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Introduced by Senator Larson and
Representative Ritter

END SENATE AGENDA #3

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, calling from Senate Agenda #3,
Emergency Certified Senate Bill No. 1001, LCO6581, AN
ACT CONCERNING MANSLAUGHTER, ASSAULT IN THE FIRST
DEGREE, TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL
DOCKET AND THE CORRUPT ORGANIZATIONS AND RACKETEERING
ACTIVITY ACT.

The bill is accompanied by Emergency Certification.

The Clerk is in possession of amendments.

THE CHAIR:

Thank you very much. Is Senator Jepsen here?

SENATOR DIBELLA:

Madam President.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I move adoption of the
Emergency Certified bill.

THE CHAIR:

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Thank you very much, Senator. Mr. Clerk, do you have amendments?

THE CLERK:

LCO4576, which will be designated Senate Amendment Schedule "A". It's offered by Senator DeLuca of the 32nd District.

THE CHAIR:

The Chair would recognize Senator DeLuca.

SENATOR DELUCA:

Thank you, Madam President. I move acceptance of the amendment and ask permission to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR DELUCA:

This amendments adds on Line 35 in the sentence, "imposed may not be suspended or reduced by the court." It adds after that, "in any manner." That means that the intent of this legislation could not be changed by anyone other than the court, such as a corrections officer or the Corrections Department.

I believe the intent of this area in the bill was to make the penalties stronger for these crimes and if we do not include the Corrections Department and just the court, then the intent of that, I think, could be diluted and where the intent is to make them serve more

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time and make the sentence stiffer.

So I'd ask support of this amendment.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark? Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I would rise in opposition to this amendment. I think that Senator DeLuca has raised an interesting issue, one that one could look at in the fullness of time with the help of a complete set of hearings. However, what he's talking about doing is singling from all the criminal statutes that we have in our state, assault, robbery, you name it, you know, anything that it's a criminal statute, for which, under our current system of law, a safety valve exists where sentences may have been inappropriate or incomplete or for some reason need to be adjusted and you have a safety valve which has not, to my knowledge, been demonstrated to be defective or not to be working, and from all of the criminal statutes that exist that we deal with, you single out a single one, manslaughter, for which the safety valve shall not exist.

Now if there's a problem with the safety valve, let's take a look at it. Let's take a hard look at it

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and let's hear the facts. Let's hear from Corrections. Let's hear from anybody in the criminal justice system that may have an opinion, but without the process of examining this issue through the amendment process, to single out one crime out of the many dozens of criminal statutes that we have, to exempt it from this process I think seems to make very little sense.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark? Senator DiBella. I mean Senator DeLuca for the second time please.

SENATOR DELUCA:

Thank you, Madam President. I appreciate Senator Jepsen's comments, but he says this is singling out one issue. I think -- I'm not being a lawyer and I think Senator Jepsen would be more familiar with the laws, but I believe in certain motor vehicle infractions, like driving after suspension of your license, carries this provision. So this is not new.

I would submit that manslaughter is a little bit more onerous than driving a car. Even though driving a car after suspension is breaking the law, I believe manslaughter is a little more stringent and I think if we can do that for driving after suspension of your license, that I don't think this -- and I would like to

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also read from the fiscal impact statement.

It said this amendment would keep individuals incarcerated for this crime in prison longer. I thought that was the intent of this bill. I believe -- I don't see that that's wrong. I thought the intent was to keep them in prison longer, to make the penalty stiffer and to make sure they serve it. All we're saying if the courts can't do it, is the correction system can't circumvent court, and the intent would be carried out, these people would serve the time as they were given. And I'd like a roll call this please.

THE CHAIR:

Thank you very much, Senator. Senator Freedman.

SENATOR FREEDMAN:

Yes, through you, Madam President, to Senator Jepsen. As I'm reading the OLR analysis of the bill, it seems to me the bill is very specific in pointing out that we are dealing with manslaughter. Through you, Madam President, is that not true that we're talking about a specific item?

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

That is very clear.

SENATOR FREEDMAN:

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That being clear, then I don't see how the amendment would not -- would only be a specific instance. We're talking about the specific instance in the main bill itself. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Freedman. Would anybody else wish to remark on Senate Amendment "A"? Yes, Senator Jepsen, for the second time.

SENATOR JEPSEN:

Yes, just very quickly, in response to the points that were raised. Number one, bear in mind, and I'll make this point as other amendments are brought up. We have a prison system that despite tripling its size in the last five years, remains overcrowded. Despite the fact that those sentenced today can expect to serve three, four, five, six, seven times what they would have served just seven or eight years ago for equivalent crimes, our prison system remains overcrowded and that means every step of the way, the decision to keep an individual in jail or to place someone in jail is in effect a decision to let somebody else in some other part of the prison system out of jail.

And so when Senator DeLuca raises the issue of keeping people in prison longer, what he's in effect

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saying is that taking a spot that could be used for somebody else. And so if a good reason exists through this safety valve, let someone out, if through the process that we have set up and hold in place for every crime, except as he's pointed out, motor vehicles, which I will address momentarily, if that safety valve adjusts the sentence in a way that takes someone out of jail for the good reasons that the safety valve exists, then it opens up the space for somebody else who would not otherwise be in jail.

So let's not deceive ourselves to think that somehow by letting this stand that there's going to be an empty jail cell that's going to be unfilled. It will be filled. In all likelihood, it will be filled by someone who ought to be there more than the person who has their sentence adjusted.

In response to Senator Freedman, very obviously, what I'm talking about is that we're singling out a single category of crime, manslaughter for this specific treatment. We're not singling out other categories of crimes, robbery, assault, etc., etc., for that treatment. So we create an anomaly within our system where one crime, manslaughter, is treated one way, while other crimes are not.

As for motor vehicles, our motor vehicle law was

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the product of extensive work and study by a bipartisan group of legislators and the reason that exception exists in the law, and bear in mind, the exception was produced through, after years of hard look at the way that our drunk driving statutes and the criminal prosecution thereof was being mishandled by our courts, we deliberately choose to take discretion away in that instance because of the abuse that was going in.

We needed, in that specific instance, where an individual continued to drive, although their license had been revoked, to make it clear that no safety valve existed.

So all the more reason, if we're going to tinker with the system, take a hard look at it, look at it comprehensively and see if there is a need for a change.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to speak on Senate Amendment "A"? Senator Upson.

SENATOR UPSON:

Yes, Madam President, if I may, just make a comment. I do think that Senator DeLuca's amendment is certainly something in the right direction because we elect judges, not elect, we appoint judges to uphold

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the law and yet after a prisoner gets into prison, the court has no control, whatsoever over that prisoner or the sentence, in fact, that was delivered by the judge, so that at least in this case, there's an honest attempt on the part of Senator DeLuca to control, leave the control up to the judge, who actually heard the case, who sat in on the case with a jury or without a jury, and made a decision based on a sentence examination and knew everything before him or her when they made that decision.

So certainly, this is something that I think is important and I think the people of the State of Connecticut would like this kind of control where we're not leaving it to people who three years, or four years, or one year after, decide that someone's behavior has changed so substantially that they should be let out. Thank you.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Amendment "A"? Are there any further remarks? If not, Mr. Clerk, would you 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

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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 LCO No. 4576, designated by the Clerk as Senate Amendment "A". The machine is on. You may record your vote.

Senators Milner, Harper. Milner and Harper. 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:

16	Yea
17	Nay
3	Absent

The amendment fails.

Mr. Clerk.

THE CLERK:

LCO7409, which will be designated Senate Amendment Schedule "B". It's offered by Senator Gunther of the 21st District.

THE CHAIR:

The Chair would recognize Senator Gunther.

SENATOR GUNTHER:

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Madam President, I move adoption of the amendment and waive the reading. I'll explain it.

THE CHAIR:

Thank you very much, Senator. Please proceed.

SENATOR GUNTHER:

This is a very simple amendment. It would require not less than 85 percent of the definite sentencing or aggregate sentencing imposed by the court to be served and I think that most of the people in our state, in fact, in the country, are sort of amazed at the limit the various criminals in our society are serving in their terms, in fact, some of them as little as ten percent of the amount of time for the crime that they were in there and when they say, oh, you know, you've got to do the time if you do the crime, it's gotten to be a joke and I think the criminals all are very cognizant of this and certainly know that it's a turnstile in our whole system. No matter what the penalties or whatever the crime is, they know they're going to be paying very, very little attention to it.

Now we're talking about serious crimes and we're talking about getting serious with the criminal element in this state and if we really mean it instead of these paper tigers that we keep passing, and I might say that take a look at your assault bill. Take a look at the

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assault rifle bill. Take a look at many of the bills you pass here that the public think, oh, this is a great deal. We're going to get tough with criminals. Well, when that criminal goes to jail and he knows, first of all, he's not going to put in hard time. Second of all, he's lucky if he even takes and spends, oh, 10, 15 percent of that sentencing and it makes a joke of the whole system.

Let us get real serious, if you want to take and get after the criminal element, if you want to get after them that are out there in these serious crimes and instead of standing up with all this pontificating, when we get out of session, when we get on the tube and they're asking the questions, yes, we're going to get tough with crime. The only thing is every time we pass a bill up here, it seems that legally we make loopholes in it so they can drive trucks through it, not cars.

So I think it's about time to tighten up. If we're going to have a tough law, let's get tough. Let's let the criminals in this society find out that we really mean that they're going to take and serve that time.

Now, incidentally, I can just hear the usual dialogue that we get up here, oh, you're going to get tough. You want to lock them up and throw the key away. We don't have the jails. We don't have the

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money. All that garbage. All I have to say, look at the fiscal note on this bill and look at the fiscal note on the original bill. They almost track one another. Both of them say, yes, there can be a sizeable amount of money that's necessary to do this and I'll say this isn't on top of, I think this would compliment the bill. Maybe we'd cut crime down. Maybe we wouldn't have so many criminals going to jail. We insisted on them serving the time that they're put in there for.

So, Madam Chairman, I think it's about time to stop pussyfooting around, making all these pontificating speeches and that about how tough we're going to be when we know damn right well when we get the bill passed that gets into the books and then go on out and look at how they implement it and all you need is a smart lawyer. All he has to do is take and lesser pleas. In fact, they have ways of driving trucks all over this business of mandatory this, mandatory that, consecutive sentencing and I see all that language in this bill, but I don't see anything in there that says, look, if you get caught in any one of these crimes, you're going to spend the time.

So as far as I'm concerned, let's stop talking about it and let's start doing something about it and

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if we're talking about where are we going to find the money, Doc Gunther is not going to show you where the money is. I guarantee you that. All I can tell you is there are alternate ways of sentencing. There are a lot of people in our corrections system that probably shouldn't even be there. It's about time that we got serious with these serious crimes and the crimes that we want to take and discourage and get them in, lock them up and I'd like to see them do hard labor.

Instead of sitting around, taking and making sure we have exercise equipment, I'd like to see them out there keeping busy, getting a little tired working.

Incidentally, I was over in China and I had to laugh because the state department just through knocking the hell out of China for their lack of human rights and that sort of thing because of their severe penal system. I've got news for you. One of the people in China analyzed the Chinese law and American law. Our law was much tougher on crime. You ought to read the book and how it tells you they're going to go jail. We're going to be tough with these laws. The only difference between China and the United States is they enforce their law. When somebody goes to jail over there, they spend the time. They get 25 years, they spend 25 years, and how do they spend it? At hard

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labor, and you bet your boots they'd think twice before they go over there and commit crimes in China, but that's against civil rights.

All I have to say, if we mean it and we have a -- we're passing laws here that's going to get tough crime, let's mean it. Let's tie it up. Let's make damn sure the criminal element out there knows they're going to take and spend time.

Now I'm sure that we can have all these eloquent references here on how many people are in jail and how much it costs us and even my fiscal note, as I say, is almost identical, with a few exceptions, to the note of the original bill here and all I have to say is if we can find the money for the original, certainly it's not going to be that much more. Let's bite the bullet and let's get this really tough law on the books.

I'd like to see a roll call when we have the voting.

THE CHAIR:

Thank you very much, Senator Gunther. Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I rise in opposition to this amendment. Let us not deceive ourselves that this has anything to do with getting tough on crime.

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Our prisons, as I mentioned earlier today, are filled to capacity. Despite the fact that we have more than tripled our space in the last several years, allowing for significant increases in the amount of time individuals spend in prison for equivalent crimes committed just a few years earlier, we are still filled to capacity and the decision to create an arbitrary rule, and 85 percent is an arbitrary rule, of how long an individual will stay in jail will, like it or not, have the effect of forcing the release of other prisoners, and believe me, people who are in jail are there because they committed a very, very bad crime. It will result in the release of people who have committed violent crimes, perhaps not with a firearm, but violent crimes. It will result in the release of drug dealers who did not commit any violent crime, but who have turned our streets into the war zones that they are today.

The reason this amendment will not cost more or it's not clear how much more if at all than the file copy, is very simple. When you have a prison system that is filled to capacity, you have a self-contained system for the cost. When you have to release prisoners, it acts as a cap on how much money is spent in that system. So adopting arbitrary rules like this

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do not result -- it will result in some people spending more time. In the long run, however, as most people going to trial today, most defendants are guilty of gun crimes, over time what we're going to see is a hodgepodge set of rules such as this that will result in our prisons being filled exclusively by those serving mandatory sentences that cannot be reduced or serving the percentages as herein stated, that cannot be reduced and you'll have the courts doing what they did five years ago, six years ago, which is saying, as they should, that you cannot unconstitutionally crowd your jails and so we'll be back in doing what we did before, which is an early release program. These cycles occur.

Last year this Chamber I believe unanimously adopted, in response to the prison expansion that has taken place, a sensible set of rules and guidelines for sentencing. For those who commit less serious crimes, that is sentences of less than two years. You serve half your time minus good time for an absolute minimum of 35 percent. Two years or more, you have to serve at least half of your sentence before becoming eligible for parole. We all thought it was a good law then. Just less than a year ago that we enacted it, a year ago that it went into effect.

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We talked about the rationality of that law. We all bought into the idea of taking away from the correction system the discretion as to who gets released as being a self-interested approach and vested in a Parole Board so that cases could be judged individually and given the reality of overcrowded prisons, given the reality that some people will have to be released, ensuring that those who are released are those most likely to get out and do harm to society.

By adopting a rule such as this, we turn the logic that we agreed to last summer unanimously on its head and we adopt an arbitrary rule that will only result in the release of prisoners, not on the basis of who is most likely to go out and commit crime, but on the basis of an arbitrary rule.

So I strongly oppose this amendment and I hope that you will join me in voting to defeat it.

THE CHAIR:

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

SENATOR FREEDMAN:

Thank you, Madam President. Through you, to Senator Jepsen. Back to the main bill, which we will get to, obviously, eventually. In terms of the

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sentencing and maintaining commitment at Long Lane School, is there a percentage in the main bill that says how long a term they must serve after they've been sentenced, through you, Madam President?

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

Long Lane faces overcrowding problems just as our regular court system.

SENATOR FREEDMAN:

That wasn't my question, Madam President. My question was is there in the main bill a determination as to after these people are sentenced as to what percentage of time they must serve, through you, Madam President.

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

There are no mandatory minimums for Long Lane. The amendment, which is before us and that we were discussing, deals with all crimes that exist in this bill.

SENATOR FREEDMAN:

Again, through you, Madam President, as I read the fiscal note, money also right now in the current main

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bill will have to be spent in order to maintain these people in the settings to which they are deterred and I don't believe the argument that Senator Jepsen gave a few minutes about about increased cost holds any weight because the fiscal note already has increased costs connected to the main bill without any very specific determination.

I think this is a good amendment and I think when we're talking about the type of crimes that we're involved with here and we want to set a system straight, we damn well should be sure that when they go in, they're going to serve at least 85 percent of that time. Hopefully, once they've done that, they will turn around and become better citizens in our society and we won't have to worry about them in the future.

We talked earlier in this session about three strikes and you're out. Well, if we don't get after them on the first strike, by the time they get to the third strike, we're the ones that are out. It costs us three or four times as much ultimately. Let's spend the money upfront. It's in the fiscal note for the main bill. Let's go with this amendment and let's do the job early on before it's too late and these young people that we're talking about specifically, the juveniles, can't be resurrected. Thank you, Madam

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President.

THE CHAIR:

Thank you very much, Senator Freedman. Senator Lovegrove and then Senator Kissel.

SENATOR LOVEGROVE:

Thank you, Madam President. Just to make sure I have the information necessary to cast a vote on this bill, through you, to Senator Jepsen, I wonder if you could tell me how many inmates fall into this category, should this become law?

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

Perhaps the proponent of the amendment would have an answer to that. It's not my amendment.

SENATOR LOVEGROVE:

Through you, to Senator Gunther, Madam President, I wonder if the Senator could tell me how many inmates currently fall into this category?

THE CHAIR:

Senator Gunther. I don't think he heard you, Senator Lovegrove. Could you repeat the question?

SENATOR GUNTHER:

Could you repeat that please?

SENATOR LOVEGROVE:

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I'm trying to find out how many inmates currently fall into this category of having to -- should this become law, having to serve 85 percent of their sentence.

SENATOR LOVEGROVE:

Well, I think that's almost impossible to give you an answer on how many more we'd expect, but I do think that it's rather a joke. If we're talking about not expanding, the number of inmates we're going to get in there even now without the 85 percent service because if that isn't going to take and increase the population of our Correction Department, then what the hell are we doing here? The answer, I don't know.

SENATOR LOVEGROVE:

Madam President, a conversation I had with Mr. Siconolfi of OPM several months ago at a committee meeting concerning prison overcrowding. We were discussing the prisons which are being closed. Mr. Siconolfi, I believe, said that we do not now have an overcrowding problem and I forget how many beds he said were being put in mothballs as we closed some of the older prisons, but that was his answer when I asked what was going to happen them. They were pretty much going to be put in mothballs.

I wish I knew how many people fell into this

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category, but I don't think -- we do not now have an overcrowding problem in the state. That doesn't mean we won't in the future, but the trend is not going in the direction of overcrowding. We do have prison beds which are being put in mothballs should we develop an overcrowding position in the state and I think this is a responsible amendment.

If we're going to stand here and sit here as legislators, pass legislation that supposedly the people want that says that somebody, if you're convicted of Crime A you're going to serve then years, I think that's what the people should serve, not what some other unelected official decides is a proper sentence. I think we should decide the proper sentence.

THE CHAIR:

Thank you very much, Senator Lovegrove. Senator Kissel.

SENATOR KISSEL:

Thank you, Madam President. I rise to support the amendment. Ladies and gentlemen of the Circle, my fellow Senators, I think it's very clear that all of us support measures to curb crime. Indeed, the Governor feels so strongly about this, that's why we're here in Special Session here in the month of July.

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There's a fundamental difference about how we want to go about bringing this state into line. There is a call from the public, and I think all of our constituents have a concern about the rise of crime, in particular, in our urban areas. And very easy to say gun control, gun control, gun control.

Later on, we will address various forms of gun control in this Circle. I've also heard in the past few months some of the concerns expressed by my friend, Senator Penn, who has concerns about gang-related activities and other things that we could do in our urban areas. We can register guns, we can limit guns, we can have filing of papers. We can do all of this until the cows come home. I do not second guess the motivations of any of my fellow Senators here in the Circle, but I have seven correctional facilities in my district, employing 1,400 correctional officers. I've practiced law primarily in the criminal courts for ten years. For three years I was a special public defender. If you don't think that the criminals in this state don't understand how the system works, you are mistaken. They understand exactly how the system works.

I had clients ask me about good time and they knew more how the Corrections Department works than very

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sophisticated criminal defense attorneys. They know because they have been in and out of the system. So we have sophisticated criminals who are well aware that if they plea bargain down to a certain crime, that they will only do a certain percentage of time.

Now I understand that the Corrections Department has tried to make strides in this area. I think the average, and I'm taking a guess, but I think the current average is now 40 percent of time that you are given, you will serve. But if the general public was made acutely aware of this, I think they would be outraged. Forty percent is not a good signal to send. This is a very simple amendment that Senator Gunther puts before us. It addresses a concern that we have as a state and I believe that the Governor has evinced regarding firearms.

We, as a society, we, as a legislature, will say, firearm crimes are our number one concern. This amendment addresses that. There's nothing wrong with making that a top priority here in the State of Connecticut, but what else does it do. Does it have any kind of leeway involved here? Is there any kind of safety valve mechanism here? Sure there is. Because the prosecutors can still plea bargain. The judges can still impose a sentence. So those mechanisms that we

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can utilize to try to bring down the measure of people sent into the correctional facilities are still there. If a prosecutor wants to plea bargain down a charge, that mechanism is there.

When does the safety valve get turned off? It gets turned off when I think every citizen in the State of Connecticut thinks it should be turned off. Once the gavel comes down and the sentence is done, then 85 percent of that sentence must be served. I really do believe that if the men and women of the State of Connecticut were made more aware of exactly how our criminal justice system is functioning, they would be outraged that we're not at a higher percentage right now.

The way you send a signal to the criminal elements in our society is by saying if you commit the crime, you will do the time. So what does this amendment do? Granted, it's arbitrary 85 percent of the time, I will grant you that the Corrections Department will have to release some people ahead of others to make room, but what we're saying is crimes committed with firearms are our number one concern. You will have a fair trial. You will have competent counsel. You will have the benefits of a plea bargain if you wish to plea to lesser charges and the prosecutor and the judge

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concur.

If you go to a trial to either a judge or a jury and you are convicted, there will still be the chance to offer evidence and then a judge will hand down a sentence and at that point in time you will serve 85 percent of your sentence. That makes sense. I think that's the way this state should have gone a long time ago. That's the way our priorities should be set up. Everything else we do over the next two days regarding firearms really is going to be quite insignificant if, upon conviction for any crime, you are doing substantially less than the time that a judge imposes.

I don't care what kind of restrictions you place on the weapons or the means or anything else like that. Unless there is that bright line, it's meaningless and I really, I understand the compassion and the concern that my fellow legislators have about gun control, I really do, but unless you look at it at the tail end where the sentence is being imposed, all of your good intentions are going to come to nought.

So really, seriously, I would urge all my fellow Senators to support this amendment. Thank you,
Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Fleming.

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SENATOR FLEMING:

Yes, thank you, Madam President. Madam President, I don't know how many people were listening to one of the arguments that was made against this amendment, made by the Chairperson of the Judiciary Committee, but I believe what was said is that if this amendment were to pass, it would mean that mandatory sentences can't be reduced. Well, what's wrong with that? We are here today to get tough on crime. We have an amendment that's going to make our law, make the penalties that are imposed by our court tough and the Chairman of the Judiciary Committee, who is going to ask us to vote on gun control legislation later on, is opposed to an amendment that sends a very clear message to the criminal element in this state, a message that Jack Bailey made clear to a number of the Senators and Representatives who attended a conference in Meriden just last spring, that is, that the gangs in this state are more afraid of the law of the gang than they are afraid of the law of the state and that's because they know when they get sentenced in court that they're not going to serve the time. Not only are they not going to serve the time that they were sentenced to, they're going to be sent to a prison that is really not a prison. Maybe not a country club, but certainly not a

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place where people are punished for having broken our law. This amendment makes sense.

Ladies and gentlemen, when you go back to your districts this fall, try to explain to the people why you voted against this, if in fact you do, that you're saying you're going to serve 85 percent of what you're sentenced to. It's clear. It sends a hard message to the criminal element. You absolutely have to vote for this. It doesn't make sense to reject it.

