whether they're going to be 9,000 or 15,000, or an additional 4,000, which would give us approximately 19,000 beds by 1993 or thereabouts, then we would have the capacity and capability to manage the numbers that the courts would send us but then the courts would be making those decisions as to who would be out there even for the short term centers people.

REP. WOLLENBERG: Well, you were making the decision in the home release program.

COMM. LARRY MEACHUM: Yes.

REP. WOLLENBERG: And you were taking a look at folks after they'd been with you for a little while and saying, it looks to us, it seems to us as though this one's an easy candidate and so on, there were some rules.

COMM. LARRY MEACHUM: Yes.

REP. WOLLENBERG: But still there were some judgmental factors in there and you were making some of those decisions after you had seen them for a while. Why isn't that better than a judge making it on first play?

COMM. LARRY MEACHUM: Well, let me see if I can do this as diligently as possible.

REP. WOLLENBERG: I was never that critical about the home release excepting we had some bad incidents and the perceptions that are popping our and

popping everybody and that, society has risen up and saying that's a bad deal. Tell us of the hundreds and hundreds that you let out and work and there were a lot that worked, weren't there?

COMM. LARRY MEACHUM: Yes, there are many who are very successful. When I came, the only one who could not go on supervised home release was a capital felony. A capital murder. Then we increased that to include anyone who caused a death of another human being. Assault 1, sexual assault 1 and robbery 1. Then we increased to some drug possession with nondependent persons.

We started to chip away at the eligibility pool. The ones that that left us with became such a small pool, that in effect, we were trying to get people out after having served 10% of their time just to avoid the gap.

The numbers were not sufficient. We would have to restore time credits lost for discipline. We would have to restore to give meritorious time credits, sometimes for breathing being meritorious enough. We would have to, I'm just being honest with you.

REP. WOLLENBERG: I know you are.

REP. WOLLENBERG: And then the wardens would have to defend why those eligible people were not out. It wasn't a matter of just using good judgment and discretion, it was like why are they in there and tell me why, and it was either because they had a recent discipline infraction. It was because they had been out once and violated and come back just recently and we would not turn them around and let them go out again, even though when we would get within the 25th, 26th, 28th day of our cap, we might waive the discipline, we might waive the previous program phase and on occasion, even waive the 10% so they weren't even doing the 10th and the wardens would have to get enough people out within the eligible pool to get them out.

I think those decisions to be better made by the court and get us out of that business and let us run prisons.

REP. WOLLENBERG: So we in the Legislature tied your hands so that it ruined the program. Don't answer that, you don't have to answer that. Sure we did. I argued on the floor of the House that we shouldn't do this, we shouldn't do the mandatories for some of these things. We shouldn't tie your hands and we passed it every year because it sold well in the community, really, and we were not remembering the problem we had sitting back here with all these people and I think we should take a better look in the mirror on these things before we act.

COMM. LARRY MEACHUM: It all meshes. It's not just the mandatories that I can't let out. It's also the mandatories that you passed for the 48 hour drunks. It's the mandatories for all the mandatory sentences, because I can't touch those.

I mean, if you have blocked my path, I can't go down that path and so therefore, until they reach their minimal time served that they have to stay in, I can't touch them.

REP. WOLLENBERG: Well, in addition to Bill Carbone, I applaud you for hanging in there and trying to do something about this. I don't know the answer. I don't know if anybody does, but you're working at it and that's (inaudible).

COMM. LARRY MEACHUM: This is the closest I think that we can come to restoring the integrity of the system and I strongly urge that we pursue this.

REP. MINTZ: Representative Ward.

REP. WARD: Commissioner, just so that I get it straight, those things that were passed in the last year or two years which said if you take a human life, sexual assault 1, robbery 1, those numbers were small numbers that became ineligible, isn't that correct? The others that were mandatory minimum which is a whole broad range of statutes creating problems in supervised home release but you weren't letting out a lot that took human lives. There weren't a lot of sexual assault ones, robbery ones, out to begin with, were there?

COMM. LARRY MEACHUM: You're right. There were not that many, and whenever you look at it and say, well, how much of an impact would this create on a given day and time it would not create that much. But when you take this group and next week's group and the next week's group they start to overlap with person days, that starts to build up, so that approximately a third of our population now cannot go out.

