

Legislative History for Connecticut Act

SB872 PA-142 1995

House 2589-2698 (10)  
Senate 1764-1788, 1816-1818, 3448-3449 (23)  
Judiciary 680-681, 682, 683-684, 3447  
794-799, 901, 932, 933,  
1032-1034, 1544-1545 (37)  
1554-1560, 1613-1617 (164),  
3760-3764

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

Connecticut State Library  
Compiled 2012

H-726

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1995

VOL. 38  
PART 7  
2265-2666

House of Representatives

Wednesday, May 17, 1995

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

CLERK:

On page 27, Calendar 175, Substitute for House Bill Number 6087, AN ACT CONCERNING MULTIPLE USE RIVERS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that Substitute for House Bill Number 6087 be referred to the Committee on Public Health.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

Will the Clerk please call Calendar 325?

CLERK:

On page 8, Calendar 325, Substitute for Senate Bill Number 872, AN ACT CONCERNING SEXUAL OFFENDERS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Amann.

REP. AMANN: (118th)

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

House of Representatives

Wednesday, May 17, 1995

the bill.

DEPUTY SPEAKER HARTLEY:

The motion is on acceptance and passage. Will you remark?

REP. AMANN: (118th)

Yes. Thank you, Madam Speaker. Let me begin by first thanking the bipartisan working group who have worked on this bill for the past three months. I would like to thank Representative Winkler, Representative Jarjura, Representative Radcliffe, Representative Lawlor, Senator Upson and the Governor's staff for all the assistance throughout the process.

I would like to first start, Madam Chair, by going through the bill as briefly as I can, section by section and we will start with section one.

Section one divides the risk of injury to a minor into two parts, which by the way, is not on the list of current sex offender crimes. One sex offender crime is going to be classified as a sex offender crime and one is not. This is very important. Basically, it does also increase the penalty. Right now currently, it is ten years, \$500. The penalty portion of this will be on the fine part. I should say, it will go up to \$10,000.

It would also make it easier to get convictions

this way and because they can prove risk of injury in one piece, risk of injury better than the other.

In section two, it establishes a minimum mandatory period of probation for ten years for anyone, basically that is convicted of a felony and sex offenses you can get up to a maximum of thirty five years. But this section states a minimum of ten under current statute.

Section three, basically is purely a technical amendment to clarify section (a).

Section four says if you are charged with a sex, a felony sex offense, you can't get AR. The reason, obviously, is if you are charged with a serious sex offense you can get your records erased and what we are trying to do with this particular piece, Madam Chairman, is preventing from having your records get released.

Section five of the bill, is basically that you can't get a Youthful Offender for the same reason. We believe that it is very, very important that we make sure that your records do not get erased. And that is what section five is trying to clarify.

This particular bill, by doing this, will prevent that.

Section six, this is all new and is very significant to the bill. It basically defines what a

House of Representatives

Wednesday, May 17, 1995

sex offender is and it includes people convicted of those crimes and it states what you can and can't do. We are setting this up as a matter of public policy and I think it is very important that we do that. Sex offenders are to be treated differently in the State of Connecticut. And by putting this legislation through, we are sending that message to the public that sexual offenders should be treated differently.

We are going to be talking about registration, notification, special probation, special parole. Maybe as a sex offender you can't live by a school, for instance. Maybe as a sex offender you wouldn't be able to live near a park. All of these are things that parole and probation can't prohibit them from doing that and the judge and the prosecutor can also impose it and the probation officer and a parole officer can impose it.

It is basically sending again, a message that this legislation, wants sexual offenders treated differently. And I believe that this is one of the most major parts of the bill.

Among other things, a sex offender must notify his parole officer or probation officer when they move. In New Jersey, for instance, what happens when somebody maxes out their time, when they are done serving time,

House of Representatives

Wednesday, May 17, 1995

there is really no one watching them after that. They are basically out of jail and that's it. What this bill does is say that they have to register, that they have to be watched, and I think again, this is very important. What we are doing is changing last year's law from one to ten years in registration.

Section seven tells the probation and the parole officers that they must notify a police department of offenders coming into their community. Sexual offenders also have that obligation to do that under this law.

As it stands now, from last year's law, it is simply a misdemeanor, if you violate this rule. But under the new law, if they fail to register with the police department, then that is an automatic violation of probation and a parole officer, a probation officer, I should say, the probation officer, has the right to put that individual back in jail immediately without questions asked because it is a violation of probation.

The end of section seven is basically purely technical. It just allows the five year restitution. It goes beyond the five years of restitution.

Section eight, a board of parole may require that the sex offender get treatment one year before a hearing. Many groups have told us that a sex offender

House of Representatives

Wednesday, May 17, 1995

is like being an alcoholic. That basically, sex offenders are people that are not curable. It is something that they have to live with. So what we are trying to say is there is a majority of sex offenders who basically don't want to get sexual rehabilitation treatment. They don't want to admit that they are possibly sexual offenders and in many cases, they are also told by their attorneys to not admit that there is a problem there.

So the Board of Parole can now tell them that they must seek treatment as part of their probation.

Section nine, the Board of Parole has to tell us by February 7, 1996 what budget revisions they are going to make to us to make sure that there is a pre-release sex offender program for residential pre-release.

Section ten, Madam Chairman, clarifies that law enforcement agencies communicate with one another, especially during notification and registration.

Thank you for the House bearing with me going through sections by section. What I would like to do at this time, is yield to Representative Winkler.

DEPUTY SPEAKER HARTLEY:

Representative Winkler, do you accept the yield?

REP. WINKLER: (41st)

gmh

130

House of Representatives

Wednesday, May 17, 1995

Yes. Thank you, Madam Speaker.

DEPUTY SPEAKER HARTLEY:

Please proceed, Madam.

REP. WINKLER: (41st)

I rise in support of the legislation. For anyone that doesn't know in the Chamber, I was involved in the legislation that was passed last year setting up a registration of sexual offenders for Connecticut. It took two years worth of work and a lot of compromise to get a bill before the House that had the support of the Judiciary Committee or the majority of the Judiciary Committee and the House members.

This particular bill that is before us does improve the legislation that was passed last year. It is the work of a bipartisan group that had met also in Middletown at a training program for parole officers that were going through a training program for the registration program that was going to be instituted in Connecticut.

This legislation includes many of the recommendations that were made at that time. Some of the members that were there that contributed to this legislation or proposed legislation, were officials of the Department of Corrections, the Board of Parole, Office of Adult Probation, Office of Victim Services

gmh

131

House of Representatives

Wednesday, May 17, 1995

and the Juvenile Justice Division of the Department of Children and Families, sex offender treatment providers, Connecticut Sexual Assault Crisis Services. So all of the people that do have first-hand knowledge did have input into the proposal that we do have before us.

As I said, this bill does improve the legislation that was passed a year ago and will certainly make Connecticut's law one of the toughest in the nation. And I do urge the Chamber to support that bill that is before us.

At this time, I would like to yield to Representative Jarjura.

DEPUTY SPEAKER HARTLEY:

Representative Jarjura, do you accept the yield?

REP. JARJURA: (74th)

Yes, I do, Madam Speaker.

DEPUTY SPEAKER HARTLEY:

Please proceed, sir.

REP. JARJURA: (74th)

Thank you, Madam Speaker. I also rise in support of the legislation. I do want to indicate that it has been a pleasure working with Representative Winkler, Representative Amann, Representative Lawlor and other members of the working group and Representative

House of Representatives

Wednesday, May 17, 1995

Radcliffe, as always, on this legislation.

I believe, ladies and gentlemen of the Chamber, that this will be one of our proudest moments in that we will be sending, I believe, also that this legislation, once passed, will become a model for the country in terms of dealing with the perversions and offenses being committed against the children, not only of Connecticut, but across the country and truly this legislation is very difficult and it has been very difficult over the last several months in trying to strike a balance between the difficulties experienced by New Jersey, the original Megan's Law, which was declared unconstitutional and our desire, I think of all of us, to clearly protect the children and potential victims of the most serious, the most atrocities that are unthinkable atrocities that we could think of, which is the sexual exploitation of young ones. And especially having and I don't want to divulge any confidences, and I won't, but having had a few constituents, families who have been victims of individuals who have committed these atrocities against their children, and they had no knowledge whatsoever that these individuals were living within their neighborhood. I think this bill corrects that. Leaves the discretion with the probation and parole officers

House of Representatives

Wednesday, May 17, 1995

as to disclosure, mandates disclosure to the chief of police and really the evidence that we received over the last several months and it is disturbing to say, is that a person who has tendencies towards this pedophilia, towards touching the private parts of a young one, does not get cured. It sort of and I hate to use the analogy, it is sort of like an alcoholic. You are an alcoholic for life.

These individuals have a problem. It is a problem for life. They have to be monitored. They have to be watched and the community to be protected has to know who they are. Now, the balance comes that maybe not the whole universe needs to know and there has to be conditions for the disclosure, which are set up.

So I think it does strike a very delicate balance and I think as the discussion will go on, people will become more informed. But I do believe this is probably one of the proudest moments. It does send a clear message that we are interested in protecting children and that we are interested in protecting children from future offenses of the same individuals and I believe that this bill does it and I strongly support it.

And at this moment, Madam Speaker, I would like to yield to the Chairman of Judiciary, Representative

S-375

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1995

VOL. 38

PART 5

1433-1818

Madam President, I would move, I would move the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Questions on passage, will you remark?

SENATOR ANISKOVICH:

Thank you Madam President, what this bill would do is extend the current used car warranty laws known familiarly as the "Lemon Laws" to individuals who purchase automobiles from companies which lease automobiles.

The bill would not, however, extend the "Lemon Law" to a purchaser who buys his or her automobile at the end of his or her lease term. And it excludes that person's, well it does not do that, and I believe that in order to make this bill a better bill, the Clerk, alright, Madam President, I would move to pass temporarily.

THE CHAIR:

Without objection, this item is passed temporarily.

THE CLERK:

Page 9, Calendar 215, Substitute for Senate Bill No. 872, AN ACT CONCERNING SEXUAL OFFENDERS, Favorable Report of Committee on Judiciary, File 359.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, Madam President, I move adoption of the Joint Committee's Favorable Report, and passage of the bill.

THE CHAIR:

Questions on passage, will you remark?

SENATOR UPSON:

Yes, there is an amendment, if you would call, I'd appreciate it, LCO 6364.

THE CLERK:

Senate Amendment Schedule "A" LCO 6364, introduced by Senator Upson.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, Madam President, the bill in front of us has to do with AN ACT CONCERNING SEXUAL OFFENDERS. As you know, last year we passed a bill which became a law that sexual offenders must be registered for a year after they've finished their sentences.

This so called Meagan's Law has been agreed upon with bipartisan cooperation in the Judiciary Committee. This Amendment affixes two parts to it, but there are also two parts to it that were not agreed upon in the

bipartisan effort.

I say that for disclosure so I may explain it. The first part though, however, is an improvement. Because while the original bill talks about a new risk-of-injury statute, risk of injury by having contact with the intimate parts of a child under sixteen, becomes a Class C felony. We have added to that also, this is on Line 15 and 16, or that same person subjects a child under sixteen years of age to contact with the intimate parts of such person. That's an addition to this new risk-of-injury statute.