THE CHAIR:

Thank you very much, Senator Fleming. Yes, Senator DeLuca.

SENATOR DELUCA:

Thank you, Madam President. I'll be very brief. On the underlying bill, part of it is to try juveniles as adults for certain crimes. I assume that if they are tried as adults and after finishing a small part of their sentence in Long Lane or one of those, they will go to prison. So the underlying bill is going to put more people in prison, this prison, these prisons that we've been just told we can't put anybody in before because they're too crowded. Now what is different from the underlying bill that says we're going to get tougher with the juveniles, treat them as adults, give them a stronger sentence and after they've reached 18

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in Long Lane, if they still have time, left, they will go into prison.

This amendment does the same thing to adults. It says you will go into prison and serve 85 percent of your time. So I reject the argument that the prisons will become overcrowded and people will be let out that shouldn't be let out because the underlying bill, it seems there's enough room for that, if that happens, so if there's enough room for them, I think there should be enough room for the adults that commit crimes of this nature and I think they should be serving their 85 percent of their time. I think the public, when the public reads in the paper about a high level crime, whether it be manslaughter, murder, or whatever, and they see a sentence of ten years or twenty years, the public thinks that's what the person is going to serve. They actually think that and we're here arguing whether we want them to serve 85 percent of that time and we're being told that they only 40 percent of the time and we don't want to give them any more because it'll crowd the prisons.

Well, I think there's something wrong with that argument. I think if we're talking about getting tough on criminals that commit crimes with firearms, whether they be juvenile or adult, they should be able to serve

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the time and we shouldn't be giving the argument that we might not have enough room for them. We might not have enough room. I think if that happens, we will cross that bridge, but has been explained by previous speakers, there is not too much respect for our laws today. How are we going to get them to respect it? I think by making sure that they serve 85 percent of the sentences they get and the public thinks they're going to serve. Thank you.

THE CHAIR:

Thank you very much, Senator DeLuca. Would anybody else wish to speak on Senate Amendment "B"? Are there any further remarks? If not -- Senator Robertson. Yes, Senator Gunther requested it. Would anybody else wish to remark? If not, Mr. Clerk, would you --
Senator Gunther.

SENATOR GUNTHER:

Madam President, just a little quickie with some of the remarks that were made. There is \$3.7 million for additional funding for enhancement of the facilities in the basic bill and it bothers the hell out of me when I sit and listen to a former prosecutor who tells me that the bill, as it stands in this file, is going to be open to plea bargaining and that type of thing. The thing that we've been yelling about, the thing that

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we've been talking about, getting tough with crime, is built into this bill, like they build it into other bills, whether it was assault rifle, the bill where the fellow was caught with an assault rifle, but he had a smart lawyer who put -- instead of charging him with some 50 different felonies that he probably could have been charged with, they charged him with a misdemeanor, so the assault rifle bill was not enforced in the State of Connecticut.

So what are we doing up here? Are we still going through this con job to the public? I mean if it is, why are we killing two beautiful days in July, fooling around with bills that aren't worth the powder to blow them to hell when we get through passing them? All I can say is the general public ought to watch these proceedings. I hope they get enough of it that they get the flavor if we don't pass tough law. So let's do it.

THE CHAIR:

Thank you very much, Senator Gunther. Are there any further remarks on Senate 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

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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 an amendment to Senate Bill 1001. It is Senate Amendment "B", LCO No. 7409. The machine is on. You may record your vote.

Is Senator Meotti here? He was here earlier. Senator Meotti. Have -- is he here? Here he comes. Is Senator Colapietro here? He's not here. 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:

16 Yea
17 Nay
3 Absent

The amendment fails.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I would ask that we stand in recess until 7:00. There are some technical problems with some of the amendments that are being

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drawn at this point in time and I would ask that we stand in recess until 7:00 and by that time we should have all of the amendments to this bill available. We can have dinner and be back here sharp at 7:00 and -- 7:30?

THE CHAIR:

7:30?

SENATOR DIBELLA:

Madam President, 7:30. At 7:30 and ready to go, finish this bill up and hopefully see what the House has done with the gun bill.

THE CHAIR:

Thank you very much. Would anybody else make any remarks? Are there any announcements? Any announcements? If not then, there is a motion to recess until 7:30. Any objection? Hearing none, so ordered.

On motion of Senator DiBella of the 1st, the Senate at 5:12 p.m. recessed.

The Senate reconvened at 8:17 p.m., the President in the Chair.

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THE CHAIR:

Will the Senate please come to order. Mr. Clerk, do you have any business on your desk? I think we were starting -- we had amendments, two amendments that we acted on. I believe there are further amendments.

THE CLERK:

That's correct, Madam President. Senate Amendments "A" and "B" have been defeated to Bill No. 1001. The Clerk has additional amendments. LC07112, which will be designated Senate Amendment Schedule "C". It's offered by Senator Gunther of the 21st District.

THE CHAIR:

And the Chair would recognize Senator Gunther.

SENATOR GUNTHER:

Madam President, I move adoption of the amendment, waive the reading and I'll explain it.

THE CHAIR:

Thank you, Senator. Please proceed.

SENATOR GUNTHER:

This particular amendment will end the confidentiality of juveniles, both in the transfer to the adult court and also if they're retained by the Juvenile Court. Frankly, I think it's about time that we brought the juveniles that are criminals in our society out into the light of the day and too many

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times we find that the juvenile record, quite often when they do go into court, and of course, with the bill that we have before us right now, the juvenile with the criminal use of guns will be transferred to an adult court. I think he should have his records exposed at that time.

The reason I say that, I remember back, oh, some years ago that in Milford we had a young 15 year old that had a record as long as your arm and they weren't simple little truancy and that type of thing. It was physical abuse, armed robbery and all these type of offenses. I think if we pass this bill, that juvenile record should then come into that court so the court knows the type of experience they've had with that particular juvenile in the juvenile level where nobody knew who he was or what he did or how serious those crimes were.

The same token, even in the Juvenile Court, I think anything that involves a case that they won't transfer to the adult court, I think that juvenile, when he goes to the Juvenile Court itself, should also have that record exposed and brought out and into the open. And when I say out into the open, I think it should be full public reporting. I think that the newspaper should carry their story. I think they should identify those

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juveniles that are handling guns and using guns in the commitment of a crime.

I can tell you in the study that I was involved in over 20 years ago that we had a judge in Montana that actually had the authority to take and open up his records in juvenile cases and he stopped the confidentiality in his court and he reduced his juvenile crime in that particular jurisdiction 50 percent.

So I think it's time that we stop allowing the juvenile to hide behind the confidentiality when these people are hardened criminals, and in fact, in reading the bill that we have before us, you know, when I see 14 year old is the magic number, I wonder how many cases where guns are being used in the State of Connecticut right now, if you could ever get your hands on it, how many of them are under 14 years of age because we have seasoned criminals in this state by the time that they're 14 years of age.

I also remember when we tried to take and reduce the juvenile age and start bringing them into the open court in another area -- I had one mother who really impressed me, from New Haven, who called in and says, "My God, do something to reduce the age or open up the juvenile records." She says, "I have two or three

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sons. The only time I can control them is after they turn 16, they know they're going to be public record." I says, "You really mean that? You want your son to be open to the public?" She says, "It's the only way we can control them," because these juveniles know a hell of a lot more about the law than what the average person standing out there knows. They know that they're being protected by confidentiality and I think it's time that we ended that confidentiality.

When we have a vote on this, Madam President, I'd like to have it by roll.

THE CHAIR:

Thank you very much, Senator Gunther. Would anybody else wish to remark? Senator Jepsen.

SENATOR JEPSEN:

I would rise in opposition to this amendment. The grounds for our current juvenile statutes, statutes that substantially will remain unchanged even after passage of today's bill, rest on a sound principle that kids deserve a second chance. Most juvenile crime, whether it's graffiti or possession of alcohol, possession of certain narcotics, we have felt through our criminal statutes that kids ought to have a second chance to redeem themselves. What we're doing today with this statute is to single out a narrow set of

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crimes, violent crimes involving a firearm, for a different kind of treatment.

Part and parcel to the sound underpinnings of most juvenile law, part and parcel to the view of giving somebody a second chance to right themselves, lies in the confidentiality of transactions involving that child.

If a child commits a crime and pursuant to existing law, or what is more likely, once this law is enacted, to the new law, his or her case is moved to adult court and tried therein, it will be public record and public knowledge, and it should be because they are being tried as an adult due to the nature and severity of their crimes. Where that transfer does not take place, however, where the decision has been made, a decision either by the prosecutor intimately associated with the facts or through a judge in a hearing, it is decided to keep that case in Juvenile Court, it seems to make sense to have the sound principles and underpinnings of juvenile law apply. That means the record should remain confidential. To support this amendment would open up juveniles who will be treated as juveniles to having records made public.

This is inconsistent with current practice with juveniles. For that reason, I oppose this amendment

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and urge the members of this Chamber to do likewise.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to remark on Senate Amendment "C"? Are there any further remarks on Senate Amendment "C"? Senator Gunther, for the second time.

SENATOR GUNTHER:

Madam President, I do have to respond. When I hear about the sound principles of taking and having juveniles go into court, we're talking about gun and gun crime and you want to give them a second chance on the use of firearms? You know, I don't know what we're doing up here when I hear remarks like that, that he needs a second chance.

Any kid out there that commits a crime that would pull them into adult court, or for that matter, into Juvenile Court and he's used a gun in the commitment of that crime under the dictates of the bill that we have before us and you tell me it's sound principle to let him lay there and have a confidential record?

Let me go another step. If he had no record, if that's his first chance and he never had any record, you didn't need to worry about exposing that in a court. The judge would take that into consideration. That's the first time, but I don't think any juvenile

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deserves a second bite at an apple when he's used a gun to get to it and I think it's plain and simple. Again, we're pussyfooting around. You want to get tough, you want to take and get after the juvenile crimes in the state, let's do something instead of this pontificating about how great our system is.

If the system was so damn great, why are we having so much trouble with crime and juvenile crime in the State of Connecticut? Great principles. The only thing is they don't work and somewhere along the line we've got to get tough and I don't know when we start that. When we get through with this paper tiger, if you leave it alone, all you're going to have is another one of those bills on the books. It looks great. Go on out and campaign, get all the TV coverage you can. We're up here. It's a tough crime law. We're up here passing anti-guns. In a pig's neck we are, any more than the assault rifle and all the rest of the junk we've had up here that doesn't do anything for enforcement.

So I say let's stop pussyfooting around. Let's put some teeth in the law, just not a paper tiger out here that we do every other darn year that we're up here. Sound principles.

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Thank you very much, Senator. Senator Scarpetti.

SENATOR SCARPETTI:

Thank you, Madam President. Madam President, this has been a very upsetting afternoon. I think we're here on a beautiful, very, very warm day. We're here to discuss gun bills. We're here to discuss crime and what we're doing, we're burning the candle at both ends. We're standing here saying we're going to do this and we're going to do that. We're doing nothing.

I agree with Senator Gunther. If -- we have -- one of our laws says that you can't sell drugs within so many feet of a high school, Madam President, and yet, and we also say if a juvenile is caught with a gun, he has to serve time, but then Senator Jepsen says that this should be kept confidential because we do not want to get this young juvenile, give him another chance. They've had chances, Madam President. They know the law better than we do.

In Bridgeport, Senator Penn knows, those young children, those young adults there know this law. They know they can carry a gun. They know they're not going to get punished, and I don't understand what we're doing here. We're trying to make the laws tough. We're trying to teach these young students, young children that they cannot do what they're doing.

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They're getting away with murder. That's exactly what they're getting away with, and we're allowing it and we're saying -- we are here today saying we are going to make tough gun laws. We're going to get tough on these juveniles, and Madam President, we're doing nothing.

THE CHAIR:

Thank you very much, Senator Scarpetti. Senator Jepsen, for the second time.

SENATOR JEPSEN:

With all respect to my colleagues, it is very difficult to reconcile their positions and what they've said about this amendment in the text of the amendment itself. It should be very clear that any, according to the statute, any juvenile crime that is brought to adult court, that record will be public and the statements or the implications to the contrary, notwithstanding, that remains the case.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to remark on Senate Amendment "C", LCO No. 7112? Are there any further remarks? If not, Mr. Clerk, would you make the necessary announcement for a roll call vote please.

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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 an amendment to Bill No. 1001. It is LCO No. 7112, designated by the Clerk as Senate Amendment "C". The machine is on. You may record your vote.

Is Senator Williams here? He is not? Senator Colapietro. 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:

16	Yea
16	Nay
4	Absent

The amendment fails.

THE CLERK:

LC07415, which will be designated Senate Amendment Schedule "D". It's offered by Senator Gunther of the 21st District.

THE CHAIR:

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The Chair would recognize Senator Gunther.

SENATOR GUNTHER:

Madam President, may I have the number? 7415?

THE CHAIR:

Yes, sir.

SENATOR GUNTHER:

May I move adoption of the amendment and waive the reading and I'll explain it?

THE CHAIR:

Yes, sir. Please proceed.

SENATOR GUNTHER:

This amendment is a little variation of the one that you had in here before. What this would do, it would open the juvenile records open to the entire court when they're being transferred. When a juvenile is transferred to the adult court, the records, the juvenile records themselves are open to the prosecutors and the police and that, but not to the full opening of the court.

Now if I'm wrong, I'd like to be corrected. And I might direct, through you, Madam President, to Senator Jepsen, whether or not that is true, that the records are not fully, the juvenile records are not open to the full court, but they're available to the prosecutors and even the police, but not to an open court, through

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you, madam.

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

As I did not draw this amendment, I did not research that particular topic before coming here tonight, however, that is my understanding.

THE CHAIR:

Senator.

SENATOR GUNTHER:

May I? Do I understand that I am correct, madam?
Is that a yes?

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

What I exactly said. It is my understanding. You have the Connecticut Criminal Statutes available to you as well. So it is accessible -- this information is accessible to you as it is to me. Maybe you could find the appropriate statute and inform us.

SENATOR GUNTHER:

Madam President, I'd like to Pass Retain this a moment, if I may.

THE CHAIR:

Unless there is any objection, sir. Is there any

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objection to the motion to Pass Retain this amendment?

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. Through you, to the previous speaker, the purpose of Pass Retaining the bill?

SENATOR GUNTHER:

I think I'm having some -- a direction that isn't exactly accurate, relative to the disposition of juvenile records in a transferred case and I don't think I've gotten an answer yes or no. I believe -- I've been told that I can read the statute and I can have access to the statute and that, but from the information I have, it's my understanding that the juvenile records, when it's brought into a case in court and it's transferred to an adult level, the previous juvenile records, not the current record that they're in there and the complaint they're in on, is available to the court. It's available only to the prosecutors and to the police.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I would have no problem -- I would oppose Pass Retaining. I would

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support to Pass Temporarily so that we could move on to another amendment. You could secure the information necessary, Senator, and then we'll come back with this after the termination of our business.

THE CHAIR:

Will you change your motion?

SENATOR GUNTHER:

Thank you, Madam President, yes. Pass Temporarily.

THE CHAIR:

Is there any objection then to a motion to Pass Temporarily Senate Amendment "D", LCO No. 7415? Is there any objection? Hearing none, so ordered.

Mr. Clerk.

THE CLERK:

LCO7028, which will be designated Senate Amendment Schedule "E". It's offered by Senator Freedman of the 26th District.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Thank you, Madam President. I move the amendment and waive its reading and seek leave to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR FREEDMAN:

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Basically this amendment would allow the weighing of the mitigating versus the aggravating factors to determine the death penalty in a capital felony committed with a firearm and I think that is very pertinent, the fact that a firearm has been used to commit this particular activity and it would allow for the weighing of those factors.

As I was sitting here both earlier this afternoon and later on this evening, I was definitely feeling an ill wind that seemed to be blowing along a partisan level, but I do believe that some amendments have been offered tonight that would help people in this state feel a lot more secure and safe because of the types of crimes that are being committed.

Certainly the people in this state want to see a usable, doable death penalty and I believe this is being offered with the feelings that the public would feel a lot more secure knowing that after a crime has been committed with a gun, which seems to be a major topic of discussion in both Chambers, that if that person were found guilty of the commission of a crime with a gun, that the capital punishment would play after the factors had been weighed between the mitigating and the aggravating.

THE CHAIR:

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Thank you very much, Senator.

SENATOR FREEDMAN:

And I would like a roll call vote please.

THE CHAIR:

Yes, ma'am. Would anybody else wish to speak on LCO No. 7028? Are there any further remarks? Senator Jepsen.

SENATOR JEPSEN:

I am an advocate of the death penalty. I oppose this amendment, however, for two reasons. One, it creates a possible equal protection clause, a constitutional issue, in the respect that an individual who uses a gun to kill someone and is otherwise no different from an individual who kills him with a knife. There is a potential issue due to the extraordinary level of scrutiny given by the Supreme Court to capital cases that this would result in a challenge. Even were that not the case, and I'm not -- I'm saying that a challenge would exist, I think that the likely impact of amending this bill with the death penalty would be to have a gubernatorial veto and if there is a gubernatorial veto based on the death penalty, my own analysis suggests that the votes are not there to override the veto in the House. Therefore, it is my own guess that to amend the bill in

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this manner would result in its demise.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Yes, Madam President. I think that's ridiculous. When is this Chamber going to declare its independence from the Lower Chamber and from the Executive. If you believe in a death penalty and you believe in gun control, then you should support this amendment and both the reasons you gave are very weak for not supporting the amendment.

This Chamber passed, I believe, with a two-thirds vote override a death penalty bill. I see nothing wrong with adding it to this particular main piece of legislation that will come before us right now. I think we have to prove to the state that we are really sincere about an enforceable death penalty in this state and I believe that this particular amendment does just that.

Should it have to go somewhere else after it's gone through the courts and the Supreme Court has to make a decision is not something that we, in this Chamber, can worry about right now. I think we either pass and believe in a death penalty or we reject because we do not believe in the death penalty.

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We are concerned about the amount of crime going on in this state. We are trying to send a clear message to the public. We are trying to send a clear message to the criminals and I believe with this amendment, and had we passed some of the others, we would have been able to present a strong case that we are serious about the business we're doing here. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Freedman. Would anybody else wish to remark on Senate Amendment "E", LCO No. 7028? Are there any further remarks? If not then, please let me know your mind. Senator Freedman.

SENATOR FREEDMAN:

I requested a roll call.

THE CHAIR:

I'm sorry. I apologize to you. Are there any further remarks then on LCO No. 7028? If not then, 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

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Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is an amendment to Senate Bill 1001. It is LCO No. 7028, designated by the Clerk as Senate Amendment "E". The machine is on. You may record your vote.

Senator Harp. 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:

15 Yea
17 Nay
4 Absent

The amendment fails.

Mr. Clerk.

THE CLERK:

LCO7109, which will be designated Senate Amendment Schedule "F". It's offered by Senator DeLuca of the 32nd District.

THE CHAIR:

Senator DeLuca.

SENATOR DELUCA:

Madam President, in the interest of saving time and

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further debate, I'll withdraw this amendment.

THE CHAIR:

Thank you very much. Mr. Clerk. Senator Gunther.
Senator Gunther. Senator Gunther, are you ready, sir?
Have you solved your information problem?

SENATOR GUNTHER:

Madam President, I'd like to proceed.

THE CHAIR:

Would you like to --?

SENATOR GUNTHER:

I believe that I've made a movement to pass the amendment and waive the reading and I'll say, Madam President, a reading of the amendment itself I think would give the answer to what I've said, which is it is not an all public record because if you'll read the amendment itself and put the deletion in after Section A, all is deleted. As the law now reads, all records of the cases of juvenile matters, as defined in Section 46b-121, or any part thereof, including studies, reports, by probation officers, social agents, clinic, shall be confidential and for the use of the court in juvenile matters and open to inspection or disclosure to any third part, including bona-fide researchers commissioned by a state agency only upon order of the Superior Court.

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And I don't want to take and burden you, Madam President, but it goes on and says that it's available to the victim if they're going to take and get into a civil suit and they need to establish the act and that in order to recover damages and it will allow the state's attorney to have these records, but this amendment and the reason for this amendment is to make it fully public to everybody, and when I say everybody, I mean the press. I mean anybody that is that court would have the availability of that juvenile's record.

From what I can understand, and contrary to remarks made in this Circle, it does not become fully public merely because it's in there and it's been transferred, and as I said before, I believe that the enforcement people, and selectively, the victims and that, only under certain circumstances. I'm talking about full disclosure and I think that one of these days, if we want to get at these juvenile criminals, and we're talking about, serious crimes, that we certainly ought to let them lay out on the deck, let their neighbors know who it is because unbelievably, there are plenty of people that have juveniles living in their neighborhood, never have any idea of what's going on, how serious the crimes are, because they always have enough sense to get the heck out of their own

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neighborhood before they commit the crimes, and again, I say I think it's very important that when these children get into serious crimes, they're no longer a child in my book, and I think we should have those records out on the deck and I think the public should know who is committing these crimes and I think that it would go a long way to stopping them and also preventing them in the future.

When we have a vote on this, Madam Chairman, I would like a roll call.

THE CHAIR:

Thank you very much, Senator Gunther. Would anybody else wish to remark on LCO No. 7415, Senate Amendment "D"? Are there any further remarks? Senator Jepsen.

SENATOR JEPSEN:

I would oppose this amendment essentially on the same grounds as I opposed the previous similar amendment, juvenile records that are intended to be. Juvenile records from proceedings in Juvenile Court were intended to be confidential and they should remain so.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on Senate Amendment "D", LCO No. 7415? Are

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there any further remarks? If not, Mr. Clerk, would you make the necessary announcement for a roll call vote please.

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 an amendment to Senate Bill 1001. It is LCO No. 7415, designated by the Clerk as Senate Amendment "D". The machine is on. You may record your vote.

Senator Aniskovich. 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:

16 Yea

17 Nay

3 Absent

The amendment fails.

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LC07209, which will be designated Senate Amendment
Schedule "G". It's offered by Senator DiBella of the
1st District.

THE CHAIR:

The Chair would recognize Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I move adoption of the
amendment.

THE CHAIR:

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

SENATOR DIBELLA:

Thank you, Madam President. We've heard much
debate this evening about the question of provide
resource to fighting the criminal problem that we find
ourselves faced with in this state. In many of the
cases, our urban centers have become battlegrounds.
The question of economic development has been
dramatically hindered by the tremendous increase in
violence and firearms use in our urban areas.

Many communities are responding by expanding
through local tax revenues the need for additional
police classes. However, we find ourselves, as we look
at these communities in urban Connecticut, in their
pursuit of control of illegal firearms and the use of

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those firearms, in a dilemma. Example, the City of Hartford will bring on three classes over the next year. It will be an additional three to five months before those police officers are on the street.

Because of the tremendous need for resource and police presence to control and stem the illegal use of firearms, we find that that resource is in the case of additional overtime for additional police resources.

Those cities had not anticipated this and consequently find themselves in dire fiscal straits. An example, the City of Hartford, generating about \$100,000 a week in overtime to meet the need of the increased violence and gun -- illegal gun use in those communities.

What this amendment does is address itself in the sum of some \$4 million, not just for police officers, but for prosecutors in terms of the vertical prosecution whereby the prosecutors will follow the specific criminals and pursue those cases in a manner that will be much more effective in the field. It will require the use of public defenders, prosecutors and judges. It will then allow the Office of Policy and Management to allocate in some 12 cities, Bridgeport, Danbury, Hartford, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Stamford and

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Waterbury, specific proposals from those communities to be approved by the Office of Policy and Management for the specific purpose, as the bill articulates, to control, to deter illegal use of firearms in those neighborhoods where there has been a high incidence of illegal use of firearms in the commission of crimes in urban neighborhoods, through programs which increase police presence by increasing the hour's worked by police officers during those times.

