

Legislative History for Connecticut Act

HB 5879	PA 260	FAY	1992
See: 2574-2583		(10)	SCM
SENATE	2819-2820, 2849 - 2850		(4)
Judiciary	1549	(1)	
			15 p.
			CONNECTICUT STATE LIBRARY LEGISLATIVE REFERENCE SECTION

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library
Compiled 2015

H-630

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1992

VOL. 35

PART 8

2455-2787

pat

002574
126

House of Representatives

Wednesday, April 22, 1992

personal privilege? The Clerk please return to the
Call of the Calendar.d

CLERK:

Calendar 363, Substitute for House Bill 5879, AN
ACT CONCERNING A TECHNICAL REVISION OF THE PENAL CODE.
Favorable Report of the Committee on Judiciary.

REP. COLEMAN: (1st)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Coleman.

REP. COLEMAN: (1st)

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

DEPUTY SPEAKER POLINSKY:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the bill.
Will you remark, Sir?

REP. COLEMAN: (1st)

Thank you, Madam Speaker. This bill makes some
technical corrections to the penal code of the
Connecticut General Statutes, specifically, it corrects
some typographical and grammatical errors and deletes
some obsolete references.

The bill received unanimous support in the

pat

House of Representatives

Wednesday, April 22, 1992

Judiciary Committee. It went through the regular process. It was subjected to a public hearing. There was no opposition to the bill. It is an extensive draft, approximately 59 pages. No opposition was expressed to any of the sections of the bill at the public hearing.

As I indicated, there are no substantive changes. It's completely technical in nature, addressing typographical and grammatical errors and obsolete references. I move passage of the bill, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

The question is on passage of the bill. Will you remark further on this bill? Will you remark further? If not, Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. Several questions to Representative Coleman, please. The first one, Representative Coleman, in line 501 there's a change to the section of the statute, just for the record. Could you explain why that change is being made. It seems to be a little bit more substantive than technical.

DEPUTY SPEAKER POLINSKY:

Representative Coleman.

REP. COLEMAN: (1st)

pat

House of Representatives

Wednesday, April 22, 1992

If I may have a moment, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Certainly. The House stand at ease for a moment.

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

The House please come to order. Representative Coleman.

REP. COLEMAN: (1st)

Through you to Representative Krawiecki. I believe the section to which he makes reference has to do with the court's interpretation, the Supreme Court's interpretation of what constitutes a nonsuspendible minimum term of incarceration, and what is attempted in this particular section is to make clear that a sentence of incarceration would be nonsuspendible, but that if the conviction is on the basis of a misdemeanor, incarceration is not necessarily the only option that's required.

If, for example, a fine is imposed, or a period of probation is imposed, fines or periods of probation can be imposed but when periods of incarceration are imposed, those sentences would be for a period of not less than one year.

DEPUTY SPEAKER POLINSKY:

Representative Krawiecki.

pat

House of Representatives

Wednesday, April 22, 1992

REP. KRAWIECKI: (78th)

Madam Speaker, I guess what I thought this was, and maybe I misunderstand, there is a couple of sections that are cited here, one of which is the assault of a victim 60 years of age or older in the third degree which is a Class A misdemeanor. It was my understanding that a Class A misdemeanor may not have a penalty of greater than one year.

The existing language indicates that they shall be sentenced to not less than one year and the proposed change in this file copy says that the sentence will be one year and such sentence shall not be suspended, reduced and so on and so forth.

So, through you, Madam Speaker, is it the intention of the sponsor that this change is meant to simply correct a penalty phase that had been adopted when this statute was done. They gave some language a little bit different than a misdemeanor and simply to underline the fact that this is a misdemeanor, Class A misdemeanor and shall be treated as all others.

Of is it the intention to alter the penalty that had been adopted at that time? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Coleman.

pat

002578
124

House of Representatives

Wednesday, April 22, 1992

REP. COLEMAN: (1st)

Through you, Madam Speaker, the Representative is correct. The maximum sentence for a Class A misdemeanor is a one year sentence. This apparently makes this consistent with the restrictions for the classifications of crimes to indicate as the draft would have indicated before it was changed, that the sentence could be for not less than one year would make the permissible sentence under this particular section inconsistent with the definition of a Class A misdemeanor.

REP. KRAWIECKI: (78th)

And, through you, Madam Speaker to Representative Coleman, is it your impression that we have now made this sentence less than what the file copy, or what the original statute had been? Is the penalty, I understand that you know, we're talking about semantics, but not less than one year versus one year, is a change, and I'm just wondering, through you, Madam Speaker, whether it's the sponsor's intention to change the underlying statute so as to make it a Class A misdemeanor and no doubt about it, versus what the intention of the General Assembly may have been on its original adoption? Through you.