I think that is one of the significant advantages at this point just in terms of correctional programming, to restoring the parole board, so that there are some options for people to not only behave themselves but to do something with their time and we're not looking at the parole board being a replacement just to relieve numbers, but it gives us a better correctional program in concept to try to deal with these people. That's the reason I strongly urge that all of the pieces of really a puzzle, take out any piece and the numbers are probably going to be skewed in such a way that at best, since we're not profits and seers, the numbers are the best scientific swag that we can come up with and a lot of hope.

We may have to revisit this again next year and the year after and the year after because nobody would have anticipated a population doubling in two and a half years. I wouldn't have when I came here. And we don't know what's going to happen in the public climate or in our world in the next two and a half years, so we will have to revisit this and to stay on top of it because this is not the last answer or word for criminal justice for the future.

REP. MINTZ: Representative Lawlor.

REP. LAWLOR: Commissioner, I just wanted to ask you the same question I asked Bill Carbone. Do you have any sense of a ballpark figure of what it would cost to operate a 19,000 bed correctional system, supervising 5,000 or 6,000 people on parole at SHR, whatever (inaudible).

COMM. LARRY MEACHUM: I heard your figure. I have used it a couple of times because I know where it came from and if you'd please not ask me where, but

somebody who is a lobbyist put some figures together looking at current growth and where it would be if we did, and came up with about \$1.2 or \$1.3 billion. I don't know. I have never figured it out, but it's going to grow.

Our budget projected for next fiscal year has recommended about \$275 million and it's certainly, we have 20 institutions. By 1993 we will have 30 institutions. So we will have to have the staff to staff 10 additional institutions by 1993.

REP. LAWLOR: So just so I'm clear on this, we're talking about, if that's the figure, \$1.2 billion in 1990 dollars and the \$7.2 billion State budget just for the prison (inaudible).

COMM. LARRY MEACHUM: I don't know what the budget will be then. I mean -- those are figures that haven't been tested and I want to be careful with that.

REP. LAWLOR: (inaudible-not speaking into mike)

COMM. LARRY MEACHUM: It's going to be very expensive.

REP. MINTZ: Representative Grabarz.

REP. GRABARZ: Actually by 1992 we'll be spending more on prisons than on schools, given the current trend.

COMM. LARRY MEACHUM: I'm in the unenviable position of being a commissioner who probably wishes he were not growing so much and that that money could go to places that could help prevent people from coming here. Though if we're going to make these decisions we're going to have to provide the staff and take care of my employees who have to work in those environments.

REP. GRABARZ: You're right. You mentioned about the integrity of the system and how sometimes it's challenged by mandates put on by the Legislature and I couldn't agree with you more.

There are some areas in which I think the integrity of the system is challenged that I haven't, really

don't have a clear understanding of why we don't, why we don't make those changes which could be made without the Legislature's involvement.

I think the integrity of the system is challenged by the kind of supervision that we provide after any kind of release and that really there is a serious problem in Connecticut when, as members of your Department have said at times, we can't even make adequate contact with people who are out. Why, will this bill correct any of the serious problems that we have in actually providing complete supervision for people who are released?

COMM. LARRY MEACHUM: Well, I don't know that we know what complete supervision is. Not everybody requires intensive supervision. I mean, we have some stars and some bums and a lot of people in the middle just trying to make their time, so therefore, we don't need a lot of supervision for the stars. We have to have a lot of supervision for the bums and then we can make judgments of those in between and sort of classify those people.

Every piece of the system, education programs, drug programs, community release, every part of the system is compromised by numbers. We started out trying to keep a 50 caseload ratio for parole officers and about a 35 caseload for addiction service people out in the community, Project Fire.

REP. GRABARZ: That's very high in relation to other states, isn't it?

COMM. LARRY MEACHUM: It's a little bit high but it was in the ballpark. But then we moved that to 70 people for the parole officers and 50 people for Project Fire and we didn't have running an average of around 100 people on parole supervision. Now that does start to lose the quality of supervision.

There are 20 positions in the Governor's budget as recommended to add additional personnel in the community to supervise people and help bring those numbers down. But, if we grow the way we're anticipating growing, even before some of these things are in place, we will be back up to close to 100 to 1 supervision.

So everything is impacted, and everything costs money and it's limited.

