

Legislative History for Connecticut Act

HB 6019 (PA 90-279) 1990  
Senate 3289-3293, 3607-3609 (8p)  
House 4762, 4766-4767 3 (3p)  
 Judiciary 1092, 1103-1104, 1109, 1236-1237 (6p)

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S-311

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1990

VOL. 33  
PART 10  
2973-3344

WEDNESDAY  
May 9, 1990

46 3289  
abs

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:

Calendar 467, Files 326 and 703, Substitute for  
HB6019, AN ACT CONCERNING PAYMENT OF COMPENSATION TO  
VICTIMS OF CRIME, AND THE STATUTE OF LIMITATION FOR  
SEXUAL CRIMES AGAINST A MINOR. (As amended by House  
Amendment Schedules "A" and "B"). Favorable Report of  
the Committee on Finance, Revenue and Bonding.

Clerk is in possession of one amendment.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

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

THE CHAIR:

Clerk, please call the amendment.

THE CLERK:

LCO4821, designated Senate Amendment Schedule "A",  
offered by Senator Somma of the 16th District.

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47 3290  
abs

THE CHAIR:

Senator Somma.

SENATOR SOMMA:

Yes, Mr. President. I would like to move adoption of the amendment and ask permission to summarize, please?

THE CHAIR:

Without objection, you may proceed.

SENATOR SOMMA:

Yes. Essentially, the amendment bans the possession of child pornography in this state and makes it a Class C felony, punishable by five years, up to five years in prison and a \$5,000 fine. Recently, there was a Supreme Court decision that allowed states to impose this type of statute. It currently exists in 19 states. I think it's very important that we pursue this type of legislation.

Incidentally, there was-- In 1987, the Chief State's Attorney pursued similar legislation. At that point, it was of dubious constitutionality, but since then the Supreme Court has said that we can ban child possession, or possession of child pornography. And in fact, our statutes currently define child pornography and what is the prohibited sexual acts. And I think it is very important that this state take a stance on

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abs

child pornography and the possession thereof. And I think it's about time that we really tried to dry up the smut mark that exists in this state, and I really think it's objectionable that this type of situation exists in this state. And I would ask the members of the Chamber to consider this amendment. And I ask for a roll call please.

THE CHAIR:

Roll call is noted. Further remarks? Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President, a number of questions. First of all, how would this amendment, if adopted into statute, change the current penalties for possession of child pornography?

THE CHAIR:

Senator Somma, do you care to respond?

SENATOR SOMMA:

Yes, Mr. President. Through you, the current law basically bans the importation of child pornography. And currently, it is Section 53a-196c, it is a Class C felony. I am suggesting through the amendment that we have a Class D felony for the possession, not just the importation but the possession of child pornography, and that would make it a five year imprisonment and a

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49 3292  
abs

\$5,000 fine.

There is no current penalty right now for the possession of child pornography in the state, to answer your question, Senator Blumenthal.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President, what assurance can the Senator give us that this particular definition either of possession or child pornography would pass muster, under the prevailing Supreme Court standards?

THE CHAIR:

Senator Somma.

SENATOR SOMMA:

Simply-- Through you, Mr. President, that it is modeled after the 19 states that currently have-- actually modeled after the Ohio statute that was upheld by the Supreme Court.

THE CHAIR:

Further remarks? Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President, has there been a public hearing on this amendment or any provision like it before the Judiciary Committee?

THE CHAIR:

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50  
abs

3293

Senator Somma.

SENATOR SOMMA:

I don't believe that there was a public hearing, but this is something that has been debated since 1987. The Chief State's Attorney, as I mentioned before, had proposed that it was advanced in 1987. It was discussed at length, had a public hearing, and I don't think the situation has changed since then. But no more so than some of the other amendments that have been pursued, Senator Blumenthal.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President, may we PT this item for just a moment, please?

THE CHAIR:

Passed temporarily. Any objection? Call the next item please.

THE CLERK:

Calendar page 9, Calendar 471, File 357 and 709, Substitute for HB5984, AN ACT CONCERNING LEAD ACID AND NICKEL CADMIUM BATTERIES. (As amended by House Amendment Schedule "A"). Favorable Report of the Committee on Judiciary.