DEPUTY SPEAKER POLINSKY:

Representative Coleman.

REP. COLEMAN: (1st)

Madam Speaker, through you, if I understand the question correctly, the penalty on this particular section would be one year in prison. If under this section assault on a victim over 60 years of age requires a nonsuspendible one year, the sentence would not be different, or the sentencing would not be different than what has existed in the past.

If a person is convicted under this section, it's a Class A misdemeanor. Class A misdemeanors usually require that the maximum period of incarceration would be for one year.

In this case, that maximum would be imposed because assault on a victim over the age of 60 requires that one year be imposed and that one year be nonsuspendible.

DEPUTY SPEAKER POLINSKY:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. I guess what I was just trying to get to was whether or not we were trying to force this category of crime into a Class A misdemeanor status when the General Assembly may have in fact meant the penalty to be more than what a Class A misdemeanor

pat

126

House of Representatives

Wednesday, April 22, 1992

penalty normally would be.

Splitting hairs, I admit, but I wanted it for the record to make sure that it was clear. Jumping over to line 684, Representative Coleman, through you, Madam Speaker, refers to crimes with a fine specified in the section of the general statutes that defines the crime.

Through you, Madam Speaker, to Representative Coleman, just as a question, if there are, there are statutes where the general language indicates no classification. What happens now with those charges? Through you?

DEPUTY SPEAKER POLINSKY:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Madam Speaker, there is a section of the penal code that addresses unclassified crimes and we would go from this section or whatever sections of this bill make reference to unclassified crimes, whether they be misdemeanors or felonies, the sentencing would be provided for under the section of the penal code which provides for unclassified crimes.

DEPUTY SPEAKER POLINSKY:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

And through you, Madam Speaker, the language that

pat

002581
127

House of Representatives

Wednesday, April 22, 1992

is in this section changes, indicates that the fine will be that, as specified in the section where the crime occurs. If it's unclassified, the fine will be what? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Coleman.

REP. COLEMAN: (1st)

That would be controlled by the particular offense. There are, throughout the penal code, some offenses that are called unclassified crimes or unclassified misdemeanors, unclassified felonies, and the specific sentences or the framework for a sentence are provided for in those particular sections throughout the penal code. Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Representative Coleman. I think I had one more question. No, thank you, Representative Coleman. I just wanted to make sure those two sections were clarified. Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you, Sir. Will you remark further on this bill? Will you remark further on this bill? If not, will all members please take their seats. Staff and

pat

Q02582

House of Representatives

Wednesday, April 22, 1992

guests to the well of the House. The machine will be opened.

CLERK:

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

DEPUTY SPEAKER POLINSKY:

Have all members voted?

CLERK:

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

DEPUTY SPEAKER POLINSKY:

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

CLERK:

House Bill 5879.

Total number voting	147
Necessary for passage	74
Those voting yea	147
Those voting nay	0
Those absent and not voting	4

pat

House of Representatives

Wednesday, April 22, 1992

DEPUTY SPEAKER POLINSKY:

The bill is passed. Any announcements or points of personal privilege? Representative Wasserman of the 106th.

REP. WASSERMAN: (106th)

Thank you, Madam Speaker. For purposes of an introduction.

DEPUTY SPEAKER POLINSKY:

Please proceed, Madam.

REP. WASSERMAN: (106th)

Thank you, Madam Speaker. Up in the Gallery are about 70 to 80 Four H-ers from the State who are here for a workshop and Capitol tour. One of the leaders is Joan Freeman who is from my home town of Newtown. I think it would be nice if we would all give them a wholehearted welcome. Thank you. (Applause)

REP. GELSI: (58th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Gelsi.

REP. GELSI: (58th)

For an announcement.

DEPUTY SPEAKER POLINSKY:

Please proceed, Sir.

REP. GELSI: (58th)

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

1992

VOL. 35

PART 8

2632-3004

MONDAY
May 4, 1992

002819

tcc

Page 7, Calendar 392, Substitute for House bill No. 5652, I move to the Consent Calendar.

THE CHAIR:

Is there any objection in moving Senate Calendar No. 392, Substitute for House Bill 5652, to the Consent Calendar? Any objection? Hearing none, so ordered.