That's a positive effect. It also eliminates from the Board of Parole, a court requirement that an inmate forego specialized sexual offender treatment for at least one year. The reason we're limiting that because there's a question about funds, as you know, in the State of Connecticut at this point in time.

And if in fact there's a question of funds, this bill will not pass. So we've taken that out. Also, we've been more explicit on the word probation termination date. The reason we've done that, Madam President, is because we're going to set up probation, parole, probation, and then once someone finishes their sentence, we're just talking about sexual offenders, A, B, and C felonies, plus this new risk of injury,

they're then going to be registered.

So, if someone has a ten year sentence, completes thirteen of it, goes on parole for seven years, the ten year registration starts at the end of the twenty year sentence. So, probation termination date is a word of art and you'll see that throughout the amendment. The two things that have not been agreed upon were YO, and AR. Youthful offender, that's been included in there, it says that no youthful offender shall get, or shall be, no one who's a youthful offender shall be allowed to be a youthful offender if in fact committed one of these crimes.

We're looking to put that in another bill, along with the accelerated rehabilitations portions. So that while we did not have an agreement on that when we got out of committee, neither one of those subjects are dead, and we hope to include that in another bill, and work amicably in a bipartisan spirit.

So if I may, if there's no questions to the Amendment, I would ask for a roll call, no excuse me, a voice vote.

THE CHAIR:

Question is on adoption of Senate Amendment "A"  
will you remark further? Senator Looney.

SENATOR LOONEY:

Yes, thank you Madam President. Madam President, through you, a couple of questions to Senator Upson.

THE CHAIR:

Please proceed.

SENATOR LOONEY:

Yes, looking at the Amendment, Senator Upson, in the section that refers to Line 77, Line 76 and 77 of the bill.

SENATOR UPSON:

Of the bill, alright.

SENATOR LOONEY:

Yes, the first part of the Amendment that says in Line 76, strike the opening bracket. And in Line 77, after "53a-32" insert a "\_" and an opening bracket.

SENATOR UPSON:

Yes.

SENATOR LOONEY:

If you would tell me the effect of that particular portion of the Amendment.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

My understanding, through you Madam President, excuse me. My understanding, that refers to the accelerated rehabilitation portion.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Through you Madam President, if that's the case, what is the section then on the deletion of Lines 163 to 268, which is the next section?

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Alright, 163 to 268, my understanding is that that has to do with the, let's see 163 to 168...

SENATOR LOONEY:

To 268, I believe the Amendment says, through you Madam President.

SENATOR LOONEY:

Alright that is AR also, and YO, that's my understanding. That was the idea behind it.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Right, thank you Madam President, what the first part of the bill deals with the change in the definition of risk of injury to a minor, and we have a, separating into sections that deal with a, a sexual component, and a non-sexual component, so that the

offense can be more carefully delineated.

My concern was that the, the deletions in Line 76 and 77, somehow related to that section because it refers to the period of probation, unless terminated sooner as provided in Section "53a-32" and the effect of the Amendment, I believe, deletes the words "or 53a-33."

SENATOR UPSON:

Through you Madam President.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

The, on Line 77, I have a better answer than I gave you before, "33a-32" says after that insert the word "\_" and an opening bracket. My understanding, by mistake that is an actual improvement, by the way, of the bill, in bill screening that was a mistake taking out that bracket, because it has to do with revoking probation.

So it's not, that's actual improvement to the bill, it's not provision of AR as I said earlier. That is in the next section, as you just quite correctly discussed, 166 through 268.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you Senator Upson, and through you Madam President, if I might, another question to Senator Upson.

THE CHAIR:

Please proceed.

SENATOR LOONEY:

Yes, through you Madam President, Senator Upson, the deletion of Lines 377 to 382, Section 8 of the bill regarding the Board of Parole giving it power to require an inmate to undergo specialized sexual offender treatment, that was done because of the cost factor.

But I believe you said that there is new language added in by way of the Amendment, Line 389, thereafter Line 27 of the Amendment, refers to insertion of language concerning imposition by the Board of Parole of a requirement that an inmate undergo specialized sexual offender treatment for at least one year prior to the Board's scheduling a date for a hearing to consider such inmate's eligibility of parole.

So by adding it in at that, at that later section at the end of Section 9, we are saying that the, we are requiring the Board of Parole and the Department of Correction to submit a report concern budget revisions

that would be necessary to provide pre- and post-release residential specialized treatment, and concerning the imposition of the Board of Parole of this requirement.

So is it your understanding by way of this Amendment that we are still stating this as a goal, although I'm not requiring it to be implemented immediately under current appropriations.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Through you Madam President. Correct, absolute correct. Appreciate the, pointing that out. That is, we're taking out, as I said one section but adding it into the study on the other.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Okay, and thank you Senator Upson, and through you Madam President, to Senator Upson, the section of the Amendment, Lines 35 and thereafter that refers to Line 408 of the bill, which comes in Section 10.

Section 10 of the bill has a definition under the file copy referring to the definition of sentence termination date, and the Amendment picks up following

Line 408 with a definition of probation termination date, meaning that the date, that supervision by the Office of Adult Probation ends for a period, for a person's sentence to a period of probation.

If Senator Upson might just explain how that, how that dovetails with the sentence termination date definition, because the two are then used in tandem throughout the rest of the bill, where sentence, there are several sections of the bill, several sections of the Amendment that insert the language "probation termination date" or "ahead of sentence termination date."

And if you might explain how they would dovetail in a particular case, and what might be the practical effect. Would it indeed mean a period of supervision of ten years, and if so, pegged from what date.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Thank you Madam President. You're quite correct, 408 adds a new Section 3, which talks about a probation termination date. First of all, a sentence termination date is in fact that there's a sentence of twenty years, so to speak. The registration of Meagan's Law, so to speak, will start thereafter, ten years from the

date of that sentence, which we call the sentence termination date.

If somebody gets probation, however, ahead of the sentence, let's say there's still sentence to fifteen years, but they have a probation date, they have a probation after twelve years they have a probation three years. That probation termination date would be, would, it may be a different date than the sentence and termination date, correct?

So, we're trying to dovetail those two so that there's no question that no one is caught not being registered, even during probation, parole, as well as those after the definite sentence date.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you Madam President. And through you Madam President to Senator Upson, just by putting in the definition of "probation termination date" following that of "sentence termination date." Because sentence termination date means the scheduled date of release from the correctional system if the convicted person served the maximum term or terms for which he was sentenced, without being released on parole.

So if that is the sentence termination date, and

the probation termination date means the date that supervision by the Office of Adult Probation ends for a person sentenced to a period of probation, just through you Madam President, just to make sure that by combining those two, as we do by virtue of the Amendment in the body of the bill thereafter, that we would not be under some circumstances reducing the period of probation, or reducing the period of supervision for someone who may have been released from prison substantially before his sentence termination date.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Through you Madam President. I believe this is to safety net, to encompass those cases where if someone is given a probation only, and not a sentence, let's say they're given ten years probation, they still would be, even, that's not a definite sentence in the sense that they're not sentenced to incarceration for ten years. If they're given a probation date, then the registration would begin after that probation date.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you Madam President, and Thank you Senator Upson. It was my, just intent to make sure that we were not by the compiling of definitions here, creating something that would in effect shorten the period of supervision since the intent of the bill in committee is to make sure that we have a lengthening of the reporting period, and period of supervision beyond whatever date someone is released from prison, or a release from the supervision of the Department of Probation.

Whether or not that probation occurred as the substitute for a prison sentence or in some other way. Thank you Madam President. Thank you Senator Upson.

THE CHAIR:

Thank you Senator Looney. Will you remark further? Will you remark further on Senate "A"? If not, I'll try your minds. All those in favor indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed nay. The aye's have it. The Amendment is adopted. Senator Upson.

SENATOR UPSON:

Yes, on the bill, Madam President, first of all I

want to thank Representative Lawlor, my co-chairman Senator Looney and other people on the Judiciary Committee because this was, and is, a bipartisan effort.

As you know, we passed a bill in the Senate which is now on the House Calendar, which simply extends Meagan's Law, which we passed last year. That's one year registration for sexual offenders to five years. This is quite a departure from that.

First of all, it creates a new crime, risk of injury, explained a little earlier, by having contact with the intimate parts of a child under sixteen, in a sexual and indecent manner, likely to impair the health or morals of the child.

This becomes a Class C felony. As we just explained the Amendment you passed would also, if someone subjects the child to touch the person, another person, their intimate parts. A new Class C felony. So Class A, and I'll give you some examples.

Class A, Class B, and Class C, felonies, all those crimes will be subject to Meagan's Law, where there's a registration of ten years after sentence, determinate sentence is completed.

And those registrations will be with the police department in the locale where the person lives. The

sexual offender must notify the local police authority wherever he changes his residence, or will be guilty of a Class A misdemeanor.

The, so this bill extends the registration from one to ten years. The local police authority may disclose otherwise confidential information to any specific person, if disclosure is necessary for the protection of that person.

The problem behind disclosure occurred in New Jersey. New Jersey statute, which is a registration statute, has provisions, three tier provisions: low risk of re-offense, moderate risk, and risk. These are of sexual offenders.

And one of the problems that's occurred is, that in the high risk, there is definite notification to the public. And two court cases have occurred that have challenged this, and suggesting it's another penalty the way it's written, because there's definite notification of members of the public.

It's like an additional penalty on the person. So that's why we've written it the way it is. The, also both cases, one is as I said, the New Jersey case, suggests that any broad disclosure of the public, is a federal case is obvious.

If sex offender information that, they may require

the disclosure be made by a neutral entity, such as a judge, that's not true with the New Jersey law, nor in ours, and receded by a hearing. Again, where there's due process requirements, we do not have those in this, so this is carefully drafted to withstand any possible challenges in that area. I've gone through most of it with you. Those crimes, sexual assault in the first degree, that's a Class B felony, aggravated sexual assault in the first degree also a Class B felony.

Sexual assault and spousal or cohabitating relationships, Class B felony. There's a list here if someone wants me to go through them. Sexual assault in the third degree with a firearm. Anything that's a Class, excuse me that's a Class D, excuse me.

Anything that's a Class A, B, or C felony would be part of this statute. If there's any questions, I'd be glad to entertain them.

THE CHAIR:

The question now is on passage of the bill as amended. Will you remark further? Senator Smith.

SENATOR SMITH:

Thank you Madam President. Through you to the proponent of the bill. I have a couple of questions regarding the notification provisions.

THE CHAIR:

Please proceed.

SENATOR SMITH:

It's my understanding that unlike the New Jersey law, this law does not provide for mandatory notification, even in the most serious cases.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, Madam President, that is correct.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

So that even in the most serious cases, if I have several small young children, and one of these people moves in across the street from me, I would never be notified of that.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

It's my understanding, Madam President, that it's not that you'd never be notified, but it would be up to the local police authority to disclose this otherwise confidential information. If in fact you were specific person, I realize it's vague, but it will be up to the police department to decide who to disclose to.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Is there a way that, that parents or concerned individuals could become a specified person?