REP. GRABARZ: And the example that you said about the plea bargaining and someone going into trial thinking that they will be out is also, the integrity of that system is also challenged by the fact that that person knows that when he's out, even if he's out on parole or probation, that he might get a phone call within the statutory period of time and that might be it.

COMM. LARRY MEACHUM: Well, they're supervision people. They're coming into offices. Our officers go out to the field. They sometimes put electronic monitors on them. There are various levels of control that we can put on an offender up to and including the electronic monitoring and we've had the inactive system and we're moving toward an active system so that if a person moves more than 150 feet away from their monitor that we'll get an alarm rather than a random call to see if they're where they're supposed to be, that is computer generated. So there are various levels of control.

REP. GRABARZ: We don't use that on many people, though. It's my understand that we didn't have the equipment until very recently.

COMM. LARRY MEACHUM: Yeah, and it is very recent and we are expanding but it's very small right now, yes.

REP. GRABARZ: Yes.

REP. MINTZ: Any other questions?

COMM. LARRY MEACHUM: Thank you.

REP. MINTZ: Okay, now we'll go to the public, Richard Bieder.

RICHARD BIEDER: Senators, Representatives, I'm here HB 5993 because Ken Thall whose son was killed in the Stratford Toll Booth crash could not be here. He was going to tell you a little bit about his own situation, but he was going to read a statement from Paul D'Arce and if you don't mind, and by the

Later on in the afternoon you will be hearing some testimony from Mr. William Bradley, the president of AFSCME Local 1565, representing the correctional and parole employees. He will be offering supporting testimony with respect to Raised SB468.

Our concerns have to do with Raised HB6028, AN ACT CONCERNING BAIL DECISIONS AND CONDITIONS OF RELEASE. We've submitted written testimony and we will not read the testimony here at this time.

Our main concern with the bill is the potential impact that it would have on those bail commissioners with respect to changes, alterations or modifications in their current role as bail commissioners.

We believe there are aspects that properly relate to matters of collective bargaining, and as such, we would like the Committee to understand our concern with respect to that point. That represents our testimony on that bill, Mr. Chairman.

REP. MINTZ: Representative Caruso.

REP. CARUSO: Thank you. Paul, I've read your testimony. It seems to me that the major emphasis is on this collective bargaining issue. Is it my understanding that the organization would support this bill as long as it doesn't adversely impact on collective bargaining?

PAUL WALLACE: Yes. But we would like some guarantees, Representative, to insure that, and that is the thrust of our testimony as we see it impacting on the bill.

REP. CARUSO: Do you have any suggested changes as to what we could insert in here to make it acceptable?

PAUL WALLACE: Yeah, we do and it's, as the say, one line, and it would go something to the effect for employees covered by collective bargaining agreements, the provision of this bill shall be subject to collective bargaining. I could submit that in writing to the Committee.

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REP. RADCLIFFE: They're not the authority who would be liable under that Section in the statute. If somebody else is liable, because of the sovereign immunity.

REP. TULISANO: Because of the sovereign immunity?

REP. RADCLIFFE: Right. (microphone not turned on).

REP. TULISANO: Research it.

ATTY. PATRICIA SHEA: If you took that another step, though, when Attorney Beider was up here and he talked about the tort fees in the case that he talked about, was judgment proof. So, if we allowed the state to be brought in to Motor Vehicle accidents, under tort reform, what would happen is if another tort feator is judgment proof, or did not have any auto insurance, who's going to pay for that? The state is, in all circumstances.

REP. TULISANO: But tort reform presupposes that some people will have to go on the public trial anyway. That was on the floor by the proponents. The other side of the aisle, frankly said, we understand there will not be 100% recovery from the tort feator, that may mean people get public assistance. So, I gather that might be okay.

REP. RADCLIFFE: (microphone not turned on).

REP. TULISANO: No, we don't. The rest of it says, you only have to have financial responsibility. That doesn't mean you have to have insurance. Thanks, Patty.

ATTY. PATRICIA SHEA: Thank you.

REP. TULISANO: Gordon Bates.

GORDON BATES: Good afternoon. My name Gordon Bates. SB 468
I work for the Connecticut Prison Association and HB 6027
the Hartford Institution of Criminal and Social
Justice, and I'm here to speak for them as for the
35 agencies that comprise the Community Justice
Coalition around the state.

