

Legislative History for Connecticut Act

HB 6935      P.A. 310      1993

Sen: 4571-4573, 4695-4696 (5)

House: 6829, 8942-8943, 9983-9999  
(20)

Judiciary 2318-2320, 2322, 2323, 2326,  
2351-2352, 2500, 2549-2553 (11)

Total- 36p.

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

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S-355

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1993

VOL. 36

PART 13

4482-4828

MONDAY  
June 7, 1993

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tcc

No further amendments, Madam President. Senator Daily.

SENATOR DAILY:

Thank you, Madam President. I'd seek leave to summarize.

THE CHAIR:

Please proceed.

SENATOR DAILY:

This bill helps us to establish conformance with Federal Clean Air Act. It directs the commissioner to do the study as far as the clunkers that we've just talked about and to take other steps as far as clean air.

THE CHAIR:

That completes your --? Would anybody else like to remark on Senate Calendar 622? Are there any further remarks? Any further remarks? If not, Senator, if there's no objection, do you wish to place this on the Consent Calendar? So moved, Madam President. Is there any objection to placing Senate Calendar 622, Substitute for House Bill 6842, on the Consent Calendar? Is there any objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 624, File No. 1019, Substitute for

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House Bill 6935, AN ACT CONCERNING VICTIM SERVICES. (As amended by House Amendment Schedules "A", "B" and "C").

Favorable Report of the Committee on Government Administration on Elections.

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 in concurrence with the House.

THE CHAIR:

Thank you very much, Senator. Do you wish to remark further?

SENATOR JEPSEN:

Yes, I would. Thank you, Madam President. This attempts to bring out a level of coherence to the provision of victim services in this state by folding the current commission which has had trouble operating and maintaining its budgets and functioning from an efficiency standpoint into the Judicial Department where it is believed that cost control, the cost control capacity of the department, together with OPM, will allow greater scrutiny without diminishing the services that can be provided to the public.

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THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Calendar 624? Are there any further remarks? Senator Jepsen, would you like to make a motion to place this on the Consent Calendar if there's no --?

SENATOR JEPSEN:

So moved.

THE CHAIR:

Is there any objection to placing Senate Calendar 624, Substitute for House Bill 6935, on the Consent Calendar? Is there any objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 625, File No. 1029, Substitute for House Bill 6960, AN ACT CONCERNING HEALTH RECORDS REQUESTED FROM PROVIDERS BY PATIENTS. (As amended by House Amendment Schedule "A").

Favorable Report of the Committee on Human Services.

The Clerk is in possession of one amendment.

THE CHAIR:

The Chair would recognize Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I move acceptance of

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return to the Chamber. 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 Consent Calendar No. 3 for today, Monday, June 7, 1993. Mr. Clerk, would you please read off the items that have been placed on Consent? Mr. Clerk.

THE CLERK:

Third Consent Calendar begins on Calendar Page 6, Calendar No. 598, Substitute HB6915.

Calendar Page 11, Calendar No. 622, Substitute HB6842, Calendar 624, Substitute HB6935, Calendar 625, Substitute HB6960.

Calendar Page 12, Calendar No. 628, Substitute HB7154.

Calendar Page 16, Calendar No. 644, Substitute HB7291.

Calendar Page 17, Calendar No. 344, HB7215.

Calendar Page 19, Calendar No. 149, Substitute SB918.

Calendar Page 20, Calendar No. 170, Substitute SB290.

Calendar Page 21, Calendar No. 263, Substitute

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SB667, Calendar No. 315, SB207.

Calendar Page 22, Calendar No. 364, Substitute  
HB5417.

Calendar Page 23, Calendar No. 544, Substitute  
HB7086.

I'm sorry, it was Calendar No. 544, Substitute  
HB7086 which is the last one on Page 23.

Madam President, that completes the Consent  
Calendar.

THE CHAIR:

Thank you very much. You've heard the items that  
have been placed on Consent Calendar No. 3. The  
machine is on; you may record your vote.

Senator Kissel. Senator Kissel. 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:

36 Yea

0 Nay

0 Absent

The Consent Calendar is adopted.

Mr. Clerk, do you have further business on your  
desk?

THE CLERK:

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HOUSE

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6521-6922

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House of Representatives

Monday, May 24, 1993

REP. SCHIESSL: (60th)

Thank you, Madam Speaker. I move that this item be referred to the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on referral to finance. Is there objection?

Hearing none, so ordered.

CLERK:

Page 18, Calendar 649, Substitute for House Bill 6935, AN ACT CONCERNING VICTIM'S' SERVICES.

DEPUTY SPEAKER LYONS:

Representative SCHIESSL.

REP. SCHIESSL: (60th)

Thank you, Madam Speaker. I move that this item be referred to the Committee on Government Administration and Elections.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on referral to GAE. Is there objection? Hearing none, so ordered.

CLERK:

Page 20, Calendar 658, Substitute to Senate Bill 681, AN ACT DEFERRING THE FIRST ALLOCATION OF APPROPRIATED FUNDS TO THE TEACHERS' RETIREMENT BOARD, as amended by Senate "A".