What it does is it specifically allocates to the area of police need some \$2,650,000. In the area of the chief state's attorney's office, some \$645,000 for additional prosecutors. In the area of public defender services, some \$405,000 and in the area of judicial need, the Judicial Department for judges, two judges, the cost of \$300,000 for a total of \$4 million.

Again, I think that this is a response to a dramatic need to control and curtail the illegal use of firearms in our neighborhoods, in our urban areas, in our cities and large towns across the State of Connecticut.

I don't believe the \$4 million is a magic number that will eliminate crime. It will go a long way to destroying the gangs and the gang operations and move towards a comprehensive approach to that process.

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Again, it is not the solution. There is much more we much attack this issue with respect to employment, involvement with community people and many other issues.

I do believe this is a major step in a very difficult summer for many cities in the state. I would ask your support.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Yes, through you, Madam President, to Senator DiBella. The price tag is \$4 million. I'm just curious as to where the \$4 million would be coming from, through you.

SENATOR DIBELLA:

Thank you, Madam President. Before I forget about it, could we have a roll call vote on this? If you will look at the fiscal note which articulates that the \$4 million would come out of the General Fund revenues and I think if you look in the last, the second to the last paragraph, it should also be noted that based upon the Finance Committee's latest revenue estimates, \$4 million is available in the General Fund beyond the revised biennial budget level for Fiscal Year 1994-95.

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THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Yes, through you, Madam President, reference was made to revised finance revenue estimates. Through you, could the Senator from Hartford tell me exactly what those new revenue estimates are?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. Not being the Chairman of the Finance Committee for two years, I don't have that available to me, but I guess the question could be asked of Senator Maloney, if he does have the available information.

SENATOR FREEDMAN:

Madam President.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Through you, to Senator Maloney, who didn't hear the whole statement before I was asking or requesting a copy or some information about the revised revenue estimates, which are mentioned in this fiscal note, and I was curious as to what those estimates are.

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THE CHAIR:

Senator Maloney.

SENATOR MALONEY:

Madam President, could we just stand at ease just for a minute?

THE CHAIR:

Yes. The Senate will stand at ease.

SENATOR MALONEY:

Thank you, Madam President. I do not have in my possession a copy at the moment of the revised fiscal note, however, and also, unfortunately, the fiscal staff of the Office of Fiscal Analysis are not available to us this evening. However, from recollection, it is correct, as stated in the fiscal note, that there is \$4 million available in the General Fund beyond the revised biennial budget level for FY1994-95, as stated in this note.

That is my recollection that the revised fiscal note does indicate that that \$4 million is the cushion between the amount of money that is anticipated to be received by the state and the amount appropriated in the biennial budget.

THE CHAIR:

Thank you, Senator Maloney. Senator Freedman.

SENATOR FREEDMAN:

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Yes, thank you, Senator Maloney. I was just interested because I wondered, as we heard earlier, that there was no money to do some amendments. All of a sudden, \$4 million comes on deck and since none of us have seen the revised revenue estimates, I wanted to be sure that the money truly existed.

I also was under the impression that if it was a surplus, it should be going into some other source, but that's an issue for another day.

Through you, Madam President, to Senator DiBella, as I read the fiscal note, during the Regular Session, as we increased the biennial budget, we added more judges, more prosecutors and more public defenders. Through you, to Senator DiBella, what is going on this bill. It's actually adding more judges, more prosecutors and more public defenders to what we've already done.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Well, I think that, as I tried to articulate, I may not have clearly articulated the issue, we are talking about at least prosecutorial staff to be used in vertical prosecutions which would follow these types of gang criminals and get a better sense of the ability to

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deal with them on that basis.

We've had several meetings and there was a memorandum of April the 29th, that the chief state's attorney provided to me with respect to the resources necessary to deal with those gang issues and firearm-related crime. This would specifically deal with that area of our problem on the streets.

We did approve four new judges. We also approved I think nine people in the prosecutor's office. I don't believe there are nine prosecutors, probably six or whatever, and that was a support to be used for those four judges coming on line.

If you remember, the Appropriations Committee also took the step of allowing trial referees to be used in the process of criminal cases as well as the fact that apparently there is excess physical space, courtrooms that can be utilized to meet those needs under the existing process.

So what we're talking about is not addressed in the question of the four new judges and the nine other personnel in the prosecutor's office. Another problem is that in the prosecutorial procedure, there is a union that exists amongst prosecutors and for the chief state's attorney to be able to take the resources out of those specific jurisdictions and movement to another

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jurisdiction, it would require the signing off of those prosecutors.

This resource would be provided to the chief state's attorney's office, thereby giving him the discretion to use these people in just different jurisdictional areas to provide us with more continuity in the process of chasing down these gangs or breaking these gangs.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Yes, as I was going back to the revision to the biennial budget, it had a full or partial year funding for nine prosecutors, five public defenders and four judges and I don't have the budget in front of my, unfortunately. I'm not sure which is partial funding and which was fully funded.

Will those now all be fully funded, plus what we are doing with this bill, adding two more judges and more staff to the other offices, through you, Madam President?

SENATOR DIBELLA:

Yes.

THE CHAIR:

Senator DiBella.

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SENATOR DIBELLA:

To the best of knowledge, yes.

SENATOR FREEDMAN:

Okay, so these people will be coming on board ASAP as soon as the Governor signs the bill. Thank you very much.

THE CHAIR:

Would anybody else wish to remark on Senate Amendment "G", LCO No. 7209? Senator Fleming. Senator Fleming.

SENATOR FLEMING:

Yes, thank you, Madam President. If I might, a question to the proponent.

THE CHAIR:

Yes, sir.

SENATOR FLEMING:

Through you, Madam President, the additional dollars that -- the additional \$4 million that will be spent if this amendment passed, will that \$4 million be available for any one of the three options laid out in the Safe Neighborhoods Grant Program or just to the new language on improving public safety in urban neighborhoods?

SENATOR DIBELLA:

In my reading of the bill, it would be any of the

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three.

SENATOR FLEMING:

Okay, thank you, Madam President. Madam President, I think this is a good idea. I think it's a good amendment. I intend to vote for it. I also think it's important to point out that whether you come from one of the urban areas that are mentioned in lines 32 through 35 or not, that it is very likely that all of our constituents, in one sense or another, go in and out of these urban centers. In most cases they commute there for their jobs and to make our urban centers safe, not only for the people who live in these urban centers, but those people who come in from jobs or to go to the hospital or to use the yards and theater and so forth, I think it's very important for us, as a body, to support that.

I think it's also important to point out that this may be our only opportunity to beef up I think a very weak bill, unless other amendments that I've seen offered by the Majority, some of which I think are very good as well, but this, I think, will beef up a bill that is weak.

I would point out that the Greater Hartford Chamber of Commerce earlier this week came out and they were concerned with crime in our urban centers and one of

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the reasons that they are concerned with crime in our urban centers is that if some of the large employers because they're concerned about this crime were to leave, it would cause great economic hardship not only in the cities where they're located, but to all of the surrounding areas around the city. Unemployment would go up and the spinoff negative economic impact could be very devastating. So I think this is a good amendment and I would hope that all of the members around the Circle would support using our state dollars to pay for this type of a program. It's a very good use of money. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fleming. Would anybody else wish to remark? Any further remarks? Senator Peters.

SENATOR PETERS:

Thank you. Thank you, Madam President. I rise to support the amendment as well and thank Senator DiBella for introducing it. In New London, we have seen the turnaround of gang activity and violence to a certain degree because we put out a satellite police state in the center of the main street of New London and it has deterred a lot of criminal activity.

What that has done is it's made people, sort of speaking to what Senator Fleming has said, made people

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feel safer to come down to the theaters and come down to the restaurants in our area.

We were on the bring of having to close that satellite station down which certainly would not have helped our economic development, as you are aware of. We are trying to fight out way out of what the cuts in defense spending has done to the region.

So I appreciate this amendment. I too believe that it puts some more teeth into the bill and I would encourage my colleagues to support it.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Amendment "G"? Senator Milner.

SENATOR MILNER:

Madam President, I too am going to support this bill, but I again want to reemphasize the fact that we're always talking about get tough on crime, but we still don't want to address the causes of crime. We're still not putting enough money into the kind of programs that will keep our young people out of gangs. We're always talking about let's increase death penalties, let's do this, let's do that, but what are we doing about preventing our young people from even becoming interested in going into gangs? What are we

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doing to encourage them to stay in school? The programs that we passed so far address 14 to 18 year olds. Our young people are getting into trouble way before they reach 14 years of age, yet and still the summer programs around this state that address youngsters from K to 14 years of age are underfunded, are not being fully funded by the state, are not being addressed in any legislation was passed in our Regular Session or this session.

Yes, we need to get tough on crime, but one way of doing that is, again, to prevent our young people from getting involved in the first place. As I said before, this is a good measure. I will support it. I, again, must say I'm very, very disappointed that we're not really going to get to the real issue and that's addressing causes.

THE CHAIR:

Thank you, Senator Milner. Would anybody else --?
Senator Gunther.

SENATOR GUNTHER:

Madam President, I rise to support this amendment. I wish I could have impressed the Majority Leader to back some of the amendments that were here. In fact, I think this amendment probably is worth more than the whole damn bill itself. I think it will accomplish

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more in fighting crime and getting after the gun crimes in the State of Connecticut. I'm sorry that the two judges that you put in there didn't follow an amendment that was withdrawn to set up a gun court and a specific court to handle the gun measures in the State of Connecticut because, unfortunately, I find that there's a little bit of a weak-knee attitude towards some of the gun violations in this state by the average judge. I think we ought to assign a couple of them specifically to hearing these guns cases and also to enforce the law that we have on the books.

Now, again, I say it's unfortunate, you had some darn good amendments here that would have given you a gutsy bill if we had those amendments, but despite that, I'll support this because I think you are going to take and get in to the state's attorney. I hope the other laws in the state aren't going to shackle him and you're giving him money and that sort of thing. I just hope that the laws that we have on the books that aren't being enforced and that will get better enforcement and I think that's the route to go.

So that with this amendment on it, I certainly would support it, but other than that, the rest of the bill, in my book, is just a paper tiger that it started with and I think you've given it a few little teeth in

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there. Let's hope that maybe that it'll grow up and we'll be able to take and amend this next year and let's say in more of a deliberative setup, rather than this business of Emergency Certification.

Incidentally, I find this whole damn session a violation of the whole process system because, as far as I'm concerned, to take and bring Emergency Certification bills and not go through the process of public hearing and getting the different committees, I find that very objectionable, in my book, and we keep getting away from the process.

I think had the process been implemented, we might have had some of these amendments on this bill. Instead we have to do it here in this atmosphere, and all I have to say I wish you luck, Senator DiBella. I hope that money that we're going to pump in there is really going to take and go to work.

THE CHAIR:

Senator Scarpetti and then Senator Penn.

SENATOR SCARPETTI:

Thank you, Madam President. Madam President, I rise to thank Senator DiBella. I feel a little better and I apologize about that outburst later because this has really been a difficult one.

I do also agree, Madam President, with Senator

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Milner because I do know that the youth in Bridgeport, as in the other urban areas, do need a place to go, do need a group of -- do need to have a group or a club or an organization or basketball, somewhere for these young people to go. That's why gangs are formed. Because they want to belong and I think with this amendment that Senator DiBella came up with, I thank you very much, sir, and I will support this. Thank you.

THE CHAIR:

Thank you, Senator Scarpetti. Senator Penn.

SENATOR PENN:

Thank you, Madam President. I was prepared to defend this bill very vigorously today and I'm glad to be an original co-sponsor with Senator DiBella on this bill. One should hope that they never have to sign on to legislation like this because it's happening in their town, but I just couldn't miss this opportunity to stand up to say at least two words and then I'm going to be quiet. With my good friend, Senator Fleming and Doc speaking on this bill, and it's such an honor to be able to push the same color button with them at this particular time.

LAUGHTER

But I think the bill will work. I know it will.

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And it's much needed in those cities. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Penn. Would anyone else wish to speak on LCO No. 7209? Any further remarks? If not, Mr. Clerk, would you make the necessary announcement for a roll call vote please.

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 an amendment to Senate Bill 1001. It is LCO No. 7209, designated by the Clerk as Senate Amendment "G". The machine is on. You may record your vote.

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:

33 Yea

0 Nay

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3 Absent

The amendment is adopted.

Mr. Clerk.

THE CLERK:

LC07424, which will be designated Senate Amendment
Schedule "H", offered by Senator Jepsen of the 27th
District.

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I move adoption of the
amendment and request permission to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR JEPSEN:

Thank you, Madam President. This bill corrects a
more or less technical --.

THE CHAIR:

Senator, just a minute. Could I ask please that
you take your conversations outside of the Chamber so
that we can hear the debate here and I would appreciate
that those of you remaining in the Chamber, please keep
quiet and still so that we can hear. Thank you.

Senator Jepsen.

SENATOR JEPSEN:

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Yes, Madam President. This amendment corrects a technical mistake or drafting mistake in the bill that we discovered subsequent to its drafting. What it simply does is the original Call of this legislative session was for gun-related crime. The sections of the statute that are listed in this amendment, 53a-59, 53a-70a, 53a-101, 53a-134. As it turns out, it is possible to violate these crimes without using a firearm or any weapon at all, to be perfectly honest, and to be true to the Call of the Calendar, it was felt necessary to make clear that it is intended that these sections be invoked when a juvenile is moved up to adult court when a firearm is involved.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to remark on LCO No. 7424? Are there any further remarks? Senator Fleming.

SENATOR FLEMING:

Yes, Madam President. Just a question to the proponent. Absent adoption of this amendment, are you saying that this bill would not be properly before the Call of the session?

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

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I'm not saying that. I'm not an expert in Calls of the Calendar. What I am saying is that my understanding of the Call of the Calendar, of the Call of the session was for gun-related crime and this would bring elements of statutes before us where guns are not involved.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else wish to remark? Are there any further remarks on LCO No. 7424? Any further remarks on LCO No. 7424? Then let me know your mind. All those in favor of Senate Amendment "H", LCO7424, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

The ayes have it.

The amendment is adopted.

SENATOR JEPSEN:

LCO7206, which will be designated Senate Amendment Schedule "I". It's offered by Senator Penn of the 23rd

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District, et al.

THE CHAIR:

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

SENATOR PENN:

Thank you, Madam President. Some events today, I'm
going to say a few things and then withdraw this
amendment. One of the things that I heard come out, and
I think Senator Milner spoke on it quite eloquently, is
the fact that we keep talking about everything being in
a punitive nature.

One of the things I had a problem with,
particularly starting on the crime bill because I feel
the best crime control, the best gun control is in
prevention, balance, and I haven't seen a lot of that
when we talk about the crime issue, the gang issue or
in gun control.

I've seen more bills, I've heard more talk, and
yes, everybody gets angry and frustrated in the amount
of crime and I hear talk about 12 and 11 and 10 and
everything is punitive in nature, but nothing to pull
out that hand and bring these youths closer to us
instead of initiating ways to find it more difficult
for already a long road for them to come. That I have
a problem with.

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I never had a problem with being tough on crime, but I think, again, when we alienate our youth, when we don't give them a road to come back on, that is a very big problem. A lot of talk today and a lot of talk in the past have been about more prisons, the death penalty, even in caucus and around this Circle and I know it's not mean-spirited because I don't believe I have a mean-spirited colleague around this Circle. I've gotten to know them too well in the last two years.

But the frustration should not be the key to balance. Even in our frustration, even in anger somebody has to realize they are still children and if we're afraid of our children, the something is wrong and something is wrong in America. Balance. I think I heard something like that before. Maybe a little bit before my time, but I heard somebody say about walk softly but carry a big stick, and that's okay.

I think if we offer them something in education, in jobs, in recreation, instead of making them feel again more alienated from us. I don't want people to come into my neighborhood and see a Black or an Hispanic child and afraid to come out of the car or to go to a movie or go out to dinner in a city like Bridgeport or Hartford or to feel threatened because they come from

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the Civic Center and see a gang of youths and gang, maybe not derogatory, but just a group of youths, walking behind them and feel that something negative is going to happen to them.

I don't think it's the way of America when somebody has to ride through a neighborhood and have their cars pulled over because of the color of their skin because something may be negative in that connotation or youths in that park or youths on that beach.

I definitely don't think that's the way of the Circle, but unfortunately, if we would play back the tapes of what we heard for several months, particularly in relationship to crime and violence, I think that's what you'll hear. I think somewhere along the line we forgot about that conciliatory voice and some of us are still children.

If everyone of us had to be accountable for every dumb thing that came out of their mouths at some point or the other, a lot of us wouldn't be here. I guarantee you that. More than likely, probably even me. So when I hear about a 12 or 13 or 14 year old boy in New Britain committing, yes, a violent crime, and said something dumb about you can't touch me and all of a sudden we're jumping up changing the laws and the ink is not dry yet on the 17 and 16 year old laws we've

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just changed, then something's wrong. I don't know if we're moving forth in society or regressing back to something in the cave man days. I thought society moves forth and not an eye for an eye and a tooth for a tooth, and remember, that young people are impetuous. A lot of those young kids are still our children. I think that we forgot that.

And somewhere in America somebody has to rekindle that flame that everything can't be beaten, everybody with that same stick, but again, if I remember the other part of that concoction, we said also walk softly and carry a big stick if we need that. And again, if we recant and play back the same things that I heard around this Circle, some of us seem to have lost that spirit.

So I say to you, again, Madam President, why I was moving forth with this amendment was to balance that act. I think the greatest crime bill, the greatest gun bill, the greatest anti-gang bill is in prevention. I don't think we're doing that.

I see on the fiscal note that it was \$750,000 or, excuse me, \$480,000 that the Governor has put back in from the FAC to going back into the summer youth programs, and I applaud him for that, but what this fiscal note doesn't say is that from the fact DSS and

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the OE line to grants is only like \$40,000 going to a city like Bridgeport and to New Haven and I believe to Hartford.

I think we can maximize those dollars and I believe I have some assurances that we are going to try to open up the restrictions so that some of those dollars can tap into gang leaders, gang people, those who are affected and tempted by the things that we're fighting so much, again, as far as doing some like GED and education for those who want to learn, and job programs and recreational programs.

Just two weeks ago, walking around Bridgeport, talking to a lot of folks who are out there now in that corner out of the summer programs because some of that money wasn't enough to hire those folks and some of the businesses that usually put in in the cities like Bridgeport, New Haven and other cities to hire young folks didn't have it to put in this year. So we had a lot of folks standing around with nothing to do. So what else are they going to do? That's not an excuse. It's facts. Idle hands makes the devil's workshop or whatever that is. Well, that happens.

So again, I applaud the Governor for making these monies available and hopefully we can move forward again so we can learn again what compassion is, and

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yes, we need to be punitive in some cases. I think all of us had a few spankings, but I don't think nobody ever took our heads off or put us in prison for 150 years. I think we need to remember that.

So with that, Madam President, thank you for the time and I ask to have that amendment be pulled and any other amendments with my name on it. Thank you.

THE CHAIR:

Thank you very much, Senator Penn. Mr. Clerk, do you have any further amendments?

THE CLERK:

No further amendments, Madam President.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I'd ask that we take a short ten minute recess. I'd like to go down and speak with the House to determine what the course of action will be with respect to their bill, so we will be able to anticipate a time frame, whether we're going to stay this evening and finish the gun bill up or whether we're going to come back at another date. So I'd ask that we stand at ease for ten minutes.

THE CHAIR:

Thank you very much. Senator DiBella has requested

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that we stand at ease for ten minutes. The Senate will stand at ease.

SENATOR DIBELLA:

Thank you, Madam President. I would advise that we move on with 1001. The House has related that within the next ten minutes or 15 minutes, they should be voting, thereby, if that's the case, I would assume it makes sense for us to take up the gun bill this evening.

THE CHAIR:

Thank you.

SENATOR DIBELLA:

So I would assume that we would proceed with 1001.

THE CHAIR:

Senator Jepsen. You now have before you Senate Bill 1001, as amended by Senate Amendments "G" and "H". As the bill has only been moved and not explained maybe you have some further remarks and maybe you don't. I don't know.

SENATOR JEPSEN:

Thank you, Madam President. I believe that the contents of the bill has seeked out over the course of the long debate and the many amendments that have been offered. Briefly, it seeks to come down hard on certain kinds of gun-related crime, number one, by

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extending the penalty for first degree manslaughter when that involves a firearm, from 20 to 40 years. This is intended to close what is kind of a loophole in our law which has allowed many felons who probably intended to do exactly what occurred, which is to kill someone, to get off with a much lighter sentence than had it been possible to prosecute them for murder.

Second, it involves or permits the moving from Juvenile Court to adult court, a wide range of gun-related crimes involving the use of a firearm. And third, it closes what I believe is -- I call the Annie Oakley provision in our current law which allows a punishment of only five years if you shoot at someone and because you're a bad shot, you cause -- you fail to cause great bodily harm, yet if you were to cause great bodily harm, this is short of killing an individual, and the difference between causing great bodily harm and not causing great bodily harm could be a matter of centimeters or millimeters, you would be punishable by five years rather than 20 years.

This removes that distinction in the law, a distinction based on luck, a good shot versus a bad shot, and it establishes the very important principle that if you take a shot at someone with a gun, that's the core crime and whether you're lucky or not a good

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shot or not should make a difference in your sentencing and it makes an individual who shots at another individual, assault in this fashion, punishable by up to 20 years in jail. That's the summary of the bill in short. I think it's working in tandem, especially with the gun bill which I hope will come up from the House later tonight. We will take a great step in Connecticut towards dealing in a sensible way with gun crime on our streets.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to remark? Senator Freedman.

SENATOR FREEDMAN:

Thank you, Madam President. I have every intention of supporting the basic bill. I just had a question, through you, to Senator Jepsen.

THE CHAIR:

Yes.

SENATOR FREEDMAN:

On the amendments that we passed the fiscal notes were very clear. On this one the fiscal note is rather murky with no exact figures given. Did some of the money that we spent or are spending on those amendments, will some of that money be used to cover the various aspects of the main body of the bill?

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THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

Well, I'm a little confused by the question. The amendments didn't pass, so there was no -- it really wasn't an issue of transferring funds, if I misunderstand you, but to get at the issue of the fiscal note, it is obviously completely impossible to ascertain what the fiscal note would be on something like this because we do not know how many people will be prosecuted in a given year for these crimes, how long they will be sentenced and how many jails will exist to allow their incarceration.

Let's say, for example, over time we were to expand our jails even further beyond what they are today, that would mean, obviously, that a lot of people who are currently could not be housed in our jails or would have to be released on parole after 55, 60 percent, for example, of their sentences, under current conditions would be in jail for 85, 80, 85, 90, 100 percent of their sentence.

So it's clearly not possible to predict with any certainty the long term cost of enacting this legislation and that's why the fiscal note on the bill was indeterminate and that's why the fiscal note on the

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various amendments that were proposed was likewise indeterminate, though it seems likely that there will be costs associated with putting people in jail.

SENATOR FREEDMAN:

Again, through you, Madam President, the fiscal note is specific and it says which agencies will be impacted fiscally and it's the Criminal Justice and the Judicial Departments and I was just wondering if the \$4 million that we spent in Senator DiBella's amendment would cover those costs that are being referred to in this bill, through you, Madam President?