Take your minds back, if you will, to HB6027 and SB468. I'd like to speak against the first and in favor of the second. You have my written testimony. I think I would add to that on HB6027, AN ACT CONCERNING ALTERNATIVE SANCTIONS, simply the re-emphasis that it's not unnecessary action, at least as it's presently written, simply because the structure that it proposes, or the purpose it proposes, is already structured into the Judiciary last year. \$300,000 was provided for a coordinator of alternative sanctions. There are five state coordinators underneath that overall coordinator, and the functions are being performed, the work is being done. If there is going to be any more money provided this session for this kind of activity, it should be put into programs and services, not into new bureaucratic structures that simply are not needed. The whole process of expanding alternative sanctions is one that the private sector wholeheartedly agrees with, and we're as a set of agencies, well able to expand as money is provided, all of the alternative sanctions and services that might be needed.

We don't see the need for another kind of layer of bureaucracy inside the Judiciary. We also see no need to expand the Judiciary in exclusion of the Department of Corrections. But if there's going to be an expansion, there should be an expansion on both ends for sanctions at the head of the system that judges can implement, and sanctions, alternative sanctions, that can come after the offender's incarcerated, such as halfway houses or treatment centers, AIC's of various kinds. I'll let that stand as my addition to that particular bill. If there's any questions on that, I'll be glad to follow up on them.

On the other bill, SB468, the private sector agencies that I represent are totally in favor, although reluctantly, in favor of terminating supervised home release. It has provided a tremendous relief valve for the system. Up to this point, it has seriously been compromised because of the kind of people that have had to be released on it. There's no doubt that it has served its function and should be phased out at this point. My only additional comment on that would be that we

ought never to assume, at least I hope you in the Legislature don't assume, that we're doing anything more than treading water with SB468. We're not doing anything that's going to save the system. It's going to be just as crowded. Even if everything happens in the best of all worlds, we're going to be just as crowded in 1993 as we are now, and the chances are that the construction will not be on time, the chances are that the treatment slots will not be available in the numbers needed, not just because the money can't be made available, but because there are problems of staffing, of site location, of renovation of buildings, of all sorts of intermediary costs and actions that have to be taken to make sure those treatment slots are not only available, but functioning and viable.

Therefore, as we phase out the supervised home release through SB468, I hope we are also being prepared in the Legislature, to take a much bolder step in the next couple of years, and that bolder step is to stop being afraid of this tremendously unpolitical and unfavorable unpopular action of a mass release of inmates. I think at some point, this system is going to have to face the fact that the only way to have a viable prison system, that actually functions as a prison, or a jail, is to have a system that is at least 90% below capacity, better 85%, simply because, and I know this from personal contact with hundreds of correctional staff over the last 25 years, you simply can't run a system effectively that is constantly at maximum. This is all that we're going to have over the next decade, a maximized, stressed out system, unless we take the action required to get it below minimum, to get it below capacity. I hope we're ready at some point in the next couple of years, to consider an expanded probation system, an expanded parole system. Perhaps even the reinstatement of parole to make sure that we can let out enough inmates, as Minnesota did a half dozen years ago, to get that system below capacity, let it function as a prison, put in effect a law that says it can't go above 90% of capacity, not just the 110%, but 90% of capacity, as Minnesota did, and be able to then use treatment slots and alternative sanctions as they're intended to be used.

Had we had that in place at some point, SB468 would not need to be terminated, because supervised home release wasn't that bad a process. It simply had to be used for the wrong purposes, and being misused, it has served its purpose. It can't be continued much longer. But at some point, we're going to have to bite that bullet of the mass release, of getting the system down below capacity and stop being afraid of the political circumstances, and do that by providing enough staffing, within Corrections and Judiciary, to take, to put supervision in place that is adequate, and has integrity.

The only problem with the supervised home release, other than it's being used for the wrong people, is that there was no supervision. We really didn't have the supervision in place. If you provide that, then you can save some of the money that you might have to spend over the next decade in some more beds being created, some more buildings being put up, and a continuance of this acknowledged false path that we can build our way out of this problem. We just can't build our way out of it. The only way we can do it is to provide a system, go back to a system that is 90% under capacity and can function as a prison and jail is supposed to function. And that's, I think, all I would add to this testimony at this point. You've heard some excellent testimony already this morning on that whole process. Any questions?

