

Legislative History for Connecticut Act

HB5312 (PA162) (FAX) 1995
Sen: 3650, 3791-3793 (4)
House 3349-3357 (9)
Judiciary: 3977, 3980 (2)
15p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1995

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Calendar 446, Substitute for HB5837 is pass retain.

Calendar 447, Substitute for HB5298 is marked go.

Calendar 453, HB5419 is marked pass retain.

Calendar 454, Substitute for SB1106 is marked pass retain.

On Calendar page 10, all of the items on Calendar page 10 are marked pass retain. I'll just read the Calendar numbers off: 455, 457, 458, 459, and 460.

On Calendar page 11, Calendar 461, SB950 is pass retain.

Calendar 467, HB6916 is pass retain.

Calendar 469, Substitute for HB7025 is marked go.

Calendar 472, HB6614 is marked go.

Calendar 479, HB6265 is marked pass retain.

On page 12, Calendar 493, Substitute for HB6939, is marked pass retain.

Calendar 494, Substitute for HB5486 is marked go.

Calendar 495, HB5312, Madam President, I would move that to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar.

Without objection, so ordered.

SEN. FLEMING:

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And I'm delighted to say that the money is in the budget to pay for this agreement, so I would move its adoption.

THE CHAIR:

Question is on adoption. Will you remark further? Will you remark further? Senator Genuario?

SEN. GENUARIO:

Madam President, if there's no objection, I believe this one we can put on the Consent Calendar.

THE CHAIR:

Without objection, this item is placed on the Consent Calendar.

At this time -- Senator Upson?

SEN. UPSON:

Yes, Madam President.

I move you call the Consent Calendar for vote.

THE CHAIR:

Would the Clerk please announce a roll call vote and call the Consent Calendar?

THE CLERK:

An immediate roll call on the Consent Calendar is being taken in the Senate. Will all Senators return to the Chamber?

An immediate roll call on the Consent Calendar is being taken in the Senate. Will all Senators please

return to the Chamber?

Page 1, Calendar 525, HJR43.

Page 3, Calendar 148, Substitute for SB1072.

Page 3, Calendar 244, SB998.

Page 4, Calendar 279, Substitute for HB6877.

Page 6, Calendar 396, Substitute for SB552.

Page 7, Calendar 417, Substitute for HB6917.

Page 11, Calendar 472, HB6614.

Page 12, Calendar 495, HB5312.

Page 12, Calendar 496, Substitute for HB6050.

Page 12, Calendar 497, Substitute for HB6963.

Page 13, Calendar 498, Substitute for HB6932.

Page 13, Calendar 499, Substitute for HB6602.

Page 13, Calendar 502, Substitute for HB6290.

Page 14, Calendar 503, HB6921.

Page 20, Calendar 210, Substitute for SB867.

Page 21, Calendar 250, Substitute for SB600.

Page 21, Calendar 324, SB959.

Page 23, Calendar 369, Substitute for SB1063.

Page 23, Calendar 371, Substitute for SB1143.

Page 25, Calendar 71, Substitute for SB850.

Page 25, Calendar 113, SB360.

Page 25, Calendar 150, SB1088.

Page 26, Calendar 223, Substitute for SB154.

Page 27, Calendar 337, Substitute for SB539.

Page 28, Calendar 486, Senate Resolution 46.

Page 28, Calendar 488, Senate Resolution 51.

THE CHAIR:

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

THE CLERK:

Total number voting, 35; necessary for passage, 18. Those voting yea, 35; those voting nay, 0.

THE CHAIR:

The Consent Calendar is adopted.

At this time the Chair will entertain points of personal privilege or announcements. Senator McDermott?

SEN. McDERMOTT:

Thank you, Madam President.

I rise for point of personal privilege.

THE CHAIR:

Please proceed.

SEN. McDERMOTT:

I'm honored today to have two very good friends of mine in the Chamber today, people who worked hard on my campaign and are very close friends. Up in the gallery up here is Bob Martino and Alan Jackson, my brother-in-law.

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Clerk, call Calendar 262 -- 362?

CLERK:

On Page 331, Calendar 262 --

DEPUTY SPEAKER HYSLOP:

362. Excuse me. 362. 362. I'm sorry. My error.

CLERK:

On Page 10 --

DEPUTY SPEAKER HYSLOP:

Right.