THE CHAIR:

Thank you, Senator Freedman. Senator Jepsen.

SENATOR JEPSEN:

I believe that the costs identified in Senator DiBella's amendment are independent of costs associated with the bill. You know, when you create new crimes or you put new add-on penalties to crimes or you make tougher sentences on crimes, it changes how many people will be prosecuted, how many jury trials there will be, and as I mentioned before, the length of incarceration and so that's the cost that is yet to be determined.

SENATOR FREEDMAN:

That's not a very clear answer, but I guess it'll have to do. I suspect, though, the way this is

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written, that maybe some of that money will be going into those agencies through the amendment. As to the juvenile detention centers and the prisons, I believe the fiscal note is explicit about that, although it does not give actual figures.

As I said, I plan to support the core bill. I think that it is an indication that we are moving forward in the direction of dealing with the problems, but I would also like to agree with my colleague, Senator Penn and Senator Milner, that the problems begin far earlier than we realize and that at some point this body and the other house must start to address the issues sooner, before they come into the criminal justice system, that we have to look carefully at successful programs in early childhood that will make changes so that young people won't find gangs as a source of comfort, at least gangs that get them into trouble.

I believe there are some positive gangs trying to get together now to turn that around and I believe some information came through the studies that have been done of young people. This is a good step. I hope that when we come back next year we will take a look not only at early childhood and how we can change things at that point and at that level, but take a look

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at our whole juvenile criminal justice system and see if maybe we shouldn't be revamping the whole thing in a more orderly process. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Freedman. Would anybody else wish to remark on Senate Bill 1001, as amended? Are there any further remarks? If not, Madam Clerk, would you make the necessary announcement for a roll call vote please.

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, Madam Clerk. The issue before the Chamber is Senate Bill 1001, as amended. The machine is open. You may record your vote.

Senator Smith. 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:

34 Yea

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0 Nay

2 Absent

The bill passes.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. The -- in discussion with the Speaker, hopefully they're doing the last amendment and within the next half hour, the bill should be finished in the House, and if it is, we will then take the gun bill up. If by 11:00 we don't have a bill, I would think that we would postpone this issue to another date. I don't think anybody wants to stay here until 2:00 or 3:00 in the morning waiting for the House.

So I would ask that we stand at ease and use 11:00, if there's no objection, as the time frame that we either fish or cut bait.

THE CHAIR:

Thank you very much. Would anybody else wish to remark?

SENATOR DIBELLA:

Madam President, could we have immediate transmittal to the House of the bill.

THE CHAIR:

Yes. You have a motion before you for the

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Senate Agenda #1 for Wednesday, July 13, 1994.

THE CHAIR:

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

SENATOR DIBELLA:

Thank you, Madam President. I move the readoption
of Senate Bill 1001.

THE CHAIR:

Thank you very much. You have before you a motion
by Senator DiBella to readopt Senate Bill 1001, which
is on Senate Agenda #1 for today. Would you like to
remark further, Senator? Senator Fleming.

SENATOR FLEMING:

A Point of Parliamentary Inquiry.

THE CHAIR:

Excuse me?

SENATOR FLEMING:

A Point of Parliamentary Inquiry.

THE CHAIR:

Yes.

SENATOR FLEMING:

Madam President, either to you or to the Majority
Leader, my question would be is that if we readopt the
Senate "A", does that put us --?

SENATOR DIBELLA:

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Madam President -- let me.

THE CHAIR:

He's only moved to adopt the bill, sir.

SENATOR DIBELLA:

I believe the question is it would not be Senate "A". It's Senate "G", which would put us into a Conference Committee, if adopted, with the House. So the motion is to readopt. It should be with Amendment Senate "G".

SENATOR FLEMING:

Madam, I believe I still have the floor.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

Madam President, my reason for asking the question is that I had submitted an amendment that I thought I would have an opportunity to discuss. If the motion is to adopt "G" and that puts us in immediate conflict and a Conference Committee then is formed, I don't believe it would be possible for me to call an amendment to a Conference Committee Report. So in order, Madam President, through you, to the Majority Leader, in order for me to call my amendment, I was wondering if the Majority Leader, the Majority Leader could alter his motion so that I would at least have an opportunity

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on the bill to call my amendment.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Through you, Madam President, could I have one second to look at the amendment. I believe the amendment has already been debated in this --.

THE CHAIR:

The Senate will stand at ease.

SENATOR DIBELLA:

I would yield the floor to Senator Fleming.

THE CHAIR:

Senator Fleming, will you accept the yield?

SENATOR FLEMING:

Yes, Madam President. Just to say it was a really good amendment, but in light of the hour, I would not be calling the amendment in any event so that the Senate can get on with its business, but --.

THE CHAIR:

Thank you very much. Senator Fleming has withdrawn his amendment, so now, Senator DiBella, would you like to restate your motion so we're all on an equal footing here, and could I ask please, to bring a little order to the Chamber. Senator DiBella.

SENATOR DIBELLA:

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Yes, thank you, Madam President. On Senate Bill No. 1001, I would move the readoption of Senate Amendment "G".

THE CHAIR:

We started off with a motion to readopt Senate Bill 1001 and the --.

SENATOR DIBELLA:

Okay, I move the adoption of 1001 with Senate "G", readoption.

THE CHAIR:

Thank you very much. You have before you a motion from Senator DiBella to readopt Senate Bill 1001, with Senate Amendment "G". The Chair stands corrected. We have now got Senate Bill 1001 in front of us and there is a motion to readopt Senate Amendment "G". Now, Senator DiBella, would you like to speak to the motion to readopt Senate Amendment "G"?

SENATOR DIBELLA:

Thank you, Madam President. I would yield the floor to Senator Jepsen.

THE CHAIR:

Thank you very much. Senator Jepsen, would you like to accept the yield?

SENATOR JEPSEN:

I would accept. This bill obviously is the bill

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that passed unanimously out of this Chamber about a week ago. It does -- the crime bill component has four pieces. One, it increases the potential penalty in manslaughter in the first degree with a firearm from 20 to 40 years. It changes the law in first degree assault so that it does not matter if you shoot at someone and graze them as opposed to causing significant bodily harm. It changes the law to make it easier to move the case of a juvenile who has committed a gun crime from Juvenile Court to adult court and it adds words to our existing CORA statute that would draw the attention of a presiding judge to gang activity.

In addition, it has the \$4 million that has been a subject of the previous session, and with that, I will conclude my remarks and urge your support.

THE CHAIR:

Thank you very much. Would anybody else like to speak to the motion to readopt Senate Amendment "G"? Are there any further remarks? Senator Freedman.

SENATOR FREEDMAN:

Yes, through you, Madam President, could someone tell us what the House Amendments are?

THE CHAIR:

Senator DiBella, would you be kind enough to tell Senator Freedman what the House Amendments are?

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SENATOR FREEDMAN:

We are adopting it with the House Amendments, I believe.

SENATOR DIBELLA:

No, I think that we didn't adopt --.

SENATOR JEPSEN:

We didn't adopt --.

SENATOR DIBELLA:

We adopted the original Senate "G".

SENATOR FREEDMAN:

So it's only our amendment that we're readopting and we're not taking anything from the House. Thank you.

THE CHAIR:

Would anybody else wish to remark? Are there any further remarks? If not then, please let me know your mind. All those in favor of the motion to readopt Senate Amendment "G" to Senate Bill 1001, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed.

The ayes have it.

The motion passes.

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Now Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. We are now in a conference situation. I'd like to floor to the President Pro Tem to name the committee and ask that we stand at ease until the committee meets and signs the Conference Committee Report.

THE CHAIR:

The Chair has the name of the committee, Senator. They are Senators Jepsen, Penn, and Fleming. The Conference Committee Senators are Senators Jepsen, Penn and Fleming. Go. Go. The Senate will stand at ease.

SENATOR DIBELLA:

Could we please notify the other members of the Conference Committee that the signing of the report will take place in the Senate Caucus Room.

THE CHAIR:

Sure, go ahead. Thank you very much. Mr. Clerk.

THE CLERK:

Conference Committee for Emergency Certified Bill 1001, both Senate and House members will meet immediately in the Senate Democratic Caucus Room. The Conference Committee for Emergency Certified Bill 1001, both Senate and House members will meet immediately in the Senate Democratic Caucus Room. Will all members of

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the Conference Committee please report to the Senate Democratic Caucus Room.

THE CHAIR:

Thank you, Mr. Clerk. Will the Senate please come to order. Senator DiBella. Mr. Clerk, I'm sorry. You have the Conference Report.

THE CLERK:

Madam President, Senate Bill No. 1001, AN ACT CONCERNING MANSLAUGHTER, ASSAULT IN THE FIRST DEGREE, TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL DOCKET AND THE CORRUPT ORGANIZATION AND RACKETEERING ACTIVITY ACT, Committee on Conference has met. The Committee on Conference has agreed to do the following.

To reject Senate and House Amendment -- Senate Amendment "G" and "H". House Amendments "C", "D", "G" and "H" and to adopt a new Senate Amendment, which will be designated Senate Amendment Schedule "J", LCO7040. The Report of the Committee on Conference was unanimously accepted.

THE CHAIR:

Thank you very much. Senator Jepsen, I'm sorry. I didn't know whether you were going to stand or you were waiting for the next act. The Chair will recognize -- you can be an actor and the Chair will recognize -- in this theater of ours -- and the Chair would recognize

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Senator Jepsen.

SENATOR JEPSEN:

Forgive me if I don't get the terminology exactly right. I move adoption of the Conference Committee's Report, as set forth in Amendment "J".

THE CHAIR:

LCO No. 7040, is all I've got.

SENATOR JEPSEN:

Yes, as written in LCO7040. How's that?

THE CHAIR:

Thank you very much. Do you wish to remark on your motion further?

SENATOR JEPSEN:

I would and I will be brief. This is similar to the so-called crime bill that we have now seen and adopted twice. I will very briefly review the similarities and the differences. The manslaughter section is the same. The -- what I've referred to as the "Annie Oakley Section" remains the same. This is where if you shoot with intent to do bodily harm, your sentence should not turn on whether you're a lucky or a good shoot.

The CORA Section, with its allowance of judicial consideration of colors and emblems remains the same. The areas that are different, first, in the area of

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juvenile -- taking a juvenile case and moving it up to adult court, the differences are as follows.

Number one, the field of possible crimes has been enlarged. This was done in response -- partial response to a Republican House Amendment. It includes now not only crimes where possession of the gun was a constituent part of the crime, for example, armed robbery, but would also include a wide range of felonies and of violent misdemeanors where at the time the crime was committed, a gun was found too. For example, possession of a significant quantity of narcotics and a gun found at the scene of the crime. Stealing a car, a gun found at the scene of the crime.

Other changes in the juvenile section, the decision of whether to send the case up would remain with Juvenile Court. That Juvenile Court, would consider, as in the pre-existing file copy, probable cause, mental retardation and mental -- I'm sorry, mental impairment as criteria for keeping it down, and in addition, add criteria whereby the court would require, if a case is to remain in Juvenile Court and not be sent to adult court, that the defendant set forth a program of treatment that would protect society's safety. This marks a significant change under current law in the respect that under current law the best

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interest of the child is the test and under the new test, it is the protection of society which is the test.

In addition, there would be no appeal from the Juvenile Court's decision, which has been the focus of much of the problems associated with Juvenile Court actions because by the time an appeal is taken, the juvenile is no longer a juvenile. That is the major proposed changes from the bill that we have considered twice in the area of juvenile sentencing. Two other additions to the bill, both in response to modifications of Republican amendments that have passed in the House include, number one, a mandatory minimum sentence of one year for selling a firearm to someone under 21. Under current law, the law that was passed last week, that would be a Class D felony. If you do it -- selling a gun illegally is a Class D felony. Now if you do it to a minor, an individual under 21, one year would be not -- could not be suspended.

The final area of difference, again, an add-on, is that juvenile records of prior convictions will now be available to the prosecution in a second offense for two purposes. One, impeachment, and number two, sentencing. What that means concretely is that if a 14 year old commits a gun crime or commits a crime

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generally, and then is treated as a juvenile and then later when they're 17, 18, 25, or older, they commit an additional crime, number one, if they try to present evidence at the trial that they have a clean record, their prior conviction could be used to impeach their testimony, and secondly, their prior record could be considered by the judge in sentencing. That means that an 18 year old, who is being tried as an adult for the first time, but who has multiple offenses or even one offense as a juvenile, evidence of that, those previous convictions could be considered by the judge in passing a sentence.

These are the changes in the law. It was unanimously supported by the committee, and in light of the late hour, I will simply urge your support. I think it's a fair and legal compromise that tackles directly the issue of crime in our society.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to remark on the Conference Committee Report?
Senator Penn.

SENATOR PENN:

Thank you, Madam President. I too shall be very brief. I believe that I'm going to urge my colleagues to support the Conference Committee Report. If I tell

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you that I was totally satisfied, then I would be lying before this body. There are still some things in here that I don't totally concur with, but I think that we do is compromise. I'm still not very comfortable with the juvenile section. I still think we could have done more in the area of prevention and I know we talked about the thing last night at Carl Robinson and some people may think different, but to me, it just shows that our system is not working and now we are moving again to 14 and 15 year olds and putting them in the same environment and I think once you do that, what are we going to get as an end product?

So I just think, again, that we need to monitor what we do and more preventive measures and education, counseling from those coming from dysfunctional families and reaching out to those who don't want to be involved in criminal activity.

On the other hand, I truly recognize that there is an element out there that we have to deal with, and probably some of you will probably see this on TV too about the little boy in New Orleans who wrote to the President about curbing some of the violence in his hometown and who thought that his life might be taken in some violent event. And sure enough, it was learned that he was killed in a drive-by shooting.

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So I think that recognizing that we do have problems and compromising, it's part ways of solving those problems and I know nobody does anything maliciously, but I would urge the support of this report. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Penn. Senator Fleming.

SENATOR FLEMING:

Thank you, Madam President. Madam President, I also rise to support the Conference Committee's Report, but I think that it should be pointed out that although this bill is an improvement over our existing statute, it is, in my opinion, by far, not much of a crime control package. I think it's very weak, although I do believe that the members ought to vote for it.

I think that during this Special Session, also during the Regular Session, a number of amendments were offered. They were offered by the minority party. One was Doc Gunther's on seeing to it that when you're sentenced to time in prison, that you serve 85 percent of your time. That was rejected.

Those types of things I believe should have been included in any anti-crime measure that this legislature was going to adopt, especially if we're

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going to try to say to criminals that what you ought to do is be more afraid of the law of the State of Connecticut than the law of the game and I think, Madam President, last night, for those of us who were watching TV and saw the riot up in Enfield and watched prisoners, gang members, club another human being to death right in front of our eyes, you have to ask yourself why, why would somebody do that in front of a television? Why would somebody do that without fear? Well, I think somebody would do that without fear that the law was going to go after them because that has been their experience.

This crime package will do a little bit. I would hope, Madam President, that over the course of the next -- this upcoming election, that some of these issues can be brought out and we can discuss them with our constituents and hopefully when we come back here in January of 1995, we can adopt a real tough crime control package because I think that's what the people of the State of Connecticut asked us to do by bringing ourselves back into Special Session. This is an improvement, but not much. So I would urge the members to adopt it.

THE CHAIR:

Thank you very much, Senator Fleming? Would

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anybody else wish to remark? Any further remarks?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. Last night at 9:00 I received a call at my home from Jack Armstrong, Department of Corrections, informing me that that there was a riot at the Carl Robinson Correctional Institute, that one man had been killed and that there was severe property damage. At that point in time I took it upon myself to go to the scene, and I want to let you know that I have never seen anything like that in my life.

I want to thank Jack Bailey for being there. He was there until 1:00 when I finally left. At that scene, there was at least 100 state troopers. The correctional emergency response team, within a very brief period of time, were there fully geared up, and I also want to put on the record, that the correctional officers at that time did an incredible job, in (a) securing the perimeter, and (b) doing as much as they could to stop violence as quickly as possible and I think the fact that while it is a tragedy that anybody had to lose their lives last night, that at least the corrections officers' injuries were minimized.

You know, we sit here and we debate the death penalty and it is tragic that the death penalty was

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imposed last night on two individuals by reason of that riot. I agree with Senator Fleming that I think we could do much more with crime control, but I also hear my good friend, Senator Penn, loud and clear.

This evening we approached the issue from two different angles, a two-prong approach, allocating \$1 million for children and youth programs, while in the previous budget that's set to be implemented, we have another \$6 million to \$7 million that are going to go into effect.

That is the carrot that we are offering the youth and juveniles in the State of Connecticut. We are willing to put money where our mouth is and commit to affording those individuals who want to pursue a course of honesty, integrity and lawfulness, an avenue to grow and achieve in our society, but I am also extremely proud of the fact that we have allocated \$1,750,000 for the police services, \$595,000 for the criminal justice office of the chief state's attorney, \$355,000 for the public defender services, and \$300,000 for the Judicial Department.

And at the same time, with passage of this bill before us at this time, we are putting some more teeth into some our crimes, and specifically addressing problems regarding juvenile justice in the State of

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Connecticut.

We have to go lightly here. A lot of people have indicated to me that they perceive my position in the Circle as conservative. I think that if you look at my record, it depends on the issue before us. It does bother me that we are compelled at this point in time to treat individuals that really should be just beginning a life of happiness and prosperity as adults with the full force and measure of the law handed down to them.

But we can feel justified in making these changes. There is a severe problem with gang violence in our urban areas and it is spreading to our suburban areas. It is what caused the melee of 200 prisoners last night in Carl Robinson prison. I don't know the specific figures. They range anywhere from \$500,000 to several million dollars worth of property damage. We've got a problem.

I think within the correctional facilities themselves, we can address that problem by reassessing our dormitory style prisons and looking for a more secure means of keeping individuals in jail, but I want to touch base on one last thought.

This morning several reporters came up to me and said don't you feel that you're pushed toward further

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crime control, further incarceration, further mandatory minimum sentences? Further get tough laws is exacerbating the problem. That what happened last night had to do with overcrowding and here we are in the Circle today pushing for stiffer sentences, and I cannot reiterate any further, we cannot shy away from sending the message that you do the crime, you do the time. The message from the riots last night is not that we should shy away from incarceration or that we should somehow pull back from our commitment to a safe society. My understanding of government is safety, public safety is our number one concern, the very first priority of any government that's every established. To the extent we are not achieving that, we have to address those concerns wholeheartedly and that is why, with this crime bill, although it may not go as far as we want, it certainly is necessary and if we have to come back and deal with gangs in the future and get even tougher, then that's a commitment we have to make.

And at the same time, if we have to reexamine our correctional facilities so that we have safe communities where they reside and that the correctional officers that work in those facilities have a safe job, then we have to commit to do that also.

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I applaud Senator Penn and the other Senators around the Circle by advocating alternative programs to try to prevent crime before it occurs, but make no mistake about it, we have to make that commitment on both fronts at the same time in order to address the needs of Connecticut this year and into the future and it is therefore, Madam President, that I support this legislation. Thank you.

THE CHAIR:

Thank you very much, Senator Kissel. Would anybody else wish to remark on the conference committee report? Are there any further remarks? 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 much, Mr. Clerk. The issue before the Chamber is the adoption of the Conference Committee Report and passage of the bill and the machine is on. You may record your vote.

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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:

31 yea
1 Nay
4 Absent

The committee report is adopted.

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

THE CLERK:

Madam President, there is no further business on the Clerk's desk.

THE CHAIR:

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

SENATOR DIBELLA:

Thank you, Madam President. Given the hour, I would move we adjourn sine die.

APPLAUSE

THE CHAIR:

Hearing no objection, the Senate will --. Hearing no objection, the Senate will stand adjourned sine die.

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House of Representatives

Wednesday, July 6, 1994

order. (Gavel) The Clerk please call Senate Bill No. 1001.

CLERK:

Emergency Certified Senate Bill 1001, AN ACT
CONCERNING MANSLAUGHTER, ASSAULT IN THE FIRST DEGREE,
THE TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL
DOCKET AND THE CORRUPT ORGANIZATIONS AND RACKETEERING
ACTIVITY ACT, LCO65 --.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I apologize for my absence from the Chamber. I move acceptance of the Emergency Certified Bill and passage of the bill.

SPEAKER RITTER:

The motion is on passage of the Emergency Certified Bill. Please proceed, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Before explaining the substance of the bill itself, there are two Senate Amendments, both of which modify language in the bill itself, so if I might call, ask the Clerk to call LCO No. 7209 and that I be given leave to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO7209, to be designated

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as Senate "G". If he may call it and Representative Lawlor would like to summarize.

CLERK:

LC07209, Senate "G", previously designated as such, offered by Representative Senator DiBella, et al.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This bill essentially adds an appropriation totally \$2,650,000 to the Office of Policy and Management to add a third purpose for the Safe Neighborhood Grant Program, permitting grants to be used to improve public safety in certain urban neighborhoods, in certain cities in the State of Connecticut, through programs which increase police presence by increasing the hours worked by officers.

It also appropriates \$645,000 to the Division of Criminal Justice, \$405,000 to the public defender services and \$300,000 to the Judicial Department and also increases the total allowed number of Superior Court judges by two. The additional appropriations for public defenders, criminal justice, and Judicial Department is for personal services to hire additional prosecutors, public defenders and judicial staff to complement the two additional judges.

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Mr. Speaker, I urge adoption of the amendment in concurrence with the Senate.

REP. KRAWIECKI: (78th)

Mr. Speaker.

SPEAKER RITTER:

Representative Krawiecki, for what reason do you rise, sir?

REP. KRAWIECKI: (78th)

A Point of Order, Mr. Speaker.

SPEAKER RITTER:

Please state your Point of Order.

REP. KRAWIECKI: (78th)

Mr. Speaker, I'm raising a Point of Order concerning the germaneness of the amendment to the Call of the session pursuant to Mason's and our precedents, House Precedent 197, House Precedent 198, as two examples, in that this amendment is not within the four corners of the Call of the Special Session, as issued by the Governor.

SPEAKER RITTER:

The Chamber please stand at ease. As you know, sometimes to the consternation of my friends to my left have been frustrated by some of their attempts to offer amendments, actually on both sides of the aisle, during Special Session. It's clear from Mason's Section 780

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that an issuing Call for a Special Session of the legislature, the Governor may confine legislation to the subjects specified in the Governor's proclamation. In the Governor's proclamation, the last sentence, "Such Special Session shall be convened for the purpose of considering enacting legislation relating to the purchase, sale, registration, control or illegal use of firearms."

In the bill certainly there are parts, and taken separately, that could be considered to be germane to that proclamation and the Call of the session. I would say, however, that taken in its entirety, that there are clearly parts of this bill or this amendment that would be construed to not be -- frustrate that purpose and clearly be beyond the expanse of the Call by Governor Weicker.

I'd also say that last year on October 20, 1993, again on July 12th of 1993, I ruled about a bill about South Africa on October 20, 1993, saying that the Call should not be expanded and that there wasn't the proper nexus and also a Point of Order on a bonding bill back on July 12, 1993. I just use them also as further evidence of at least my sense that we should strictly construe a Call of the Special Session. A Special Session is indeed something that is -- it's important

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for us as a citizen legislature to come back at times, but also to stick to the Call of the Special Session.

So I would rule, Representative Krawiecki, that based on, again, the entirety of the amendment. I don't want to rule on any individual parts of the amendment because maybe parts of it could survive, that clearly taken in its entirety that your point is well taken and this amendment should not be before us, sir.