REP. TULISANO: No, sir. Thank you. Jack Sitarz?
(Microphone not turned on.)

ATTY. JACK SITARZ: Good morning. My name is Jack Sitarz and I'm an attorney in private practice here in Hartford with the law firm of Cooney, Scully and Dowling, and I'm here today to speak in opposition to HB5993. I and my law firm have been involved for many years in the active defense of cases that have been brought against the state of Connecticut, under Section 13(a)-144, and from that experience, I can assure you that there has been no shortage of claims and lawsuits brought against the state under the current law which includes the requirement of sole proximate cause.

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taxpayers. I would come and lobby, also, on the behalf of the taxpayers, if something was being introduced that was not good for the taxpayers, also.

REP. THORP: I was just curious. Until you brought it to my attention, I didn't really know this bill existed, and now I'm wondering how it got on, who the proponents of it are. I don't believe I've heard any proponents yet. Thank you.

LUCIEN FORTIER: I want to thank you all.

REP. CARUSO: Chief Mike Green.

POLICE CHIEF MICHAEL GREEN: Members of the Committee, my name is Michael Green. I'm Chief of Police in the town of Cromwell, and as Chairman of the Legislative Committee of the Connecticut Police Chiefs Association, I speak on their positions as regards legislative matters.

There are numerous bills before the Committee that impact law enforcement, either directly or indirectly, and I will keep my comments very brief, in presenting to you our Association's position regarding these bills. Of particular concern to the Connecticut Police Chiefs Association is HB6021, AN ACT CONCERNING THE PROCEDURES FOR IMPLEMENTING JUST CAUSE DISMISSAL OF POLICE CHIEFS. This bill is the result of lengthy discussions between members of our association, Representative Tulisano and Senator Avallone, with all parties recognizing that the dismissal of a chief for just cause only, is necessary and desirable to insure integrity within a municipal police department. We, as a group, further realize that the need to establish guidelines or timeframes are equitable not only to police chiefs, but also to the municipalities that we serve be put in place.

We feel that the bill before you addresses those concerns. On behalf of the Police Chiefs Association, we support this bill in its entirety, and urge the Committee to act favorably on it.

I would also like to state our Association's position, very briefly, in support of the following bill, SB463, AN ACT CONCERNING CRIMINAL POSSESSION

OF FIREARMS DURING LEGAL DRUG ACTIVITIES; SB464, AN ACT CONCERNING MULTIPLE DRUG OFFENSES; SB465, AN ACT CONCERNING COMMUNITY SERVICE ALTERNATIVES; SB468, AN ACT CONCERNING TERMINATION OF THE SUPERVISED HOME RELEASE PROGRAM; HB5376, AN ACT CONCERNING FORFEITURE TO THE STATE OF ASSETS OBTAINED THROUGH CRIMINAL ACTIVITY; SB628, AN ACT CONCERNING BAIL DECISION AND CONDITIONS OF RELEASE; AND SB630, AN ACT CONCERNING DRUG PENALTIES. (HB6028)
(HB6030)

It is our position that these bills represent improvements in the criminal justice system, and are beneficial to law enforcement. Our Association urges the rejection and/or revision of the following bills: HB5235, AN ACT REGARDING REWARD FOR PERSONS WHO PROVIDE INFORMATION REGARDING PERSONS SUBSEQUENTLY CONVICTED OF A DRUG RELATED OFFENSE; HB5237, AN ACT CONCERNING THE DISTRIBUTION OF FUNDS FROM THE FORFEITURE DRUG ASSETS TO TIPSTERS; HB5238, AN ACT CONCERNING THE DISTRIBUTION OF PROPERTY UNDER THE DRUG ASSET FORFEITURE LAW; HB6026, AN ACT CONCERNING FORFEITURE OF PROPERTY IN DRUG CASES AND HB6027, AN ACT CONCERNING ALTERNATE SANCTIONS.

We feel the provisions of HB5235 and HB5237, regarding tipsters in drug related offenses will result in unnecessary depletion of assets from the forfeiture fund, and would possibly result in litigation by individuals attempting to receive assets under provisions of these bills, and I think the Chief State's Attorney Kelly addressed this matter early in the morning, if you may recall. As regards HB5238, it is our position that the awarding of vehicles to municipal police departments is a sound proposal; however, the decrease in the amount of assets distributed to municipal police departments is not in the best interest of law enforcement, in our view.

