

Legislative History for Connecticut Act

HB 6479	PA. 142	1993
Sen: 2861-2873		(13)
House 3428, 5143-5152		(11)
Judiciary 1051, 1350-1351		(3)
		Total - 27 p.

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

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GEN. ASSEMBLY  
SENATE

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1993

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2601-2947

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THURSDAY  
May 27, 1993

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Calendar Page 32, Calendar No. 460, File No. 560  
and 792, Substitute for House Bill 6979, AN ACT  
CONCERNING COURT OPERATIONS. (As amended by House  
Amendment Schedules "A" and "B").

Favorable Report of the Committee on Finance,  
Revenue and Bonding.

The committee recommends passage with House "A" and  
"B".

THE CHAIR:

Thank you very much. The Chair would recognize  
Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I move acceptance of  
the Joint Committee's Favorable Report and passage of  
the bill as amended by the House.

THE CHAIR:

Thank you very much. In conjunction with the  
action of the House?

SENATOR JEPSEN:

Yes, that's correct.

THE CHAIR:

And would you like to remark further on the bill?

SENATOR JEPSEN:

I would, Madam President. This bill cleans up a  
number of court processes and updates and reforms the

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way we do business in the state. There's a number of things. Among them, delaying the creation of a New Britain Judicial District for three years to allow for a smoother transition.

It expands the powers of magistrates to consider certain criminal matters and after ten years grants an increase -- grants -- well, it changes the manner in which court reports are paid to simplify from a folio or 100 word payment basis to a page by page basis.

THE CHAIR:

Thank you. Senator Harper, do you wish to remark? Oh, Senator Gunther, I'm sorry, sir.

SENATOR GUNTHER:

Madam President, I would like to move a rejection of House Amendment "B".

THE CHAIR:

Yes, sir. There's a motion before the Chamber by Senator Gunther on Senate Calendar 460 to reject House Amendment "B". Do you wish to remark on your motion, Senator?

SENATOR GUNTHER:

Madam President, I think that House Amendment "B" actually it more or less justifies what's been done for the past, oh, I guess 20 years by the court reporters and right now there happens to be a federal case

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pending in the Federal Court against what has been happening. These courts reporters have been violating the state law. It's right in the statute as exactly what they're supposed to charge for the Transcripts and how they're supposed to charge.

This state law has been violated and continually violated and your little fiscal analysis here the other day, we had one that said it only cost the State of Connecticut about \$15,000, \$18,000. It was very definite in error, that was pointed out to them that this could come to hell of a lot more than \$15,000, \$18,000. In fact the final resolve is that it could very well cost 10 to 45 percent more, depending on how this program was set up and be as much as \$54,000.

Now I'm very concerned over this. This actually -- we take this action right now, as far as I'm concerned, we more or less justify what's been happening for the past, I think it's 20 years, I think since 1976, almost 20 years where the Transcripts have been overcharged to both the State of Connecticut and to the private parties throughout the State of Connecticut. We're talking about literally millions of dollars that have been charged on these Transcripts.

In one case alone, I understand the Sheff/O'Neill case alone, there was overcharge of \$9,000. What has

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been happening is they're only supposed to be charging, I believe, 70 cents a page and instead they were charging a dollar and a half. They go by what they call folios and the folio is a -- two and a half folios amounts to I believe 150 words or 250 words. They've been making large margins on the Transcripts and they've been taking the -- in that way reducing the amount of typing and that sort of thing. It's been a real scam in my estimation, Madam President, and I think to take and come in at this time and justify that, especially with looking back at what's been happening, and in my book, there is a reasonable question. The reimbursement might have to be made at some point and we're talking millions of dollars.

Now the State of Connecticut doesn't take too bad a hit, but just think of every individual in the State of Connecticut that had to go in and buy a Transcript of a court proceeding. They were probably charged double for the darn thing.

On top of that, the first Transcript is supposed to be a certain amount of money and each additional Transcript after that was about half of that rate. I believe it was something like \$1.20 cents and then it was supposed to be about half of that on the next Transcripts. They've been charging full price for both

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the first and subsequent copies of that Transcript.

Now I think this is a bad precedent to make at this particular time. I know that very little is known by this Circle unless the people that were involved in this particular amendment and even that is suspicious because I know that in taking a look at the Manchester Journal, Manchester Journal Inquirer, a reporting of it the other day was followed up by a reporter and it didn't seem like anybody knew a heck of a lot about it what it was going to cost the state, what it was all about.

