

Legislative History for Connecticut Act

HB 5013	PA 140	1992
House: 2237-2241		5
Sen: 3301-3302, 3369-3371		5
Judiciary 323-325, 343-344		5
		<u>15p.</u>

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1992

VOL. 35

PART 7

2124-2454

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House of Representatives

Monday, April 20, 1992

DEPUTY SPEAKER MARKHAM:

The bill as amended is passed.

CLERK:

Calendar 318, Substitute for House Bill 5013, AN
ACT CONCERNING ABANDONMENT BY A SPOUSE.

Favorable Report of the Committee on Judiciary.

REP. MINTZ: (140th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Mintz of the 140th.

REP. MINTZ: (140th)

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

DEPUTY SPEAKER MARKHAM:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the bill.

Will you remark, sir?

REP. MINTZ: (140th)

Yes, Mr. Speaker, what this bill does is make
Section 46b-37 gender neutral.

The Clerk has an amendment, LCO2473. I ask that he
call and I be allowed to summarize.

DEPUTY SPEAKER MARKHAM:

The Clerk has in his possession an amendment, LCO

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House of Representatives

Monday, April 20, 1992

No. 2473, designated House Amendment Schedule "A".

Will the Clerk please call the amendment.

CLERK:

LCO2473, House "A", offered by Representative Mintz.

DEPUTY SPEAKER MARKHAM:

The gentleman from the 140th has sought leave of the Chamber to summarize. Is there objection? Is there objection? Hearing none, please proceed, sir.

REP. MINTZ: (140th)

This amendment is in response to the fiscal note which said that there might be significant losses of revenue if the bill was passed as written. I have a new fiscal note that says in fact this amendment clarifies the ambiguity in the original bill and all it says is that nothing in this subsection shall affect the duty of the parent to support his minor child.

I move adoption.

DEPUTY SPEAKER MARKHAM:

The question is on adoption of House Amendment Schedule "A". Will you remark? Will you remark? If not, I shall try you minds on House Amendment Schedule "A". All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

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DEPUTY SPEAKER MARKHAM:

Opposed nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER MARKHAM:

The ayes have it.

The amendment is adopted and ruled technical.

Will you remark further on the bill as amended?

Will you remark further? If not, staff and guests please come to the well of the House. Staff and guests to the well of the House. Members take their seats.

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 to the Chamber.

DEPUTY SPEAKER MARKHAM:

Announce it one more time.

CLERK:

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

DEPUTY SPEAKER MARKHAM:

House of Representatives

Monday, April 20, 1992

Have all members voted? Have all members voted?
Please check the roll call machine to see that your
vote is properly cast. The machine will be locked.
The Clerk please take a tally. Representative
Wollenberg of the 21st.

REP. WOLLENBERG: (21st)

In the affirmative please, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Wollenberg casts his vote in the
affirmative. Representative Young of the 143rd.

REP. YOUNG: (143rd)

In the affirmative please.

DEPUTY SPEAKER MARKHAM:

Representative Young casts his vote in the
affirmative.

Representative Dyson of the 94th.

REP. DYSON: (94th)

Mr. Speaker, in the affirmative please.

DEPUTY SPEAKER MARKHAM:

On this close vote, in the affirmative.

The Clerk please announce the tally.

CLERK:

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House of Representatives

Monday, April 20, 1992

House Bill 5013, as amended by House Amendment
Schedule "A".

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Those absent and not Voting	11

DEPUTY SPEAKER MARKHAM:

The bill as amended is passed.

CLERK:

Calendar 325, Substitute for House Bill 5820, AN
ACT PROHIBITING AMBULANCE CHASING.

Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker. Madam Speaker. Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano of the 29th.

REP. TULISANO: (29th)

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

DEPUTY SPEAKER MARKHAM:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the bill.

Will you remark, sir?

REP. TULISANO: (29th)

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CONNECTICUT
GEN. ASSEMBLY
SENATE

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1992

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PART 9
3005-3364

TUESDAY
May 5, 1992

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ordered.

SENATOR O'LEARY:

I move to suspend to take up Calendar 499.

THE CHAIR:

You have a motion to suspend the rules in order to take up Senate Calendar No. 499. Is there any objection? Any objection? Hearing none, so ordered.