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Well, again, that conjecture on my part, again this is drafted to avoid the, the like complaints that could be brought in this state and federal court. It would seem to me that there, if a parent was an activist parent and did go down and ask questions, they may become a specific person.

Again, I'm just giving you, that's my opinion off the top of my head. This legislation does not say that, however.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

So there is nothing in this bill then that would, that would require the notification of parents of small children, that in fact one of these serious predators has entered their neighborhood and is now a part of their community.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

That's correct. However, a probation officer, that's different. This is after the sentence is finished. There could be, during a probation term, a parole term, which is something voluntarily entered into on agreement, could be entered into during that time that notification as a condition of parole and probation.

So that's different. There's no question during that time the Board of Parole or the probation office determine, office department could make those stringent requirements. Stringent in the sense of, of a stringent being more stringent that we passed here today, if we do pass it.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Madam President, I had thought that the whole idea behind the whole Meagan's Law movement was to provide notification to individuals, particularly parents of young children, when predators of this type moved into their neighborhoods.

I understand the compromises that had to be

undergone in Judiciary, and the compromises that have led to this bill. I am not, however, satisfied with the notification provisions in this bill. I also understand that there has been a single federal district court case, the lowest federal district court that has questioned the constitutionality of the New Jersey law. And it doesn't seem to me that difficult to write a law here in Connecticut that would, that would overcome those constitutional questions.

We would just have to have it apply prospectively. The problem with the New Jersey law was that it applied retroactively so that people who are already convicted might already be subject to these notification provisions.

We could provide for community or broad scale notification, but allow the convicts to have in camera proceeding before a judge to indicate why these proceedings are, should not be applicable to them.

I intend to vote for this underlying bill. I'm not satisfied with these notification requirements, and would hope that we can address what appears to me, to be a fatal flaw in this statute. And I would hope that the General Assembly recognizes that fatal flaw, and that some point here in the process we can correct that.

Because this, in my opinion, this bill does not get at the underlying reason why we're even dealing with this, and that is notify parents, particularly of young children, that predators have moved into their neighbor. Thank you Madam President.

THE CHAIR:

Thank you Senator Smith. Will you remark further on the bill as amended?

SENATOR UPSON:

Just to reply for a second time, Madam President.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

And I agree with Senator Smith, but I believe that, a caution at this point in time until we know, there are two cases by the way, two federal cases, two decisions so far, in the district court.

And we have complied this bill to go along with those objections, and in both cases the district court found that these statutes were too broad. That is, these broad notification statutes of sexual offenders. So that, yes we have been cautious, and yet we are extending registration from one to ten years. We are allowing a police officer, a police chief from the town to disclose this to special specified people.

So it is a step in the right direction. And, Madam President, if there's no objection, alright, I was going to ask for a Consent Calendar, but I guess there's some discussion.

THE CHAIR:

Question now is on passage of the bill as amended, will you remark further? Senator Looney.

SENATOR LOONEY:

Yes, thank you Madam President. The heart of the bill, Madam President, I believe is at Lines 314 and thereafter. One of the things I just noticed in going through it and matching it up with the Amendment, I believe there is a, an incorrect reference that is, was not addressed in the Amendment after the deletion of Lines 163 to 268.

Lines 314 of the bill says whenever a sexual offender is defined in Section 6 of this act, I believe after the Amendment it should be Section 4. The correction is made in Lines 319 by way of the Amendment, but not in Line 315, where the first reference to Section 6, which should now be Section 4, is made.

Madam President, I'd just like to point out that technical flaw, whether or not the, I'll leave it up to the Chairman of the Committee if he would like to PT

the bill for corrected amendment, or just flag that for correction in the House.

But I would point out that in that section of the bill, Madam President, that is the expedited enforcement power. It says that whenever a sexual offender has violated the conditions of his probation by failing to notify his probation officer, we do have an expansion of the powers of probation officers here.

The probation officer may notify any police officer that such person has, in his judgment, violated the conditions of his probation, and such notice shall be sufficient warrant for the police officer to arrest such person and return him to the custody of the court, or to any suitable detention facility designated by the court.

That is really an expedited summary procedure. It does not require the probation officer to go to court to have a finding that there has been a violation of probation, it says in the judgment of the probation officer, the mere failure to provide that notification that is required, will allow the probation officer to go to a policeman.

There was some concern by the probation officers that they were going to be required to corral the person themselves, so the bill crafts the language to

say that the, rather than try to make the probation officer into a, into a police officer, and having to make an arrest in this case, the word of the probation officer in this case, will be sufficient to go to any police officer and that will be in itself sufficient warrant to have the police officer immediately take that person into custody without any prior time or the difficulty involved in a, in having to make a finding, or having to go to court for an order that there has been a violation of probation as you have to do for other kinds of events that would constitute a violation of probation.

So that is the main heart of the bill in terms of summary proceedings to make sure that there is teeth in enforcement in this. And I think that that takes us a long way in the direction of what we want to do. It is something that the Judiciary Committee in a bipartisan way, carefully crafted, and I think this is the heart of the bill, and will make a real difference. Thank you Madam President.

THE CHAIR:

Thank you Senator Looney. Will you remark further? Will you remark further? Question now then is on passage of the bill as amended. Senator Upson.

SENATOR UPSON:

Yes, for a third time, I'd just make one comment. Senator Looney is absolutely correct. The parole and probation process which was never involved in, let's say Meagan's Law in the sense of registration. That process is greatly strengthened with great responsibility placed in the hands of the probation and the parole officers, and with notice requirement. That's certainly different than the term, the sentence termination date where the ten years begins.

If I may, if there's no objection, Madam President, I'd ask this be placed on the Consent Calendar.

THE CHAIR:

The motion is to refer this item to the Consent Calendar. Without objection, so ordered.

THE CLERK:

Page 9, Calendar 216, Substitute for Senate Bill No. 909, AN ACT ADOPTING A SINGLE STEP PROCEDURE FOR EXECUTION OF A SELF-PROVED WILL, File 390, Favorable Report of Committee on Judiciary.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, Madam President, I move adoption of the Joint Committee's Favorable Report and passage of the bill.

adopted.

SENATOR ANISKOVICH:

Thank you Madam President. I think this bill has been adequately described twice now. And if there is no objection, I would move it to the Consent Calendar.

THE CHAIR:

Question is to move this item to the Consent Calendar. Without objection, so ordered. At this time would the Clerk call the Consent Calendar, and then announce dependency of a roll call vote.

THE CLERK:

An immediate roll call is 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.

Page 4, Calendar 108, Substitute for Senate Bill No. 913. Page 4, Calendar 126, Substitute for Senate Bill No. 337. Page 5, Calendar 154, Substitute for Senate Bill No. 1100. Page 6, Calendar 180, Substitute for House Bill No. 6736. Page 7, Calendar 190, Substitute for House Bill No. 6637. Page 8, Calendar 213, Substitute for Senate Bill No. 1101. Page 9, Calendar 215, Substitute for Senate Bill No. 872. Page 9, Calendar 216, Substitute for Senate Bill No. 909. Page 9, Calendar 220, Substitute for Senate Bill No.

1064. Page 10, Calendar 221, Substitute for Senate  
Bill No. 1079. Page 10, Calendar 225, Substitute for  
Senate Bill No. 1051. Page 12, Calendar 233, Senate  
Bill No. 225. Page 19, Calendar 40, Substitute for  
Senate Bill No. 841. Page 26, Calendar 178, House  
Joint Resolution No. 31.

THE CHAIR:

I believe also there is an additional Calendar item, Calendar 215, on Page 9, there was consent.

THE CLERK:

Page 9, Calendar 215, Substitute for Senate Bill  
No. 872.

THE CHAIR:

At this time the machine will be opened. Would the members please take their seat and cast their vote. And would the Clerk please announce again that we're in the process of a roll call.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted?

If so, the machine will be locked. Clerk please take a tally. Would the Clerk please announce the tally.

THE CLERK:

Total Number Voting	36
Necessary for Passage	19
Those voting Yea	36
Those voting Nay	0

THE CHAIR:

The items on the Consent Calendar are passed. At this time the Chair will entertain any points of personal privilege or announcements. Any announcements? Senator Fleming.

SENATOR FLEMING:

Yes, thank you Madam President. For the members, we expect to convene tomorrow at 2 p.m. I don't know if there are any announcements, if committee meetings, if not. I would move that the Senate stand adjourned, subject to the call of the Chair.

THE CHAIR:

Without objection, the Senate stands adjourned subject to the call of the Chair.

On a motion from Senator Fleming of the 9th, the Senate adjourned at 4:35 p.m. subject to the Call of the Chair.

S-380

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1995

VOL. 38

PART 10

3330-3696

federal mandatory requirement with respect to motor vehicles which weigh over 26,000 pounds, those having what is referred to as a CDL license.

The House Amendment has the effect of fixing, if you will, a problem related to small school buses which were intended to be exempt from the bill and they are. This would only require the testing of larger school buses, type 1 school buses that carry more than 16 passengers and I would urge passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?  
Will you remark?

SEN. ANISKOVICH:

Madam President, if there are no objections, I would move this item to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Page 21, Calendar 215, Substitute for SB872, An Act Concerning Sexual Offenders and the Penalty for the Assault or Sexual Assault of Children, as amended by Senate Amendment Schedule "A" and House Amendment Schedule "A" and "D". Favorable Report of the Committee on Judiciary, File 359, 771. House rejected Senate "A".

THE CHAIR:

Senator Upson.

SEN. UPSON:

Yes, Madam President. I move the Joint Committee's Favorable Report and move passage in accordance with the House.

THE CHAIR:

The question is on passage in concurrence with the House. Will you remark?

SEN. UPSON:

Yes, Madam President. This is so-called Megan's law which the Senate has already voted on. When it came out of the Judiciary Committee, there was a section having to do with what we call AR, accelerated rehabilitation which I had taken out here when we passed it here and put in another aspect of an AR bill, Madam President.

So what the House did was to put that back in. So all the accelerated rehabilitation sections are now back in, meaning you can't use AR for any felony A, B, C, or D felony having to do with risk of injury to a minor or any sexual assault crimes. And no one is against that, it was just where it should be placed. So I'm in accordance with that.

And then number two, the House added an amendment

through Representative Norton which talks about a person's guilty of assault in the first degree and it defines that as it already is defined, but anyway, further it says assault in the first degree is a class B felony and anyone, any person found guilty under this section shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim of the crime is the person under ten years of age.

So what the House has added to this is, anyone who assaulted a child under ten years of age who is guilty of a class B felony, that sentence cannot be reduced or suspended. At least ten years must be served.

So that, Madam President, I would ask passage of this in concurrence, in accordance and in concurrence with the House. The AR portions that I'll talk about later have to do with A and B felonies which have nothing to do with, in the sexual assault area per se, but we, there's an agreement in the House that it will be voted on as I wanted it.

This is part of Governor Rowland's program and one of the five pieces of legislation which he came out early for and as you remember, the death penalty was one. Accelerated rehabilitation not being used for A and B felonies was number two. Sexual assault crimes,

this is number three. Number four, Madam President was transfer of prisoners out of state and number five was treating 14 and 15 year old juveniles as adults if they've committed A or B felonies.