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PART 25

8782-9150

gmh

House of Representatives

Thursday, May 27, 1993

Thank you, Mr. Speaker. Mr. Speaker, while await the locating of that amendment, I would ask this matter to be passed temporarily and move onto the next item.

SPEAKER RITTER:

Without objection, it will be PTD. Clerk, please continue the call of the Calendar.

CLERK:

Please turn to Page 35, Calendar 649, Substitute for House Bill 6935, AN ACT CONCERNING VICTIM SERVICES. Favorable Report of the Committee on GAE.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

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

SPEAKER RITTER:

Motion is on acceptance and passage. Please proceed, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Hold on one second, sir. We have the old bill on the roll call machine. Why don't we wait one second.

Representative Lawlor. Representative Luby, I'm

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House of Representatives

Thursday, May 27, 1993

sorry.

REP. LUBY: (82nd)

One more time, Mr. Speaker, I would ask that this matter be passed temporarily, and I would ask that the Clerk please call...

SPEAKER RITTER:

Without objection, this item will be passed temporarily.

REP. LUBY: (82nd)

And I would ask that the Clerk please call Calendar 647.

SPEAKER RITTER:

647. If the Clerk will please call Calendar 647.

CLERK:

Page 34, Calendar 647, Substitute for House Bill 7252, AN ACT CONCERNING DOMESTIC VIOLENCE. Favorable Report of the Committee on Finance.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

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

SPEAKER RITTER:

Wait one second. You should have some trepidation.

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9852-10,243

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House of Representatives

Wednesday, June 2, 1993

DEPUTY SPEAKER COLEMAN:

The bill as amended, is passed.

CLERK:

Please turn to page 33, Calendar 649, Substitute for House Bill 6935, AN ACT CONCERNING VICTIM SERVICES.

Favorable report on GAE.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER COLEMAN:

Question is on acceptance and passage of the bill. Will you remark further?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, I will. This bill essentially implements changes enacted in our biennial budget which we passed a few weeks ago. The major portion of this is to move the currently established Commission on Victim Services into the Judicial Department. In so doing, we eliminate the actual Commission on Victim Services and establish, within the Judicial Department, an Office of Victim Services. We streamline the process of approving victim compensation

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Wednesday, June 2, 1993

awards by establishing five positions entitled, victim compensation commissioners and allow the chief court administrator to appoint the chief victim compensation commissioner.

We essentially re-establish the current Advisory Council, a fifteen member council. We require that there be two co-chairs of that council to be appointed by the chief court administrator and finally, we establish a streamline hearing process where the first level of determination on victim compensation awards will be made by the staff of the office of Victim Services. Appeals from that would be reviewed by the Victim Compensation Commissioner assigned to that particular case and an appeal from the victim Compensation Commissioner can be had to the Superior Court.

Mr. Speaker, to clarify a few portions of the bill, the Clerk has LCO8300. I would ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO8300, designated House "A"?

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Wednesday, June 2, 1993

awards by establishing five positions entitled, victim compensation commissioners and allow the chief court administrator to appoint the chief victim compensation commissioner.

We essentially re-establish the current Advisory Council, a fifteen member council. We require that there be two co-chairs of that council to be appointed by the chief court administrator and finally, we establish a streamline hearing process where the first level of determination on victim compensation awards will be made by the staff of the office of Victim Services. Appeals from that would be reviewed by the Victim Compensation Commissioner assigned to that particular case and an appeal from the victim Compensation Commissioner can be had to the Superior Court.

Mr. Speaker, to clarify a few portions of the bill, the Clerk has LCO8300. I would ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO8300, designated House "A"?

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CLERK:

LC08300, House "A" offered by Representative  
Lawlor.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor has requested permission to summarize. Is there objection? Seeing none, please proceed, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This amendment accomplishes three things. It takes out a reference to victims of torts which had been part of the jurisdiction of the Commission on Victim Services, but is being eliminated in the new office of Victim Services. There was one sort of dangling reference to victims of torts which we are deleting through this amendment.

Second, we are specifying, we are eliminating some language in the file copy which spoke of the members of the Advisory Council, actually electing a single chair person which was in conflict of the other language calling for the chief court administrator to appoint two co-chair persons and third, at the suggestion of the Chief State's Attorney, we are eliminating some language which would have appeared to have granted criminal immunity to persons being tested, subpoenaed

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Wednesday, June 2, 1993

to testify in the victim compensation hearing. It is not our intent to grant immunity to any person and therefore, that language is being deleted.

I urge adoption of the amendment, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Question is adoption of House "A". Will you remark further? Will you remark further on House "A"? Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to Representative Lawlor.

DEPUTY SPEAKER COLEMAN:

Please frame your question.

REP. WARD: (86th)

Representative Lawlor, I see that some of the sections with regard to the immunity provisions have been deleted in the amendment and I call your attention to lines 444 through 453. Reading the amendment against the file, are we still saying that you could not make a Fifth Amendment claim at the hearing that you refused to answer the questions at the hearing because you might tend to incriminate yourself?

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Yes, an individual would be perfectly within his or her rights to make a Fifth

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Amendment claim at such a proceeding.

DEPUTY SPEAKER COLEMAN:

Representative Ward.