CLERK:

-- Calendar 362, HB 5312, AN ACT CONCERNING THE DEPORTATION OF INMATES WHO ARE ALIENS. Favorable report of the Committee on Judiciary.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor of the 99th.

REP. LAWLOR: (99th)

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

DEPUTY SPEAKER HYSLOP:

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

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This bill simply does two

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things. First of all, it requires the Board of Pardons to enter into an agreement with the Immigration and Naturalization Service similar to the agreement, I add by way of commentary, similar to the agreement entered into between the State of Florida and the INS, for the deportation of persons incarcerated in our state who are also subject to deportation by the INS.

And, secondly, it allows the Board of Pardons a power which they probably already have to grant a conditional commutation of punishment on the condition that that inmate is immediately taken into custody by the INS and deported from the United States.

I urge passage of the bill, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

The question is on passage. Will you remark further?

REP. RADCLIFFE: (123rd)

Mr. Speaker?

DEPUTY SPEAKER HYSLOP:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. A question to the proponent of the bill as to how this particular bill will interface with PA-85, which has, I take it, allowed eligible aliens to serve the balance of their

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sentence in their country of origin. Is this in any way in conflict with that? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This is similar, although different. That bill allowed for a country which has entered into a treaty with the United States Government to arrange for an inmate to serve a sentence in their home country for whatever the exact period of time which had been imposed.

For example, the way that system would work, if there was a person incarcerated in a Connecticut prison who was a French citizen who had received a sentence of ten years to serve for whatever crime, if all of the parties involved, in other words, the receiving country, the inmate and the sending state and country agree, that inmate could be returned to his country of origin and then serve the full sentence there.

This is different. This allows the United States -- well, this would allow the Board of Pardons to, in effect, commute conditionally the sentence of an inmate on the condition that they be turned over to the custody of the INS and then immediately deported from the United States. Once deported, they would not be

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subject, presumably, to any further punishment in the country to which they're being deported.

And this would apply only to inmates who already have an outstanding deportation order against them. In other words, when they finish their sentence, they would immediately be deported in any event.

DEPUTY SPEAKER HYSLOP:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you. Through you, Mr. Speaker. I believe a provision of that treaty requires that an individual not contest the underlying offense or not contest the conviction. Assuming an individual was deported and had a criminal record, particularly in a situation where that was a felony, that individual would then, I take it, be ineligible for re-entry into the United States. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you. First of all, this is not subject to a treaty, an international treaty agreement. This is simply a program organized by the Immigration and Naturalization Service. And one of the conditions that they imposed in the case of

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Florida -- and keep in mind this bill only allows our Board of Pardons, I assume with the advice and consent of a variety of people, to enter into an agreement with the INS which would set out the specific conditions.

But in the case of Florida, one of the conditions that was imposed was that the inmate being deported would have to waive any appeals of any deportation order or any appeals of the criminal charge that may have been pending in this case in the state of Connecticut and, once deported, would be ineligible to return to the United States. And if he did return, whatever balance of the sentence which had been imposed could be imposed on him again and, obviously, he'd be subject to deportation a second time.

REP. RADCLIFFE: (123rd)

Good. Through you, Mr. Speaker. Is the ineligibility to return the result of having a criminal conviction or a result of the agreement or the contract entered into between the state and the sovereign nation? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. A person in this situation will be ineligible for both reasons, first of

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all, on account of a conviction and, also, on account of the agreement. And I just point out just in case of -- and it was curious in terms of numbers. The State of Florida as of last year had approximately 5,000 aliens incarcerated. Out of that 5,000 approximately 3,000 were -- well, out of that 5,000 113 received such a conditional commutation of sentence. And the State of Connecticut at last count had approximately 360 inmates who were not citizens of the United States or who claimed to not be citizens of the United States. And approximately 114 inmates that we have incarcerated have been subject to deportation orders since 1989. So we're talking about a very small number of cases.

Generally speaking, the ones that are eligible for this are non-violent. I can imagine drug-related things. Simply a way to free up a cell a year or two early by deporting them.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker. I'm thinking in this case of a situation such as Turkey where there have been some cases where American nationals have been detained in that country for extended periods of time because their laws are much more severe with some of the non-violent cases Representative Lawlor is talking about in a situation like Turkey.