THE CHAIR:

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GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1990

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PART 11  
3345-3632

WEDNESDAY  
May 9, 1990

364  
abs

3607

SENATOR BLUMENTHAL:

Just to remind the Circle about this bill, it has two essential components, one is to make it easier for victims to recover compensation from the Victims' Rights Commission, and the other is to extend the statute of limitations applicable to cases of abuses, sexual exploitation of children and other abuses related thereto. I urge adoption.

THE CHAIR:

Clerk, please call--

THE CLERK:

Just to correct--

SENATOR BLUMENTHAL:

I move adoption of the bill.

THE CHAIR:

Excuse me. Clerk, please call the item.

THE CLERK:

I called the wrong item, Mr. President. It should be Calendar 467, File 327 and 703, Substitute HB6019, AN ACT CONCERNING PAYMENT AND COMPENSATION TO VICTIMS OF CRIME AND THE STATUTE OF LIMITATIONS FOR SEXUAL CRIMES AGAINST A MINOR. (As amended by House Amendment Schedules "A" and "B"). Favorable Report of the Committee on Finance, Revenue and Bonding.

SENATOR BLUMENTHAL:

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365  
abs

3608

Just for the record, Mr. President--

THE CHAIR:

Are you going to move the--?

SENATOR BLUMENTHAL:

I had moved previously in debate that occurred previously on the floor of the Senate. I have moved adoption of the Joint Favorable Report and passage of the bill, in concurrence with the House.

THE CHAIR:

Will you remark further? Clerk, please make an announcement for immediate roll call.

The Senate will stand at ease. Senator Blumenthal and Senator Somma, would you please come--

SENATOR SOMMA:

Mr. President.

THE CHAIR:

Senator Somma.

SENATOR SOMMA:

Yes, I would like to withdraw LCO4821 please.

THE CHAIR:

Clerk, please announce the 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.

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abs **3609**

Will all Senators please return to the Chamber.

THE CHAIR:

The item before us is Calendar 467, Substitute HB6019, File Copy 326 and 703. The machine is open. Please cast your vote.

Has everyone voted? Senator Maloney. Senator Morris. Senator Avallone. Senator Benvenuto. The machine is closed. Clerk, please tally the vote.

The result of the vote:

36 Yea

0 Nay

The bill is passed.

I believe the Clerk has one more item.

Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. Mr. President, we have the revisor's item before us which we had not moved. We had better get that moving, and we have got HB6110, the first item on Senate Agenda #5. I would like to move the revisor's bill and then get to the other one.

THE CHAIR:

Senator Avallone.

THE CLERK:

Turning to Calendar page 10, Calendar--

THE CHAIR:

H-567

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1990

VOL. 33  
PART 14  
4591-4994

House of Representatives

Wednesday, April 25, 1990

THE ENTIRE FIRST TAPE FROM THIS SESSION WAS MISSING. THE FOLLOWING INFORMATION WAS COPIED DIRECTLY FROM THE JOURNAL:

BUSINESS ON THE CALENDAR  
HOUSE BILL PASSED

FINANCE, REVENUE AND BONDING. H.B. No. 5246  
(RAISED) (File No. 517) AN ACT CONCERNING THE MINIMUM WAGES WHICH MUST BE PAID BY AN EMPLOYER IN ORDER TO BE CHARGED UNDER UNEMPLOYMENT COMPENSATION.

The bill was explained by Rep. Adamo of the 116th who withdrew House Amendment Schedule "A" (LCO4300) and moved its adoption.

H. Am. B

On a voice vote the amendment was adopted.  
The Speaker ruled the amendment was technical.