If there's no objection, we need a roll call on this one.

THE CHAIR:

Thank you, Senator Upson. Will you remark further on the bill? Will you remark further? If not, would the Clerk please announce a roll call vote. The machine will be open.

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:

Have all members voted? If all members have voted --

THE CLERK:

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

pat

70

Senate

May 25, 1995

003447

THE CHAIR:

If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Total number voting, 36; necessary for passage, 19. Those voting "yea", 36; those voting "nay", 0.

THE CHAIR:

The bill is passed. Senator Upson.

SEN. UPSON:

Yes, I move for immediate transmittal to the Governor's office. Perhaps Senator Nickerson can take it to him.

THE CHAIR:

Without objection, this item is immediately transmitted to the Governor's office.

THE CLERK:

Page 23, Calendar 168, SJR11, Resolution Concerning State Sovereignty Under the Tenth Amendment to the United States Constitution. Favorable Report of the Committee on Government Administration and Elections. Favorable Report of Senate Committee. File 301.

THE CHAIR:

Senator Smith.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 2  
370-725

1995

25  
pat

JUDICIARY

February 10, 1995

CHIEF JOHN KARANGEKIS: Yes, I have.

REP. O'NEILL: During the course of those discussions, have any of those police chiefs cited to you any examples of individuals to whom they issued one of these permits who then went forward and committed a crime using that weapon.

CHIEF JOHN KARANGEKIS: I believe yes, that has happened, generally in spontaneous assaults that are provoked either by domestic violence or (inaudible) situations and I can't identify who, but I certainly (inaudible) that does exist.

REP. O'NEILL: But you can't recollect a specific case.

CHIEF JOHN KARANGEKIS: I can't recollect.

SEN. UPSON: I'm going to ask a favor. We have 12 more speakers and we have 20 minutes. I hope you don't think I'm being rude.

REP. O'NEILL: I'm all finished. Thank you.

SEN. UPSON: Thank you very much. Could we have, thank you very much. Okay, we're going to ask, I'm not trying to be rude here. We're going to move on to, Representative Ward is next, followed by Commissioner Armstrong. Thank you very much.

CHIEF JOHN KARANGEKIS: Thank you.

REP. WARD: Good morning. Senator Upson, Representative Lawlor, it's a pleasure to be here, oh, my name is Bob Ward. I'm the State Representative from the 86th District. It's a pleasure to be here to testify before this Committee and frankly, after having been on the Committee for eight years, the thing I probably most miss in my new role is not being able to serve on that side of the table this morning.

I'm here to address five bills and I will be brief. I'm aware of the time limits. The five bills, working with the Governor's office and with the Republican caucuses have put together as a package that we think is important to adopt, to address the

SB 852

SB 873

SB 859

SB 861

SB 872

HB 5302

issue of crime in the State of Connecticut.

The first is SB852, the death penalty bill, which as I think all of you are aware, is very similar to the bills that were passed in the two previous General Assembly sessions but were vetoed. Those bills essentially, that bill essentially saying that there would be a weighing of the aggravating and mitigating circumstances under the current death penalty law to give us in fact a workable death penalty in the State of Connecticut.

There's commitment from the current Governor to sign it. I believe it's overwhelmingly supported by the people of the State of Connecticut and I would urge this Committee to act favorably on that bill.

The second bill, SB873 was intended to provide for the automatic transfer of any juvenile from Class A or Class B felony would not be treated in juvenile. We just urge the Committee to adopt the bill with an amendment and I know language --

SEN. UPSON: Substitute language.

REP. WARD: Right. And I just wanted to make clear for the record, probably the most important reason for me to be here this morning is to clarify what was intended is that if it is an A or a B felony, that it would automatically go to the superior court. Then the state's attorney could make a decision if whether or not an inappropriate charge was there it could go back. But the presumption is that it is an adult court if it is the A or the B felony and I would ask you to adopt the bill with that amendment.

In addition to speaking in support of SB859, which allows the Commissioner of Corrections to transfer prisoners to facilities in other jurisdictions. The current law allows that if it's for the health or protection of the individual prisoner, or related to a swap of prisoners. We believe with the gang problems that are in the prison now, and the overcrowding in our prisons despite the best efforts to increase that prison space, that the Corrections Commissioner ought to have a great more flexibility.

If there's a gang leader, perhaps they ought to be serving a sentence in a prison in Texas or Arizona

so that they can't continue to operate their crime operations out of prisons in Connecticut. Make sure that the guards are the ones that control the prisons. Give them this weapon in terms to control the prisoners, to move those who are most disruptive out of state and in addition, to give the taxpayers the option for some lower cost options if we need that as we face prison overcrowding.

So I strongly urge you to adopt that, provide the Commissioner of Correction with much greater flexibility with regard to the use of out-of-state facilities.

In addition, to speak in favor of SB861, which is to limit the use of accelerated rehabilitation, essentially saying that it cannot be used for an A, B or C felony and certain felony, unclassified felony, drug offenses that are outlined in the bill.

In addition, to speak in support of SB872, which would require a change in last year's law from one year to five years, the so-called Megan's law, where we would have the registry of sexual offenders, that way the neighborhoods would know where they've lived not for just one year after being discharged from prison, but five years after being discharged from prison.

We think that is appropriate, that last year's bill was the right step in the right direction but perhaps is too short a time for people not to know whether that person is likely to offend again, and in terms of protection to the neighborhood, that it's appropriate that there be a five year period and I think it is fair to say that if you've committed one of those serious sexual offenses, that the people around you know about that adult felony conviction, so that if they feel they need to do something to protect themselves or their families, at least the awareness allows them to take that measure of self-protection.

Those five bills together, I think are an important step in dealing with crime in Connecticut. It's

probably not the only thing that needs to be done. There are some other good things on your agenda. Personally, I also speak in favor of the bill which HB 5302 would change the exclusionary rule to provide in Connecticut a good faith exception as the U. S. Supreme Court has allowed a good faith exception under its Constitution. I think we can do that statutorily here, so I would urge the Committee also to adopt that bill.

With those steps, I think we will really crack down on juvenile crime. We will provide an appropriate penalty for the most heinous of the murders and we will deal with prison overcrowding and more importantly, the control of prisons. Thank you for allowing me to testify here this morning.

SEN. UPSON: Thank you. Any questions?

REP. LAWLOR: Good morning. Did you say the sex SB 872 offender bill requires notification of neighbors?

REP. WARD: No, it's the register, it's not the specific notification of the neighbors, but it's the registration of address with the police so that there could be that information obtained.

REP. LAWLOR: But doesn't the bill that you're testifying in favor of make it a crime for the police to disseminate that information in the community?

REP. WARD: It extends from one year, it is exactly last year's bill but it extends the period for the additional four years.

REP. LAWLOR: But if I'm reading it correctly, it says this information shall be confidential and not subject to disclosure to any person other than the custodian or the law enforcement officer. Any person who discloses any such information shall be guilty of a Class C misdemeanor.

REP. WARD: I think that it still would allow that protection. I would indicate to you that if it could be done constitutionally, personally, I would favor allowing that information to be given out

further and that my understanding that the language was put in last year because of constitutional concerns. But I think maintaining the registry still will allow the protection by the local police department knowing where the person is, which could provide that protection. If there's a way to extend it, I certainly would be supportive of that.

REP. LAWLOR: Well, as far as you know, isn't it already required any person on parole or probation has to register with the local police department every time they move for as long they're on parole or probation?>

REP. WARD: This, I believe, could extend beyond to someone who had served a sentence that was not on parole or probation. They would not --

REP. LAWLOR: Is that happening in Connecticut?

REP. WARD: I think that it can, that a person can serve a sentence, especially if you went to one year it might not. When you go to five years, there may well be somebody in that five year period their probation has expired.

REP. LAWLOR: And how automatic transfer of juveniles to the adult court, do you know if the prosecutors support that, that every B and C, or A and B felony be transferred immediately SB 873

REP. WARD: Chief State's Attorney Bailey indicated to me that he did. I can't speak for all the other prosecutors in the state.

REP. LAWLOR: Has he told you that?

REP. WARD: Yes. In fact, because there was a mistake in language, he specifically asked me which it was we had intended, and I had said the intention was for automatically the A and B to be transferred to superior court for the state's attorneys to act, and he indicated that's what he thought that he had asked for and that he did agree with that.

REP. LAWLOR: So that every juvenile arrested charged with an A or a B felony would first have to go to

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 3  
726-1092

1995

gotten theirs, and I hope you don't take it the wrong way. Thank you very much. Patti Moreno, on Bill SB872. She's the eighth speaker. And we have 21 on the first page, 21 on the second page, 21 on the third page, 8 on the fourth, but some of the people are going to double up, I understand.

PATTI MORENO: Senator Upson, Representative Lawlor, members of the Judiciary Committee. My name is Patti Moreno. I live in Waterbury with my husband and our 16 year old son. I am the mother of a child who was sexually molested.

May I begin by thanking you for giving me the opportunity to address this Committee here today, to help you understand my concerns and my pleas to you, I will attempt to briefly recreate the horrific events which led up to my presence before you here today.

September, 1992, the police notified us that they had received information from the Boston Police Department that our son, our only child, had been sexually molested for the past two years. After they spoke to our son, these allegations were confirmed. It was at that very moment that our lives as we knew them, changed forever.

Our nightmare, ladies and gentleman, had begun. Within days, Father Terry as he was known by all, was arrested and within the next two months he was arrested two more times, once for sexual assault in the fourth degree with a Seymour youth, another time for risk of injury to a minor with a Cheshire youth.

During the next 15 months, Mr. Manspeaker maintained his innocence. He accused my son and the other two children of lying. As a result of this, my son was ostracized from the very children he had been in school with for years. They were not allowed to speak with him, they were not allowed to associate with him. Overnight, my family and I had become outcasts.

Our lives had now become a tangled web of therapy session and court dates. Throughout this horrific

ordeal, Mr. Manspeaker maintained his innocence until the day he was made aware that my son's therapist felt this had gone on too long, there needed to be closure.

Mr. Manspeaker needed to admit guilt, in court, unconditionally. Not a nolo contendere, not an (inaudible), just a guilty plea. Immediately, he and his attorney seized the opportunity to do so with the condition there be no jail time involved.

It was the considered opinion of all involved, that the teenaged boys be protected at all costs at this point in time from the trauma of a trial. What a skilled attorney could do to teenaged boys, young teenaged boy sin five minutes on a witness stand, could perhaps take a lifetime of therapy to undo. We were not willing to take that chance, and I wonder how many of you would be.

On Friday, January 28, 1994, 15 months after he was arrested, Terry Manspeaker admitted his guilt in court. He was sentenced by the Honorable Judge Christine Keller and blasted by her, saying he had robbed these boys of their childhood. He had robbed the families of their faith. She said if he was on trial for hypocrisy he would be sentenced to life in prison. She found his actions insidious, taking advantage of the children's devotion, she found him to have no remorse and no regret.

This pedophile admitted to molesting children, and I ask you, was justice served. Ladies and gentlemen, you here have the power to pass legislation that sends a strong message to all, and that message being that the rights of children are important and the rights of children matter you, and to all the citizens of Connecticut, more than child molesters.