REP. WARD: (86th)

Through you, Mr. Speaker. I guess my question is then, what is the reason then to say no one who is issued a subpoena shall be excused from testifying or from producing records? I just don't know why we didn't take that whole section out all together. Clearly, if there is a subpoena, you would need some specific reason to be excused, so I don't know what was left in, why that was left in. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, through you, to answer that question, you are not excused from attending a hearing whether or not you exercise your fifth amendment right in response to any particular question would be a separate issue, I believe.

DEPUTY SPEAKER COLEMAN:

Representative Ward.

REP. WARD: (86th)

Mr. Speaker, and I don't mean to nit-pick, but what

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I am confused by is the language specific that says, I think, if we still leave in, that you shall be excused from testifying. Which would sound to me like you wouldn't have any right to either move to quash the subpoena if you thought you had a good reason to do that or to use any constitutional right you had to refuse to testify and is it your intention or do you believe the language still allows one to refuse to testify if they have a legal basis for so refusal? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, it is our intention that you would be able to exercise any constitutional right you might be entitled to exercise, once subpoenaed before a hearing before the Victim Compensation Commissioner.

DEPUTY SPEAKER COLEMAN:

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. I guess this is the final question. I had an amendment drafted in the same section because I had some concerns that accidentally by granting use immunity or perhaps transactional

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immunity, I don't know which it was, you might mess up a prosecution and I am sure the victim didn't have that in mind by subpoenaing someone in.

Is there any harm to the file if lines 444 and 445 and 446 were eliminated? Because it seems to me then it would be clear and it is just a regular subpoena with the follow up language which would be left in which says that if you appear but refuse to answer, you go through the proper procedure with the court or his there a need to leave those first lines in the bill?

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, if you could just restate your question more specifically, I would be happy to respond to it.

DEPUTY SPEAKER COLEMAN:

Representative Ward, would you care to restate your question?

REP. WARD: (86th)

Thank you, Mr. Speaker. I will try to be clearer.

The amendment only deleted, I would say the bottom part of subsection d. It left in the requirements that you would not be excused from testifying or from producing records, papers or documents and my question

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is, would there be any harm to the file, if those sections were also eliminated because you still have the basic right to subpoena and my question is, what is the reason for leaving that in? My belief is that it may lead to confusion, but if there is a good reason to leave it there, I would certainly accept that.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. I can't think of any specific harm that would be done by eliminating this language, but I am told that this is standard language for administrative hearings that appears elsewhere in the statutes, but I don't see any reason, specific reason, not to eliminate it if anyone felt strongly about that.

DEPUTY SPEAKER COLEMAN:

Representative Ward.

REP. WARD: (86th)

Thank you. I certainly support the amendment. I think it was right to be sure that accidentally we didn't wind up granting certain individuals immunity and thereby messing up criminal prosecutions when the prosecutor wasn't there.

So, I support the amendment and I guess I will read

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it more carefully as we debate the bill to see if I think those other lines ought to come out by separate amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you Representative Ward. Will you remark further? Will you remark further on House "A"? If there are no further remarks to be made on House "A", the Chair will try your minds.

The question before the Chamber is the adoption of House Amendment Schedule "A". All those in favor, say Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, nay.

The ayes have it. House "A" is adopted and ruled technical.

Will you remark further on the bill, as amended?

Representative Lawlor.

REP. LAWLOR: (99th)

The Clerk has LCO9012. I would ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO9012, designated

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House "B"?

CLERK:

LC09012, House "B" offered by Representative  
Tulisano.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor has requested permission to summarize. Is there objection? Seeing none, please proceed, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. In proof reading the file copy, it was clear that in line 787 there was no deadline during which people, if one was taking an appeal from the decision of the Victim Compensation Commissioner into the Superior Court, there was no deadline set forward in the file copy. This was essentially taken out of the Victim Compensation Commissioner language which was subject to the Administrator Procedures Act.

We have written in this amendment, a thirty day deadline from the day of the mailing of notice or the personal delivery of the notice. I would urge adoption.

DEPUTY SPEAKER COLEMAN:

Question is adoption of House "B". Will you remark further? Will you remark further on House "B"? If

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not, the Chair will try your minds.

All those in favor of House "B", please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, please say Nay.

The ayes have it. House "B" is adopted and ruled technical.

Will you remark further? Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, the Clerk has LCO9129. I would ask the Clerk to call and I be permitted to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO9129, designated House "C"?

CLERK:

LCO9129, House "C" offered by Representative Lawlor.

DEPUTY SPEAKER COLEMAN:

Permission to summarize is requested. Is there objection? Without objection, please proceed, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This amendment essentially

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deletes section 30 of the bill which provides that the Office of Victim Services shall be subject to the F.O.I. provisions in our statute. That is somewhat in conflict with other areas. The file copy and other existing statutes regarding victim notification, confidential records, regarding addresses and telephone numbers of victims of crimes, etc. and I think it would be inconsistent with the intent of this Legislature to protect the annominy of victims who have chose to take advantage of the Commission of Victim Services, now the Office of Victim Services and I would urge adoption of this amendment.