Will you remark further on this bill?

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The Clerk has LCO7424, previously designated as Senate Amendment "H". I'd ask the Clerk call and I be permitted to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO7424, previously designated Senate "H". If he may call it and Representative Lawlor would like to summarize.

CLERK:

LCO7424, Senate "H", offered by Senator Jepsen.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This bill does not in any significant way change the meaning of the juvenile

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transfer language. What it does do, however, is take out four separate crimes and clarify that only when those crimes are committed with a firearm would they be on the list of the transfer to the adult court.

Mr. Speaker, I think this is a needed clarification, especially in light of the ruling you just made, and I'd urge its adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further? In keeping of the order of the day, I've been doing roll calls, but this appears to be a very innocuous one. Let's -- it's all right if we do this by voice? All in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no.

The amendment is adopted.

Will you remark further on this bill?

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LCO7038, 7038.

SPEAKER RITTER:

The Clerk has an amendment, LCO7038, designated

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House "A". If he may call it and read it.

CLERK:

LC07038, House Amendment "A", offered by
Representative Tulisano.

SPEAKER RITTER:

Representative Tulisano.

CLERK:

Strike Section 8 and 9 in their entirety.

SPEAKER RITTER:

I'm sorry. Representative Tulisano, you have the
floor, sir.

REP. TULISANO: (29th)

Mr. Speaker, I move for adoption.

SPEAKER RITTER:

Representative Tulisano, the question is on
adoption.

REP. TULISANO: (29th)

Mr. Speaker, the amendment clearly takes out of the
section that language dealing with trying to define
what an enterprise means under our CORA Bill, which is
very broad in nature. I think it's excessive in terms
of that any group of individuals who gets together and
in fact commits the underlying offenses can be arrested
under CORA, as was proven today when a number of gang
members were arrested and are being, I gather,

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arraigned for prosecution under the CORA bill as criminal enterprises.

This runs the risk of a number of individuals who group together of somehow coming under this possible conspiracy law and it may be too big a net, is dangerous, although in terms of trying to get people that you really want to apply the law to, I think the law is sufficient as it is.

I move for its adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further? Will you remark further? Representative Prelli.

REP. PRELLI: (63rd)

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

SPEAKER RITTER:

Please proceed, sir.

REP. PRELLI: (63rd)

Representative Tulisano, I understood, or at least what I understood in your explanation really applied to Section 8 and the RICO law. Could you explain to us why you believe Section 9 should also be deleted, through you, Mr. Speaker?

REP. TULISANO: (29th)

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Through you, Mr. Speaker, it was my understanding that the reason Section 9 was, was to be a bridge under the -- maybe I've been advised, that the purpose of that was not for its content, but for in fact to bring it under the call so that you get to Section 8. That was the reason why it was put in by the Senate in the first instance.

Secondly, under the Assault Rifle Bill that was passed yesterday -- I mean last year, I gather that there is already language for constitute a violation that you shall run consecutively. And frankly, Mr. Speaker, through you, also, that in fact it's more -- it's a matter of how a prosecutor would charge anyway, whether you would come under it and it's also not necessary and that's part of what happens in plea bargaining and you would be taking away a lot of discretion from a court, although we already have this law applicable, I understand, in a couple of other cases already.

It was only there for purposes of a bridge, so I'm given to understand. Thank you, Mr. Speaker.

SPEAKER RITTER:

You have the floor, sir.

REP. PRELLI: (63rd)

Thank you, Representative Tulisano, for that

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explanation and I understand the idea of the bridge in this case and obviously I don't claim to be an expert in the way prosecutors apply laws, but it seems to me that one of the things we've been discussing and one of the things people have said is that they want vertical prosecution. This is one of the moves that is one of the best moves to make sure that we keep criminals behind bars and I would think any statement we make and any statement we push to allow vertical prosecution is a strong statement by this General Assembly and I'm a little worried that this is the start of taking what I personally consider a fairly mild bill and not really overly tough on come. I know some people disagree with me, but I think it can be a lot tougher and our first amendment brought forward by this House, is already starting to water that down, is already starting to weaken the bill.

I feel very strongly that vertical prosecution is important. I think it's a part of the bill that should be read. I understand why Section 8 needs to be removed. I'm a little concerned that removing Section 9 just makes this a weaker bill. Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark further? If not, staff and guests

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

SPEAKER RITTER:

Have all the members voted? Please check the roll call machine to make sure your vote is properly cast. If it has, the machine will be locked. The Clerk please take the tally. Representative Conway.

REP. CONWAY: (75th)

In the negative.

SPEAKER RITTER:

Representative Conway in the negative. Anybody else? Representative Concannon. Representative Concannon in the affirmative.

REP. CONCANNON: (34th)

In the affirmative, Mr. Speaker.

SPEAKER RITTER:

In the affirmative. Anybody else? The Clerk please announce the tally.

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House Amendment "A" to Emergency Certified
Senate Bill 1001.

Total Number Voting	140
Necessary for Adoption	71
Those voting Yea	62
Those voting Nay	78
Those absent and not Voting	11

SPEAKER RITTER:

House "A" is rejected.

Will you remark further on this bill?

Representative Courtney.

REP. COURTNEY: (56th)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO No. 7037, which I'd ask that he call and I be allowed to summarize.

SPEAKER RITTER:

The Clerk has an amendment, LCO7037. If he may call it and Representative Courtney would like to summarize.

CLERK:

LCO7037, House "B", offered by Representative Dyson, et al.

SPEAKER RITTER:

Representative Courtney.

REP. COURTNEY: (56th)

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Thank you, Mr. Speaker. This amendment simply rearranges the hearing process in Section 6 of the bill which governs the transfer of juveniles to the adult system for a specified list of new offenses. It does not change any of the legal tests that will be applied. It incorporates language in the file copy that already exists in Lines 197, 198 and 199 and Line 200. It simply takes that test and hearing which would exist at the Superior Court after a transfer had occurred and simply incorporate it into the hearing, which the file copy creates, prior to the transfer occurring.

The net effect of this would be that there would in fact probably be less time spent in the court system to determine the issue of whether or not a juvenile is more suitable for care and treatment either in the juvenile court system or the adult court system.

In reviewing this, a number of us felt that such motions would occur as a matter of course once matters were transferred up to the adult courts and it was better to have the matters dealt with in one fell swoop down in the juvenile system. I would move its adoption, Mr. Speaker.

SPEAKER RITTER:

The question is on adoption. Will you remark further?

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REP. RADCLIFFE: (123rd)

Mr. Speaker.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. If I may, a question, through you, to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, sir.

REP. RADCLIFFE: (123rd)

Representative Courtney, as I understand the file copy, an individual would have to request a hearing and that hearing would be limited essentially to the mental statute of the juvenile sought to be transferred to the regular docket. Is that correct? On Line 186, through you, Mr. Speaker.

SPEAKER RITTER:

Representative Courtney.

REP. COURTNEY: (56th)

Through you, Mr. Speaker, prior to transfer in the file copy, that's correct. There would be a hearing that would have to be requested. However, the file copy also provides that a motion could be made after the transfer at the Superior Court to have it sent back down. That's being eliminated in the amendment.

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REP. RADCLIFFE: (123rd)

I understand that. The file copy provides for a motion afterwards in the Superior Court, but through you, Mr. Speaker, that motion would have to be made in open court and it would not be subject to the in camera rules of a juvenile proceeding. Is that correct, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Courtney.

REP. COURTNEY: (56th)

That's correct, Mr. Speaker.

REP. RADCLIFFE: (123rd)

Thank you. So, Mr. Speaker, through you, Mr. Speaker, in the file copy before this particular juvenile is transferred, the hearing could only be requested on the very limited issue of whether the person is a person suffering from mental retardation or suffers from a substantial mental disorder, whereas the amendment would broaden the grounds of the hearing considerably in terms of whether or not the juvenile justice system was more suitable. Is that correct, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Courtney.

REP. COURTNEY: (56th)

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Through you, Mr. Speaker, it incorporates the exact same test which the file copy puts into place for the Superior Court at a subsequent hearing. That's correct.

REP. RADCLIFFE: (123rd)

So, through you, Mr. Speaker, the real question here then is whether this hearing should be held in camera or rather in secret in the Juvenile Court and not subject to public scrutiny even by the victim perhaps of the crime, as opposed to perhaps having that hearing in the Superior Court once the matter is transferred to see whether it can be sent back to Juvenile Court. Is that correct, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Courtney.

REP. COURTNEY: (56th)

I wouldn't necessarily accept that editorial description of what the intent is. I think there is a number of goals that will be achieved here. Number one, judicial economy, because it will be absolutely automatic that any defense lawyer would bring a motion once a matter has been transferred to Superior Court and have a hearing on this issue. That's almost, I think, a given by any person who has had any experience

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with the system. That will occur subsequent to hearings which have already occurred at the Juvenile Court proceeding on a matter of probable cause and if there is a mental impairment issue which would also be provided.

This amendment will actually reduce the amount of court time that's going to be spent debating and deciding the issue of whether or not an individual is more appropriately handed in the juvenile system, but I want to emphasize, we're not broadening any tests. We're using exactly the same tests that the file copy puts into place, through you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. I understand that the same test is being used. The difference is, and I don't think this is an editorial comment. I think this is a comment on the nature of the process. The difference is that in the Superior Court, the individual, the juvenile will have to make that motion, will have to carry the burden of that motion in order to have the matter sent back to the Juvenile Court, will have to do that in open court where the motion and the reasons and the testimony will be subject to scrutiny.

In the amendment, the hearing would take place in the Juvenile Court prior to transfer. The child would

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have the right to present evidence that he should not be transferred based upon that particular test. So the real question before us is whether we want these particular motions decided by a judge of the Superior Court when in open court subject to public scrutiny, subject to separating the wheat from the chaff publicly and after a serious crime has been committed and an individual has been transferred to the regular docket, but whether we want this decision made in Juvenile Court, made in secret. The individual remains in Juvenile Court and although the crime in two different situations may be exactly the same, one individual may be transferred to the regular docket. Another individual may not be transferred and therefore treated as an adult and therefore you might have situation of disparate treatment and no way really to determine whether or not that is in fact the case.

It seems to me, Mr. Speaker, we are watering it down considerably. Under the file copy, in Juvenile Court, a juvenile would have a right to contest the transfer, based upon mental retardation or another situation which would render the case more suitable to Juvenile Court.

Under the amendment, in Juvenile Court, in secret, a judge would apply that standard, but would determine

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whether the individual was receiving suitable care and treatment or would receive more suitable care and treatment in the Juvenile Court than in the Superior Court. I guess I'd prefer the file copy on that. I don't think it is conducive to judicial economy to have in each and every instance a hearing on whether a juvenile who has committed a serious crime ought to be transferred to the Superior Court docket. I think the onus should be, the burden should be, if you will, on a defense counsel, once it reaches the Superior Court, to tell us why this particular individual, who has committed a serious crime, who has been transferred off the Juvenile Court docket to the regular court docket ought not to be treated as an adult on the adult court docket. I thought that was the reason here. This particular amendment allows us to circumvent that public policy decision and allows the Juvenile Court to make these decisions when they're not subject to public scrutiny.

I would oppose the amendment.

SPEAKER RITTER:

Representative Courtney.

REP. COURTNEY: (56th)

Thank you, Mr. Speaker. I'd just like to respond to a couple of those comments that were just made. I

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want to first of all make it clear, we are not changing any legal tests or standards that are going to be applied by the court. It is verbatim the same legal test which will be applied, whether or not it's in the -- it's more suitable for care and treatment for a child, which is in Lines 198, 199, 200 in the file copy. That will be precisely the same test. It will be done by a Superior Court judge because it's -- which will be the case whether it's in a Juvenile Court or whether it's an adult court. Those are individuals who have the same sworn duty, whether they're sitting in one form or the other, and the burden will rest on the juvenile and his lawyer in both proceedings. In the file copy, the burden is on him, as Representative Radcliffe indicated, in the form of making a motion and also in the amendment the burden is on him. He has to present evidence and a finding has to be made by the court and that burden rests on the defendant.

We are not changing the burden of proof. We are not changing the forum. It will be a Superior Court judge who will be making that determination and the test is the same. The language is verbatim the same.

For purposes of judicial economy, we are eliminating what the file copy creates, which is an additional layer of motions and hearings, that's in the

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back page of the amendment, and we are basically bundling it in one hearing, one process where this matter can be decided once and for all. And for the purposes of I think this, all parties involved in the case, that's to the benefit of all of us.

SPEAKER RITTER:

Representative Boughton.

REP. BOUGHTON: (109th)

Thank you, Mr. Speaker. A question to Representative Courtney, through you, Mr. Speaker.

SPEAKER RITTER:

Please proceed.

REP. BOUGHTON: (109th)

Representative Courtney, being a layman in this, I notice on Line 33 there's he. On Line 36 it's him and he. On Line 37 it's he. Is this a statute that's only for the male? On Line 33, he is used. On Line 36 him and he is used. On Line 37 he is used. Is this -- is there an explanation for it?

REP. COURTNEY: (56th)

Through you, Mr. Speaker, if you look at the file copy, the male is used, pronouns are used, and again, I believe there's a statute which basically indicates that that's -- it incorporates both the female and male gender.

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REP. BOUGHTON: (109th)

Thank you. Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark further? If not, staff and guests please come 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 please. The House is voting by roll. Members please report to the Chamber.

SPEAKER RITTER:

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

The Clerk please announce the tally.

CLERK:

House Amendment "B" to Emergency Certified
Senate Bill 1001.

Total Number Voting	138
Necessary for Adoption	70
Those voting Yea	62
Those voting Nay	76
Those absent and not Voting	13

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SPEAKER RITTER:

The amendment fails.

Will you remark further on this bill?

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO No. 3088. If the Clerk would please call and I be permitted to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO3088, which will be designated House "C", is it?

CLERK:

Yes.

SPEAKER RITTER:

If he may call and Representative Ward would like to summarize.

CLERK:

LCO3088, House "C", offered by Representative Krawiecki, et al.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. Mr. Speaker, members of the Chamber, what the amendment does is strike Section 6 from the file copy and replaces it with

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language that says there shall be a mandatory transfer to the adult court for any child referred for the commission of any felony committed with a firearm, provided such felony was committed after such child attained the age of 14 years.

I move adoption of the amendment.

SPEAKER RITTER:

The question is on adoption. Will you remark further, sir?

REP. WARD: (86th)

Mr. Speaker, the bill that's before us, the E-Cert bill that's before us has been billed as one that says if a juvenile commits a crime using a handgun, they'll be transferred to adult court. However, that's not exactly what it does. It says there's a discretionary transfer if a certain class of crimes are committed.

We believe that we ought to adopt here today what it's being billed as. If you're 14 or 15 years old and you commit a felony and you use a firearm in committing the felony, you ought to be transferred to the adult court and tried in the adult court.

Basically we're saying if you're going to use a gun to commit a crime, you're acting not like a child, not like the kinds of things Juvenile Courts were set up for, but in fact like an adult and the public, for the

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right of public knowledge of what goes on, for a public forum that an open trial will give and for property justice to be administered, it ought to be done in open court. It ought to be done in the adult court system. We can't afford any longer to cover up in the juvenile system all of the facts that are there when you commit a felony with a handgun.

I urge the Chamber to support the amendment.

SPEAKER RITTER:

Will you remark further? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Let's just -- with the Chamber's indulgence, you know, I think we've got a variety of options on this transfer of juveniles. The option in the file copy is probably the middle ground. The amendment which was just defeated, which by the way, I voted against, I thought went too far in the wrong direction. In other words, if that amendment had passed, it would make virtually impossible to do the transfer, and I have to tell you, over the past few weeks, I've spent a lot of time talking to juvenile prosecutors, juvenile probation officers, others, to figure out what would work, what wouldn't work, and their sense is that they don't -- it shouldn't be automatic, mandatory, no discretion, that there are

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many cases which they can handle in the Juvenile Court appropriately, but once in a while, perhaps more than once in a while, there are the serious cases which they feel ought to be transferred.

So this amendment, I think, goes too far. First of all, I think we've listed in our bill all of the felonies committed with a firearm. I'm not sure any of them have been left out. Perhaps Representative Ward can clarify that, but I think we've already indicated that every felony committed with a firearm in the file copy is subject to this automatic transfer.

The difference is does the juvenile prosecutor have the discretion not to send it if, for whatever reason they feel they can handle it in the case. For example, maybe someone is a co-conspirator. Maybe it's a robbery, first degree. Maybe one of the defendants is charged with robbery first degree as an aider or an abettor, but wasn't the principal participant. Three people in a car. One guy jumped out, did the crime. The other two were riding. Now they'd be charged under this statute. Under the way this amendment is drafted, all of them would go over automatically, no discretion, no question of mental retardation or mental illness or maybe a minimal role in the process and I think in the file copy what you've got is the ability to say when

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it's really appropriate, the juvenile prosecutor, after talking to the adult prosecutor, whether they want to actually receive it, could initiate this automatic transfer process. Assuming there's a finding of probable cause, the case goes to the adult system and once in the adult system, if the adult judge, the presiding judge wanted to send it back for whatever reason, that could be accommodated, because the problem is, I think some cases are treated more seriously in the juvenile system than they would be in the adult system because when they get to the adult system, they're in a pool of lots of serious cases and maybe if it's a relatively minor incident, there would be no penalty. They'd get a walk or probation, no incarceration. Because compared to all of the cases in the adult system, it's not that big a deal.

So I think this goes way too far. It requires every case that comes in with that charge to be transferred over. I like the file copy better when the juvenile prosecutors feel they want to do it. Let them initiate the process, but give them the discretion to weigh, to negotiate, to see what they can work out prior to the transfer and my sense is this will work. The other will send too many cases to the adult system and in the adult system, only the most serious of those

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cases sent over will really be prosecuted. The others will just languish and be pushed out because they're really not that serious.

So, Mr. Speaker, I would oppose this amendment.

SPEAKER RITTER:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. And just to respond to Representative Lawlor. This is an argument that is given even in adult court where you talk about a GA and Part A. Get it up to Part A, it's not very much. They won't do much with it. It's an argument always given for that. Here's the argument given now as opposed to having these juveniles go right over or these folks who are 14 and above.

This is something that will not make it work if you do that. You've got to have it mandatory. They've got to be -- they've got to go. We're either serious about this with 14 and 15 year olds, or we're not. And if we're going to let them languish. They're there languishing in Juvenile Court. Anybody who has practiced there, that's the languishing court. That can take you months and months and months to get them out of there.

If we want to do this, they're doing the adult

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crimes, let them do the adult time. Send them over. It will be dealt with up there just as it should be, but if they will languish in the Juvenile Court, no question, for months and months while they're making the decision and most times they probably won't make the decision to send them up.

They should be sent up. Let's make the law. Let's do it if we're going to do it.

REP. LAWLOR: (99th)

Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, to Representative Wollenberg. Is there something different in the two bills about the process that will be involved before the case gets bound over to adult court? Doesn't there have to be a finding of probable cause either way, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

I think it does, through you, Mr. Speaker.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, other than that, is there

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any additional procedure that's provided for in this bill, through you, Mr. Speaker?

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, none other than you were talking about, that I know if, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, you said that in the file copy, it would languish for months. In the proposed amendment, it would not be -- it would not languish for a month. What's the difference?

REP. WOLLENBERG: (21st)

No, through you, Mr. Speaker, you misunderstood me. I said they will languish in Juvenile Court while the decision is being made for months and months. You can't tell me that the people at the Juvenile Court are going to move this thing along any more than they do today and they don't move it along today. That's where it's going to languish and probably be shoved under the rug like they are now.

If we want them over there, we ought to send them over right away. This amendment ought to pass. That's what it does. If we're serious about it. If we're not

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serious about it, let them languish in Juvenile Court, as you're suggesting they should. That's all I'm saying, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, just to clarify, is the suggestion being made that there's a difference between the file copy and the proposed amendment in the amount of time it would take to get a case over to adult court, through you, Mr. Speaker?

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, I'm just parroting what you said, Mr. Lawlor. You said that we should let a Juvenile Court make the decision whether they should go -- I'm sorry. I misunderstood then. Perhaps you could tell us what you did say, through you, Mr. Speaker.

REP. LAWLOR: (99th)

Through you.

DEPUTY SPEAKER PUDLIN:

Gentlemen, and truly through me. Thank you.

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, the previous amendment which was defeated allowed the Juvenile Court

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to make the decision on whether to transfer. The file copy requires the court to make the transfer. However, it's up to the prosecutor to make the motion to transfer. That's the difference, and if the prosecutor decides to do it, then the process is the same. The safeguard I'm suggesting is not the Juvenile Court, but the discretion of the juvenile prosecutor.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Please, sir.

REP. WOLLENBERG: (21st)

Representative Lawlor, absolutely right. Then the prosecutor will allow it to languish if not the court. So I misspoke saying court, meaning prosecutor. The prosecutor isn't going to get right on -- and I don't think the prosecutor in the Juvenile Court, through you, Mr. Speaker, is going to be that willing to get rid of that case. I think it ought to go up where it belongs and the decision be made there, not with the prosecutor at the juvenile level, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Sir.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. Through you, well, I've expressed an opinion, based on talking to the juvenile prosecutors. I'm just curious, Representative Wollenberg, if your opinion is based on conversations with juvenile prosecutors about what they would like to be able to do, through you, Mr. Speaker?

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Sir.

REP. WOLLENBERG: (21st)

I'm speaking from my experience with Juvenile Court which has been one that is from time to time, most times is kind of reluctant to move these things along, prosecutor, court, whatever we talk about and I think the same --. You may have been talking to juvenile prosecutors. I don't know if you've talked to all of them, if we've got something that says you will handle this case and send it up within two weeks unless something happens. I don't think we set up any guidelines for the juvenile prosecutors. If you want to do that, maybe we can work on that.

Otherwise, I think we ought to send them right up and leave it to the adult court, leave it to the Superior Court to make the decision. I have faith in

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the judges of the Superior Court that they will make the right decision, or the prosecutors at that level, that they will make the right decision, but let's get it in the court we think it ought to be in. That's what this bill is all about, getting it to the Superior Court, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Well, just an observation. If this bill passes, if this amendment passes, there will still be discretion in the prosecutor, except you will force the prosecutor to exercise his or her discretion instead of deciding whether to transfer by deciding to lower the charges to make it now ineligible for the transfer. That's what's going to happen as a practical matter and so if you want to maintain the fiction that these cases will be mandatorily bound over to adult court, then vote for this amendment, but as a practical matter, all you will be forcing to do, the prosecutors to do, is the same thing, but by reducing the charges, which means that you have reduced their bargaining power in a situation.

I think, my sense is let's trust the juvenile prosecutors. They've expressed an interest in having

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this ability because they have expressed a frustration with the myriad of current findings that need to be made before a case can be bound over to the Superior Court, and as a practical matter, the only cases that get sent over are the murder cases. They said the current law is practically useless, although if you're read it, it seems like there's all different ways mandatorily and discretionarily they can -- or discretionarily, I'm not sure that's a word, but it's not mandatory. There's two different sections.

As a practical matter, they have said that this will allow them to do what we want them to do, that is, send the kids who commit the outrageous crimes, who need to be sent to prison for five, ten, fifteen, perhaps more years, send them to adult court, but not everybody who is charged with that offense needs to be sent and so the practical effect would be they would simply reduce the charges, which I think is probably a mistake.