SEN. UPSON: Miss Moreno.

PATTI MORENO: You can make a difference.

REP. LAWLOR: Unfortunately, trying to observe the three minute limit, but let me just ask you a couple of questions. First of all, I think there's some good

news, though, that just yesterday a group of legislators conferred with our parole and probation authorities in Connecticut and to ask exactly what they were doing for people who are convicted sex offenders after they are released into the community, in other words, how are they supervised.

And they have decided both the parole, which is the office that handles people when they get out of prison and probation are the people, such as Manspeaker here, they're developing a special group of parole and probation officers which will do nothing but sex offender monitoring and they'll have the ability to talk to neighbors and talk to employers and veto potential living places for anybody who is in this category and return them immediately to prison without even the benefit of a trial if they break these rules.

And they're about to have a training session next month, or later this month, actually, to go over exactly how this system is going to work. And as you know that you've got the bill before us today, the registration requirements, plus what will take place in the parole system and we're hopeful that the kind of situation that happened in your case won't happen again.

And a couple of years ago we passed a statute that allows for lifetime probation for anyone convicted of a sex offender type of offense, up to 35 years on probation, which is an extraordinary thing in our criminal justice system. So, we've heard your message loudly and clearly. I don't know if other members of the Committee have a question.

SEN. UPSON: Just also, that we'll have something in Waterbury on the 27th, if you want to be there for the same testimony. Representative Mazzoccoli.

REP. MAZZOCOLI: Currently, this law that we're proposing will not allow for public disclosure. Do you agree with that provision?

PATTI MORENO: No, I do not. No, I do not. I feel that citizens have the right to know if a molester is moving in their area. The advocates for the rights

of the molester must realize, and must take into account, and must feel that the first time that that molester laid his filthy hand on an innocent child, he relinquished all his rights.

REP. LAWLOR: Do you have another question?

SEN. UPSON: The victims do know, though.

REP. LAWLOR: Under the rules that govern probation parole officers, they're allowed to notify neighbors and stuff like that.

PATTI MORENO: May I? May I say something? Mr. Manspeaker was sentenced January 28th. Within --

REP. LAWLOR: This year?

PATTI MORENO: -- of 1994, a year ago. Within two weeks, his conditions, the probation conditions where Judge Christine Keller gave him as many as she could, he cannot join a health club. He cannot associate or be in the presence of anyone under the age of 18. He must remain in Connecticut and maintain full-time employment here.

Within two weeks of his being sentenced, he was evaluated at the John Hopkins Sexual Assault Center in Maryland, which shows he had absolutely no intention of remaining in Connecticut.

REP. LAWLOR: Did he get the permission of his probation officer?

PATTI MORENO: Yes, he did. He just, he had put in the request for modification of probation.

REP. LAWLOR: You're not allowed to go out-of-state.

PATTI MORENO: And now he is moving out of state, and this is my concern, Representative Mazzoccoli, because now within the next week or so, the probation officers are going to let me know where he is moving in Maryland. But that is not going to protect the children of Maryland. I know where he is, but no one there knows what he has done. And my objection to his moving, his parole officer

143  
pat

JUDICIARY

February 10, 1995

objected, the one he had in Waterbury. His second parole officer objected. His therapist objected, because this is the fourth therapist that he has been with. Dr. Berlin will be the fifth therapist.

REP. LAWLOR: Who allowed it?

SEN. UPSON: Who's letting him go?

PATTI MORENO: The judge.

: (Inaudible)

PATTI MORENO: Oh no, oh, no, Judge Sylvester. Judge Sylvester granted, and Kara Eschuk, the prosecution, the prosecutor.

SEN. UPSON: She agreed to it?

PATTI MORENO: No, absolutely not. She was against it. The parole officers were against it, the therapist was against it. I spoke in court. Everyone was against it, and yet, weeks later, she called me with the decision. He is leaving.

SEN. UPSON: And what about probation down in Maryland. Do you know what arrangements were made?

PATTI MORENO: Well, they're making arrangements now for him in Maryland, but my point, and those of you who are from the Waterbury area know, there were 42 articles in the paper in Waterbury. It was on the news, and I felt, probation cannot monitor these people as good as the probation system is, they can't monitor criminals seven days a week, 24 hours a day. The public was doing this.

If he befriended anyone, his name, perhaps would have rang a bell with a friend, a relative, a neighbor, so he wouldn't be able to ingratiate himself in a family with children. But in Maryland, no one knows anything, and that was our objection.

REP. LAWLOR: Any other questions? If not, thank you very much. Next, we're going to break the procedure just in a small way, but I think you'll

understand the reason. There were 35 persons who signed up to testify on the list starting with the next speaker and they essentially are a group and they've agreed to instead of all 35 testifying, four groups of three persons each will testify and make a statement, so for that reason, next we're calling the group of Phil Gattis, Nancy Winter and Susi Fros.

PHIL GATTIS: Good afternoon, Senators and SB 852  
Representatives, thank you for allowing me to testify. My name is Phil Gattis, a member of the Hutterian Brethren Church in Norfolk, Connecticut, and over 100 of us are here today to oppose the death penalty.

I would like to turn your attention to written testimony that you have from us, a statement from our Church, and also my statement, both of which are too long to read now. But I'd like to give you a small personal story.

I was a regular prison visitor at a county jail in Pennsylvania. I worked with inmates and their families. I got to know a young man who was charged with murder. The young man from a broken home, a deprived background. He was a young man with a history of violent offenses and alcohol abuse. He was charged with a brutal, horrible murder and was convicted.

I was attending his trial. I was sitting with his mother and sister. I was sitting behind the parents of the victim, in an atmosphere of hate so thick and I heard the judge who was a friend of mine, sentence this man to death. And I will never forget that moment and I know that it doesn't, and wouldn't heal or comfort anyone, definitely not the victim, not those grieving parents, not the outraged citizens of the county, not Mark or his family, not me, no one.

Now for over nine years, Mark has been a regular and active correspondent to myself and many other members and children in our community. He takes an active interest in the children's activities, especially in their love of the out of doors, which



000901

OFFICE OF  
THE CHIEF STATE'S ATTORNEY  
340 QUINNIPIAC STREET  
P.O. BOX 5000  
WALLINGFORD, CONNECTICUT 06492  
(203) 265-2373

## Memorandum

TO: *Judiciary Committee*

FROM: *John F. Cronan*  
*Executive Assistant* *JFC* *State's Attorney*

DATE: *February 10, 1995*

SUBJECT: *Public Hearing Testimony*

*The Chief State's Attorney's Office supports the following proposals:*

S.B. 670      A.A.C. Murder of a Child

S.B. 861      A.A.C. Accelerated Rehabilitation

S.B. 872      A.A.C. Registration of Sexual Offenders

H.B. 6582      A.A.C. Carrying Dangerous Weapons

(HB 5302)      H.B. 5308      A.A.C. A Good Faith Exception to the Exclusionary Rule

*The Chief State's Attorney's Office supports the concepts of the following proposals but further work appears to be needed on the wording of the bills:*

S.B. 873      A.A.C. Prosecution of Serious Juvenile Offenders

H.B. 5278      A.A.C. Persistent Dangerous Felony Offenders

H.B. 5631      A.A.C. Stalking

TESTIMONY OF STATE REP. ROBERT M. WARD...Judiciary Committee  
February 10, 1995

GOOD MORNING SENATOR UPSON, REP. LAWLOR AND MEMBERS OF THE  
JUDICIARY COMMITTEE:

I AM HERE TODAY TO SPEAK IN FAVOR OF SEVERAL BILLS THAT ARE  
ON YOUR AGENDA THIS MORNING.

SPECIFICALLY, THE BILLS ARE ONES AIMED AT REDUCING VIOLENT  
CRIME IN CONNECTICUT BY PROVIDING TOUGHER SENTENCES FOR THOSE  
WHO COMMIT VIOLENT CRIMES.

WE HAVE STUDIED THE CAUSES OF CRIME AND WE HAVE ENOUGH  
THEORIES ABOUT WHAT MAKES VIOLENT CRIMINALS TICK. WHAT WE  
NEED TO DO IS TO BEGIN TO FIGHT BACK AGAINST THOSE VIOLENT  
CRIMINALS WHO PREY ON LAW ABIDING CITIZENS.

WE CAN BEGIN TO FIGHT BACK BY PASSING THESE BILLS THAT ARE  
BEFORE YOUR COMMITTEE:

1) SENATE BILL 852. THIS BILL WILL MAKE CONNECTICUT'S  
DEATH PENALTY MORE WORKABLE. IT WILL ALLOW JUDGES AND JURIES  
TO DECIDE IF SPECIFIC MITIGATING CIRCUMSTANCES ACTUALLY  
OUTWEIGH THE AGGRAVATING CIRCUMSTANCES INVOLVED IN A CAPITAL  
OFFENSE..

THIS IS SIMILAR TO BILLS THAT HAD PASSED IN 1993 AND 1994 BUT  
WERE VETOED BY GOVERNOR WEICKER. IF WE PASS IT THIS YEAR, WE  
CAN BE CERTAIN THAT GOVERNOR ROWLAND WILL SIGN IT.

2) SENATE BILL 873. THIS BILL WILL PROVIDE FOR THE AUTOMATIC  
TRANSFER OF JUVENILES TO THE ADULT COURT IF THEY ARE ACCUSED  
OF A CLASS A OR CLASS B FELONY.

THIS WILL PROVIDE THE STATE'S ATTORNEY WITH A NEW AND  
EFFECTIVE WEAPON AGAINST THOSE 14 AND 15 YEAR-OLDS WHO HAVE  
BEEN TRIED AS JUVENILES EVEN THOUGH THEY HAVE COMMITTED ADULT  
CRIMES.

3) SENATE BILL 859. THIS BILL WILL ALLOW THE COMMISSIONER OF  
CORRECTION TO TRANSFER PRISONERS TO FACILITIES IN OTHER  
STATES AT HIS DISCRETION AND NOT SIMPLY IF THE HEALTH AND  
WELFARE OF THE INMATE REQUIRES IT.

THIS WILL HELP REDUCE THE COST OF INCARCERATION, REDUCE  
PRISON OVERCROWDING AND PROVIDE THE COMMISSIONER WITH MORE  
CONTROL OVER OUR INMATE POPULATION AS A WHOLE.

4) SENATE BILL 861. THIS BILL WILL RESTORE INTEGRITY TO THE  
ACCELERATED PRETRIAL REHABILITATION PROGRAM BY GREATLY  
LIMITING ITS USE. INDIVIDUALS CHARGED WITH CLASS A, B, OR C  
FELONIES OR DRUG OFFENSES WOULD BE BARRED FROM THE PROGRAM.

5) THE FINAL BILL IS SENATE BILL 872. THIS BILL WOULD REQUIRE THAT REPEAT AND COMPULSIVE SEX OFFENDERS TO REGISTER WITH LOCAL POLICE FOR 5 YEARS BEYOND THE END OF THEIR SENTENCES.