DEPUTY SPEAKER COLEMAN:

Question is on adoption of House "C". Will you remark further? Will you remark further on the adoption of House "C"? Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. Mr. Speaker, I understand the reason and need to keep some of the victim information confidential. My concern is by taking this section out that it maybe that the amounts of awards and the financial review may not be subject to public scrutiny which ordinarily we would want.

Through you, Mr. Speaker, if I may to Representative Lawlor would ask rather, the public

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House of Representatives                      Wednesday, June 2, 1993

would still be able to view the size of the awards, if not even the name of the individual, but the size and the basis for which the awards were given so that there is some financial oversight with this amendment.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes. In fact, we did ask the Judicial Department to review the responsibilities of the Office of Victim Services and make a determination of what information they would consider to be public, but not subject to F.O.I and what information would be essentially administrative and subject F.O.I. They have prepared a response to my question and a copy will be supplied to Representative Ward just as soon as that copy is available.

But to answer your question, the actual decisions of the Commission would be public information. They may delete the name and identifying information regarding the crime victim.

DEPUTY SPEAKER COLEMAN:

Representative Ward.

REP. WARD: (86th)

Through you, Mr. Speaker. Would it be fair to say that even by deleting this section, unless there is a

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specific exception from F.O.I., that generally speaking, this agency would still be subject to F.O.I. except where there are other specific exceptions?

Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, yes. All of the administrative functions would essentially be subject to F.O.I. There are other information that would be contained in the Office of Victim Services. That would be public information but not subject to F.O.I. Essentially, it is the files of the victim advocates, the victim notification files and the identifying information regarding victims of crimes that would not be public information or subject to FOI.

DEPUTY SPEAKER COLEMAN:

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. I guess given that answer I would be supportive of the amendment so that we haven't inadvertently made was is intended to be private or confidential no longer so, but provided that they understand that generally speaking FOI provisions will apply, and under the current law which still

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exists with regard to what could or could not be disclosed, and I thank the gentleman for his answer.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Ward. Will you remark further on House "C"? Will you remark further? The question before the Chamber is House Amendment Schedule "C". All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, please indicate by saying nay. The ayes have it. House "C" is adopted and ruled technical. Will you remark further on the bill as amended?

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

I simply want to conclude by saying over the past couple of years several members of both the Senate and the House have spent extensive time working with the Commission on Victims Services to deal with problems

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that cropped up at the agency, but I have to say that the personnel at the Commission on Victims Services both the victim advocates and the claims processing people and the actual commissioners and the members of the advisory council are all extraordinary people.

They are extremely committed to the issue of victim rights and victim advocacy within our criminal court system, and it is certainly our intent to help them do their job by moving them into the Judicial Department which has its own reputation for efficiency and being committed to the missions of their various offices and we certainly all expect that this will work and perhaps we're finally solving a long standing problem with the organization of what has heretofore been called the Commission on Victims Service. I'd urge passage of the bill.

DEPUTY SPEAKER COLEMAN:

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

CLERK:

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

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DEPUTY SPEAKER COLEMAN:

Have all members voted? Please check the roll call machine to make sure your vote's properly cast. The machine will be locked. Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

House Bill 6935, as amended by House "A", "B", and "C".

Total Number Voting	145
Necessary for Passage	73
Those Voting Yea	144
Those Voting Nay	1
Those absent and not Voting	6

SPEAKER RITTER:

The bill, as amended, passes.

Clerk, please continue with the Call of the Calendar.

CLERK:

Calender 307, on Page 22, Substitute for House Bill 7082, AN ACT ESTABLISHING A PILOT PROGRAM OF ASSISTANCE TO ELDERLY PERSONS LIVING IN PUBLIC HOUSING. Favorable Report of the Committee on Legislative Management.

SPEAKER RITTER:

Representative Ireland.

REP. IRELAND: (111th)

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 7  
2227-2560

1993

that company require, as a condition to the transfer, the succession tax, completed succession tax form, a waiver succession tax form or a receipt for the succession tax having been paid?

ATTY. JOHN LANGBEIN: The Uniform Act does not have any such provision and the reason is, of course, that the statute is meant to be enacted in a variety of states which have different practices. So no such revenue enhancement measure is envisioned, just as there is none governing the complete variety of other measures which have the same effect.

REP. CARUSO: And if I may just progress on this to see if there is something else out there that we can expect, because one of the problems seems to be each business, each stock transfer, everybody has different requirements, and we have very small estates which nobody pays taxes and let's say somebody did not use that. Are we envisioning something coming forward from your committee at some future time which would deal with the problem of small estates which don't have to file the succession tax or succession tax return, because the only thing in there is less than the \$20,000 which is the minimum around here or purposes?

ATTY. JOHN LANGBEIN: I think I have to answer that by saying that the Uniform Law Conference is, in general, not active in areas of state internal revenue and state and gift taxation because of the remarkable range of differences in this type of statute. Our commission is designed to work in areas where uniformity can be achieved and it turns out, through long experience, that revenue matters is not one of those.

REP. TULISANO: Anybody else? Thank you very much.

ATTY. JOHN LANGBEIN: Thank you.

REP. TULISANO: Tom Siconolfi.