SENATOR O'LEARY:

I move Calendar 499, House Joint Resolution No. 84 to the Consent Calendar.

THE CHAIR:

Is there any objection in placing Senate Calendar 499, House Joint Resolution No. 84 on the Consent Calendar? Any objection? Hearing none, so ordered.

SENATOR O'LEARY:

Page 5, Calendar No. 373, Substitute for House Bill No. 5013; Calendar 376, Substitute for House Bill No. 5640, I move to the Consent Calendar.

THE CHAIR:

Would you repeat that? I'm sorry, the Clerk was speaking.

SENATOR O'LEARY:

Sorry. Page 5, Calendar No. 373, Substitute for House Bill 5013 and Calendar 376, Substitute for House Bill 5640, I move to the Consent Calendar.

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THE CHAIR:

Is there any objection in placing Senate Calendar No. 373, Substitute for House Bill 5013 and Senate Calendar No. 376, Substitute for House Bill 5640 on the Consent Calendar? Is there any objection to either one or both of those going on the Consent Calendar? If not, so ordered.

SENATOR O'LEARY:

Page 6, Calendar No. 390, Substitute for House Bill 5600 and Calendar 393, House Bill 5626, I move to the Consent Calendar.

THE CHAIR:

Is there any objection in placing Senate Calendar No. 390, Substitute for House Bill 5600 and Senate Calendar No. 393, House Bill No. 5626 on the Consent Calendar? Is there any objection? Hearing none, so ordered.

SENATOR O'LEARY:

Page 7, Calendar 413, Substitute for House Bill 5848, I move to the Consent Calendar.

THE CHAIR:

Is there any objection in placing Senate Calendar No. 413, Substitute for House Bill 5848 on the Consent Calendar? Is there any objection? Hearing none, so ordered.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1992

VOL. 35
PART 10
3365-3751

TUESDAY
May 5, 1992

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Calendar No. 1.

CLERK:

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

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is Senate Calendar No. 1. Mr. Clerk, would you be kind enough to read the items that have been placed on Consent Calendar No. 1.

CLERK:

The first Consent Calendar begins on Calendar Page 1, Calendar No. 498, Senate Joint Resolution No. 43; Calendar 499, House Joint Resolution No. 84.

Calendar Page 5, Calendar No. 373, Substitute for House Bill 5013; Calendar 376, Substitute for House Bill 5640.

Calendar Page 6, Calendar 390, Substitute for House Bill 5600; Calendar 393, House Bill 5626.

Calendar Page 7, Calendar No. 413, Substitute for House Bill 5848.

Calendar Page 8, Calendar 417, Substitute for House Bill 5625; Calendar 444, Substitute for House Bill

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5793.

Calendar Page 12, Calendar No. 489, Substitute for House Bill 5876; Calendar 491, Substitute for House Bill 5929; Calendar 492, House Bill No. 5571.

Calendar Page 13, Calendar 493, Substitute for House Bill 5201.

Calendar Page 14, Calendar No. 500, Substitute for House Bill 5572.

Calendar Page 19, Calendar No. 203, Substitute for Senate Bill 299; Calendar No. 204, Substitute for Senate Bill 404; Calendar 216, Substitute for Senate Bill 156; Calendar 279, Substitute for Senate Bill 416 on Page 20.

Calendar Page 21, Calendar 323, Substitute for Senate Bill 363.

Calendar Page 22, Calendar 363, Senate Bill No. 1; Calendar 445, Substitute for House Bill 5008.

Madam President, that completes the first Consent Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. That completes the items that have been placed on Consent Calendar No. 1 for today. You've heard those items. The machine is open. You may record your vote.

Senator Barrows. Senator Herbst. Have all

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Senators voted that wish to vote? Have all Senators
voted that wish to vote? The machine is closed.

The result of the vote:

35	Yea
0	Nay
1	Absent

The Consent Calendar is adopted.

SENATOR MUNSTER:

Madam President.

THE CHAIR:

Why certainly, Senator Munster. See, the second
time around, I can do it.

SENATOR MUNSTER:

Thank you. I missed the vote on Senate Bill 387.
I'd like to be recorded in the affirmative please.