I THINK IT IS TIME THAT WE RESPOND TO THE NUMBER ONE CONCERN OF THE PEOPLE OF CONNECTICUT AND THAT IS THE EVER-INCREASING FEAR OF VIOLENT CRIME IN OUR CITIES AND TOWNS.

THE FIVE BILLS THAT I HAVE ADDRESSED TODAY WILL PROVIDE A GOOD FIRST STEP IN ADDRESSING THOSE CONCERNS AND I URGE THE MEMBERS OF THE JUDICIARY COMMITTEE TO ACT FAVORABLY ON THEM AS QUICKLY AS POSSIBLE SO THAT THE HOUSE AND SENATE CAN ENACT THEM INTO LAW THIS SESSION.

To: Senator Upson, Representative Lawlor, and the Members of the Judiciary SB872  
Committee.

From: Patricia Moreno

My name is Patti Moreno. I live in Waterbury with my husband Bob, and our 16 yr. old son, Bobby. I have been a teacher in Waterbury for the past 22 years. I am the mother of a child who was sexually molested.

May I begin by thanking you for allowing me the opportunity to address this Committee. To help you understand my concerns and my plea to you, I will attempt to recreate the horrific events which led up to my presence here today.

On Monday Sept. 28, 1992 I arrived home from school at approximately 2:30 P.M. I received a phone call from my husband at work who immediately assured me that our son was fine, but he went on to say that he had just received a call from the Wtby. Police Dept. saying that they wanted to question our son. They would say no more, only that someone from D.C.Y.S. would accompany them. Bob said it sounded urgent and an appointment was made for 5 o'clock that same afternoon. My husband then told me to ask Bobby when he arrived home from school if he had any idea what this was all about. When Bobby arrived home I told him what had transpired and he said that he had no idea what the police wanted to question him about. My husband arrived home at 4:30, he also spoke to Bobby and again he said he had no idea of what the police could possibly want. We had nothing to do but wait. At precisely 5 P.M. the doorbell rang. A detective from the Vice Squad of the Wtby. Police Dept. and a gentleman from D.C.Y.S. introduced themselves, and entered our home. They asked my son if he wouldn't mind leaving the room for a while because they wanted to speak to my husband and I alone first. I think both gentlemen sensed how apprehensive we were so they got right to the point. The Wtby. Police Dept. had received a call from the Boston Police Dept. giving them information that a former Deacon, at St. Lucy's Church, Terry Manspeaker had been sexually molesting a 14 yr. old altar boy for the past 2 years. The child's name was Bobby Moreno. It was at that very moment when our lives changed forever.

At that point I remember hearing what was being said, but feeling like I was watching it from a distance. What these men were saying just couldn't be true. My God! Things like this don't happen to ordinary people! This is something you read about, or see on TV, but it couldn't happen in Waterbury, New York City maybe, but not in Waterbury. Then the police asked to speak to our son to see if he would confirm or deny the allegations. The charges were confirmed! "Father Terry" as he was known by all had been molesting our son for the past 2 years. Our nightmare had begun. Within days "Father Terry" was arrested and within months arrested 2 more times, once, for Sexual Assault in the 4th degree with a former altar boy in Seymour, and another Risk of Injury to a Minor involving a Cheshire teen.

During the next 15 months Terry Manspeaker maintained his innocence. He told everyone Bobby was lying and making this story up. (Apparently the

other 2 children were also lying). As a result of this my son was completely ostracized by the very children he had been in school with for years. They were not allowed to speak to him nor associate with him. Many members of the Church wrote letters to the editor of local papers in support of this "wonderful man," and even parents of other altar boys (friends of my son's) were quoted in the paper as saying "I don't see the charges as being possible, he (Terry) has been a positive role model for my son." Overnight we had become outcasts.

Bobby had just begun his Freshman year of High School, and was about to begin Confirmation Classes and C.Y.O. The Pastor of the Church, (the Church I might add that my family had been parishioners of since my grandparents arrived from Italy, the Church in which my Aunt taught 3rd grade in for 18 years, the Church where my son served the 8 A.M. daily mass Mon. through Fri. and 4:15 on Sat. all during 7th and 8th grade.) had told me not to send Bobby for classes. He wanted a chance to speak with the children first and then he would call as to when Bobby would be able to attend the classes. That was Sept. of 92. My dear friends, I'm still waiting for that call.

We were all in therapy. We were in a Family Group, individual counseling and I was even in a Mother's Group. Thank God for S.A.C.S. Our lives had become a tangled web of therapy sessions and court dates.

Throughout this horrific ordeal Terry Manspeaker maintained his innocence until the day he was made aware of the fact that my son's therapist felt he needed closure. Bobby needed to be vindicated. He needed Terry to admit his guilt to the world UNCONDITIONALLY! No Alfred Doctrine, no No Lo Contendre, just a guilty plea! Immediately Terry and his attorney seized the opportunity. He would plead guilty but with one condition, NO JAIL TIME. What were we to do? It was the considered opinion of all, that the teenage boys be protected from the trauma of a trial. What a skilled attorney could do to a young teenage boy in 5 minutes on the witness stand may take years of therapy to undo. We were not willing to take that chance. Who among you would?

On Friday, January 28, 1994, Terry Manspeaker admitted his guilt and was sentenced. Superior Court Judge Christine Keller blasted Manspeaker saying he had robbed these boys of their childhood and the families of their faith. "If you were on trial for hypocrisy you would be sentenced to life in prison... I find your actions particularly insidious. You took advantage of children's devotion to their religion... You have no remorse or regret..."

This pedophile admitted to molesting children and was given a slap on the hand. Senator Upson, Rep. Lawlor, Ladies and Gentlemen, I ask you, is this justice? I fear not. I implore you, each and every one of you to make a commitment to protect the rights of our most precious gift from God, our children. Legislation is key and you Ladies and Gentlemen have the power to make it so. We need laws to protect our children. The suffering in my family and I have endured throughout this horrific ordeal need not be in vain. You and you alone are our hope. Pass legislation that sends a strong message to molesters, that message being, that the rights of children are important and matter MORE than

those of molesters. YOU can make a difference. You Ladies and Gentlemen can make the state of Ct. a safer place for our children.

There are so very many avenues which can be explored. Many believe that there are no simple answers, but I believe there are. Sexual molestation of children is a heinous crime. Those found guilty must be made to pay, and pay dearly. As for those who are advocates, for rights of the molester, I firmly believe that anyone who is a child molester lost all his/her rights the moment they laid there filthy hands on an innocent child.

Our young, energetic, newly elected Governor has small children, and I hope that he is listening and takes the time to become thoroughly familiar with my case, a case which occurred right in his own backyard. A case which is not unique.

Can there be any finer legacy, than if, when Governor Rowland passes on the torch to the next Governor, he leaves our State a safer place for children? Is there any way that this Distinguished Committee, along with Governor Rowland can do this better, than to send a message loud and clear, that not only in our words, but in our laws, it is crystal clear that our children matter more to us than child molesters.

Thank-You

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 5  
1503-1856

1995

37  
pat

JUDICIARY

February 27, 1995

under the law that they feel they're not, the way the law is set up that they can't issue an arrest warrant.

ATTY. JOHN BAILEY: We had some inquiry on it, but right now the stalking law is working. The problem you have is very simply, you have to have the same elements for the crime of stalking as you would any other. We have people who say that they were followed once. Well, is that stalking? And that is, semantics is a difficult issue.

REP. O'NEILL: But I guess what I'm saying is, or the question I'm asking though is, we have one particular episode that sort of came to our attention in one particular judicial district where there seemed to be difficulty, where the police would bring applications for warrants and not get them. Is that happening any place else, do you know?

ATTY. JOHN BAILEY: Not to my knowledge. I just heard about that case this afternoon. What I have asked the state's attorneys to do, because they don't really get the stalking warrants, I've asked them to contact their supervisors in the GA to find out if there is a problem with the stalking law and if there is, what is it and is there a problem signing warrants and I hope to have that information by Friday.

REP. O'NEILL: Thank you very much.

SEN. UPSON: Representative Jarjura.

REP. JARJURA: Yes, thank you, Mr. Chairman. Jack, a question. We've been looking at the issue of sexual offenders and of course you know, we have the registration law currently on the books, I think. And I'm aware of the problems with the Megan's law in New Jersey and the lawsuits and I was just wondering if your office had any suggestions as to coming up with some type of community notification provision which is constitutional?

SB872

ATTY. JOHN BAILEY: We are looking at that right now and

38  
pat

JUDICIARY

February 27, 1995

we came up with the New Jersey, that problem down there. And hopefully, again, our appellate unit is looking at that to make sure if we pass something, there is a change that we can meet the constitutional muster.

REP. JARJURA: I think Representative Lawlor is setting up a meeting with myself and Representative Amann and a few others, (inaudible) people of your office to go over that.

ATTY. JOHN BAILEY: Do you want me to give the answer to the two Chairmen, who do you want me to sent it to?

REP. LAWLOR: We're hoping to meet soon with the, we're specially training some probation and parole officers to do the supervision of the released sex offenders, so they're developing the strategy. We haven't been briefed on it yet, but Representative Winkler and a few others are involved in that.

ATTY. JOHN BAILEY: I'll try to get that to you as soon as I can.

REP. JARJURA: The other issue is, I don't know if it (SB 926) was the Governor's recommendation or recommendation (SB 953) of the Committee I'm on to deal with the juvenile (SB 964) justice problem, and that involves moving what they call the advocates, which are in reality, prosecutors, into your division to avoid that confidentiality problem and the lack of communication between what's going on in the juvenile court and what's going on in the adult court, and I was just wondering if you had any comments on that.

ATTY. JOHN BAILEY: We had a cross, we had a great many comments during our meeting today of the 12 state's attorneys. I'm sure everyone would have to be grandfathered in. I must be very candid with you. I think they're underfunded. I don't think they have the investigators. I don't think they have the manpower down there. We will be helping them, or you will be helping them very much if we take the A and B felons out.

One of the big problems they have now is, and I'll

the system whether it's plea bargaining or sentencing, or just finding out what's going on, so I comment you for your advocacy on this topic.

SEN. UPSON: Thank you. Any other questions? Also, I agree, not just having an advocate but to do more to make sure the crime isn't committed in the very beginning. Thank you very much, Sir.

SAMUEL RIEGER: Thank you.

SEN. UPSON: Governor Rowland. Welcome.

GOVERNOR JOHN ROWLAND: Thank you, Senator Upson, and members of the Committee. I want to thank you first for conducting this public hearing and especially for coming into my hometown, and the hometown of some of the members of the panel. And to you, Senator Upson, thank you for your championship of many of these issues over the past several years. Those of us that are your constituents appreciate it very much and we appreciate the efforts that have been made by the entire Committee.

I have submitted an extensive statement that I hope you will be able to put into the record. But what I'd like to do is just take a few short moments and we've got quite a turnout tonight in bad weather. But I'd like to take a few quick moments and share with you, I think, the sentiments of the people in this room for the most part, as well as the people across the state and I guess for me, and I just listened to the last few remarks by Sam Rieger who has been a friend of mine for many, many years, Sam and Wanda and listening to Sam's story and unfortunately, too many other people could get up and tell similar stories.