TOM SICONOLFI: Good evening, Senator Jepsen, Representative Tulisano, members of the committee. I'm Tom Siconolfi, Director of Criminal Justice Planning at OPM and on behalf of the Governor and Secretary Cibes, I'm testifying in support of a

HB 6935

restructuring of the Commission on Victim Services. HB6935, AN ACT CONCERNING VICTIM SERVICES reflects OPM's original proposal to relocate the Commission under the Division of Criminal Justice. However, today we're going to ask you to consider substitute language which would instead create an Office of Victim Services within the Judicial Branch.

The new proposal is a cooperative venture between the Judicial and Executive Branches, and in all honesty we think it's the best opportunity to improve services to victims and to also insure the accountability and efficiency of operation that everyone was looking for for some time.

The need for basic change in the structure and operation of COVS is clear to us. During the past two years, there's been any number of administrative and fiscal crises at the Commission, which have really hampered their ability to deliver services to victims of crime and carry out their other statutory responsibilities. Public Act 92-153 passed last year was an effort to restructure the Commission and address some of those difficulties, but in all honesty, we must tell you that nine months later, those same problems still persist and the Commission is really not able to, is not in a position to successfully meet its responsibilities.

My written testimony contains a number of examples of the problems that are currently being faced by the Commission. As we put this year's recommended budget together, we looked at ways to address this difficulty, and it was apparent that without a major increase in resources, an independent commission would not be able to meet its responsibilities, and conversely, increasing resources significantly enough to put them in a position to oversee the program in a way that it really merits would result in an agency where we were spending about a dollar on administration in return for a dollar in program cost. That seemed too high in overhead cost to us to maintain.

The most sensible solution was to relocate it under another criminal justice agency. We chose the Division of Criminal Justice as the most logical

choice, particular because of the relationship that the victim advocates have with our state's attorneys.

But upon further conversations with members of the General Assembly and others, it's clearly apparent to us that the Judicial Branch is probably a better location. It's definitely a better location for the duties and responsibilities of the Commission. To that end, the Judicial Branch is going to be testifying today in support of this and also delivering to the committee, extensive substitute language which would carry out this change and also streamline the compensation process.

We remain ready to work with the committee, once you've had an opportunity to review the extensive language and we would urge your support for HB6935, with the substitute language that we've suggested. Thank you and I'd be happy to answer any questions.

REP. TULISANO: Substitute language includes abolishment of a specific fund?

TOM SICONOLFI: It does not. The substitute language, in the version that you will receive, leaves the fund intact.

SEN. JEPSEN: Further questions at this time? Thanks, Tom.

TOM SICONOLFI: Thank you very much.

SEN. JEPSEN: Theresa Lantz to be followed by Faith Arkin.

THERESA LANTZ: Thank you, Mr. Co-Chairmen. I'm Theresa Lantz. I'm Deputy Commissioner with the Department of Correction. As you know, the Department of Correction continues to expand in services to offenders and in administrative operations and I'm here today to support AN ACT CONCERNING CORRECTIONAL ADMINISTRATORS, which is HB7277.

This revised bill identifies those administrators we wish to have exempt from the classified service, and allows the Commissioner to appoint on site, correctional service director and a support service

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## JUDICIARY

April 1, 1993

THERESA LANTZ: It means that we've established a position, but we're awaiting the approval of this legislation to make it an official unclassified position.

REP. TULISANO: Do you have the horse before the cart or the cart before the horse?

THERESA LANTZ: No.

REP. TULISANO: Don't you pass the law first and then do it?

THERESA LANTZ: Yes.

REP. TULISANO: Good. The bill's dead.

THERESA LANTZ: Of course.

REP. TULISANO: Thank you. Bye.

THERESA LANTZ: Thank you very much.

REP. TULISANO: That's the end of that bill. Thank you.

SEN. JEPSEN: Further questions? Faith Arkin to be followed by Dr. James Hadler.

FAITH ARKIN: Good evening. My name is Faith Arkin. I appear before you on behalf of the Judicial Branch. I have seven bills I'd like to just briefly. I submitted written testimony and also I'd just like to summarize our position on those bills that we'd like to. I'll do it in numerical order, if that's okay.

SB1050, AN ACT CONCERNING FAMILY SUPPORT MAGISTRATES. Although we do not know of any family support magistrates retiring, we believe that this proposal has merit because of the increasing workload of the family support magistrates and therefore we support the bill.

SB1051, AN ACT CONCERNING VIOLATIONS OF PROTECTIVE ORDERS. The Judicial Branch strongly supports this bill and asks for the committee's favorable consideration. This bill, in part, requires that any arrested person charged with a violation of a

SB 1067  
SB 873  
HB 6935  
HB 7246  
HB 7252  
HB 7273

protective order, shall be presented to the GA court where the offense is alleged to have been committed, rather than to the GA court where the protective order was issued.

It allows for a more efficient handling of these matters, and it would resolve a recurring problem that has arisen under the current provisions. In some situations, an offender is directed to appear on the same day in two GA courts, one where he violated the protective order and the other where he was arrested for the offense. Second, the reason why we're supporting it, is when arrest is made on a violation of a protective order in a GA other than the GA that issued the protective order, there's no existing provisions for the law enforcement officers to inform the court of the arrest when it's in a different district.

We have contacted the Division of Criminal Justice and the Chief State's Attorney's Office also supports this proposal.