So I think that we should not set examples like this. We shouldn't, first of all, go ahead and set the rates. You might say that they've been charging all these years. They've been sticking it to the public and I think to reward them for this, we now bring those rates up to that level. And as far as I'm concerned, I think this should be rejected and by no means should we pass this Amendment "B".

SENATOR HARPER:

Madam President.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Harper.

SENATOR HARPER:

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Thank you, Madam President. I would also urge rejection of this amendment. Essentially I agree with the comments of Senator Gunther and I won't repeat those other than to say I just think it's wrong when we take an action that has been in this case done illegally and although it's our prerogative to change laws and legitimize anything we want, I suppose, I just have a problem doing that in a case where a group of individuals were willfully disobeying what the General Statutes said they should charge and there's evidence that they were willfully doing it when others in that profession were not doing it.

So it's not a question that everybody doing this kind of work all had the same misunderstanding. There are court reporters who charge on the basis of 150 words a page where the vast majority were charging more than that. There's evidence that some court reporters who were reading the law correctly and abided by it.

Last fall a memorandum issued by the Chief Court Administrator's office also underscored this problem and required that the court reporters charge according to the statutes the reduced amount of money. So this legislation before us today, as Senator Gunther says, now makes it legal to charge a higher amount and I do think that's wrong and I would urge that when the vote

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be taken, it be taken by roll.

THE CHAIR:

Thank you, Senator Harper. Senator Aniskovich.

SENATOR ANISKOVICH:

Thank you, Madam President. I rise in opposition to the motion to reject House "B" and I would like for the benefit of my colleagues to offer a few observations in support of that position. For many years, Madam President, it has been the practice of court reporters to charge by page. Very clearly, the statute currently on the books required a change in that practice, asking court reporters to charge by folio, which is equal to 100 words.

There have been allegations, although unsubstantiated, that court reporters neglected in some instances to comply with that rule. The fiscal impact that was specified in the attended fiscal note suggests that there would only be a fiscal impact to the state if there were found to be compliance with the statutory requirement of counting words within a folio. As there has been evidence presented to the various committees before which this bill has been visited that in fact the court reporters did not depart from their practice there could, therefore, be no fiscal impact to the state under the standards set forth in that addended

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fiscal note.

With respect to overcharges, I think Senator Gunther raises some very important issues, but we must remember here that overcharges can occur no matter what the statutory standard of cost per page or per folio exists and that there are alternative remedies for people who overcharge. For those reasons, I would ask my colleagues on a roll call vote to reject the motion to reject House "B".

THE CHAIR:

Thank you very much, Senator Aniskovich. Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I join Senator Aniskovich in opposing this motion to reject and would also appreciate a roll call vote. With all respect to my colleagues who have spoken in support of the motion, the fact that some people may have abused a process does not mean that the balance of those individuals involved should be penalized. The fiscal impact, if any, would be limited, of this change. Court reports have not had a change in rate in more than ten years and counting by pages, as long as it is monitored, is a much more efficient way to count words than counting by folios and there is a possibility for abuse either way.

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Abuse ought to be countered within the process and not by punishing people at the time that laws are enacted.

THE CHAIR:

Thank you very much. Senator Gunther, for the second time.

SENATOR GUNTHER:

All I have to say, Madam President, very briefly, these people have been violating the law of the State of Connecticut. This isn't an interpretative type thing. It's written in the law. They did it over a 20 year period and it's just not an isolated case. There's those people that played by the rules and those are the people that really are being penalized. You might say if they played the ballgame and went after the public and went after the increase rates and those, instead of screwing the people of the State of Connecticut, they played it square and now you're up here taking up a bill that you're going to justify that practice.

All I can say is, by no means should this be passed and it's pretty difficult for us who are not in the inner Circle of the Judiciary to understand some of these things, but all I can tell you is I paid for a Transcript once. I didn't know this was in force. We

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paid full buck for it and that sort of thing. How many hundreds of people are out there under the same circumstances that have been taken in the State of Connecticut. All I can tell you is this is a country club type of amendment. It's to protect the boys that are in the Circle. All I can say is we ought to take and reject this strongly and make a good example that the State of Connecticut shouldn't have any of their employees knowingly violate the state law.

THE CHAIR:

(Gavel) Will the Chamber please come to order. Thank you. Anybody else wish to remark on the motion to reject House Amendment "B"? Are there any further remarks on the motion to reject House Amendment "B"? If not, Mr. Clerk, would you please make the necessary announcement for a roll call vote.

THE CLERK:

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

THE CHAIR:

Thank you very --.

SENATOR GUNTHER:

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Madam President, would you explain the vote please?