It's like with any other mandatory sentencing bill, it looks like they've got to do it, but anyone who practices criminal law knows that the way around a mandatory sentences is to change the charge. That's what's going to happen. I think it defeats the integrity of the system. It certain contravenes our

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intent and it absolutely denies the truth in advertising that will be said tomorrow, which is now we've made it absolutely mandatory, no way out. They've got to be transferred. That won't be the case. I'd say let's stick to a rational system that's easy to explain and justify and not help ferment sort of a myth about how the justice system works.

Mr. Speaker, I oppose the amendment.

DEPUTY SPEAKER PUDLIN:

Thank you, Representative Lawlor. Representative Wollenberg, am I right that you have something to say?

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker. Yes, I do, Mr. Speaker. Far be it from me to ever have denied a prosecutor the right to reduce a charge after he looks at the facts of a case. Many people in here want to do away with plea bargaining and many times I've stood up in opposition to that because it's the prosecutor who makes the decision as to what he's going to charge.

I have faith in the prosecutors that they will do the right thing. I always have. Mr. Lawlor, being an ex-prosecutor, I think would appreciate that, but I don't think they're going to drop the charges just to keep them in Juvenile Court.

If we find that that's happening, then let's clean

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house with some prosecutors who aren't doing their job, but I have more faith in the prosecutors than that and I think we should pass the amendment. Thank you.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Representative Farr.

REP. FARR: (19th)

Yes, thank you, Mr. Speaker. Just very briefly, my understanding of the law and what we're changing here is at the present time, if a child is adjudicated -- is charged with a murder, then there is a mandatory referral out of Juvenile Court.

If the child is charged with a Class A felony, it's referred out only if he has been previously adjudicated, a juvenile, for conviction of a Class A felony. So that's the existing law. It's not discretionary. And the new law, the new language said, well, if you did it with a gun, it would be discretionary. It seems to me it makes more sense to simply say that we will mirror the existing law and say that if you do it with a gun, we will refer it out of the Juvenile Court just as we do with a murder, just as we do with someone who does a Class A felony who has previously done it, that we will follow that same procedure we're currently using.

I think this is a good amendment and I think it

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goes to the heart of the bill and I would urge adoption of the amendment.

DEPUTY SPEAKER PUDLIN:

Thank you. Will you remark further on House "C"? Ladies and gentlemen, the vote on House "C" will be taken by roll. Staff and guests to the well of the House. Members please be seated. The machine is 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 kindly report to the Chamber.

DEPUTY SPEAKER PUDLIN:

If all the members have voted. Most of the members have voted. If all the members have voted and your votes are properly recorded, the machine will be locked. The Clerk will take a tally.

The Clerk will announce that tally.

CLERK:

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House Amendment "C" to Emergency Certified
Senate Bill 1001.

Total Number Voting	139
Necessary for Adoption	70
Those voting Yea	100
Those voting Nay	39
Those absent and not Voting	12

DEPUTY SPEAKER PUDLIN:

Amendment "C" is adopted.

Will you remark further on the bill as amended?

REP. KRAWIECKI: (78th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO7416. Would he please call and I be allowed to summarize.

DEPUTY SPEAKER PUDLIN:

The Clerk please call LCO7416, House Schedule "D".

CLERK:

LCO7416, House "D".

DEPUTY SPEAKER PUDLIN:

The gentleman has asked leave of the Chamber to summarize. Hearing no objection, proceed,

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Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. This amendment does a couple of things. In the first case, it says that all records of cases of juvenile matters where the juvenile, where such records will now be available to the public in the case involving the commission by a child of an offense with a firearm, child being defined as an individual 14 and up, and in addition, the records of any youth judged a youthful offender shall be open to public inspection, but fingerprints, photograph and physical descriptions submitted to the state and so on would be excluded.

Mr. Speaker, I move adoption of the amendment.

DEPUTY SPEAKER PUDLIN:

The question is on the adoption of "D". Will you remark?

REP. KRAWIECKI: (78th)

Yes, Mr. Speaker. The last amendment, I think, took care of part of the problem that has been on just about every front page and every newscast and just about every story that's out there. What this amendment wants to do and purports to do is extend the public's right to know in juvenile offenses so that when there is a crime committed involving a firearm by

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one of these youngsters that we now all admit have become more and more active in the criminal offenses of our state involving a firearm, that their records would be open to public scrutiny and that all of those records would be available to look at as we go into the future.

The reason for this amendment is that you can begin to track, the public can also begin to track the efforts of these kinds of people who commit offenses, serious offenses, those involving firearms. These are not children, as many people would like us to think, that are just sitting around in a back room some place and just wake up one morning and they decide that they're going to smash pumpkins. This is something involving firearms. Why 14 and 15 year olds and 16 year olds and 17 year olds are involved in that kind of activity, who knows, but this goes to the public's right to know. Mr. Speaker, I would ask for a roll call when the vote is taken.

DEPUTY SPEAKER PUDLIN:

There will be a roll call vote when it's taken. Will you remark further on "D"? Will you remark? Representative Lawlor, are you on your feet to -- a good guess on my part, sir.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. I really hadn't intended to remark, but just, through you, a question to the proponent of the amendment. Representative Krawiecki, didn't we just make all of these cases adult cases by the last amendment, and if so, aren't these records available to the public inspection as an adult case, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Mr. Speaker, through you, it's my understanding that the Freedom of Information statute, 46b-121, may in fact overlap in a way that would not allow all of those records to be open to the public, and just to be sure, I have asked for this amendment to be introduced.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Well, I understand the logic behind it to be consistent with my arguments on the previous amendment, which I think did tremendous damage to the intent of this bill, which was to make sure cases get transferred to the adult court and people get punished adequately. I would oppose this because I opposed the last amendment. So, for what

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it's worth, Mr. Speaker, I urge defeat of this amendment.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Will you remark further on "D"?
If not, staff and guests to the well of the House.
Members please be seated. The machine is opened.

CLERK:

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

DEPUTY SPEAKER PUDLIN:

If all the members have voted and if your votes are properly recorded. If all the members have voted, the machine will be locked. The Clerk will take the tally.

The Clerk will announce that tally.

CLERK:

House Amendment "D" to Emergency Certified
Senate Bill 1001.

Total Number Voting	140
Necessary for Adoption	71
Those voting Yea	100
Those voting Nay	40
Those absent and not Voting	11

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DEPUTY SPEAKER PUDLIN:

House "D" is adopted.

Will you remark further on the bill as amended?

Representative Coleman. Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. The Clerk has an amendment, 7036. Would the Clerk please that amendment and may I be granted permission to summarize.

DEPUTY SPEAKER PUDLIN:

The Clerk please call LCO7036, House Schedule "E".

CLERK:

LCO7036, House "E", offered by Representative Coleman, et al.

DEPUTY SPEAKER PUDLIN:

My brother deputy has asked leave of the Chamber to summarize. Hearing no objection, proceed, sir.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. This amendment provides for the establishment of a Police Community Institute. The purpose of the Police Community Institute. The purpose of the Police Community Institute would be to strengthen relationships between law enforcement agents and communities.

The institute would be working on enhancing communication and cooperation and understanding and

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sensitivity between the communities and their needs and the law enforcement officers and their responsibilities.

Among other things, the institute would be responsible for developing strategies which would be designed to divert, particularly youngsters in large cities throughout the state, from violent behavior, the illegal use and possession of firearms, organized criminal activity and those sorts of things.

And on the side of the law enforcement agents, the institute would be designed to sensitize them to some of the needs of the community.

Finally, with respect to this amendment, Mr. Speaker, there would be no fiscal impact. The institute would be housed within the Commission on Human Rights and Opportunities and that agency would be authorized to pursue federal grants for the operation of the institute.

I move the adoption of the amendment.

DEPUTY SPEAKER PUDLIN:

The question is on adoption. Will you remark?

REP. BELDEN: (113th)

Mr. Speaker. Point of Order, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Belden. Your point, sir.

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REP. BELDEN: (113th)

Mr. Speaker, as laudable as the purpose of the amendment might be, I believe that under Mason's and the precedents previously cited this evening that the particular amendment is not within the Call of this Special Session. That's my Point of Order, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Well, thank you. As the Point is before us, will the Chamber please stand at ease for a moment. Representative Belden, I wish you guys had taken care of this stuff earlier in the evening, before my shift. I find upon review of the amendment that your Point is well taken and we will return to the bill as amended.

Will you remark further on the bill as amended?

Representative Varese.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Mr. Speaker, I would ask the Clerk to call and I be allowed to summarize LCO7017.

DEPUTY SPEAKER PUDLIN:

The Clerk please call LCO7017, House Schedule "F".

CLERK:

LCO7017, House "F", offered by Representative Varese, et al.

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DEPUTY SPEAKER PUDLIN:

The gentleman has asked leave to summarize.
Hearing no objection, proceed, sir.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Mr. Speaker, this particular amendment merely takes out the, in essence, three strikes and you're out part of the bill. And if you look at I guess it's --.

DEPUTY SPEAKER PUDLIN:

Representative Varese, I'm sorry, to interrupt you, sir. I don't think we have copies of the amendment floating around. I don't have one as yet. So if the House could stand at ease until the amendments are made available.

REP. VARESE: (112th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Sir.

REP. VARESE: (112th)

If it would be more advantageous, I would pass this temporarily with the understanding I could -- or withdraw it and come back to it when there are copies available and let others move on with other business.

DEPUTY SPEAKER PUDLIN:

Hearing no objection, House "F" is withdrawn.

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We'll proceed with the debate on the bill as amended.

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker, and I have a question or several questions on a portion of the bill which I don't think has been previously discussed this evening and that deals with the amendments to the Assault 1 charge. So through you, Mr. Speaker, to --.

DEPUTY SPEAKER PUDLIN:

To whom, sir?

REP. RADCLIFFE: (123rd)

Perhaps Representative Lawlor as the proponent of the bill. I see he is not in the Chamber.

DEPUTY SPEAKER PUDLIN:

We'll try to find him, sir, if you will be patient.

REP. RADCLIFFE: (123rd)

Certainly.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor, a question to you, sir. Would you care to respond? Representative Radcliffe, if you could get started on that question again.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker, my question deals with the language on Lines 84 through 87, which is the amendment to the Assault 1 statute. As I understand the existing

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statute, there is a five year minimum mandatory sentence for a violation of Section 53a-59, Subsection 1. And Subsection 1 involves causing serious physical injury to a person through the use of a deadly weapon or a dangerous instrument, which would include a firearm.

We are adding a Section 5 in which an individual must intend to cause not serious physical injury but physical injury and in fact cause that injury to another person, making that a part of Section -- of this particular Section on Assault 1.

Through you, Mr. Speaker, to Representative Lawlor, when using a firearm, an individual who is struck by a firearm or a projectile. Would that not inevitably come within the definition of serious physical injury in that it certainly impaired the health or caused the loss of impairment of a body function if in fact one was struck with a projectile, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, the answer is no.

DEPUTY SPEAKER PUDLIN:

Representative Radcliffe.

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REP. RADCLIFFE: (123rd)

Thank you. Through you, Mr. Speaker, as I'm reading No. 3, it says intends to cause physical injury. Now physical injury, as I recall the definition in the Penal Code says simply physical impairment or pain, a very low standard. If someone is using a dangerous weapon or a dangerous instrument or a deadly weapon or in this case a firearm, as defined in 53a-3, which is any weapon from which a shot can be discharged, through you, Mr. Speaker, is not the intent to cause some form of serious physical injury, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The purpose of this bill is to solve a problem which was brought to our attention by a number of prosecutors around the state. That was in the case of a prosecution for assault first degree, in other words, someone shot somebody else, they are required to prove in addition to the fact that the purpose intended to cause serious physical injury, also that it was a serious physical injury, and a flesh wound, for example, is generally considered by courts not to be a serious physical injury.

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So this would clarify that if you shoot at somebody and you hit them, regardless of where you hit them, it's assault first degree.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker, and I appreciate the reasoning and I assumed that that was the case. What concerns me is that we have a situation where previous to this amendment, if this is adopted, a situation where an individual causes serious physical injury, which is usually the case when you have a firearm, an impairment of some bodily function, where an individual causes serious physical injury where there is a mandatory five year sentence and under the same statute, that individual can now be charged under Subsection 5 under the physical injury section and can avoid the minimum mandatory sentence.

So, through you, Mr. Speaker, is there any similar mandatory sentence for one intending to cause physical injury under Subsection 5?

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no.

REP. RADCLIFFE: (123rd)

So then a prosecutor, or more likely, and I'm certain this was undoubtedly discussed with the public defender's office or at least the chief public

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defender, a prosecutor could then charge someone under Assault 1 for use of a firearm, something which previously had resulted in a minimum mandatory sentence. An individual could plead to Assault 1 and a judge could sentence the individual under Section 5 simply by the prosecution and the defense stipulating the intent was to cause physical injury as opposed to serious physical injury.

Through you, Mr. Speaker, isn't this a convenient way to induce plea bargaining and to circumvent a mandatory sentence that this legislature placed in the statute in order to indicate the seriousness of the crime, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. You could do it that way or you could reduce it to Assault 2 if you wanted to. Either way, you could avoid the minimum mandatory.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, wouldn't reducing it to Assault 2 usually result in the filing of a substitute information which then becomes part of the record that the charge has in fact been reduced? This would not require a substitute information. Is that correct,

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through you, Mr. Speaker?

REP. LAWLOR: (99th)

Through you, Mr. Speaker, I suppose it would because initially they would be charged with assault first degree. You'd have to file a substitute information to charge the different subsections. So if that's your question, the answer is no. You'd have to file a substitute either way, if you really wanted to avoid the minimum mandatory.

REP. RADCLIFFE: (123rd)

And to charge the different subsections. Thank you. I understand the reason for this. I understand that this would still be Assault 1. I also understand the difference in the Penal Code definition between serious physical injury and physical injury. I'm just concerned that we may be back here if we find that prosecutors and judges, or more likely, and as I said, I suspect that Representative Lawlor, and there's nothing wrong with this, probably discussed this matter with the chief public defender's office as well as with several prosecutors. We may be in here trying to plug this particular loophole a year from now because we find that individuals are charged with Assault 1. They've used a firearm, but they're not being given the mandatory sentence because we're just changing one

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little subsection instead of filing a substitute information for a different charge and I hope it doesn't work out that way, but I have my suspicions and perhaps we'll see in the future. Thank you.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Will you remark further on the bill as amended? Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Mr. Speaker, I have a question I'd like to ask of Representative Radcliffe and maybe he can help me to understand something. For the guns that are being sold on the streets or the guns that are in the hands of our youth are being brought here and sold by individuals primarily who don't live in the community, what is the current punishment for someone who sells guns illegally to children?

DEPUTY SPEAKER PUDLIN:

Representative Radcliffe, do you care to respond, sir?

REP. RADCLIFFE: (123rd)

I don't know that that's germane to this particular question. This has to do with using a weapon and not for sale. I don't have a response except to say that we did cover that in the assault weapon bill a year ago and there are some serious penalties not only in state

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statute, but also violation of the Federal Alcohol, Tobacco, and Firearms laws for individuals who sell weapons to those who are not licensed to carry those weapons and any youth, as the Representative is indicating, would fall into that category.

I'm not certainly exactly what the penalties are. I know the ATF, the Alcohol, Tobacco and Firearms federal legislation is quite severe, not to the youngster, to the juvenile, but to the individual who is in fact selling, if that individual is not a licensed dealer and is selling to unauthorized persons.

Mr. Speaker, I have to say I don't see that that particular query relates to my question to Representative Lawlor, which had to do with the use of a firearm rather than the illegal sale.

DEPUTY SPEAKER PUDLIN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Mr. Speaker, through you, I heard his answer. Another question I asked. Should the use of a firearm of a crime be more punishable than the person who sells the firearm?

DEPUTY SPEAKER PUDLIN:

Representative Radcliffe, will you respond?

REP. RADCLIFFE: (123rd)

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I have no response, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Kirkley-Bey, Representative Radcliffe does not care to respond.

REP. RADCLIFFE: (123rd)

Thank you. I didn't think he would.

DEPUTY SPEAKER PUDLIN:

And thank you, madam. Will you remark further on the bill as amended? Representative Varese. Good evening, sir.

REP. VARESE: (112th)

Good evening again, Mr. Speaker. Mr. Speaker, for the second time, I'd like to --.

DEPUTY SPEAKER PUDLIN:

Mr. Varese, in reference to your earlier Amendment "F", I misspoke, and it was more appropriate at that time that we P-T the bill rather than withdraw it and so if I'm correct in guessing that you're on your feet to bring out again Amendment "F", I think we can pick up where we left off, sir.

REP. VARESE: (112th)

Okay, thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

One second, sir. Representative Varese. It was designated House "F". Please bring it out again, sir.

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REP. VARESE: (112th)

If I may be allowed to summarize then, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Will the Clerk please call House "F".

CLERK:

LC07017, previously designated a few minutes ago,
House "F". Offered by Representative Varese, et al.

DEPUTY SPEAKER PUDLIN:

The gentleman has asked leave patiently to
summarize. Again, hearing no objection, proceed, sir.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Mr. Speaker, in regard to
this particular amendment, what in essence it does is
it takes the three strikes and you're out provision
away from this particular bill and comes in with a two
strike and you're out provision and I would move this
amendment.

DEPUTY SPEAKER PUDLIN:

The question is on the adoption of House "F". Will
you remark further?

REP. VARESE: (112th)

Thank you, Mr. Speaker. Mr. Speaker, under the
original bill and the bill as presently amended,
there's language in there that in essence says that if
a child has previously been adjudicated a delinquent

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for two violations of any provisions of Title 53, which in essence, are a Class A or a Class B felony, that that child then can be prosecuted as an adult and in light of the problems that we have been having throughout the state and throughout the country, let's face it, what I felt was that instead of having the three strikes and you're out for these youngsters, we give the youngster one opportunity. If the youngster does commit a Class A or a Class B felony the first time, unless it fits under other criteria of this bill, he would not be treated as an adult.

However, if that child is up for the second time for creating a Class A or a Class B felony that doesn't otherwise fit into this particular bill, then that child could be treated as an adult offender and I would request and ask all of you to support this particular amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Will you remark further on House "F"? Will you remark? As we have with previous amendments this evening, the Chair will ask for a roll call. Will -- staff and guests to the well of the House. Members please be seated. The machine is opened. No, I'm sorry. Representative Rapoport, I didn't see you standing, sir. Please.

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REP. RAPOPORT: (18th)

Mr. Speaker, I think somebody ought to comment in opposition to the amendment. So let me take the role and I want to take it because I think that this amendment is indicative of I think a problem that's developing this evening in that once we start to put a crime package and a crime bill together, then sort of the tougher the sound, the better we like it.

I think that on the three -- Representative Varese has raised the issue of the three strikes and you're out because I think in the three strikes and you're out bill that we did last -- during the Regular Session, we did a very intelligent thing that was both tough on crime and smart as opposed to being tough on crime and not smart and that was that we put a three strikes and you're out provision in, but we also left some discretion to the Judicial Branch in terms of meting out that kind of a serious -- that serious of a sentence.

In one of the amendments that we have passed here tonight we rejected the notion of allowing any discretion in the remanding of 14 and 15 year old kids into the adult justice system without any ability for the justice -- for even the prosecutors, much less the judges, to decide whether that's an appropriate forum

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for a 14 year old to be tried for whatever the felony crime.

I really think that this amendment, going from three strikes and you're out to two strikes and you're out is really a step in the wrong direction, excuse me, another step in the wrong direction. I think we ought to reject this amendment and I hope when the bill comes back, gets into the Conference Committee and gets worked on, we put a measured and intelligent piece of anti-crime legislation in place rather than going for every single amendment simply because it sounds tougher than the last amendment.

I would urge my colleagues to oppose this amendment.

DEPUTY SPEAKER PUDLIN:

Will you remark further? Representative Varese.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Mr. Speaker, I believe that this particular amendment is right and I would just suggest to everyone in the Chamber, this is not a feel good type of legislation and this is not a vindictive type of legislation and it's not a legislation whereby if an individual were treated as an adult that necessarily that individual being treated as an adult is going to go away for any necessary extended

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period of time.

What we're saying here is we're saying that if indeed a youngster has committed a felony before, that then in that event the youngster could be treated as an adult offender, but we're not necessarily saying if indeed he were treated as an adult offender, what the ultimate decision of the court would be as far as penalties are concerned.

All I'm suggesting is, and I think there are many that feel this way, that we have to put the brakes on and we've tried to put the brakes on before and we've tried to talk -- we've tried to work out what we felt were fair and reasonable resolutions to this type of a problem.

Unfortunately, doing it the mild way has not been successful and now I think we should turn and look to maybe a more serious approach in the hopes that we could bring back some law and order into our society, have some respect for our society so that we can get back that generation that we have been losing and hopefully rebuild ourselves in this country. Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Representative McDonald.

REP. MCDONALD: (148th)

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Thank you, Mr. Speaker. A question, through you, to the proponent of the amendment.

DEPUTY SPEAKER PUDLIN:

Ready yourself, Representative Varese.

REP. MCDONALD: (148th)

Mr. Varese, are you telling us that we should have stricter punishment for youngsters than we have for adults? Because I understand that you're talking about these teenagers where the adults, we passed a three strikes you're out. So you're saying that we should have -- be harder on the 14 and 15 year olds than we are on adults, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Varese.

REP. VARESE: (112th)

Through you, Mr. Speaker, no, Representative McDonald. I'm not saying that at all. What I'm suggesting is that in this particular instance, if a youngster had previously committed a felony and that youngster was adjudicated a delinquent as a result of committing that felony, that then if the youngster commits another felony, a Class A or a Class B felony, a more serious felony, then in that event, that particular youngster could be treated as an adult offender, but that doesn't necessary mean, as with the

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three strikes and you're out that we had in the earlier session that if someone committed the three crimes, they might go away for an extended period of time because they committed those three crimes. That's not what I'm suggesting at all here as far as the youngster is concerned.

All I'm suggesting is if the youngster committed a felony once, then the second time that he commits that felony or she commits that felony, then he or she could be treated as an adult offender, through you, Mr. Speaker.

REP. MCDONALD: (148th)

You know, through you, Mr. Speaker, I didn't get a copy of this amendment, but you've used twice the word could. Do you mean maybe? What do you mean by could? Or is that differentiated from shall?

REP. VARESE: (112th)

Well, through you, Mr. Speaker, I believe through the body of the rest of the bill, you do have certain mechanisms that would come into play as to whether or not the individual would be treated as an adult offender or not as an adult offender.

REP. MCDONALD: (148th)

Through you, Mr. Speaker. I still think that we're going to hold children, by this amendment, to a

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stricter standard than we're holding adults in the three strikes and you're out provision that we did during the Regular Session because you're talking about young children with two strikes and adults with three strikes and I would urge you to vote down this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Thank you.

REP. KNOPP: (137th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Knopp.

REP. KNOPP: (137th)

Thank you. Mr. Speaker, through you, a question to the proponent.

DEPUTY SPEAKER PUDLIN:

Proceed, sir.

REP. KNOPP: (137th)

Thank you. Representative Varese, House Amendment "C", which was adopted struck out Section 6 of the file copy in its entirety and substituted a different section. Your amendment, sir, is drawn to Section 6 of the file copy, which technically no longer exists. Isn't that the case.

DEPUTY SPEAKER PUDLIN:

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Representative Varese.

REP. VARESE: (112th)

Through you, Mr. Speaker, I believe that that's not the case in that my particular section was before the amendment that was made regarding the balance of that Section 6 and my particular section would indeed dovetail with Section 6.