I think the message that I hope the Committee and certainly the entire House and Senate will get is that all of us, as law abiding citizens are sick and tired of what's happened in our cities, and there's a sense that we've lost control. And for me it goes way back, about 20 years ago when a high school friend of mine was brutally murdered outside of Mecca's Restaurant, and Tim, you'd know who I was talking about and I saw for a 20 year period,

SB 872

SB 926

SB 956

SB 958

SB 964

the despair of just one family and the hardship caused to one particular family going back over 20 years ago. And to this day, that family still suffers the loss of their brother and of their son. It's something I don't think all of us can appreciate.

And I think there's a sense when it comes to crime, that it's somebody else's family that it's going to happen to, that when these senseless murders take place that it doesn't affect us, it's kind of an out-of-sight, out-of-mind issue if you will.

And I think what you're seeing from these hearings and from previous hearings and the rallies that have been demonstrated up at the Capitol is that victims do have faces and victims do have families, and unfortunately the group is getting larger and larger and larger.

And the criminals for the most part are laughing at the criminal justice system. We know that a handful of years ago many of the convicts were serving about 15% of their time, 13% to 15% of their time, and we have legislation to change that.

But we also know that each and every day, especially in our cities and I think Waterbury is a very typical city with great neighborhoods and hard working people. And it's unfortunate that so many murders have taken place in this city. But I think it's typical of many other communities. And the outrage that's being expressed this evening.

Walter Williams family has also led the charge in not only imposing a workable death penalty but also expanding the death penalty which I hope will be an issue for further discussion at a different time.

But I look at what's happened in the Legislature and I know for the last several years that the House and the Senate have passed a workable, enforceable death penalty. Unfortunately, it's not been signed by the executive branch.

The reason I wanted to be here tonight was to encourage you to pass that legislation as soon as

possible. I will sign that bill immediately. And to continue on with your work on other issues. We've given you a list of issues ranging from truth in sentencing to sending convicts out of state, to requiring that sex offenders register in the local police departments, that violent crimes committed by 14 and 15 year olds, these individuals be treated in the adult courts. And even expanding the local police departments and in the case of the state, we will support as many as 100 new police officers in the neediest cities.

So we've offered a rather expansive program to fight crime. In my budget address last week, we proposed spending approximately \$44 million in more funds directed at correctional institutions, directed at juveniles, first time offenders, preventative programs, programs like CJR and many others.

And so tonight I hope that you will bring back with you to the Legislature and your respective houses, the House and Senate, the sense of fear, the sense of frustration, that so many law abiding citizens have in the state. The sense that we've lost our neighborhoods and that in many cases, especially in the large cities, we can't even go out at night and the sense of frustration that the system's not working.

And as I've said so many times in the past, that the wrong people are afraid. I think it's about time we started making the right people afraid and those are the people that commit, especially the violent crimes against society.

And it's our responsibility, elected legislators and elected officials, to make sure that the laws are upheld and to make sure that we have real deterrents to crime out there and that we satisfy the needs of the hard working families and law abiding citizens here tonight that probably could be in any city or any community across the State of Connecticut.

And I think the individuals that will be expressing their comments for the next hour or two will tell

you of their personal problems and what they've had to deal with, with the loss of a loved one. Victims rights have not had nearly enough attention. We have an effort, or a proposal to make it part of the Constitution. That we spend as much time and attention on victims' rights as we do on prisoners' rights and criminals' rights.

And so tonight, I would like to thank you all for being here and take time from your busy schedules to listen to the concerns of those in the Waterbury community and we salute you for those efforts and on my behalf, I look forward to working with you and passing these legislative reforms and signing them as soon as possible so we could start to send the right messages back to all of our streets and back to all of our neighborhoods. Thank you.

SEN. UPSON: Thank you, Governor Rowland. Are there any questions? Representative Lawlor.

REP. LAWLOR: Governor, let me say thank for coming tonight, because the issue of victims rights is something that's been ignored for far too long. But I think one of the frustrations we have is that we have changed the rules that apply to sentencing and so can I ask you tonight, will you commit that your Board of Parole will deny parole to every serious offender, starting tomorrow, who has not served 85% of his time.

GOVERNOR JOHN ROWLAND: Well, I'd love to go to 100% and it was a compromise for me to even go to 85%. As you well know, Representative Lawlor, up until about 1989, criminals were serving about 13% of their sentence on average. Legislation was passed recently that brought that up to 50%, and I think on average, and Mr. Bailey could share with you the exact numbers, the average probably came up to about 45%. And now with this legislation and efforts by the Board, of course, I'd like to eliminate the Board altogether, but that's a whole other issue. What we would do is make sure that we maintain the 85%.

There are some ramifications also from the federal crime bill and that the state that has truth in

sentencing and adheres to that gets some economic benefits in terms of money coming from the federal government. So there's some economic incentives for matching funds. So we look forward to doing that.

REP. LAWLOR: My question is, though, you appoint the Board of Parole.

GOVERNOR JOHN ROWLAND: That's correct.

REP. LAWLOR: Will you commit to us tonight, that starting tomorrow, no one, no serious offender will receive parole if they have served less than 85% of their time?

GOVERNOR JOHN ROWLAND: Well, Mr. Lawlor as you know, there are members of the Board that are on there from the previous administration so we have not had a chance to replace all those positions yet. And once my appointees are there, I will assure that the members that go on that Board will maintain our 85% rule.

REP. LAWLOR: and one other question. Aside from parole, people who receive a sentence of less than two years don't go before the Parole Board. Their release decisions, they are made by the Commissioner of Corrections. And he, since we have repealed all the good time statutes, he has the sole discretion on when people are released from prison, so will you commit tonight to order your Commissioner of Corrections tomorrow to refuse to release any serious offender who has served less than 85% of his time.

GOVERNOR JOHN ROWLAND: We've already talked to, I've already talked to the Commissioner. We talked about this issue and many other issue including shipping prisoners out of state. We have a proposal, for example, to ship 500 prisoners out of state to private facilities to break up the gangs.

You will also see proposals coming down the path to get rid of the 110% arbitrary commitment by the state for overcrowding and you'll find that Mr. Armstrong will take a very hard line. I spent

personally, months and months and months interviewing various individuals for the Department of Corrections position and you'll find Mr. Armstrong will support this administration's position on the 85% rule. You'll find Mr. Armstrong will support much of what I've talked about in our crime package and he understands the philosophy of this administration as well as Peter Matos and Jack Tokarz who are his two deputies.

REP. LAWLOR: And I think I'm going to testify tomorrow, Commissioner Armstrong is by far the best choice that could have been made and I certainly congratulate you on that. He and Deputy Commissioner Matos and Tokarz. Wonderful choices.

GOVERNOR JOHN ROWLAND: Couldn't find a better team. As a matter of fact, someone in the press said, you've taken all this time to actually promote from within and I said the good news is that we interviewed commissioners from all over the country and found that we had the best from within and we had something to compare it to. So I'm very proud of these three individuals and they've already done a great job in restoring the morale within the Corrections officers. The whole attitude of our prison facilities has changed dramatically as it has in the Department of Public Safety with the appointment of Commissioner Ken Kirschner who is doing a tremendous job, and again, someone from within and who will maintain those commitments.

REP. LAWLOR: It's a great tragedy in the last few years the morale situation in the Department of Corrections and it's finally restored, so it's good news for all of us.

GOVERNOR JOHN ROWLAND: Thank you.

SEN. UPSON: Are there any other questions? Thank you very much.

GOVERNOR JOHN ROWLAND: Gentlemen, thank you very much.

SEN. UPSON: By the way when you go out, you'll see the hall and box office area is not big enough and I have a bill in for \$350,000 to expand it, and Dr.

Sanders here I think supports it.

GOVERNOR JOHN ROWLAND: Senator Upson, I know that you would never turn down an opportunity to lobby and I appreciate that very much.

SEN. UPSON: Thank you. Reverend Stuart Brush.

REV. STUART BRUSH: I have never followed a Governor. I'm Reverend Stuart Brush from Woodbury, a United Church of Christ minister. I'm vice-president of the Survivors of Homicide Group for the State of Connecticut although I do not speak officially on their behalf.

I'm also the chairman of the Victims Rights Committee of the Department of Church and Society for the United Church of Christ and yet I also do not speak officially on their behalf.

I'm also the father of Dean Brush, the Dominoes Pizza delivery boy who was murdered in 1983, and I guess we just never get over --

Cass. 3 (GAP FROM CASS. 2 TO CASS. 3)

Earlier, our Survivors of Homicide Group did make a position paper with six different positions on it and I think that most of you at some point over the past couple of years since this has been bandied about, understand the positions of the Survivors Group. If you don't, I can get that to you.

But I centered my thoughts tonight especially upon the subject of the death penalty and I had a paper (SB852) that you people have in your hands this evening. I won't try to read the entire paper, that's not my intention, but in this paper you'll find four points.

Maybe I will try to explain the first three points and let you take the fourth section and look at it in your personal time. The fourth section, I think you'll find it of interest because it's a fresh look at biblical considerations. So much of what we do is as a result of our Judeo-Christian ethic and it's not very often that someone speaks in

Testimony of  
**Governor John G. Rowland**  
Before the Judiciary Committee  
Monday, February 27, 1995

**CONCERNING RAISED SENATE BILLS 872, 926, 956, 958, and 964**

Good evening. I would like to take this opportunity to thank the members of the Judiciary Committee for the opportunity to speak to you this evening on these matters of great importance to all of us. Average, law-abiding citizens are insisting that we take back our streets.

I especially want to thank Senator Tim Upson for his leadership in bringing this hearing to Waterbury. I think Tim and Senator Steve Somma are two of the finest State Senators in the history of Waterbury.

Sometimes, we elected officials become ensconced in the halls of the Capitol and Legislative Office Building and fail to hear the collective voices of the voters and residents who have entrusted us to run the affairs of state. Job and family responsibilities make it impossible for many to travel to Hartford after a long day's work to offer input on bills such as these. Therefore, I enthusiastically endorse bringing such legislative hearings to the people to ensure that we do hear the opinions of the average citizen and business owner — the people who are most impacted by our actions or inactions in Hartford.

I placed the issue of crime at the top of my agenda in last year's campaign and crime continues to be the top priority in my administration for one simple reason: If we truly want to make Connecticut a taxpayer-friendly State again, we all must recognize

that a safe Connecticut is the essential pre-condition to a prosperous and growing Connecticut. Strengthening our criminal justice system is as important as any issue we tackle in the next several months in Hartford.

Our citizens have a right to walk the streets in safety; to feel secure in their homes; to attend civic events or shop without fearing their vehicles will be stolen or that they will be personally assaulted.

My hometown is a prime example of how crime can begin to cripple the vitality of a city. Waterbury continues to be a wonderful city of close-knit, middle-class neighborhoods and bedrock values. I grew up able to walk the streets freely at any time. Locking doors was unheard of in my neighborhood.

But today, life in Waterbury is very different. In the past 15 years or so, crime has cast a shadow over Waterbury and our other major cities. Crime leads to the perception that Waterbury and our other cities are unsafe places to live and raise a family. And unless we meet this affliction head on, our efforts to revitalize our urban areas will be stymied.