THE CHAIR:

Yes, sir, I will. I was going to do that. The issue before the Chamber is on Senate Calendar No. 460, Substitute for House Bill No. 6979. It is a motion that has been made by Senator Gunther and the motion is to rejection House Amendment "B". So a vote yes is a vote to reject. A vote no is not to reject.

The machine is on. You may record your vote. Yes is to reject. No is not to reject.

Have all Senators voted and have your votes been properly recorded? Have all Senators voted and have your votes been properly recorded? The machine is closed.

The result of the vote:

3	Yea
33	Nay
0	Absent

The motion fails.

We still have before us now Substitute for House Bill No. 6979 with House Amendments "A" and "B". Would anybody wish to remark further? Are there any further remarks? Senator Jepsen.

SENATOR JEPSEN:

If there's no objection, I would move this to the

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Consent Calendar.

THE CHAIR:

Thank you very much. Is there any objection to place Senate Calendar --? Yes, Senator Gunther.

SENATOR GUNTHER:

After that demonstration, to put this on the Consent Calendar, no way. All I have to say, I'm happy to be amongst the giants because I can see that at least three people here listened.

THE CHAIR:

I take it that that's an objection.

LAUGHTER

Mr. Clerk, if there are no further comments on Senate Calendar No. 460, would you please make the necessary announcement for a roll call vote.

THE CLERK:

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

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is Senate Calendar 460, Substitute for House Bill 6979, as amended by House Amendments "A" and

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"B". A vote yes is in support of the bill. A vote no is not. The machine is on. You may record your vote.

Senator Crisco. Have all Senators voted and are your votes properly recorded? Have all Senators voted and are your votes properly recorded? The machine is closed.

The result of the vote:

35	Yea
1	Nay
0	Absent

The bill passes.

Senator Gunther lost his companions.

THE CLERK:

Disagreeing Actions, Calendar Page 33, Calendar No. 153, File No. 201 and 457, Substitute for Senate Bill 847, AN ACT CONCERNING THE CONNECTICUT GIFT TAX. (As amended by Senate Amendment Schedule "A" and House Amendment Schedule "A").

Favorable Report of the Committee on Finance, Revenue and Bonding.

The Clerk is in possession of one additional amendment.

THE CHAIR:

I believe it's Substitute for Senate Bill 847 and the Chair would recognize Senator Maloney.

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House of Representatives

Tuesday, May 4, 1993

DEPUTY SPEAKER LYONS:

The question before us is on referral to P & D. Is there objection? Hearing none, so ordered.

CLERK:

At the bottom of Page 17, Calendar 443, Substitute for House Bill Number 6979, AN ACT CONCERNING COURT OPERATIONS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the Committee on Public Health.

DEPUTY SPEAKER LYONS:

The question before us is on referral to Public Health. Is there objection? Hearing none, so ordered.

CLERK:

On Page 18, at the top, Calendar 444, Substitute for House Bill Number 7153, AN ACT CONCERNING THE BROKER TRANSACTIONS GUARANTY FUND. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the

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House Bill 6804, as amended by House Amendment  
"A" and "B".

Total Number Voting	150
Necessary for Passage	76
Those Voting Yea	150
Those Voting Nay	0
Those absent and not Voting	1

DEPUTY SPEAKER LYONS:

The bill, as amended, passes.

CLERK:

Calendar 443, Page 32, Substitute for House Bill  
6979, AN ACT CONCERNING COURT OPERATIONS. Favorable  
Report of Committee on Public Health.

REP. TULISANO: (29th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Tulisano, please proceed.

REP. TULISANO: (29th)

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

DEPUTY SPEAKER LYONS:

The question before us is on acceptance and  
passage. Will you remark?

REP. TULISANO: (29th)

Yes, Madam Speaker, the Clerk has an amendment

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LCO6085. Sorry, Madam Speaker.

DEPUTY SPEAKER LYONS:

If we could just pause for a moment while we wait for the board. It's coming. The information was not on the board. Representative Tulisano, if you would once again like to move the amendment.

REP. TULISANO: (29th)

Madam Speaker, do I have to move the bill again? I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER LYONS:

The question before us is on acceptance and passage. Will you remark?

REP. TULISANO: (29th)

Yes, Madam Speaker. Madam Speaker, the bill before us makes clear that certain provisions of statutes CADAC reports are confidential in the court matters. Madam Speaker, the Clerk has an amendment LCO6085.

DEPUTY SPEAKER LYONS:

Representative Tulisano, could you give us that number again?