REP. KNOPP: (137th)

Well, through you, Mr. Speaker, House Amendment "C", which was LCO3088, struck out Section 6 in its entirety and your amendment attempts to remend the old Section 6, which was struck out in its entirety. So prior to raising a Point of Order, doesn't it seem to be the case that the section you are trying to amend is no longer before the Chamber, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Varese, would you like a moment to consider this? Will the House stand at ease for a moment.

REP. VARESE: (112th)

I'll withdraw it at this time, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Okay. Thank you, sir. Hearing no objection, Amendment "F", on its second visit here tonight is withdrawn. Will you remark further on the bill as

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amended?

REP. FLAHERTY: (68th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Flaherty. Good morning, sir.

REP. FLAHERTY: (68th)

Good morning, Mr. Speaker. Thank you.

Mr. Speaker, ladies and gentlemen, I was listening to some of the debate when Representative Radcliffe was asking some questions and our colleague from Hartford, Representative Kirkley-Bey, asked Representative Radcliffe a very pointed question. And asked what the penalties were and what were we going to do for the people that come in to a town or a city that come in to make a profit off of selling guns to the kids and then fly back out and I think that was a very telling question because it's something that many of us have been wondering ourselves and saying that maybe we ought to also be focusing on these people who are profiting off the minors.

So in an effort to do so, Mr. Speaker, the Clerk has an amendment, LCO No. 3089, and I ask if the Clerk would please call and I be permitted to summarize.

DEPUTY SPEAKER PUDLIN:

The House please call 3089, House "G".

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CLERK:

House "G", 3089, offered by Representative
Krawiecki, et al.

DEPUTY SPEAKER PUDLIN:

Hearing no objection, summarize, sir.

REP. FLAHERTY: (68th)

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen, this amendment would do two things. It would make a Class B felony for a person to sell for profit a firearm to a person under the age of 18 to a minor. Furthermore, Mr. Speaker, and ladies and gentlemen, it would make that person convicted of that crime not eligible for probation.

I move adoption of the amendment, sir.

DEPUTY SPEAKER PUDLIN:

The question is on the adoption of "G". Will you remark?

REP. FLAHERTY: (68th)

Yes, Mr. Speaker. Mr. Speaker, ladies and gentlemen, in my remarks just prior to bringing out this amendment and certainly in Representative Kirkley-Bey's asking the question raises a very important issue. And earlier this year, as we were preparing to come into this session, I had some discussion with colleagues of mine who said that we

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ought to really be doing something to crack down on the people who are making profits by providing guns to minors and turning off and taking off and not caring what happens with those guns and I think we all know what happens with those and there are children and there are people dying.

This bill would make a penalty of someone convicted of illegally selling that firearm to a minor, to someone under the age of 18, a Class B felony, which my understanding, and I stand to be corrected, is up to 20 years imprisonment. Furthermore, to make sure that this person doesn't get off easily after conviction for good behavior or some other reason, it would make that person ineligible for probation, and ladies and gentlemen, that pretty much sums it up and I would ask you to join me in supporting this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Will you remark further on House "G"? Will you remark? If not, we will be voting by roll call. Representative Lawlor, are you on your feet to speak?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, yes, I am. Just a question, through you, to the proponent. By the way,

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we are talking about LCO3089. Is that correct?

DEPUTY SPEAKER PUDLIN:

That's it, sir.

REP. LAWLOR: (99th)

All right. I think the proponent just mentioned something about being ineligible for probation. I just was looking for that part out of curiosity. Is that, through you, Mr. Speaker, is that in here somewhere?

DEPUTY SPEAKER PUDLIN:

Representative Flaherty.

REP. FLAHERTY: (68th)

Thank you, Mr. Speaker. Through you, sir, if you look, I believe it's mentioned in two sections. Section 12 of the amendment, Lines 49, starting around Lines 49 and 50. No person convicted of any of the following offense shall be eligible for parole. Well, there it addresses parole.

Down in Line 56, it says a violation of Section 10 of this act, and I believe that in the beginning of the -- starting around Line 29 of the amendment, the court may sentence a person to a period of probation upon conviction of any crime other than a violation of Section 10 of this act on Line 31, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

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Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. As far as I know, this kind of proposal is completely unprecedented anywhere in the country. What then would be the sentence someone would get, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Flaherty.

REP. FLAHERTY: (68th)

Through you, Mr. Speaker, the person asking that question might be somewhat more familiar than I could. I believe a Class B felony is up to 20 years and I think that would be something that would come out in the course of that conviction when sentencing takes place, although I stand to be corrected, through you, sir.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

So, through you, Mr. Speaker, just so I understand, if a court wanted to sentence someone to five years in prison, followed by ten years of probation, you don't allow them to do that under your amendment. Is that as I'm to understand it, Mr. Speaker, through you?

DEPUTY SPEAKER PUDLIN:

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Representative Flaherty.

REP. FLAHERTY: (68th)

Yes, through you, Mr. Speaker, I believe the answer is yes.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, why would you want to prohibit the court from adding on that kind of a supervision after release from prison? You know, I don't -- if there's a reason behind it, I'd like to understand why you're prohibiting the court from doing that. It's not unusual at all for courts to add on a period of supervision after they finish their prison sentence and in fact in most cases it's quite desirable. Why prohibit that, through you, Mr. Speaker?

DEPUTY SPEAKER PUDLIN:

Representative Flaherty.

REP. FLAHERTY: (68th)

Thank you. Through you, Mr. Speaker, it's my understanding that the intent in including that in there is that the convicted person -- the convicted felon in this case would spend the maximum amount of time behind bars and that that be -- I certainly hope

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that it would be as long a period as possible, but that that be, if this passed, the intent of this General Assembly is that is where they would be spending their sentence, behind bars and not probation, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you. Mr. Speaker, is there any reason to believe that an add-on probationary sentence has anything to do with how much time you'd spend behind bars? As far as I know, the sentence you get to prison determines when you'll get out, not whether or not there's probation after it and by prohibiting this, you're only prohibiting -- I mean if the court wants to send the guy to jail for ten years, he's going to do ten years. What point he gets out is based on rules that have nothing to do with the probation rules. I just don't understand why you would prohibit a court from adding that on top of the sentence, through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Flaherty.

REP. FLAHERTY: (68th)

Through you, Mr. Speaker, it was our feeling that

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we were making an attempt to discourage or to keep the situation where a judge would grant, let's say, two years in prison and then add on ten years for probation, that this be something, again, the focus be on the time spent behind bars, hoping to discourage that. This may not be the best way to do it, but that was at least in drafting this, through you, sir, to Representative Lawlor, our intent.

REP. LAWLOR: (99th)

Well, through you, Mr. Speaker, I'm not sure it's good public policy to prohibit courts from adding on probation after release. I think if the intent is to get tough on crime, this seems to have the opposite effect, prohibiting a court from adding on something after release. I mean I support the intent of giving sentences integrity. That's why we passed a myriad of bills over the last three or four years here, making sure that we have truth in sentencing in Connecticut. This only deprives the court of an option presently available to it, to add on a period of probation after a person does their prison sentence because I don't think you should take that option away from the court to add it on to what comes after the sentence. I'd oppose the amendment.

DEPUTY SPEAKER PUDLIN:

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Thank you. Will you remark further on House "G".
The vote will be taken by roll call, and if not, staff
and guests to the well of the House. Members please be
seated. The machine will be opened.

CLERK:

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

SPEAKER RITTER:

Have all members voted? Please check the roll call
--.

CLERK:

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

SPEAKER RITTER:

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

The Clerk please announce the tally.

CLERK:

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House Amendment "G" to Emergency Certified
Senate Bill 1001.

Total Number Voting	135
Necessary for Adoption	68
Those voting Yea	100
Those voting Nay	35
Those absent and not Voting	16

SPEAKER RITTER:

The amendment passes.

Will you remark further on this bill?

Representative Tavegia.

REP. TAVEGIA: (83rd)

Thank you, Mr. Speaker. The Clerk has Amendment LCO7033, and I ask that he call and I be allowed to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO7033. If he may call and Representative Tavegia would like to summarize.

CLERK:

LCO7033, House Amendment "H".

SPEAKER RITTER:

Representative Tavegia.

REP. TAVEGIA: (83rd)

Thank you, Mr. Speaker. This particular amendment here deals with the issue of the perceived notion of

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safety in and around school property. And in this amendment what we're doing is saying that no person convicted of the following crimes that I'm going to list will be eligible for parole and that includes capital felony, as defined in Section 53a-54b, felony murder, arson murder, murder, or any offense committed with a firearm on, in or within 1,500 feet of real property from a public or private elementary or secondary school and it also includes any Class A or Class B felony committed with a firearm.

In addition to that, Mr. Speaker, it also indicates that no person convicted of any other offense from which there is a minimum mandatory sentence, that that cannot be suspended or reduced unless the person serves that minimum sentence or 50 percent of the definite sentence that is to be imposed and I move adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further?

REP. TAVEGIA: (83rd)

Thank you, Mr. Speaker. I'll be very brief. I mean one of the things that I think we've talked about during this legislative session has been the expectation of safety in and around our school areas and I think one of the things that we've talked about

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when we talked about gun control is to make sure that people who commit these kinds of heinous crimes in and around school property serve their time so that they know this legislative body is very serious about these crimes and I urge the Assembly's support.

SPEAKER RITTER:

Will you remark further? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I oppose this amendment, but I've been asked to summarize what these amendments actually do so that people understand what they're voting on.

This adds one type of offense to a list of offenses for which people are not eligible for any type of parole. It's a bad idea, in my opinion, because if you're going to have a system that's got some integrity, it can't have some rules for certain offenses and different rules for other offenses. If we have a parole rule, it applies almost to everything. It says when you're eligible for release.

It's easy to understand. A victim listening to a sentence imposed in court can understand, regardless of what the crime is, how much time a person is going to do. Once we start on this road of adding an exception for this offense or that offense or the other offense,

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then we go back to the system we has a few years of a hopelessly confusing assortment of special rules for who gets out of prison when. Nobody could understand it. The prosecutors didn't understand. The judges didn't understand. The victims didn't understand. The police didn't understand. The legislators didn't understand. And the newspaper and other journalists did not understand what a ten year sentence meant because it depended on what the crime was, etc., etc., etc.

So now we have a system that everybody can understand. The rules are clear. It could be explained to victims so that they know. Nobody makes mistakes and once we start a scattershot approach of saying, well, except for this particular crime or that particular crime, then we have all different rules for all different offenses and nobody understands it.

So I think if you want to raise the parole eligibility for all offenses, fine, let's talk about that. Maybe that's a good idea and maybe it's a bad idea, but at least it will be across the board. Everybody can understand it. To make a special exception for this, I think destroys the integrity of the truth in sentencing system that we currently have in place, and for that reason, Mr. Speaker, I oppose

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the amendment.

DEPUTY SPEAKER PUDLIN:

Will you remark further on House "H"? The vote will be taken by roll as have the previous votes. Staff and guests to the well of the House. Members please be seated. The machine is opened.

CLERK:

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

DEPUTY SPEAKER PUDLIN:

If all the members have voted and if your votes are properly recorded, the machine will be locked. The Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Amendment "H" to Emergency Certified
Senate Bill 1001.

Total Number Voting	135
Necessary for Adoption	68
Those voting Yea	81
Those voting Nay	54
Those absent and not Voting	16

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DEPUTY SPEAKER PUDLIN:

House "H" is adopted.

Will you remark further on the bill as amended?

Representative Newton.

REP. NEWTON: (124th)

Thank you, Mr. Speaker. Just a little a while ago an amendment was passed where people who sell guns in our districts could not get probation, but would do a mandatory sentence. Just like we do with drug dealers, we seize cars, property, money and it goes back to the state to help cities. The Clerk has an amendment, 7421. Would he call and I be allowed to summarize.

DEPUTY SPEAKER PUDLIN:

The Clerk please call LCO7421, House "I".

CLERK:

7421?

REP. NEWTON: (124th)

Yes, sir.

DEPUTY SPEAKER PUDLIN:

The Chamber please stand at ease while the hunt for LCO7421 continues. Representative Newton, with our apologies, we can't find 7421 at this time, and if you can hold off on it for a bit, we'll do another amendment and come back to you. Thank you very much. We haven't used up Letter I, if anyone wants it. We'll

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return to the bill as amended. Will you remark further? Well, Representative Kyle, sir.

REP. KYLE: (36th)

Thank you, Mr. Speaker. I'll be glad to jump into the "I" position here.

DEPUTY SPEAKER PUDLIN:

I knew we'd find a use for it before the morning was over, sir.

REP. KYLE: (36th)

I'm sure you did. The Clerk has an amendment, LCO No. 7216. I'd like the Clerk to call the amendment and I be allowed to summarize.

DEPUTY SPEAKER PUDLIN:

Will the Clerk please call LCO7216, the genuine "I".

CLERK:

LCO7216, House "I", offered by Representative Kyle.

DEPUTY SPEAKER PUDLIN:

The gentleman has asked leave of the Chamber to summarize. Hearing no objection, proceed, sir.
Proceed.

REP. KYLE: (36th)

Thank you, Mr. Speaker. We have been enacting some rather tough amendments on this crime bill tonight. We spent about 12 hours just prior to that debating the

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gun control bill and what this amendment does, it takes some of the latitude now that is available to the prosecutors and invoking the revolving door class of justice and it would prevent a plea bargain on behalf of someone who commits a crime with a gun in the basic bill, that big, long litany of crimes. They could not plea bargain that crime away down to anything less than some other crime that has a minimum mandatory sentence.

In other words, you cannot plea bargain away down to a probation and I move its adoption, sir.

DEPUTY SPEAKER PUDLIN:

The question is on the adoption of "I". Will you remark?

REP. KYLE: (36th)

Yes, thank you, Mr. Speaker. Representative Knopp raised a question earlier on Amendment "C", which struck out Section 6 of the basic bill. On my amendment, Lines 26 and 27 refers to Line 208 and 213, which actually was the stricken language which was replaced by part of Amendment "C". So Lines 208 and Line 213, those numbers correspond to Line 78 and Line 81, respectively, in the Amendment "C". The amendment still would be applicable with Amendment "C", which was adopted.

This will send, again, a strong, strong signal to

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youngsters who are committing crimes with guns, and I think that's our biggest problem. A lot of people -- these youngsters think they can get away with this stuff. It will send a strong signal out there that you can't plea bargain this stuff, guys. If you do the crime, you're going to do some kind of a sentence, some sort of a minimum sentence.

I strongly urge its adoption. Thank you,
Mr. Speaker.

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Michael Lawlor of the 99th.

REP. LAWLOR: (99th)

Mr. Speaker, I've read this bill several times. I think it's only effect would be to prevent the conviction of criminals of crimes with which they are charged. I think it has the actual opposite effect of what it's intended to do and I understand there is a parliamentary motion about to be made, so I would yield to the Majority Leader, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Will you remark further on "I"?

REP. LUBY: (82nd)

Mr. Speaker.

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DEPUTY SPEAKER PUDLIN:

Oh, I'm sorry. Representative Luby.

REP. LUBY: (82nd)

Thank you, Mr. Speaker. For the purposes of a
Point of Order.

DEPUTY SPEAKER PUDLIN:

Your Point, sir?

REP. LUBY: (82nd)

Mr. Speaker, I believe that this particular amendment proposed as drafted makes changes to Lines that are already -- are additions to areas of a bill that were already stricken by prior action of this Chamber on this legislation, similar to I think another argument or discussion we had prior to this.

I believe that this -- the manner in which this amendment is drafted would make this particular amendment out of order.

REP. KYLE: (36th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

There's a Point of Order. I'd like the Chamber to stand at ease for a moment.

REP. KYLE: (36th)

Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

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Representative Kyle.

REP. KYLE: (36th)

In spite of the fact that the language is identical, I would ask that if the Majority Leader will withdraw his Point of Order, I'll withdraw the amendment.

DEPUTY SPEAKER PUDLIN:

Representative Luby.

REP. LUBY: (82nd)

Mr. Speaker, I would withdraw the Point of Order.

DEPUTY SPEAKER PUDLIN:

Hearing no objection, it's withdrawn.

Representative Kyle.

REP. KYLE: (36th)

I relinquish my position "I", sir. I withdraw the amendment, sir.

DEPUTY SPEAKER PUDLIN:

And, Representative Kyle, we'll retire that letter for the evening then in honor this amendment effort. Will you remark further? Hearing no objection, formally "I" is withdrawn. Will you remark further on the bill as amended? Will you remark? Representative Davis. Representative Davis, would you care to speak? Are you fixing your microphone, sir? If not, staff and guests to the well off the House. Staff and guests to

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the well of the House. Members please be seated. The machine is opened.

CLERK:

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

SPEAKER RITTER:

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

The Clerk please announce the tally.

CLERK:

Emergency Certified Senate Bill 1001, as amended by Senate Amendment Schedule "H" and House Amendment Schedules "C", "D", "G", and "H".

Total Number Voting	136
Necessary for Passage	69
Those voting Yea	121
Those voting Nay	15
Those absent and not Voting	15

SPEAKER RITTER:

The bill passes.

Representative Beamon.

REP. BEAMON: (72nd)

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to the Call of the Chair.

SPEAKER RITTER:

Without objection, so ordered.

The House recessed at 11:21 o'clock p.m., to reconvene at the Call of the Chair.

The House reconvened at 11:49 o'clock p.m., Speaker Ritter in the Chair.

SPEAKER RITTER:

At this point the House will come to order and we'll start the regular Special Session and reconvene the regular Special Session. The Clerk please call Senate Bill 1001.

CLERK:

Senate Bill No. 1001, AN ACT CONCERNING
MANSLAUGHTER, ASSAULT IN THE FIRST DEGREE, THE TRANSFER
OF JUVENILES TO THE REGULAR CRIMINAL DOCKET AND THE
CORRUPT ORGANIZATIONS AND RACKETEERING ACTIVITY ACT.

SPEAKER RITTER:

Has the Conference Committee reported back?
Representative Graziani, you have the floor, sir.

REP. GRAZIANI: (57th)

Thank you, Mr. Speaker. Mr. Speaker, the

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Conference Committee has reported back and I move acceptance of the Conference Committee Report and move passage of the bill.

SPEAKER RITTER:

The motion is on acceptance of the Conference Committee and passage of the bill. You have the floor, sir.

REP. GRAZIANI: (57th)

Okay, thank you, Mr. Speaker. Mr. Speaker, what this bill does, very briefly, is it increases the penalties for manslaughter and for assault in the first degree. It allows for the first time Connecticut to have a workable mechanism for the transfer of juveniles who are 14 or 15 years old who use firearms in committing offenses to be treated as adults in the adult criminal court.

And by allowing the transfers of Juveniles to the adult criminal court, juveniles who now commit these certain offenses enumerated in the bill will be liable for the full penalties that the adults would receive. Significantly, this will allow Connecticut to have a system in which juveniles will be much more accountable, will be punished much more severely in the event that they commit the enumerated offenses. The enumerated offenses basically involve offenses that

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involve firearms. They are manslaughter, assault, some of them sexual assault, kidnapping, burglary, robbery, serious juvenile offenses, and there's a whole slew of them as long as there's also a violation of having a gun and not having a permit that's lawful for that.

Mr. Speaker, the bill also increases the penalties for the transfer or sale of a pistol or a revolver to a minor to provide a one year minimum.

Mr. Speaker, the bill also allows disclosure to the state's attorney of convictions of juveniles, of firearm offenses that can be used for impeachment or for pre-sentence investigations for subsequent action on a new offense.

Mr. Speaker, the law also provides, briefly, that the CORA statutes be changed to allow, which is existing now, the courts to consider as evidence of association, different factors. Mr. Speaker, I think that this bill will give Connecticut really a head start on trying to curb violence and the association of youths with crimes and I move its passage.

SPEAKER RITTER:

Thank you, sir. Will you remark further? Is there anybody else from the Conference Committee, first of all, who would like to remark further? Representative O'Neill.

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REP. O'NEILL: (69th)

Yes, thank you, Mr. Speaker. I would urge the Chamber to support this Conference Committee Report bill. I believe that given the situation that we are in, with all that has transpired over the last week, and especially over the last 12 hours or so, it's clear that this is the best outcome that we can achieve at this point. It does take care of some of the problems that we on this side of the aisle raised and tried to move forward with and I think that we will see whether we have really accomplished what we set out to, but certainly it's a start and I'm sure that we'll have an opportunity in future sessions to revisit parts of this that just about everybody in the Conference Committee would agree may need to be re-examined in the future.

But for this session for this year, I believe that this report merits the supports of the Chamber and I would urge everyone to join with me in voting for it. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Representative Farr. Representative Farr, would you mind yielding to Representative Currey as the other member of the Conference Committee first, I apologize, sir.

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REP. FARR: (19th)

Yes.

SPEAKER RITTER:

Representative Currey, do you accept the yield?

Thank you, sir. And I'll call on you next.

Representative Currey, you have the floor.

REP. CURREY: (10th)

Thank you, Mr. Speaker. I would like to take this opportunity to thank both Representative O'Neill and Representative Graziani for the experience of crafting a bipartisan bill that, though not perfect, is something that I believe we can all leave here knowing that we did not do irreparable harm and that we have addressed a situation in our state in a thoughtful manner and I urge my fellow members to support the legislation. Thank you.

SPEAKER RITTER:

Thank you very much, madam. Thank you for your service. Representative Farr, thank you for the courtesy.

REP. FARR: (19th)

Yes, thank you, Mr. Speaker. Well, most of the bill has merit. I just can't help but comment on the section having to do with the transfer of juveniles because they use weapons in crimes.

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The fact of the matter is that the bill, as drafted, has a totally unworkable mechanism for those transfers and I think it's an incredible fraud on the public to represent to somebody that this is designed to be workable.

Let me tell you what this bill does in terms of transfers. Right now, if you commit a murder or if you commit two Class A felonies, that juvenile has his case transferred to the Superior Court.

The new language says that if you commit -- the new language says that if you commit a crime, a certain serious juvenile offense with a weapon, that may be transferred, but the new language puts in a hearing process under which as an absolute defense, the defense attorney can say that the defendant was mentally retarded, mentally ill or there's some other way in which you can deal with the defendant which will somehow treat the defendant without putting society at serious risk.

Now it would suggest to you that this means any time there's an effort to transfer the case, the first thing that's going to happen is that the defense attorney is going to want an IQ test. He's going to instruct his client that if he gets an IQ sufficient to show that he's not mentally retarded, the defendant is

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going to have the case -- may be in jeopardy of having this case transferred to the Superior Court and that the defendant is dumb enough to do well on the test, then he'll request that his client be examined to see whether there's any mental illness and if the defendant is a psychopath, if the defendant is a psychopath, the court must not transfer him because he's a psychopath. That's the defense to a transfer. This is simply not workable. This makes no sense.

From a public policy point of view, what we've now created is a situation that somebody over the age of 16 who uses a crime to commit a felony may in fact be subject to minimum sentences, that someone who is over the age of 16 who sells a weapon so somebody else may be subject to a Class D felony, but the people who are protected, who can use weapons without facing serious criminal consequences are going to be those under the age of 16. That makes no sense. What we're going to do is drive down the use of weapons to those under the age of 16.

We should have passed the bill as it passed this House. I know we can't do that now, but I think it's appalling that we're put in this position. I understand there's other good things in this bill, but I seriously -- I think it's incredible fraud that

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anybody in this Chamber would represent to the public that somehow we're now going to be able to have a workable mechanism for transferring cases from the Juvenile Court to the Superior Court when someone uses a weapon. This is not workable. It was not designed to be workable. It has an incredible number of defenses to it and it just simply won't be used. Thank you.