The following is House Amendment Schedule "B":

In line 1, before the word "Subsection (f) of section 31-227 of the general statutes is repealed and the following is substituted in lieu thereof:

(f) (A) Benefits shall not be [paid] PAYABLE on the basis of services performed by an alien unless such alien is an individual who [has been] WAS lawfully admitted for permanent residence AT THE TIME SUCH SERVICES WERE PERFORMED, WAS LAWFULLY PRESENT FOR PURPOSES OF PERFORMING SUCH SERVICES or [otherwise is] WAS permanently residing in the United States under color of law AT THE TIME SUCH SERVICES WERE PERFORMED (including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act). (B) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. (C) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence.

Sec. 3. This act shall take effect from its passage."

House of Representatives

Wednesday, April 25, 1990

"B". House Bill 5246 as amended by House Amendment

Total Number Voting	126
Necessary for Passage	64
Those voting Yea	125
Those voting nay	1
Those absent and not voting	25

On a roll call vote the bill as amended by House Amendment Schedule "B" was passed.

BUSINESS ON THE CALENDAR  
MATTER RETURNED FROM COMMITTEE  
HOUSE BILL PASSED

FINANCE, REVENUE AND BONDING. Substitute for H.B. No. 6019 (Raised) (File No. 326) AN ACT CONCERNING PAYMENT OF COMPENSATION TO VICTIMS OF CRIME.

The bill was explained by Rep. Tulisano of the 29th who offered House Amendment schedule "A" (LC02694) and moved its adoption.

On a voice vote the amendment was adopted.  
The Speaker ruled the amendment was technical.

The following is House Amendment Schedule "A":

In line 32, delete 'CARETAKER' and insert "PARENT, GUARDIAN OR CUSTODIAN"

The bill was discussed by Rep. Tulisano of the 29th who offered House Amendment Schedule "B" (LC03920) and moved its adoption.

The amendment was discussed by Reps. Norton of the 48th, Osler of the 150th and Krawiecki of the 78th.

The Speaker ordered the vote to be taken by a roll call.

The following is the result of the vote:

House of Representatives

Wednesday, April 25, 1990

House Amendment Schedule "B".

Total Number Voting	139
Necessary for Adoption	70
Those voting Yea	139
Those voting Nay	0
Those absent and not voting	12

On a roll call vote the amendment was adopted.  
The Speaker ruled the amendment was technical.

The following is House Amendment Schedule "B":

In line 1, insert "Section 1."  
 After line 78, insert the following:  
 "Sec. 2. (NEW) Notwithstanding the provisions of section 54-193 of the general statutes, no person may be prosecuted for any offense involving sexual abuse, sexual exploitation or sexual assault of a minor except within two years from the date the victim attains the age of majority or seven years, whichever is less, provided in no event shall such period of time be less than five years after the commission of the offense."

The Speaker ordered the vote be taken by roll call.

The Following is the result of the vote:

"A" and "B".	House Bill 6019, as amended by House Amendment
Total Number Voting	139
Necessary for passage	70
Those voting Yea	139
Those voting Nay	0
Those absent and not voting	12

On a roll call vote the bill as amended by House Amendment Schedules "A" and "B" was passed.

(TAPE 2 BEGINS AFTER STARS)

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SPEAKER BALDUCCI:

Are there announcements or points?

REP. TUREK: (43rd)

JOINT  
STANDING  
COMMITTEE  
HEARINGS

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PART 4  
1090-1355

1990

Secondly, in section 4, we have the word repeatedly used, is that to mean more than once, several times? We have the terminology of extremely inconvenient hour used, again, that's quite imprecise. We believe that the law as it is currently interpreted by the courts is sufficient with the safeguards now in place, so we'll not have that problem again.

We just think this bill creates more problems that it would solve and there would be an awful lot of litigation involved, so we would oppose it.

Next would be AN ACT CONCERNING PAYMENT OF COMPENSATION TO VICTIMS OF CRIME, Raised HB6019. This would permit the Commission on Victim Services, in effect for a good cause, to waive the statutory periods of time when any of these conditions were present. We support this proposal.

Next would be Raised SB463, AN ACT CONCERNING CRIMINAL POSSESSION OF FIREARMS DURING LEGAL DRUG ACTIVITIES. As noted in the statement of purpose, this would criminalize the act of having a firearm while committing any type of drug offense. The Division supports that proposal.