SENATOR O'LEARY:

Page 8, I will move the first four items to the Consent Calendar, Calendar 395, Substitute for House Bill 5895; Calendar 397, House Bill No. 5016; Calendar 398, Substitute for House Bill 5779; Calendar 399, Substitute for House Bill 5404.

THE CHAIR:

Is there any objection in placing Senate Calendar 395, Substitute for House Bill 5895 and 397, House Bill No. 5016, and 398, Substitute for House Bill 5779, and Senate Calendar No. 399, Substitute for House Bill 5404 on the Consent Calendar? Is there any objection? Is there any objection to any one or all of those being placed on the Consent Calendar? Hearing none, so ordered.

SENATOR O'LEARY:

Page 10, two items for the Consent Calendar, Calendar 414, Substitute for House Bill 5879 and at the bottom of the page, Calendar 418, Substitute for House

MONDAY
May 4, 1992

002820

5
tcc

Bill 5197.

THE CHAIR:

Is there any objection in placing Senate Calendar No. 414, Substitute for House Bill 5879 and Senate Calendar No. 418, Substitute for House Bill 5197, on the Consent Calendar? Is there any objection to either one or both of those being placed on the Consent Calendar? Any objection? Hearing none, so ordered.

SENATOR O'LEARY:

Page 11, Calendar 419 is marked Go. Calendar 421, House Bill 5670 and 422, Substitute for House Bill No. 5898, I move to the Consent Calendar.

THE CHAIR:

Is there any objection to moving Senate Calendar No. 421, House Bill No. 5670 and Senate Calendar No. 422, Substitute for House Bill 5898 onto the Consent Calendar? Is there any objection to either one or both of those being moved to the Consent Calendar? If not, so ordered.

SENATOR O'LEARY:

Calendar No. 423 is marked Go.

Page 12, Calendar No. 426 is Go. And Calendar 428, Substitute for House Bill 5878; Calendar 429, House Bill No. 5111, I move both to the Consent Calendar.

THE CHAIR:

MONDAY
May 4, 1992

002849

34
tcc

Calendar #397, HB5016, Calendar #398, Substitute
HB5779, Calendar #399, Substitute HB5404.

Calendar Page 10, Calendar #414, Substitute HB5879,
Calendar #418, Substitute HB5197. Calendar Page 11,
Calendar #421, HB5670, Calendar #422, Substitute
HB5898. Calendar Page 12, Calendar #428, Substitute
HB5878, Calendar #429, HB5111. Calendar Page 13,
Calendar #433, HB5493, Calendar #435, Substitute
HB5789.

Calendar Page 14, Calendar #436, Substitute HB5872,
Calendar #437, Substitute HB5613, Calendar #439,
Substitute HB5082, Calendar #440, HB5563. Calendar
Page 15, Calendar #441, HB5871, Calendar #443,
Substitute HB5728. Calendar Page 30, Calendar #174,
Substitute SB415, Calendar #192, Substitute SB326.

Calendar Page 31, Calendar #266, Substitute SB284,
Calendar 267, Substitute SB11. Calendar Page 32,
Calendar #313, Substitute SB259.

Madam President, that completes the First Consent
Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You heard the
items that have been placed on Consent Calendar #1 for
today. The machine is on. You may record your vote.

Senator Scarpetti. Senator Scarpetti?

MONDAY
May 4, 1992

35
tcc

Have all the Senators voted that wish to vote? I'm assuming that Senator Morton is again not here today. Is that correct? Yes. Have all Senators then 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.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agendas #1 and #2 for Monday, May 4, 1992, copies of which have been distributed.

THE CHAIR:

Thank you very much. The Chair would recognize Senator O'Leary.

SENATOR O'LEARY:

Thank you, Madam President. I move that all items on Senate Agendas #1 and #2 dated Monday, May 4, 1992 be acted upon as indicated and that the agendas be incorporated in the Senate Journal and the Senate Transcript.

THE CHAIR:

Thank you very much. You have Senator O'Leary's

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 4
1191-1596

1992

001549

State of Connecticut
JUDICIAL DEPARTMENT
OFFICE OF THE CHIEF COURT ADMINISTRATOR
Drawer N, Station A
Hartford, Connecticut 06106

Testimony of Amalia V. Figlewski
Judiciary Committee Public Hearing
Monday, March 23, 1992

H.B. 5879, A.A.C. A Technical Revision of the Penal Code

The Judicial Branch would like to note a discrepancy in section 57 of the bill. In line 1406, after the word "DIVERSION" insert the words "FROM THE STATE" to conform with the language in line 1415 of that section.