REP. TULISANO: (29th)

6085.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO6085, which will

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be designated House "A". Will the Clerk please call and the Representative has asked leave to summarize?

CLERK:

LCO6085, House "A", offered by Representative Tulisano.

REP. TULISANO: (29th)

Yes, Madam Speaker, this amendment makes it clear we have established some time ago the Judicial District of Hartford, New Britain and Hartford as well as a new GA in the Towns of Rocky Hill, Wethersfield, Newington, and it's just they haven't been built yet. This postpones operations to 1996. I move its adoption.

DEPUTY SPEAKER LYONS:

Thank you, sir. The question before us is on adoption. Will you remark? Will you remark further on the amendment/ Representative Chase.

REP. CHASE: (130th)

Thank you, Madam Speaker. Madam Speaker, through you, a question to Representative Tulisano.

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. CHASE: (130th)

Yes, Representative Tulisano, on line 73 of the amendment, we're repealing Section 12 of Public Act 88-230 and Section 2 of Public Act 90-98. We haven't

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had a chance. Do both of those deal strictly with the effective dates?

REP. TULISANO: (29th)

Through you, Madam Speaker, that's exactly what it does, just from 93 to 96. That's it.

DEPUTY SPEAKER LYONS:

Representative Chase.

REP. CHASE: (130th)

Thank you, and do those Public Acts, are they in direct reference. I don't know if I'm wording this right, to the body of the amendment.

DEPUTY SPEAKER LYONS:

Representative Tulisano.

REP. TULISANO: (29th)

Those are the acts which initially started it, the two courts and was extended one time before, and there's something in the bond issue for New Britain, Rocky Hill this year, but they're not built yet.

DEPUTY SPEAKER LYONS:

Representative Chase.

REP. CHASE: (130th)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark? Representative Wollenberg.

REP. WOLLENBERG: (21st)

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Yes. Thank you, Madam Speaker. A question, through you, to Representative Tulisano.

DEPUTY SPEAKER LYONS:

Please frame your question.

REP. WOLLENBERG: (21st)

Through you, Madam Speaker, Representative Tulisano, if this doesn't pass would it mean that the expectation of those court houses being built would die?

DEPUTY SPEAKER LYONS:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Madam Speaker, no not at all. It would mean there would be chaos come October 1st of 1993, and no one knows where to, well, they know where to pull the juries from, but they won't know where to put them.

DEPUTY SPEAKER LYONS:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Another question, through you, to Representative Tulisano.

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. WOLLENBERG: (21st)

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Does this have anything to do with the possibility of what's in the bill to come passing, if that doesn't pass and we don't get the court houses.

REP. TULISANO: (29th)

Through you, Madam Speaker, no, this is clearly because the statutes already exist that say when these districts are to be established. Their effective day is October 1st, I'm sorry, September 1st. If as of September 1st we don't do anything, they will have to do something to fulfill the statute which would probably be chaotic and this is an attempt to maintain a little order in our system and not cause a great deal of disruption and extra cost.

REP. WOLLENBERG: (21st)

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Wollenberg.

REP. TULISANO: (29th)

One more question. Then this is in no way an assurance that those courts will be built. Is that true?

DEPUTY SPEAKER LYONS:

Representative Tulisano.

REP. TULISANO: (29th)

No, this doesn't insure the courts will be built,

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only putting up the money makes that assurance.

REP. WOLLENBERG: (21st)

Thank you, Representative Tulisano, and Madam Speaker. More to come.

DEPUTY SPEAKER LYONS:

Thank you, sir.

REP. TULISANO: (29th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Tulisano.

REP. TULISANO: (29th)

This has been going on for about five years with Representative Wollenberg and I.

DEPUTY SPEAKER LYONS:

Will you remark? Will you remark further on the amendment that is before us? If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The amendment is adopted and ruled technical.

Will you remark further on the bill that is before us? Representative Tulisano.

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REP. TULISANO: (29th)

Madam Speaker, the Clerk has an amendment LCO7350.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO7350, which will be designated House "B". Will the Clerk please call and the Representative has asked leave to summarize?

CLERK:

LCO7350, House "B", offered by Representative Richard Tulisano.

REP. TULISANO: (29th)

Yes, Madam Speaker. This amendment adds to our court reporter statutes on how they be compensated, also court monitors who transcribe in courtrooms. It establishes what the charge is for a page, describes what a page, what is required to be a page, transcript page means a page consisting of 27 double spaced lines on a certain size paper. I move its adoption.

DEPUTY SPEAKER LYONS:

The question before us is on adoption. Will you remark? Will you remark on the amendment that is before us? Representative Farr.