SB1067, AN ACT CONCERNING THE CREATION OF A TASK FORCE TO STUDY THE PROCESS AND PROCEDURE OF TAX APPEALS. We would just respectfully suggest that the Judiciary Committee may wish to defer any action on this bill in light of SB873 which it referred to the Appropriation Committee. That SB873 was the creation of a procedure for tax appeals. So if that bill goes forward, the committee may not want to take further action on this task force.

HB6935, AN ACT CONCERNING THE COMMISSION ON VICTIM SERVICES. As the prior speaker testified, two speakers before, we do not want to comment on the specifics of this bill, but rather inform the committee that we were asked by the Office of Policy and Management to assume the responsibility for the Commission on Victim Services. Over the past two weeks, we have met with them to discuss the organizational structure and the administrative operations and we would like to submit to the Judiciary Committee within the next couple of days, a proposal for your consideration that we, the Judicial Branch and OPM could support and we would be available at your time to discuss the specifics of that bill.

REP. LAWLOR: Faith, you mentioned on COVS that you're going to be coming up with some proposed language in a couple of days. There was something floating around dated yesterday. Is that sort of a preliminary draft or something? HB6935

FAITH ARKIN: Well, I can explain what has happened. I've been getting different comments from different people on it and yesterday when the draft that you had seen included the money, the criminal injuries compensation fund being repealed, because that was in the original bill. I did not know, was not informed, that that was not what the Legislature wanted.

So therefore, I am deleting all those sections repealing the criminal injuries, so that all the money stays with the criminal injuries compensation fund. That's where it is. I'm almost finished. I'm just making those changes. It's just 37 pages and it takes time.

REP. LAWLOR: Okay, just to clarify, just so we know what the proposal is, your proposal is basically what was available yesterday; however, it's being redone just to put back in the language about the fund.

FAITH ARKIN: Yes.

REP. LAWLOR: Thank you. Could I get another copy of that?

FAITH ARKIN: Absolutely. I can bring you one tomorrow.

REP. LAWLOR: If you get it to me tonight, that would be great.

FAITH ARKIN: Okay. I'll ask Brenda where we make a copy of the one that I have marked up.

REP. LAWLOR: I think they have a couple of copy machines.

REP. WOLLENBERG: Mr. Chairman, may the record reflect that I did not ask Faith that.

FAITH ARKIN: Thank you very much.

SEN. JEPSEN: Thank you, JoNel. Are there any questions at this time? Seeing none. Bessye Bennett to be followed by Jan Van Tassel.

BESSYE BENNETT: Good evening, Mr. Jepsen, Mr. Tulisano and members of the Judiciary Committee. My name is Bessye Bennett and I'm Chairman of the Commission on Victim Services. HB6935

I'm here to express the comments and sentiments of the Commission on Victim Services with regard to the concept of legislation that would make the Commission on Victim Services an office within the Judicial Branch. The Commission understands very well the need to obtain administrative support for the victim compensation and victim services programs mandated by this General Assembly in Public Act 92-153. Therefore, we believe it is essential for us to participate in the investigation and review of this proposal.

Secondly, the Commission believes it's important to preserve the autonomy of victim compensation and victim services to the extent possible, based on an adequate revenue stream within the Criminal Injuries Compensation Fund. Third, the Commission believes it is absolutely necessary to continue the comprehensive planning function begun this year under the auspices of the Victim Services Advisory Council. The research and development of a well documented recommendation floor plan are vital to the interests of victims in this state.

For those reasons, we also make ourselves available to your committee, for the purposes of exploring the proposals that make sense for the second year of this biennium, preserving the options that may be presented in a comprehensive plan that is due later in this year or early 1994, identifying new sources of revenue and making clear in the statutes, significant efficiencies in our operations.

We believe that the goals of the review of this proposal are to determine one, what savings, if any, will be obtained by eliminating the current autonomous Commission and its policy making and

claims decision making functions and substituting a panel of attorney hearing officers as an Office of the Judicial Branch.

Secondly, we would want to determine whether there are new sources of revenue available to revitalize the Criminal Injuries Compensation Fund and third, we would like to investigate what model of administration is appropriate for the function of coordinating compensation and services.

Of course we understand that victims must compete for any new sources of revenue with a host of other worthy needs among our citizens. However, the Commission believes that serious attention of this General Assembly, must be focused on providing long neglected support for victim services. This Commission is confident of its ability to turn this agency around. In the meantime, we will continue to take action to reduce the turn around time in processing claims and to reduce costs where possible. Thank you very much for this opportunity to speak to the committee.

SEN. JEPSEN: Thank you, Bessye. Do you have any questions at this time? Seeing none, Jan Van Tassel to be followed by Phil Murphy.

JAN VAN TASSEL: Good evening. My name is Jan Van Tassel. I'm presenting testimony this evening on behalf of Elam Lantz who is the Managing Attorney of the Disabilities Unit of Connecticut Legal Services.