To confront this problem head on, my budgetary and legislative package for the next two years offers several new proposals that build on the sound changes the state has made in Connecticut's criminal justice system over the past several years and ensures that criminals, not law-abiding citizens, will live in fear.

By implementing these initiatives, all aspects of our justice system, from local policing through the prison system, will be strengthened. The major elements of my anti-crime initiative include:

- Instituting a Truth-in-Sentencing law that requires serious offenders to serve no less than 85 percent of their prison sentences behind bars.

- Repealing the state statute that artificially limits prison capacity and sending 500 Connecticut prisoners to privately run prisons out of state.
- Restricting prison furloughs and prohibiting those accused of serious crimes from taking advantage of Accelerated Pretrial Rehabilitation.
- Requiring sex offenders to register with local police for a period of 5 years.
- Reforming the juvenile justice system to ensure that every juvenile offender receives an appropriate sanction, that 14- and 15-year-olds who commit violent crimes will be transferred to adult court, and that secure space at Long Lane School more than doubles.
- Expanding state support for local police by funding an additional 100 local police officers for our neediest communities under the Safe Neighborhoods Program.
- Attacking auto theft on a statewide basis under a joint initiative by state and local police.
- Revamping the way minor motor vehicle cases are handled to free-up prosecutors for serious criminal cases.
- Creating a state-of-the-art criminal justice information system to protect the public and allow law enforcement officers to fully share vital information.
- Finally, adopting an enforceable death penalty law that would allow the weighing of both aggravating and mitigating circumstances when deciding a capital felon's fate.

Several raised bills before the Committee today are critical to implementing this strong anti-crime package. Specifically: S.B. 872, S.B. 926, S.B. 956, S.B. 958, S.B. 964.

Almost everyone from the Waterbury area knows of the tragic story of Waterbury Police Officer Walter Williams III. Officer Williams was murdered on a North End street

in December of 1992. His killer, Richard Reynolds, was convicted of capital felony murder last September. The penalty phase of his trial, to determine whether Reynolds will be put to death or given a life sentence, began last week in Middletown.

During trial, it was shown that Reynolds brushed up against Williams when the officer was questioning Reynolds and an associate. After determining that Williams was wearing a bullet-proof vest, Reynolds turned around and murdered Officer Williams in cold blood.

My sympathy, and I know the sympathy of all Connecticut citizens, goes out to Officer Williams' widow, Jeanine; his mother, Helen; his entire family and all his friends as they live the tragedy of Walter's death once again. Nothing anyone can say can lessen the pain that is still all too real for them.

But it's too early to tell what sentence will be handed down on Reynolds because of the existing statute. Almost anyone would agree that Reynolds' act was cruel and heinous. It was assassination. In memory of Walter Williams, I say we need a capital punishment law that ensures a death sentence on our most heinous killers and does not allow them to escape the ultimate punishment because of an inconsequential event in their earlier life that today keeps a panel of judges or a jury from imposing a death sentence.

The people of Connecticut have long demanded changes to our death penalty law. In memory of Williams and other police officers felled by assassins' bullets, it's about time we deliver. Our bill will do exactly that.

I know that we all agree on the fundamental need to improve public safety in Connecticut. I have been impressed by the cooperation that the executive, legislative, and judicial branches have demonstrated in meeting the concerns of the public regarding

criminal and juvenile justice issues. Indeed, I hope to work with all concerned parties to help turn good ideas into sound policy. To this end, I also look forward to working with Representative Mike Lawlor and his fellow Democrats on some of their juvenile justice reform proposals.

The anti-crime proposals that I have included in my budget request and on our legislative agenda for the next biennium represent real progress in fighting crime. And the committee bills that I have testified in favor of this evening are key elements of my anti-crime initiative. I stand ready to continue to work with you on behalf of the citizens of Connecticut, and I therefore request the committee's favorable action on the above-referenced bills. Thank you again for the privilege of appearing before you.

Community Service  
Labor Program  
53a-39c (SB872)

The law should be changed:

1. Make anyone with a prior drug conviction anywhere in the country ineligible for the program; or
2. Make anyone with a prior record of any crime ineligible for the program; or
3. Make anyone with a prior felony conviction ineligible for the program; or
4. Make anyone with a prior DUI conviction ineligible for the program; or
5. Any combination of the above.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 11  
3629-3916

1995

## MEGAN'S LAW

As a people, America is doing a horrible job of protecting that which is most precious to us - our children.

Every year children all over our nation are assaulted, brutalized, murdered and disappear without a trace. We put their pictures on milk cartons, we put their pictures on fliers and we hope the problem will go away. The Kanka family was at least able to bury their precious child. There are hundreds of families in our nation that will not be allowed even that small dignity because their children will never be found. This is a national tragedy that transcends all people everywhere.

There is a growing body of evidence that *pedophilia sex offenders* cannot be cured and their behavior cannot be controlled. Therefore it is urgent that we take lawful, constitutional steps to protect our children.

At the very least any convicted *pedophile* released from prison cannot be allowed to reside in neighborhoods without the knowledge of the parents and children in that neighborhood.

This simple statement is the essence of MEGAN'S LAW.

## THE RIGHT TO KNOW

**PEDOPHILIA:**

A sexual disorder, also a sexual variance characterized by fantasies or actual behaviors on the part of an adult in which a prepubertal child is the sexual partner. A parallel characteristic is a preference on the part of the adult for this kind of activity over conventional adult relations.

The individual suffering from pedophilia is often termed a pedophile.

Pedophilia occurs at a fairly high level of frequency. About one-third of sex offenses fall into the category of child molestation. Most of the victims of this disorder are males, and they are most commonly in their middle years. Frequently the individual is low in intelligence, has a schizophrenic disorder, abuses alcohol or is socially withdrawn.

It is important to note that one-half or more of child molestation occurs with a person familiar to the child such as a relative or family friend.

Casual factors in pedophilia include a lack of adequate sexual education in childhood, a highly moralistic attitude toward sexually rigid religious training, inability to establish meaningful human relations with adults of the same, homosexual tendencies, beginning senility, and lack of sexual confidence.

Individuals with pedophilia are often prosecuted and may spend some time in prison or a mental hospital. Various treatment approaches have been used with pedophilia. A medical treatment is prescription of drugs designed to inhibit testosterone production and reduce the individual's sexual drive. Insight oriented psychotherapy is often used aiming to help the individual understand the roots of the disorder. More recently, various kinds of behavior therapies have been used aiming to help the individual develop negative associations with the desires and actions of the disorder. All of the treatment approaches have met with limited success. The disorder tends to be highly resistant to therapeutic intervention.

The Family Mental Health Encyclopedia, Frank J. Bruno, PhD. , Copywrite 1989, Published by: John Wiley+Sons, Inc..



BECAUSE EVERY CHILD  
should feel safe every day

# The Adam Walsh Center

New York

249 Highland Avenue  
Rochester, NY 14620  
tel. (716) 242-0900  
fax (716) 442-7577

## STATISTICS ON CHILD SEXUAL ABUSE

50 to 80% of cases go unreported, children tell an average of 4 times before they are believed.

By age 13, 1 in 3 girls and 1 in 4<sup>6</sup> boys will be sexually assaulted by someone they know.

Men who molest boys have more victims, 282 per molester versus 23 per molester for girls.

75 to 85% of the offenders are known to the family.

97% of offenders are male, 3% female.

70% of young prostitutes and 80% of female drug users were sexually abused by a family member.

The median age of child sexual abuse victims is 11. 21% of victims are females between the ages of 7-11 years, the two most common ages for abuse to begin is at age 3 and age 11.

60% of sexual assault occurs in the home of the victim or the offender.

40% of sexual abuse occurs over a period of time ranging from weeks to years.

63% of serious offenses are to boys; boys are molested for longer periods of time.

29% of offenders are strangers to the child.

74% of offenders have one or more prior convictions for sexual offenses against a child.

82% of offenders commit their first offense under the age of 30.

Between 1980 - 84 there was a 459% increase in reported sexual abuse crimes against children.

872

003763

TESTIMONY: By Anne D'Angelo

TO: Judiciary Committee

Subject: Neighborhood Notification of Sex Offenders Living in Their Area

DATE: April 6, 1995

If you felt that you had been given a tremendous gift, a blessing from heaven above, something that livens your entire life, that colored it, that made it beautiful and wonderful, that made you want to be alive, that gave you a feeling that the universe is profoundly good, would you in your wildest imagination suppose that you would go to a therapist to cure you of feeling good, of feeling loved? This was the answer a pedophile gave when asked if he would consider going to therapy to change his arousal.

Like the man above most pedophiles see nothing wrong with their behavior and have no desire to change. Recidivist rates for sex offenders are higher than any other violent crime. In a study in Massachusetts they studied the next 148 incoming child sex offenders and found 110 or 74% had one or more prior convictions for sexual offense against a child.\* A 1991 study showed 43% reoffended within 6 years.\* That is a minimal figure since not all of them get caught. And the number of offenses committed by those that got caught are probably many. Convicted child molesters have a victimized average of 62.4 girls and 30.6 boys.\* It is possible for one child molester to victimize 100's even 1000's of victims over his lifetime. Some studies show the incest abuser molests unrelated children in addition to his own about 50% of the time.\*

Abuser treatment is only about 10 years old and research shows that child molesters are rarely, if ever, rehabilitated.\* Only 1 in 10 offenders get any treatment behind bars experts say. Child sexual predators very rarely seek treatment on their own and when they are forced to go it is not for the six to nine years that it would take for treatment to be effective\* According to therapist who treat child predators it takes 1 to 2 years of therapy before the aggressor begins to show any empathy for his victim.

There is no cure for these men and women who prey on children to fill their sexual needs. At best they can learn to control their behavior, but only if they really want to. Few do.

So how are we going to protect society's children from the sexual predator? If we don't lock them up for life and we have no effective treatment then public warning seems to be all that is left. If I lived near a nuclear reactor I would have a right to be warned if it was likely to explode. There are danger

warning signs posted all over the place. Many towns blow the fire siren if a tornado is in the area. So why don't we have a right to know when our children are in danger of being molested by the next door neighbor?

Only death or prison can really prevent a pedophile from abusing. But neighborhood notification would act as a deterrent and make it more difficult for them to find victims. If they were seen bringing a child home a neighbor might report it if he knew a pedophile lived there. If neighborhood notification prevents the molester from abusing even a few children it is well worth the work and money to run the program since - there is no total recovery from child abuse. Period.\*

- \* Men Who Rape, A. Nicholas Groth
- \* 1991 study of molesters released from mental institutions published in Clinical Psychology
- \* Stanford, Able, Becker 1979
- \* Abel and colleagues; Dana Russell PhD; Abel
- \* A 1992 study of 767 rapist and child molesters found those who completed treatment were arrested more often than those who had not been treated at all; A Canadian survey that tracked released molesters for 20 years revealed 43% recidivism regardless of therapy; In a review of recidivism studies of sex offenders Furby, Weinrott, and Blackshaw 1989 claimed the tentative conclusion "nevertheless, we can at least say with confidence that there is no evidence that treatment effectively reduces sex offense recidivism.
- \* David D'Amora, director of The Connection
- \* Bob Priest, Therapist