THE CHAIR:

Thank you very much, Senator. The Journal will so
note.

CLERK:

Returning to Calendar Page 13, Calendar No. 496,
File No. 344, Substitute for House Bill 5015, AN ACT
CONCERNING THE PURCHASE AND SALE OF HYPODERMIC NEEDLES
AND SYRINGES. (As amended by House Amendment Schedule
"B" and "D").

Favorable Report of the Committee on Public Health.

JOINT
STANDING
COMMITTEE
HEARINGS

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1-388

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JUDICIARY

February 28, 1992

PETER GIORA: Joseph (inaudible)

REP. GRABARZ: Joseph what?

PETER GIORA: Joseph (inaudible).

REP. GRABARZ: Thank you. Thank you Mr. Chairman.

REP. TULISANO: Are there any questions? Thank you very much. Okay, Sam McClure.

SAM MC CLURE: Good afternoon, thank you for the opportunity to come before the committee this afternoon. My name is Sam McClure, I'm the lobbyist for the Connecticut Chapter for the National Organization for Women. I'm here this afternoon to speak to you regarding Raised Committee Bill HB5013, an act concerning abandonment by a spouse. We have sort of mixed feelings about this Bill. I did submit written testimony.

I believe that the Connecticut Sex Assault Crisis Services also submitted written testimony on this Bill. There are basically three changes proposed in this Raised Committee Bill. The first being the end of Section B which we support and we appreciate the General Assembly's ongoing efforts to render our statutes gender neutral. Second major change is Section C, which is the problem that we have, the biggest problem that we have with the raised Committee Bill. Our concern with this is, we would like to see clarifying language, so that people would not understand this to mean that if a woman or man leaves an abusive relationship, either physically or sexually abusive relationship, that they would be found to have abandoned their spouse and thereby be responsible for support of the spouse they left behind.

REP. MINTZ: If, if abandonment was found to mean without cause, that would satisfy your concerns? I mean, abandonment is

REP. TULISANO: Abandonment has a technical meaning, that's, would include that

REP. MINTZ: In my understanding and we checked with our brilliant (inaudible) lawyers, abandonment means without cause, and if you leave a relationship because of an abusive situation, that's not an abandonment, that's smart.

SAM MC CLURE: And how, how would that be, you sort of say that would have to be (inaudible) hearing to determine whether or not the abandonment was for cause or not?

REP. MINTZ: No matter what you do, it would be

SAM MC CLURE: Or this Bill would not apply?

REP. MINTZ: This bill would not apply, but if somebody sued you, and you raised the defense of, you know, sued you because they claimed you had abandoned the spouse. You would raise the defense, no.

SAM MC CLURE: So they would be suing you for support?

REP. MINTZ: Yeah.

SAM MC CLURE: Okay.

REP. MINTZ: And, nothing is going to prevent somebody from suing you for it.

SAM MC CLURE: But what kind

REP. MINTZ: And if you, even if you put in their clarifying language, you can still be sued for it, and the defense is the statute doesn't mean that.

SAM MC CLURE: And what kind of proof would require to be required to show cause, would you have to have some sort of protection for abuse order, would you have to, suppose you left and just went to stay at your parents and than never raised

REP. TULISANO: I remember (inaudible). There was a whole history of background of what the legal significance of abandonment means to a number of court cases.

: (inaudible)

REP. TULISANO: We have it. I'll share it with you.

REP. MINTZ: When we get it.

REP. TULISANO: In my back room.

SAM MC CLURE: Okay. The third, the third change in this Bill is Section E and they're are brilliant legal minds on this committee, who I'm sure, explain to me how, what this means as far a spouse who might be leaving due to an abusive situation and how debts would than be, who would bare responsibility for debts incurred.

I had some confusion on it because, I thought this was a wonderful piece of legal writing that would protect a woman whose husband left her, ran up a bunch of debts of which she was not aware, and I thought that was a wonderful thing. But some other people have assured me that just the opposite might be true. And I don't know, maybe it's clear to attorneys, but it's not clear to lay persons.

SEN. AVALLONE: Upson has all the answers. I think you better call him. Really.

REP. MINTZ: Thank you.

SAM MC CLURE: Thank you.