SPEAKER RITTER:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen of the Chamber, I thought when we started out on this road one of the things we wanted to do was to stop that 15 year old from saying to the policeman, I'm a juvenile, I'll be back in two weeks, tell your wife and kids to watch out.

I thought we were concerned about that. I thought we were going to do something about that. Ladies and gentlemen, what we've done is we've given that 15 year old another shield to hide behind. Not do we have only one hearing, the probable cause that we had before, we now have this other extended hearing process that Representative Farr just talked about. And I hear the arguments, Wollenberg, you don't understand. They're

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under a disability because they're juveniles already, so we have to take into consideration other things that might affect them. They aren't adults. I agree, they're not adults, but they sure are acting like adults, ladies and gentlemen, and the purpose of getting them to Superior Court was so that perhaps, if warranted, if the judge looking at it and the sentencing required it, they would be sentenced for more than four years, which is all they can get as juveniles, but we've torn that apart.

I would predict that there is not one probably now that will get to the Superior Court because one of the things we say is, one of the conditions, that an arrangement has been made that protects the community within the juvenile system. If that can be shown and any defense attorney worth his salt sure ought to be able to find one somewhere, and I'm sure they will, he doesn't go or this individual doesn't go.

So, ladies and gentlemen, what we've done here today is we've given that 15 year old another shield, something else to hid behind because he's a juvenile. I don't think we've done much here today. We've taken a long time doing it, all day to do it and nothing to do. Well, we didn't do it. There are some things in this bill, as it started out, that are worthy of our

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vote, but it's a shame, it's a shame when we had this right within our grasp, that we let it get away, and we did, and I've had five children myself, I have 11 grandchildren, I know what children are. I've worked with them, but we have to stop molly cuddling these kids who are murdering our kids and we're not doing it any way, shape or form by what you're doing here in this first part tonight. You're helping them. You're helping them to fly in the face of what we're hoping to control. We've got to stop it. We're not doing it tonight. Maybe another time, hopefully not too far in the future, so that more of our kids don't die because our 14 and 15 year olds are killing them.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker, and given the hour, although many of us were well prepared to discuss this earlier in the day, I guess it's still this evening, I'm not going to repeat what Representative Farr had to say and what Representative Wollenberg said regarding some of the deficiencies in this bill, but it has been touted as an improvement on the current system and I suppose marginally and I mean very marginally it is that. It at least provides for the theoretical

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possibility, certainly more theoretical than practical, the theoretical possibility that some juvenile offender over the age of 14 who commits one of the enumerated crimes in some way may, after two hearings in camera and potentially a third in camera hearing in the Superior Court may have a case transferred in this way. I doubt that that theoretical possibility will occur.

I think what should happen, as a practical matter, is that next January there should be a bill before this Chamber when it can be introduced, which would provide for an automatic transfer in some of these cases because this transfer is anything but automatic.

But I am struck by the fact that in at least a few cases here we are making it more difficult or we appear to be making it more difficult to transfer some cases than it is under existing law. As I understand existing law, and Mr. Speaker, I'd like to pose a question, if I may, through you, to Representative Graziani. Under existing law for murder and for certain Class A felonies, an individual may be transferred after one hearing and that is a hearing in probable cause, which I think is line 119 of the working draft.

Through you, Mr. Speaker, if I may, at this time, if an individual is accused of one of those enumerated

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crimes, which under existing law can provide for a transfer and a court finds probable cause, the case would, under existing law be transferred. If this is adopted, that case would not be automatically transferred. As I read this, the possibility of another hearing exists. Is that correct, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Graziani.

REP. GRAZIANI: (57th)

Okay, through you, Mr. Speaker, to Representative Radcliffe, perhaps I can explain. This does not change existing law as to who can be transferred for the murder offenses for the mandatory transfers, and in reality, the mandatory transfers for murder are the only transfers that occur and the discretionary transfers is a formula that is so unworkable that virtually no transfers have occurred in the last year under the discretionary transfers. The reason being is you have to show basically two convictions before the new offense. So it's really three strikes and you're out. That's one aspect. The second aspect, which is a killer, and nobody has talked about just now, is that the discretionary transfers allows an appeal to be taken, that when the judge makes the decision to

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transfer on the serious juvenile offenders, that the defendant can take an appeal. The reality of an appeal is when you take an appeal, you can extend the period of time before a resolution is done. The child is typically over 16, so the whole issue is moot.

Therefore, the state's advocates do not proceed to try to even attempt under our existing law to get a transfer because the law is really defective.

This new law which allows for many expansion of many crimes does not require the three different convictions, and also significantly, this is the first time it's being mentioned on the floor, there is no appeal. You cannot appeal, so you cannot stop the clock when the system goes forward, so the child doesn't become 16 before justice is followed through.

There is no appeal that stops temporarily the action, and that's a big concession. You can appeal at the end of the case when you're sentenced if you lose, but there is no appeal. That is an incredibly significant change.

The system that we have now does not operate and testimony was given in the Conference Committee that approximately six juveniles a year are transferred and those are all for the serious offenses such as murder.

So the system today does not work at all as

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envisioned and I do not agree with the assertion that this will make it even harder to transfer. I disagree vehemently with that. This eliminates the right of an appeal for transfers and this will, in my opinion, make it much easier for a juvenile to be transferred.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, perhaps I didn't make the question clear. I will at this point. Current law provides for one hearing. Through you, Mr. Speaker, does this bill provide for a second hearing in the Juvenile Court?

SPEAKER RITTER:

Representative Graziani.

REP. GRAZIANI: (57th)

Okay, through you, Mr. Speaker, depending upon what offense that the prosecuting attorneys decide to charge to the child. If it's the murder offense, it doesn't change anything. If it's the new offenses that we've enumerated, the serious juvenile offenses with a weapon, the assault with a weapon, the sexual assault with a weapon, the kidnapping, the manslaughter, there can be a second hearing, not necessarily. There is a probable cause hearing that's required and when the notice of intent is given, if the defendant files a claim with the court saying he would like to show that

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he suffers from mental retardation or mental disorders, if he can show that or show that he's in a placement that's suitable for him, that protects society, then there would in fact be a second hearing on that particular issue and then the judge would make the decision.

REP. RADCLIFFE: (123rd)

Then I understand the answer to my question after all that to be yes. There is a possibility for a second hearing, and I should point out in reading this bill, and I don't know what testimony the Conference Committee received since it was appointed after 11:00 this evening until it came back a few minutes ago. I'm sure in the last 45 minutes it received extensive testimony outside the presence of the Chamber and I'm sure in that 45 minutes it was very enlightening. However, this particular report that we have in front of us, this particular version, does indicate a second hearing and a second hearing isn't just on that basis. The second hearing can be requested, after we've already gone through a full evidentiary hearing in probable case.

Now let me tell you what an evidentiary hearing means. Is there probable cause that the crime was committed? Is there probable cause that this

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individual committed the crime? And a court finds yes.

Now under the law as we are now adopting it, the individual can then file a notice with the court and you have a second hearing. You go through a second hearing and this person will not only reach his 16th birthday, probably his 18th birthday by the time he gets out of Juvenile Court because the second hearing has three different possibilities. Is the person a person who is mentally retarded? Does he suffer from a substantial mental disease? Or a third category, which is very broad, an alternative plan or placement within the juvenile system has been arranged.

So after you've found probably cause, then we have another hearing and if the individual can prove that, then the case doesn't get transferred, but in this finding your way through this maze, if you're lucky enough to get through these two hearings and the child hasn't reached his 18th birthday yet, there's still the possibility of an in camera hearing because what we've done here is we've made it possible for an individual under certain circumstances to apply for youthful offender treatment in the Superior Court. Youthful offender treatment simply means that an application is made. The file in Superior Court is immediately sealed. So we get a third bite of the apple in an in

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camera proceeding that isn't public.

Yes, it is marginal improvement, very marginal, on existing law, because at least somewhere in the law there will be a listing of about nine offenses committed with a firearm for which an individual could theoretically be transferred from Juvenile Court to the Superior Court. That theoretical possibility exists.

What has to be done, and hopefully it will be done next January when this Chamber may be in the mood to do something real as opposed to something cosmetic, something that does some good rather than something that merely sounds good, is to adopt a bill that quite simply, in language that everyone can understand, without this tortured three or four step process, says that if you commit a crime and you're 14 years of age and it's one of the enumerated crimes and it's committed with a firearm, that case will be transferred to Superior Court and it will be heard in the clear light of day. That's what we have to move towards. If this gets us a half a micrometer towards that, then it's done its job, but it hasn't done very much else. Thank you.

SPEAKER RITTER:

Representative Prelli.

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REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Mr. Speaker, I, like probably most of us in this Chamber, am going to support this Conference Committee Report, but I think we have to be honest with the people of the State of Connecticut. A week ago we passed a bill out of this House Chamber that was a very strict bill on crime. What we have before us now is a very watered down bill and I'm not sure it does, as Representative Wollenberg and Farr said before us, it does anything to make sure a child gets referred to Superior Court. I think this is watered down in three major ways and let's think about that when we vote on this.

The first way is the number of crimes which a juvenile can be referred to Superior Court. We went from all felonies to a list. We watered it down. The second way is that the Juvenile Court will now be making the decision on whether we're going to send this to Superior Court or not. Our bill last week sent all of the to Juvenile Court -- or all of them to Superior Court automatically. We watered it down.

The third way we watered this down was we changed the felony for selling a gun to a minor and we said we're not going to give you any probation or we're not going to allow you to lower the sentence. Now we

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changed it to a one year minimum sentence. Again, we watered it down.

There's one other thing that bothers me about this new bill. When we look at the definition for mental disorders in 17a-75, and I read it, it says a mental disorder means a mental or emotional condition which has substantial adverse effects on a child's ability to function so as to jeopardize his or her health, safety or welfare or that of others. And specifically exclude mental retardation.

Mr. Speaker, I would say to you and I would ask the members of this Chamber to think about it a minute. Isn't anybody who uses a gun in the commission of a felony, substantially putting somebody else in danger and maybe even themselves in danger whenever they use it? I think that we can probably say that anybody who uses a gun in the creation of a crime probably has mental or emotional conditions. So basically I think that a good lawyer can always make the case that this shouldn't be moved up.

So, again, we've made a bill sound real good, but accomplish nothing. We had the chance and we sent a tough crime bill out. Hopefully again next year we'll have a chance and we'll send a tough crime bill out. Thank you, Mr. Speaker.

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SPEAKER RITTER:

It's obvious that there's a pool going on.

Representative Norton.

REP. NORTON: (48th)

I hope I don't upset anyone's pool or what have you.

SPEAKER RITTER:

As long as you don't make yourself a winner, sir.

REP. NORTON: (48th)

No, that would be a conflict of interest, but let me keep my watch in front of me here because I've got --.

SPEAKER RITTER:

What time do you have?

REP. NORTON: (48th)

I just want to express some disappointment, and that's what all the Republicans have been doing so far this evening is expressing their disappointment with, I suppose if nothing -- the real fact of our disappointment is the rump quality of this legislature, which is to say that whereas last week 100 people were expressing their opinion, and most significantly, in favor of the automatic transfer, which has become the talk of the day, 100 people out of 140 voting, and today, and 38 of those hundred were Democrats, and

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today 37 of them voted differently. In a week's time, 37 of the 38 Democrats decided that how they had voted was absolutely wrong and they would vote the other way.

I suspect that caucusing and some procedures and meetings like that had a lot to do with it. I pointed out on a very similar topic dealing with crime earlier in the session that an intervening caucus had seemingly changed everybody's mind. I wish we never sort of broke for caucuses. I think we do a lot better, I think the people do a lot better when an idea gets thrown up the air, people debate it, people listen to either side and then a majority of this General Assembly holds the day, but what happens is that the other 38 people go into a caucus with the other 48. The 48 run a vote, which they win, and then the 38 have to come back and vote with the 48 and that's what happened today. So 48 people run the General Assembly and that's what I mean by a rump and in this case the rump is one which doesn't want to be as, forgive this very hackneyed phrase, tough on crime, tough on criminals. The 48 people, the rump, which is the controlling influence in the Democratic Caucus and then therefore perversely controls the legislature, gets to decide that there won't be automatic transfer, we should have some sympathy for those poor people who

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found themselves in a difficult situation and the only way out is to have a gun and commit a crime.

I think that's being overly sympathetic, but sometimes we are too unsympathetic. The one good thing that has happened, we almost started to concoct a mini-budget. We came up with \$4 million and the only people sitting around the table were the prosecutors, public defenders and judges. So our budget dealing with the crime issue of \$4 million went to all of them. Representative Dyson pulled us in line and said, wait a minute, there's other things that we can spend money on to fight crime. Representative Dyson reminded us that we might spend it on youth programs in some of our cities and that could have an effect, and not just give money to the Department of the state's attorneys sitting at the table, the judge administrators sitting at the table and the head public defender sitting at the table. So that's one good thing that actually occurred in the last week, that Representative Dyson brought us back and enlarged the universe of spending and I think that was a good thing.

But what else transpired in the week was too bad and I would like to also emphasize how disappointing or seriously bad it was for all of us to get a call -- I didn't realize -- I was away for the weekend, I

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didn't realize until just today how late the notice was, and I don't know -- I hadn't realize that the emergency was so pressing, the minute people thought we were organized and ready to go into session that everyone would get a call. I guess it was 3:30 and 4:00 last afternoon that we've got to come in at 10:00 tomorrow morning. I don't know why people couldn't be told we're going to come in Thursday or Friday or Monday or Tuesday, why we had to be told in the later afternoon you're going to be coming in the morning of the next day.

And as everyone saw what happened today, there wasn't much point to that, and it all sort of fell apart. Frankly, I don't know why those few people, I'm not one of the few people who worked out the deal of the mini-budget for crime fighting and whatever else, couldn't tell the rest of us at 4:30 this afternoon, you can go home. We're going to be working on it. Why do I have to sit here between 4:30 and 11:00 waiting to hear what those ten people are going to decide? That's not just bad process legislatively, it's inconsiderate to fellow humans that you serve in a body with and I think that's too bad.

I don't think that we're doing much here today that we couldn't do doubly so in January when we come back

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into session, which is to say I don't think there was an emergency. I don't think there was any reason for us to get a call late afternoon to come in this morning and I think this bill has only gotten worse. So one more week of legislative activity made the bill much worse and it's too bad that the more work we put into a product, the more destructive rather than productive we are.

SPEAKER RITTER:

Representative Gelsi.

REP. GELSI: (56th)

Thank you, Mr. Speaker. I've spent 14 years in this Chamber. I have never questioned on how the Republican Caucus deals with itself, whether they take a caucus position that everybody has to vote on or not vote on. I really think that's the business of your caucus, but the one thing I can tell you about the Democratic Caucus, that 42 did not convince 38 people to change their votes today. We did not take a caucus position on this bill. The people of the Democratic Party were free to vote the way they wanted to vote and that's the way we voted. You may not like it. That's fine. That's your prerogative, but don't talk about our caucus. That's our business. You take care of your caucus. We'll take care of ours. Thank you,

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Mr. Speaker.

APPLAUSE

SPEAKER RITTER:

(Gavel) Thank you, sir. I look forward to seeing you next year in our caucus. Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. That's a tough act to follow and I won't try to. I'm not concerned about caucuses. I'm more concerned about people on our streets and I would like to think all of us are. The only thing I see us adopting here this morning is we're really codifying in law what probably are a set of motions that defense attorneys would normally submit to a court to prevent a transfer. That's all I see that we're really doing here. We're making it easier for them to block the transfer.

It would have been much simpler to stay with the language of last week, very easy to understand, not this mess. I'm not so sure the Governor is going to like this mess. I don't think it even comes close to meeting the Call of the Special Session he brought us here for on this single issue. Who knows? That threat that he made about calling us in month after month, we may see what happens with that. We may not be done on this issue, but we're done for today, I guess. Let's

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vote.

SPEAKER RITTER:

Ready? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I don't want to take up much time, but I would be remiss if I didn't address Section 8 of this bill. Section 8c, to be exact, in which it's an attempt to amend the CORA bill by describing who might be involved in a criminal enterprise and the new language indicates, in determining whether certain unions or associations or groups may be considered evidence of association to come under a criminal enterprise. You should, once you look at include, common name or identifying signs, symbols or colors, rules of behavior for individual members. Mr. Speaker, might I say that although I understand that when trying to identify somebody under this bill that people -- that a prosecutor might show some of these as part of the evidence, to put in our statute is to codify I think really an assumption of guilt by association and it seems to me there will be people, because of hysteria, because we have identified in a criminal law that people who have the same colors, the same rules of behavior and they don't fit the norm of the major culture, it's not just a baseball team, but it may be a

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bunch of organized folks of another color who speak another language, who dress in similar togs and one might say they look like a gang to you today and to the outsiders we've identified people as looking like that as being bad and that is guilt by association. That is guilt by your looks.

And, Mr. Speaker, I think as a matter of public policy, it is inappropriate for us to put that on the books. There is evidence, the CORA bill is in fact a conspiracy law and some day we're going to wrap up into people and bring them under the criminal law and criminal jurisdiction individuals we never intended to do it. It has happened in America's past. It happens periodically in America and we should be guarding against the possibility of that happening in the future. That is our obligation. That is our duty. It is our duty to protect our liberties. It is our duties to watch out for these kinds of traps that periodically we create for ourselves. I cannot stand here without putting that warning on the record. I will, for one, for that reason alone, aside from others in this bill, will vote against this measure. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Representative Santiago.

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REP. SANTIAGO: (130th)

Mr. Speaker, I rise in opposition to this bill and let me first congratulate Representative Graziani, Melody Currey and the others who worked on this in the Conference Committee, but there's a section in this bill over here that there's no way that I would be able to support, which is the CORA section, which deals with my constitutional rights.

I think that it's unnecessary for this legislature to introduce language that at the present time the state prosecutors are doing so. For example, right now, the state prosecutors are arresting people, using whatever they have right now, CORA, whatever it is, to put gang leaders and gang members who are violating the law in jail. What's going to happen, one of these days when Americo Santiago is driving through Avon and I get stopped by one of these young police officers who are given a license to harrass me, and just because I have a funny hat, they say, listen, Puerto Rican, you are a member of the Latin Kings and you should go to jail. Maybe I won't go to jail. Maybe I won't have to spend time explaining to that police officer that I'm a good citizen, that I have worked very hard to earn what I have, but yet they'll still harrass me and I think that this piece of legislation, that's what it's doing.

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This is just a license for -- not for the prosecutors because they already have it. They can do that right now, but this is a license for police officers to harrass individuals now and in the future in the State of Connecticut.

I don't know why it's needed. I think that we just -- similar to the Iron Curtain, maybe what we should do in the future is instead of building the jails in the State of Connecticut, we should build them in Siberia and send the people to Siberia. So to be a little bit and compare with the Soviet Union or the former Soviet Union.

I hope that this legislation doesn't do what people might use it in the future and I'm very sorry that I have to stand here and say this, but I know that in the future this will be used against our constitutional rights and those individuals or groups who are supposed to be different or because they have a different color, different nationality, speak a different language whatsoever. And that's what I think that this -- and whoever put this language into this piece of legislation, it doesn't have the best intentions at all. Thank you.

SPEAKER RITTER:

Representative Garcia.

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REP. GARCIA: (128th)

Thank you, Mr. Speaker. Mr. Speaker, I rise, I'm not too happy with what we have done here today. I also agree with my colleague, Representative Santiago, on the CORA part. However, I think it is way past the time when we show our outrage for the carnage that is taking place in our communities. My community, in particular, should have become outraged since the bloodbath began, since the first Hispanic child fell victim to the drive-by shooting incidents. I guess maybe the reason is why this has not happened is because the Hispanic community has been known to be a peaceful community and we tend to overlook certain things. We tend to hope them away and then all we do is we watch from a distance, we look the other way.

But, Mr. Speaker, we can no longer continue to look the other way because everywhere we look to we see the same scenario, crime, death, and despair everywhere. I think it's enough. Enough is enough.

As an elected body, who choose to represent a particular community, we cannot have a more dignifying goal than to do anything we can to defend our constituents and to stop this insanity. This is no longer someone else's problem. This battle is as mine as is yours. As yours as the ministers and priests and

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good will people in our community who try to keep those communities together.

Mr. Speaker, everyone pays a price for looking the other way. The Latino community continues to pay daily for their hands down attitude, for their attitude of helplessness. Again, enough is enough. Those in my community who are responsible for the blood that runs through our streets, those in my community who own guns and kill, and those in my community who become gang members under the justification that all they are about is cultural community awareness and then turn around and terrorize their own neighborhoods, kill their own neighbors must be stopped. Enough! I have had it up to here. I will not remain quiet any longer to excuse their actions or justify them because of the poverty they live in.

I recognize this poverty! Remember, I came from there. I understand their conditions, but that does not justify the extermination of our own race. This is no longer our turf or a group of misguided kids fooling around because they have nothing else to do. Either the carnage stops or we, the elected officials, have an obligation and we must make them stop with everything and anything available to us and I don't want to hear any more about the poor disenfranchised child who needs

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sympathy because he is a victim of his or her environment. I am very familiar with that condition and I have survived and I never killed anybody, nor went around destroying my own neighborhood. No more excuses. I cannot and I will not have consideration for someone who has no consideration for his own people. I hear today that the Latin Kings are organizing and are raising funds to work with politicians who can take up their cause. Well, let me send a message to them, you can count me out. I will not advocate and I will not work with people who terrorize, destroy and bring pain and heartache to my people. I took pride in my community. I have respect for myself while I did it and that's what these gang members don't have.

Those criminals out there, young or old, are selfish, indifferent cowards who need to be stopped, and Mr. Speaker, cowardly acts should never be forgotten. They have taken from my community some promising young lives whose only sin has only been to be in the wrong place at the wrong time. I don't care who or what age you are any longer. You kill, you pay. This is a promise I made to my community and I am determined to do anything and everything in my power to see that these criminals are stopped. I will begin

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today right here by supporting this bill, which some people around say it's not much. Well, I've just had about enough. The community has had it and now they demand protection at any cost. We should and should not allow anyone to take over our streets and turn them into killing fields.

If you're old enough to kill, you should be old enough to pay. Therefore, Mr. Speaker, I rise in support of this bill and encourage those who are really concerned about crime to support it as well. Thank you, Mr. Speaker.

APPLAUSE

SPEAKER RITTER:

Thank you, ma'am. It sounds like that will be the last word. Thank you, madam. Staff and guests please come 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. Members to the Chamber. The House is taking a roll call vote.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast and if it has, the machine will be locked. The Clerk please

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take the tally.

The Clerk please announce the tally.

CLERK:

Report of the Committee on Conference,
Emergency Certified Senate Bill 1001, as amended by
Senate Amendment "J", in concurrence with the Senate.

Total Number Voting	124
Necessary for Passage	63
Those voting Yea	117
Those voting Nay	7
Those absent and not Voting	27

SPEAKER RITTER:

The Conference Committee is adopted. The bill
passes. At this time the Chair would ask for Points of
Personal Privilege. Representative Beamon.

REP. BEAMON: (72nd)

Mr. Speaker, for a Journal notation please.

SPEAKER RITTER:

Please proceed.

REP. BEAMON: (72nd)

Would the Journal please note that Representative
John Mordasky of the 52nd missed votes in this Special
Session and the previous Special Session due to
illness.