In the interest of being brief, I want to just summarize the three major reasons that Attorney Lantz is opposed to HB7249, AN ACT CONCERNING PSYCHOLOGISTS. This bill, as you previously heard, will substantially increase the number of professionals who may cause individuals to be taken into custody for 72 hours. We are opposed to that because there would be a lack of uniformity and consistency in the decisions regarding detention, because the bill requires, has no provision requiring that these professionals have any minimum level of mental health experience, expertise or training, prior to issuing a detention certificate.

**CT NOW supports with changes HB 6440 "AAC the protection of civil rights."**

Without reservation CT NOW supports civil rights for all members of society. HB 6440 moves us in that direction except for one addition which must have been an oversight. I draw your attention to CT NOW urges you to include mental health and sexual orientation in the listing of groups that would be covered by this section. They are included in all other sections and should also be included in this section. If civil rights is the issue it should be civil rights for all not just a few.

**CT NOW supports HB 6564 "AAC the age of majority for child support."**

Child support payments can make or break a family. With a rise in the cost of living across the nation a family can no longer exist on one income. CT NOW urges you to work to increase the collection of child support and to raise the age of majority for child support payments in Connecticut. A single parents support of his/her child does not stop at 18, especially if the child is in college and neither should the support of the divorced parent. Support HB 6564 and help make life easier for single parents.

**CT NOW supports the intention of HB 6935 "AAC the Commission on Victim Services."**

We support the bill as it stands now and as we understand it will be written. We strongly feel that the voice of victims should a part of this commission and urge you to include this in your final proposal

**CT NOW Supports HB 7250 "AAC reports of family violence."**

Any measure that would help us to better understand the epidemic of family violence and how it might be stopped is a step in the right direction.

**CT NOW supports the intention of HB 7252 "AAC victims compensation"**

We understand the intent of this bill is to earmark funds for services to the children of domestic violence victims. As you well know, there is an enormous need in this country to move into the prevention of violence rather than continue to provide emergency band-aid solutions. Minnesota, Hawaii, California and Massachusetts all have effective models for prevention that we can use to supplement our current prevention resources. CT NOW applauds the Judiciary committee in your efforts to focus on the prevention of violence.

**CT NOW opposes HB 7254 "AAC informed consent for significant surgical procedures."**

Informed consent for all medical procedures is already a part of the daily practice of medical professionals and is a part of the health regulations. HB 7254 is not necessary. It seems to us also that there is a problem in the wording of this bill. From our reading, a 16 year old would not be able to have any significant surgical procedure. Does this include appendectomies, open heart surgery, wisdom teeth? Just what does significant surgical procedure include? Please reject this unnecessary bill and devote your time and efforts to issues that are not already covered by regulations.

**CT NOW supports HB 7276 "AAC ritualistic child abuse."**

There is no crime worse than taking advantage of the trust and dependancy of a child by sexually or physically abusing them. When an adult chooses to victimize a child they are breaking down the very future of our society. When this abuse is done in the name of religion or ritual it is even more offensive. We have all heard the horror stories of child abuse and the even more terrifying stories of ritualistic child abuse. Now you have the opportunity to take action against future offenses by supporting HB 7276. Please do all you can to stop the organized abuse of children.



# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT  
POLICY DEVELOPMENT AND PLANNING DIVISION

## WRITTEN TESTIMONY

By

Thomas A. Siconolfi, Director  
Justice Planning Unit  
Office of Policy and Management

Thursday, April 1, 1993

Legislative Office Building

Judiciary Committee

H.B. No. 6935 AN ACT CONCERNING VICTIM SERVICES

My name is Thomas A. Siconolfi. I am the Director of Criminal Justice Planning at the Office of Policy and Management (OPM). On behalf of Governor Weicker and Secretary Cibes I am submitting written testimony in support of restructuring the Commission on Victim Services (COVS). H.B. 6935, An Act Concerning Victim Services, reflects OPM's original proposal to relocate the Commission under the Division of Criminal Justice. However, we are today asking the Committee to support substitute language which would instead create an Office of Victim Services within the Judicial Branch. This new proposal has been developed cooperatively by the Executive and Judicial Branches, and we believe it offers the best opportunity to improve services to victims of crime while ensuring accountability and efficiency in the administration of the program.

The need for basic change in the structure and operations of the Commission on Victim Services is clear. During the past two years, as the members of the Judiciary Committee well know, a series of administrative and fiscal crises have compromised the Commission's ability to meet its statutory responsibilities, particularly in the area of compensation of crime victims. Public Act 92-153, An Act Concerning The Commission on Victim Services, was intended to address these issues through a comprehensive reorganization of the Commission but, unfortunately, the problems have actually worsened over the past nine months. For example:

- o Since October 1992, OPM has been processing COVS' payroll;
- o COVS has been unable to reconcile their accounts. With assistance from OPM, a durational project manager, and a temporary accounting service, COVS has only just now closed out the books for last fiscal year;

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- o OPM has provided the staffing for the Victim Services Advisory Council;
- o From August to November, 1992, no compensation awards were made;
- o Only in March 1993 did new processing of compensation claims begin.

As currently structured, the Commission simply does not have the staff or resources required to operate effectively.

In preparing the Governor's recommended budget for the FY94 and FY95 fiscal years, considerable discussion occurred as to the best means to address these serious difficulties. It was apparent that without a major increase in resources, an independent Commission could not successfully serve the interests of crime victims or adequately oversee the compensation fund. Conversely, substantially increasing administrative resources in the Commission would result in an agency with very high overhead costs relative to available program and service money.