REP. TULISANO: Thank you. That finishes up our sign up list, and since the, except for Cronin who would not hang around with us, supposed to be here, who once to take up our time.

JACK CRONIN: I'm sorry Mr. Chairman I was beeped.

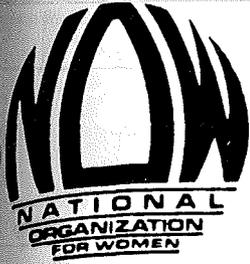
REP. TULISANO: Beeped?

JACK CRONIN: (inaudible)

REP. TULISANO: The new what system?

JACK CRONIN: (inaudible)

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CONNECTICUT NOW

TO: Senator Avallone, Representative Tulisano and
Members of the Judiciary Committee

FROM: Sam McClure, Lobbyist

DATE: February 28, 1992

RE: RCB 5013 - AAC ABANDONMENT BY A SPOUSE

The Connecticut chapter of the National Organization for Women supports the repeal of 46b-37(b)(5) and (b)(6) as long as the deletion of this language would have no bearing on the enforcement or awarding of alimony within the context of a related divorce between the parties.

Section (c) (NEW) is not so clear-cut. Our fear is that a battered woman who enters a family violence shelter may be found to have "abandoned" her spouse and be found liable for his support. Far from being an example of paranoia, this type of controlling behavior is common with abusers and is very likely to occur frequently. **We would strongly urge the committee to consider clarifying language for this section.**

We also support Section (c) (NEW) and appreciate the protection it offers to abandoned spouses from debts run up by the absent party without the knowledge or consent of the spouse who remains.

EQUALITY FOR WOMEN

CONN SACS

Connecticut Sexual
Assault Crisis Services

000344

CONN SACS
763 Burnside Ave.
Hartford, CT 06108
(203) 282-9881 Office

To: Sen Avallone , Rep. Tulisano and members of the Judiciary
Committee

Centers:

From: Gail Burns-Smith
Executive Director
Conn. Sexual Assault Crisis Services, Inc.

Bridgeport YWCA-RCS
(203) 334-6154 Office
(203) 333-2233 Hotline

Danbury RCS
(203) 9463 Office/Hotline

Re: Raised Bill 5013
An Act Concerning Abandonment By A Spouse

Hartford YWCA-SACS
(203) 525-1163 Office
(203) 522-6666 Hotline

Position: Oppose

Meriden YWCA-SACS
(203) 235-9297 Office
(203) 235-4444 Hotline

My name is Gail Burns-Smith. I am the executive director of the Connecticut Sexual Assault Crisis Services which is the coalition representing all thirteen rape crisis services located throughout the state. Through its members, CONNSACS provided services to over 5000 victims and their families, conducted community education and professional inservices to over 18,000 individuals, and trained school personnel and 39,000 students on issues of child sexual abuse.

West Middlesex County
(203) 46-7233 Office/Hotline

Milford RCS
(203) 874-8712 Office
(203) 878-1212 Hotline

CONNSACS opposes R.B. 5013 since it potentially may be used against a spouse who flees a violent relationship. A spouse who leaves due to sexual abuse or battering may find that the abuser uses this statute to avoid paying reasonable support. Additionally, a spouse trying to protect the children in the family who are being either physically or sexually abused may also find their flight defined as abandonment.

Windsor Britain YWCA-RCS
(203) 225-4681 Office
(203) 223-1787 Hotline

New Haven YWCA-RCS
(203) 789-1425 Office
(203) 624-2273 Hotline

I do not believe that it is your intent to create public policy that encourages or forces a spouse to stay in a violent relationship, yet this bill could potentially do just that.

Women's Center of
Southeastern CT-RCS
(203) 447-0366 Office
(203) 442-4357 Hotline

Storrs Rape and Sexual
Abuse Crisis Center
(203) 348-9346 Office
(203) 329-2929 Hotline

We strongly urge you to oppose passage of this bill.

Susan B. Anthony
Project for Women
(203) 489-3798 Office
(203) 482-7133 Hotline

Thank you.

Storrs YWCA-SACS
(203) 3613 Office/Hotline

Eastern Conn. SACS
(203) ext. 2577 Office
(203) ext. 2515 Hotline