Further, the passage of this bill or any bill that retains the current provisions allowing exemptions of monies or property used, are intended to be used by the defendant for payment of legal fees, in our view, is unacceptable. It would seem to us that to protect assets of persons involved in drug violations for any reasons, is counterproductive. We urge the Committee to remedy this defect in the current law.

However, if the Committee has concern that the client security fund of the Connecticut Bar Association may be underfunded, I understand there is a move to have the state take that over. However, I would also urge you to consider allocating a chunk of the rather excessive proceeds of the iota, or interest on lawyers trust accounts that is currently accruing to the Connecticut Bar Foundation, and allocate under the mandatory iota, allocate that to fund the clients' security funds so that claims made against it, and there are so very few. Could be completely funded rather than the 80% level that it is now at.

So I would urge the Committee members trash this bill. Thank you very much.

REP. TULISANO: Thank you. William Bradley.

WILLIAM BRADLEY: Good afternoon, Representative. My name is William Bradley and I'm the President of the Connecticut Jail Administration Employees. Our organizations represents the parole officers and corrections officers in the State of Connecticut.

We have felt the impact of the Supervised Home Release Program. We come here to support SB468. We have realized its impact in the areas of discipline inside the facility and outside. Supervised Home Release is basically meaningless. It has no meaning to the inmates, and all it has served is to demoralize the staff and our facilities.

Our parole staff has felt frustrated, time and time again from being given the program that they have been told to administer on one hand, and then given orders that are contradictory to the meaning of that program. We ask for your expeditious movement in this area. Thank you.

REP. TULISANO: (inaudible, mic not on)

REP. GRABARZ: How many more parole officers do we need?

WILLIAM BRADLEY: As many more prisoners as you send us.

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REP. TULISANO: (inaudible, mic not on)

WILLIAM BRADLEY: Basically, it is a merit promotion plan.

REP. TULISANO: Thank you. Can I ask you one question? (inaudible, mic not on) You indicated you didn't want the bill to interfere with collective bargaining. What does that mean?

PAUL WALLACE: It's possible that the bill could impact with respect to job descriptions, task functions and responsibilities.

REP. TULISANO: (inaudible, mic not on)

PAUL WALLACE: Yes.

REP. TULISANO: How can we have collective bargaining (inaudible, mic not on)

PAUL WALLACE: Well, hopefully, collective bargaining will ensure that the current job descriptions or the task functions and responsibilities would be altered through the negotiations.

REP. TULISANO: But if I (inaudible) as a legislator, as a matter of public policy. I have to get that done. I can't let that bargaining--

PAUL WALLACE: Yes, sure. And if doing so impacts on the collective bargaining agreement, then we believe that we would have to negotiate the impact of that.

So, yes, you can pass it. But then we have to negotiate the impact of that.

REP. TULISANO: You mean, whether or not you need more money for it?

PAUL WALLACE: On one hand, yes.

REP. TULISANO: Not whether I can do the job?

PAUL WALLACE: That's correct.

REP. TULISANO: You get to do the job?

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PAUL WALLACE: That's correct.

REP. TULISANO: Whether or not you get paid is the issue of bargaining?

PAUL WALLACE: Yes, and there is other such things as terms of conditions of employment. So it would be beyond the money. But, yes. We would still be doing the job.

REP. TULISANO: Whatever we determine. I have to make this quick. But we passed the original, I'm trying to give you some history of this because you are so young. When we passed the original bill dealing with bail commissioners someplace in some wonderful collective bargaining agreement, hidden away from the people and the State Legislature. They modified the statute.

You have a repealer clause in there. You know how you modify statutes by collective bargaining, supposedly. Which created a very difficult problem and almost a rejection of their contract. Because I don't believe you can do with you all guys do. Now I want to make sure that a bill like this passes or not, we establish certain criteria to benefit the citizens of this state, it will be implemented. What you do about money and how you get paid, I don't really, that is collective bargaining.

But obligations that are imposed on our state employees as our job. And if I am wrong with that, I need to be totally re-educated. And I can't let collective bargaining determine what I think is good public policy.