The most sensible solution to this dilemma was a merger of the Commission with another criminal justice agency which could provide the necessary oversight and administrative structure without significant new resources. This approach would maximize the dollars available for compensation and services to crime victims. The Division of Criminal Justice was thought to be a logical agency to oversee the Commission's functions, particularly since victim advocates work closely with the State's Attorneys. H.B. 6935 reflects this approach.

However, subsequent discussion with members of the General Assembly, victim advocacy groups, and others, identified the Judicial Branch as a more suitable location for the Commission's responsibilities. Our substitute proposal therefore creates an Office of Victim Services within the Judicial Branch. The Judicial Branch and OPM have worked closely together to develop this alternative proposal.

The Judicial Branch will be submitting extensive substitute language to H.B. 6935 for your consideration. The substitute language would, in addition to establishing an Office of Victim Services, streamline the administration of the victim compensation program. This proposal has the full support of the Governor. We know that the Judicial Branch has the management expertise and fiscal controls necessary to run an efficient and effective crime victim's program, and are confident that adoption of this recommendation will end the turmoil in which the Commission on Victim Services has operated for the past two years. We strongly urge your support for H.B. 6935, with the recommended substitute language. OPM and the Judicial Branch remain ready to work with the Committee to address any questions or concerns which you might have.

# CONN SACS

Connecticut Sexual  
Assault Crisis Services

002551

**CONNSACS**

783 Burnside Ave.  
East Hartford, CT 06108  
(203) 291-9335 Fax  
(203) 282-9881 Office

**Centers:**

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

**Women's Center of  
Greater Danbury-RCS**  
(203) 731-5200 Office  
(203) 731-5204 Hotline

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

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

**of Middlesex County**  
(46-7233 Office/Hotline

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

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

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

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

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

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

**Merbury YWCA-SACS**  
(203) 3613 Office/Hotline

**Eastern Conn. SACS**  
(203) 456-3595 Office  
(203) 456-2789 Hotline

To: Senator Jepsen, Representative Tulisano and Members of  
the Judiciary Committee

From: Gail Burns-Smith, Executive Director

Re: H.B. 6935 AAC The Commission On Victim Services

My name is Gail Burns-Smith. I am the executive director of the Connecticut Sexual Assault Crisis Services which is the association of all thirteen rape crisis centers in the state. Through our members last year, we provided a wide range of support and advocacy services to over 6300 victims and their families, conducted community education, professional trainings and prevention workshops to over 65,000 individuals, and successfully advocated for several major public policy changes affecting victims of sexual violence.

We are here today to comment on H.B. 6935, AAC The Commission On Victim Services. We understand that there will be substitute language for this bill since there are continuing discussions regarding where this agency will be placed, and exactly how it will be structured. We would ask that victim constituency groups have an opportunity to comment on the final bill since it is critical for victims in this state to have an agency which can provide effective court-based victim liaisons, adequately address the issues of victim compensation and notification, and serve as an effective advocacy organization for victim services and victim legislation. We would be pleased to offer any assistance we can as this committee works to restructure this commission. Thank you.

## TESTIMONY OF

LARRY R. MEACHUM, COMMISSIONER  
DEPARTMENT OF CORRECTION

HOUSE BILL NO. 6935: AN ACT CONCERNING THE COMMISSION ON  
VICTIM SERVICES

The Connecticut State Department of Correction supports House Bill No. 6935: An Act Concerning the Commission on Victim Services. This proposed legislation which assigns tasks for conducting hearings, evaluating and handling personal injury claims, developing and implementing public education campaigns, and coordinating support services to victims by state and community-based agencies, has merit and will provide worthwhile and healing elements to victims of crimes.

The Department of Correction, in accordance with the appropriate statutory references, will continue to notify victims upon written request whenever an inmate has applied for release from a correctional institution or reduction of sentence or review of sentence, or whenever an inmate is released from a correctional institution.

The Department is amendable to serving as a Victims' Notification Clearinghouse which shall be a repository for requests for notification filed pursuant to sections 54-228 and 54-229, and to notify persons who have filed such a request. This Victims' Notification Clearinghouse will enable the Commission to determine if, in fact, a person who has requested notification was a victim of a crime.

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

**Testimony of Faith P. Arkin**  
**Judiciary Committee Public Hearing**  
**Thursday, April 1, 1993**

**H.B. 6935, An Act Concerning the Commission on Victim Services**

I would like to take this opportunity not to comment on the specific provisions of House Bill 6935, An Act Concerning the Commission on Victim Services, but rather to suggest to the Judiciary Committee that substitute language be considered which would reorganize the structure of the commission on victim services by creating an office of victim services within the Judicial Branch. We were recently asked by the Office of Policy and Management (OPM) to assume this responsibility. Over the past two weeks, we have met on several occasions with OPM to discuss the organizational structure and administrative operations of the commission on victim services.

I would like to submit for your consideration, within the next couple of days, proposed language that the Judicial Branch and OPM jointly supports. We will be available at your convenience to discuss the specific provisions of the proposal.