Raised SB464, AN ACT CONCERNING MULTIPLE DRUG OFFENSES. This would impose a minimum mandatory consecutive five-year term for any person who during a 90 day period of time commits three sales of drugs. We see this repeatedly. Undercover officers now are running into the same people committing repeated crimes and we believe this would be a very effective deterrent and punishment for those people in that situation.

Next would be Raised SB465, AN ACT CONCERNING COMMUNITY SERVICE ALTERNATIVES. We believe that the concept is sound in this sense, and I want to be very precise here as to what I say. As I understand it, a person who, without prior record for the first offense of possession of drugs, rather than being incarcerated, would have, if the court saw fit, the option of having to do community service. We're not opposed to that concept.

15  
pat

JUDICIARY

March 17, 1990

CHIEF STATE'S ATTY. JACK KELLY: No. If it's the criminal case, it would have to be the public defender.

REP. WOLLENBERG: The public defender.

CHIEF STATE'S ATTY. JACK KELLY: Not on the asset forfeiture proceeding, right.

REP. WOLLENBERG: On the criminal case then, we're going to give him a public defender.

CHIEF STATE'S ATTY. JACK KELLY: They're getting public defenders now in some cases. Some drug dealers are currently represented by the public defender.

REP. WOLLENBERG: Aren't we taking out of one pocket and putting in the other.

CHIEF STATE'S ATTY. JACK KELLY: We're using federal money right now to hire some public defenders to represent drug dealers.

REP. WOLLENBERG: We know that dries up too.

CHIEF STATE'S ATTY. JACK KELLY: And we're using federal funds for drug prosecutors also.

REP. WOLLENBERG: No, I'm being too hard. There's no easy answer, I understand that.

CHIEF STATE'S ATTY. JACK KELLY: There is not, no.

REP. WOLLENBERG: Thanks, Jack.

CHIEF STATE'S ATTY. JACK KELLY: Thank you.

SEN. AVALONE: Senator Matthews.

SEN. MATTHEWS: Good morning.

SEN. AVALONE: Good morning.

SEN. MATTHEWS: Thank you. It's my pleasure to appear before the Judiciary Committee, and bring to you some information on two bills that are before you today. HB6019 and HB6020.

These bills concern two of my constituents and I'll explain them to you. Both these gentlemen are here behind me. If you feel you need more information, they are signed up, so they can speak in their proper time, but in the event you have questions, I can turn to them, I imagine. Thank you.

HB6019, AN ACT CONCERNING PAYMENT OF COMPENSATION TO VICTIMS OF CRIME. This concerns a case that involves a constituent in Rocky Hill, Valda K. Perry. This young woman was accosted, was assaulted in 1985. As a result, this was a brutal assault, and as a result she was severely damaged.

Her husband is seeking victim's compensation for her. The problem that has appeared before us is that her claim was late in being forwarded to the victim's compensation board, and this was because of her condition which prevented her from being able to come to grips with this.

Initially, they had no knowledge of the victim's compensation board and then when it was determined that she would apply, she was not able to come to grips with it and fill out the paperwork and do what she had to do. She was so traumatized.

We have been in touch with the Victim's Compensation Board. I receive a notice from them, from a Mr. John Ford, the administrator, who felt that the information thus far provided by her husband, Mr. Perry, gave them the strong indication that Mrs. Perry would be an eligible victim.

Mr. Perry is prepared to speak further to you, but again, there are cases where the victim is so traumatized that the statute of limitations could be longer, could come into play. So I hope that you would look at this bill and consider the circumstances because I think they're very compelling.

The second bill has to do with HB6021, AN ACT (HB 6020) CONCERNING THE PROCEDURES FOR IMPLEMENTING JUST CAUSE DISMISSAL, I'm sorry, CONCERNING CLAIMS AGAINST THE STATE. This is a case involving a gentleman from Berlin named Dr. Chotkowski. We, this has been before you many other times and the

In addition, in line 86 through 88, there is language addressing the transfer cases to Part A. We would request that that language be deleted. We feel that the designation of where certain types of cases are to be heard are an administrative function. Furthermore, Part A is solely administrative designation and nowhere does it appearing the statute.