PAUL WALLACE: But if there is a view that the Judicial Department should be changing some of the tasks, functions, or responsibilities of its employees. And those employees are represented by a union. Then I believe that it is the function of the union as the exclusive bargaining agent to negotiate the terms and conditions of employment, and those alterations with the Judicial Department representatives.

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REP. TULISANO: But, you made, they may negotiate away what the Legislature said.

PAUL WALLACE: It's possible.

REP. TULISANO: That's impossible.

PAUL WALLACE: Well, I think what happened last time in an arbitration award, the Legislature did one thing with respect to pension, and I think an arbitrator came down and did something else.

REP. TULISANO: That may be in arbitration. We are not talking about arbitration. We are talking about collective bargaining. We are talking about what the parties agree to. You may negotiate, therefore, a veto of a piece of legislation. Do you think that is appropriate?

PAUL WALLACE: I don't--

REP. TULISANO: In theory you see, you can't agree to repeal any bill that we pass. Am I correct?

PAUL WALLACE: If the parties come to an agreement to do so, then that agreement would have to come back to the legislature anyway.

REP. TULISANO: Oh, not quite the same way. You have to pass a bill and that has to be signed by the Governor. What you do is you approve a resolution, the Governor doesn't have to sign it. And it is entirely (inaudible) and I have warned labor for about ten years, they better change it and know what they are doing, because all of these are going to get thrown out one day. You can't repeal legislation by resolution.

So I know what you are trying to tell me captains, it doesn't happen the same way. So I am still trying to find out. If we establish. Let's put it this way, we abolish bail commissioners. Right? We call them post trial administrative officers, we now have a whole new class. How does collective bargaining fit into that?

PAUL WALLACE: Creating a whole new class in terms of changing their title.

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REP. TULISANO: No, no. A whole new job classification. And abolish bail commissioners. Now what do you do?

PAUL WALLACE: With the whole new set of task function responsibilities?

REP. TULISANO: Yes.

PAUL WALLACE: It would seem to me that the effected parties through its representatives, the union, would have to be negotiating the impact of that. And I guess my testimony here today is to indicate to the Committee that, if there is going to be changes on the role of the bail commissioners, that we believe that that is a proper subject matter for collective bargaining.

REP. TULISANO: And not legislation.

PAUL WALLACE: That's correct. Then you leave us no alternative but to abolish bail commissioners. You understand that?

PAUL WALLACE: No, I don't.

REP. TULISANO: But that is what you are telling me to do. I thank you. I know how to deal with it now. Okay. I appreciate, I am sure we will have continuing discussions. But you are not giving me much play if I think the job is not being done correctly today.

PAUL WALLACE: Well if you--

REP. TULISANO: I don't care if there bail commissioners, probation officer. It is not bail commissioner, it is whoever it is. If we think probation officers should take off the job of not only post conviction, but preconviction. Because we have, we are going to expand the nature and the obligation of that kind of office, because we structure government.

You are telling me that I have to get approval of the union to do that.

PAUL WALLACE: If you want to restructure their jobs.

REP. TULISANO: No, I am restructuring jobs, it is not their jobs, a new office.

PAUL WALLACE: Restructuring a job. And that particular job is in a collective bargaining agreement.

REP. TULISANO: Well, it doesn't exist. We are just going to create it now.

PAUL WALLACE: If you are creating a new job, let's try it that way. If you are creating a new job, then it would fall in the appropriate bargaining unit, however it falls--

REP. TULISANO: They may have to negotiate it. But what they have to do is not up to, that is statutory, that's what the job--

PAUL WALLACE: That's correct.

REP. TULISANO: Right?

PAUL WALLACE: You would create something and it would fall where it would fall and the party, the designated bargaining agent would pick it up from there and deal with it on an impact basis with the effect of the appropriate employer.

REP. TULISANO: Okay. I understand. I appreciate it. Thank you. Mr. Chotkowski.

DR. CHOTKOWSKI: Commissioner Tulisano and members of the Committee, I wish to thank you very much for this opportunity to support HB6020. My name is Doctor Chotkowski.

One of the main reasons of this bill as I understand it, is to provide a public service by allowing the Legislature to enact certain special acts in circumstances where the claimant has failed to file a claim within the one year statute of limitations.

At the present time, as in my case as a state employee, the Attorney General and the courts have judged that special acts passed solely for an