REP. FARR: (19th)

Yes, just for the record. My understanding, Representative Tulisano, this does not affect state costs. This is for the private individuals.

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REP. TULISANO: (29th)

Through you, Madam Speaker, that's correct.

DEPUTY SPEAKER LYONS:

Representative Farr. Will you remark further on the amendment that is before us? If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The amendment is adopted and ruled technical. Will you remark further on the bill that is before us? Will you remark? If not, staff and guests please come to the Well. Members, take their seats. The machine will be opened.

CLERK:

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

DEPUTY SPEAKER LYONS:

Have all the members voted, and will the members please check the board to make sure that your vote is properly recorded?

If all the members have voted, the machine will be

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locked, and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Bill 6979, as amended by House Amendment Schedules "A" and "B".

Total Number Voting	149
Necessary for Passage	75
Those Voting Yea	149
Those Voting Nay	0
Those absent and not Voting	2

DEPUTY SPEAKER LYONS:

The bill passes as amended.

Are there any announcements or Points of Personal Privilege? Representative Munns.

REP. MUNNS: (9th)

Thank you, Madam Speaker. I was going to make an announcement, but since you all might be tired of me making this announcement, I want to yield to Representative Schiessl.

DEPUTY SPEAKER LYONS:

Representative Schiessl, do you accept the yield to be the salesman of the year?

REP. SCHIESSL: (60th)

Oh, I suppose I do. Thank you, Madam Speaker. Once again just reminding you all that the softball

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JUDICIARY

March 1, 1993

This bill authorizes the payment of certain violations with a maximum penalty of \$500 or less to the CIB. This extends a legislative and judicial initiative to reduce the number of less serious matters in the courts and enables such cases to be more efficiently handled at every stage of the process.

There are several technical corrections to this bill which is just reference changes that I've included in my testimony and I'll make sure (inaudible) gets it.

HB6979 AN ACT CONCERNING COURT OPERATIONS.

This bill clarifies and improves certain provisions of the statutes pertaining to court operations. It clarifies that CADAC examination reports are sealed. Section 2 logically expands those cases which are going to be handled by a magistrate to include cases involving criminal violations where there is no possibility of incarceration.

Some examples of these would be violations concerning boatings, dogs, hitch hikings, and breach of peace.

In addition, this allows the magistrates to completely resolve the cases they handle by allowing them to way fees. This is in addition to their current authority to impose such fees.

Finally AN ACT CONCERNING JUDGEMENT DEBTORS AND CREDITORS.

HB 7032

This bill allows a judgement creditor to have an examination of a judgement debtor who has not responded to post-judgement derogatories in the court where the judgement was rendered.

The request for the examination would be on a form prescribed by the office of the Chief Court Administrator and could be signed by the clerk.

Since we've provided that notice and service of the order would be prescribed by statute, this would make the actions of the clerk completely ministries.

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**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 1, 1993

**H.B. 6979, An Act Concerning Court Operations**

On behalf of the Judicial Branch, I would like to address House Bill 6979, An Act Concerning Court Operations. This bill clarifies and improves certain provisions of the statutes pertaining to court operations. Specifically, section 1 clarifies that a CADAC examination report ordered by the court shall be sealed; section 2, logically expands those cases which may be handled by a magistrate to include cases involving criminal violations where there is no possibility of incarceration. Examples of such violations include those concerning boating, dogs, hitchhiking and breach of peace. In addition, it allows the magistrates to completely resolve the cases they handle by allowing them to waive fees and costs in addition to their current authority to impose such fees.

Sections 3 and 5 concern the disclosure of erased information. These sections allow the disclosure of erased information, including nonconviction information that has been erased, to a criminal justice agency. The Judicial Branch routinely reports the disposition of

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all criminal and motor vehicle cases to certain state agencies and arresting police agencies. Such entities, which have knowledge of or interest in the disposition of a case, sometimes request verification or additional items for their files. Since all criminal justice agencies are bound by the provisions of the Security and Privacy Act, disclosure of erased case information among such agencies maintain the privacy protection of the subject of the record while promoting interagency cooperation and information transmittal efficiency.

Finally, section 4 of the bill permits the disclosure of an entire file if any count is dismissed and there is a conviction upon one or more counts. This provision avoids the necessity of excision of interrelated parts of court records or, in other words, extracting information in order to accomplish the nondisclosure of outcomes. The procedure also allows the subject of the record to have the full record officially disclosed to explain all aspects of any court appearance.

We strongly support this proposal and ask for your favorable consideration. Thank you for your consideration of our position.