The last item I'd like to address on that bill is that there's a provision in lines 74 through 76 which discusses the bail commissioners. At the present time, the Judicial Department does not know whether additional bail commissioners would be required to implement the provisions of this bill. Thank you very much.

REP. MINTZ: Thank you. Any questions? Thank you.  
Carla Corliss.

CARLA CORLISS: Good morning, I'm Carla Corliss from the Commission on Victim Services. We are testifying today on Raised HB6019. We have submitted written testimony that outlines our position and suggest a wording change which we believe that will support, will strengthen the bill.

We support the concept of the bill with the wording change. The Commissioners regret that they cannot be here today. However, we will be happy to note any comments or questions from the Committee members and discuss them with the Commissioners and I'll get back to you next week. Thank you.

REP. MINTZ: Thank you. Any questions? Thank you.  
John Leonard.

JOHN LEONARD: Good morning. I'm John Leonard, the Commanding Officer of the Statewide Narcotics Task Force. I would like to address the Committee on a number of bills this morning, the first of which is Proposed HB5235, AN ACT CONCERNING THE REWARD TO PERSONS WHO PROVIDE INFORMATION REGARDING PERSONS SUBSEQUENTLY CONVICTED OF A DRUG RELATED OFFENSE.

Legislature to pass necessary an proper special acts under just and equitable circumstances for person in such need with justice for all.

Now if you would like, if you have the bill in front of you, I would simply like to emphasize what I have paraphrased, but the meat of this bill is on page three, and it states, the General Assembly may by special act authorize a person to present a claim to the Claims Commissioner after the time of limitations set forth in subsection A of this section have expired, if it deems such authorization to be just and equitable and makes an expressed finding that such authorization is supported by compelling equitable circumstances and would serve a public purpose.

And I feel that there are many situations including my own, where this law would be applicable, and very helpful. And as I said, would create justice for all. Thank you very much.

REP. CARUSO: Thank you, any questions? Thank you.

Nicholas R. Evan from the City of Hartford. We only have one person left. Mario Gabury from the Mayor's Office in Bridgeport.

MARIO GABURY: Good afternoon, I am Mario Gabury and I am here to talk briefly on several bills and in two capacities.

First I would like to speak on HB6019. In my personal capacity as a crime victim advocate and an attorney who has represented victims of crime. The opinions on HB6019 are my own and do not represent my public capacity, as a public official I should say.

I am formally the legislative specialist for the National Organization for Victim Assistance. And formerly Deputy Director of the Office for Victims of Crime at the United States Department of Justice.

I have worked with many victims in several capacities over the last ten years. I am speaking in support of the bill, which would allow a case by

case consideration of an exception to the two year filing deadline for crime victims to secure compensation awards.

The last several years have seen a tremendous improvement in compensation laws in Connecticut and around the nation, to reduce barriers, to victims recovery, and to enhance our sensitivity to the needs of victims.

As we all know many victims are severely traumatized by their victimization. In certain cases, including but not limited to, cases such as sexual assault, child abuse, family violence and other serious crimes of violence. The resulting denial in avoidance defense mechanisms of victims and survivors can and do prevent them from making proper applications.

Most often, the last thing on the mind of a brutally victimized individual is complying with some bureaucratic procedure or some deadline. The state of mind that most often used to describe victims at this state by psychologists is lives out of control.

The amendment would not mandate, but would simply allow the Compensation Commission to consider such factors as psychological and emotional injuries which may have caused the victim, who is otherwise deserving of compensation, to miss a deadline through no fault, which is actually under their control.

And if you have any questions?

Okay, otherwise I am now Mario Gabury, Assistant to the Mayor for drug control policy and education of City of Bridgeport. And I come in support of several bills and have a few comments.

HB5238, HB5376, HB5236, HB5235, HB5237, raised bill SB463, SB464, and HB6030. And it is getting late and I am sure you don't want to hear lengthily discussion. So what I will do is just make a couple comments of particular importance.