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Do we have any treaty provisions, for example, which would allow reciprocity if we were to adopt something like this through the Immigration and Naturalization Service? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. In fact, we do have treaties. And I think the Midnight Express case that was immortalized in the movie was the genesis of such a treaty relationship with the nation of Turkey. And a United States citizen serving time in a foreign country would be subject to an exchange, assuming -- but that's the other bill or other law that you refer to,

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Is there a reciprocity agreement here that if we enter into an agreement with the INS to deport an individual to another sovereign state, that that state would also give American nationals the same courtesy in terms of their return to this country? Through you,

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Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Under this program, the state is not doing the deporting. All we would do is essentially turn the inmate over to INS who takes them into custody and then initiates the final stages of their deportation. All of this is governed by Federal law and treaty law. But I'm not aware that this particular program requires any type of reciprocity on the part of the receiving countries. But I can say that a person cannot be deported to a country which refuses to accept that person.

REP. RADCLIFFE: (123rd)

Thank you. Thank you, Mr. Speaker. I'm just concerned under those circumstances that perhaps if we're going to enter into this agreement with the INS for the deportation or at least the committing to their jurisdiction of prisoners in Connecticut, that perhaps this might be a basis for American nationals detained in other states to be returned to this country as well. And I would hope that when this agreement was adopted, because this legislation is enabling, that there would be some consideration in terms of reciprocity.

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Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Backer of the 121st.

Will you remark further? Will you remark further on the bill? If not, staff and guests to the well.

The machine will be open.

CLERK:

The House of Representatives is voting by Roll Call. The House is voting by Roll Call.

(Roll Call vote taken)

DEPUTY SPEAKER HYSLOP:

Have all members voted? Have all members voted? If all members have voted, please check the machine. Make sure that your vote is properly cast. The machine will be locked and the Clerk will take a tally.

(Tally taken)

DEPUTY SPEAKER HYSLOP:

The Clerk will announce the tally.

CLERK:

HB 5312. Total number voting, 151; necessary for passage, 76; those voting Yea, 151; those voting Nay, zero; absent, not voting, zero.

DEPUTY SPEAKER HYSLOP:

The bill passes.

Are there any announcements? Points of personal

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 12
3917-4220

1995



STATE OF CONNECTICUT

DEPARTMENT OF CORRECTION
340 CAPITOL AVENUE
HARTFORD, CONNECTICUT 06106

Testimony of
John J. Armstrong
April 7, 1995

SB335 SB1163 SB813 SB958 SB927 SB1045 HB5086 HB5312
Good Morning Senator Upson, Representative Lawlor
and members of the Judiciary Committee. I am HB5628 HB5648
HB6354 SB735
pleased to appear before you to discuss several
proposals which relate to operations of the HB6945 SB1192
HB5489 SB1193
Connecticut Department of Correction.

- S.J. #34 This is a resolution urging the Attorney General to re-open consent decrees concerning prison overcrowding.

The Department of Correction supports approval of this resolution. We believe that recent completion of the state's prison and jail expansion program makes these consent decrees unnecessary. Removal of these limitations on secure bed space will give the Department the flexibility it needs to properly manage the prison population at areas appropriate to local court jurisdictions. This can also reduce the costs of transporting inmates to court.

- H.B. 5086 An act concerning correctional facilities and reports of municipal public safety committees.

The Department of Correction has established Town Prison Advisory Committees within its system and, as required by statute, we have established a Community Resource and Safety Committee in each municipality in which a correctional facility is located. Other requirements and functions contained in this proposal are currently being accomplished by the Department of Correction either through existing statute or administrative directive.

- H.B. 5312 An act concerning the deportation of inmates who are aliens.

Connecticut is authorized by C.G.S. 18-91 to transfer inmates to the Federal Government. This includes detainees in deportation status who fall under the jurisdiction of the Department of Immigration and Naturalization. Internal prisoner transfers are authorized by Public Act 93-85 under which an eligible inmate can be transferred to the Federal government for final transfer to a correctional facility in their country of origin or citizenship. There is no cost to Connecticut.