Legislative History for Connecticut Act

HB7025 PA225 1995

Senate 3697-3722, 5203-5227 (50)

House 2931-3090, 4509-4517, 5651-5664 (170)

Judiciary: 3499, 3501-3502, 3510, (3528), 3539-3542, 3548-3549, 3562-3567, 3569-3573, 3578-3580, 3592-3599, 3600, 3601-3602, 3603-3604, 3605-3606, (OVER)

3638-3643, (3676-3680), 3682-3698, 3699, 3705-3712, 3713, 3714, 3730-3732, 3735-3739, 3851-3852, 3874-3877, 3934-3961, (3963-3970), 3985-3986, 3988-3989, 4028, 4032-4038 (139)

359 p.

See also: Conn Doc JU103, juju

1) "Juvenile Justice Reorganization Plan" Feb 1, 1996 - Law Desk Copy 78 p.

2) U.S. Dept of Justice. OJJDP. Juvenile Justice Reform Initiatives in the States, 1994-1996, pp. 58-64. J32.2 :R25

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1995

VOL. 38
PART 11
3697-4100

Act Concerning Application of Pesticides by Utilities, as amended by House Amendment Schedule A. Favorable report of Committee on Environment and Energy and Technology, File 395 and 760.

THE CHAIR:

Senator Upson?

SEN. UPSON:

Yes, Madam President. That may be PR'd.

THE CHAIR:

Without --

SEN. UPSON:

I'm sorry. PT'd.

THE CHAIR:

Without objection, this item is passed temporarily.

THE CLERK:

Page 11, Calendar 469, Substitute for HB7025, An Act Concerning Juvenile Justice, as amended by House Amendment Schedules A, C, D, E, I and K. Favorable -- E, H, I and K. Favorable report of Committee on Judiciary, File 603 and 783.

THE CHAIR:

Senator Upson?

SEN. UPSON:

Yes. Madam President, I move the Joint

Committee's favorable report and passage of the bill. And I move for adoption of Senate Amendments A -- House Amendments A, D, E, H, I, K.

THE CHAIR:

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

SEN. UPSON:

Yes, Madam President.

This bill has been floating around in the Judiciary Committee from the very beginning. And it talks about changing juvenile justice system in the State of Connecticut. Specifically, Mike Lawlor, my co-chairman, has spent a lot of time working with and in the different areas involving juvenile justice.

As you know, the Governor's original program asked that we transfer or have automatic transfers of 14 and 15-year-olds who have committed A and B felonies, automatic transfers to the regular court, in other words, be treated as adult prisoners.

This particular bill, not only incorporates a portion of that, this bill will only say automatic transfers of those juveniles who are 15 and 16 -- excuse me, 14 and 15 who have committed arson murder and A felonies only.

Not only does it do that, Madam President, but it

makes a number of changes in the state's juvenile justice system. For example, it transfers the juvenile delinquency programs from the Department of Children and Families, newly named DCF, to the Office of Alternate Sanctions, OAS, within the Judicial Department. It mandates development of risk assessment, professional evaluations.

I talked to you about the juvenile transfer law, it will -- replaces them with a new system with automatic transfer of A felonies, any other felonies, that will have to be after the probable cause hearing is determined and the juvenile court prosecutor makes that decision to transfer.

All right. Madam President, if I may, I want to call House C and move for its rejection. That would be LCO6538.

THE CLERK:

House C, LCO -- what's the LCO number?

SEN. UPSON:

Uh --

THE CLERK:

6538.

SEN. UPSON:

Yes. Yes. I move rejection of House C, number -- Amendment C and move for permission to summarize.

THE CHAIR:

The motion is to reject House C.

SEN. UPSON:

Yes.

THE CHAIR:

Will you remark?

SEN. UPSON:

Yes. Madam President, this is a technical amendment that was added by the House. It adds provisions on the child protection network and mediation and makes technical changes in that area.

THE CHAIR:

Thank you, Senator Upson.

The motion is to reject House C. Will you remark further? Will you remark?

If not, I'll try your minds. All those in favor of rejection of House C, indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay". Ayes have it. Senate -- excuse me, House C is rejected.

Senator Upson.

SEN. UPSON:

Yes. And if I may continue my monologue, Madam

President?

THE CHAIR:

By all means.

SEN. UPSON:

This bill also creates a new system for dealing with serious juvenile offenders and I told you what we'll do with -- this bill will do with House -- with those A felonies and arson murder felonies.

This also require a study of DCS, OAS and the Office of Policy and Management to study and report on a plan for the reorganization of the whole juvenile justice system.

And this plan has to be -- this plan -- the bill will take effect October 1st, but these -- the plan and the implementing responsibilities from that will be effective July 1st, 1996. That will include the plan for reorganization.

The duties of the Judicial Department, they will coordinate the juvenile justice programs with other state and municipal agencies, develop intake and assessment procedures for juveniles, provide case management, provide pre-trial diversion, coordinate community-based services.

The office, we call it OAS, of alternate sanctions within the Judicial Department. They will design and

make available to the Judicial Department, probation treatment programs based on individual or family assessments and case management plans.

Madam President, it's realized that the entire juvenile justice system needs to be overhauled. The day of merely spanking someone or chastising them for doing something wrong has not worked. And that's why we've seen a problem with 14 and 15-year-olds.

So that this takes into an early assessment plan, talks about a new treatment plan, talks about automatic transfer in some cases.

The Judicial Department plan must create a risk and assessment instruments to evaluate the juvenile's need. They're trying to create individual need program for individual juveniles.

Just to name a few of the recommendations in the plan. A feasibility plan to transfer juvenile detention centers; that's another aspect, from the Judicial Department to DCF. Right now the Judicial Department does maintain these detention centers, one being in Middletown.

Also, a policy concerning adjudicated delinquents, including release criteria and supervision standards. The -- it will require recommendations with service providers; intensive home-based monitoring; community-

based residential facilities; a whole host.

Juvenile records; make the law an access to juvenile delinquency records and make changes. It will make clear that such records include fingerprints, photographs, etcetera and it keeps such records confidential for the most part, but allows them to be disclosed to all agencies within the State of Connecticut and their employees involved in the delinquency proceedings or providing services to the child.

This is something new. Nothing was every disclosed with juvenile delinquency. The records were of that department only within the Judicial Department. Now it will be disclosed where other state agencies are invited -- are involved providing services to the child.

Information from a juvenile's case records available to the victim to the same extent such information would be available from an adult's case record; also something new. A victim will now be involved.

Often a victim who is damaged or hurt had no idea of what went on in the juvenile court, everything was confidential. So now victims will have access to criminal justice records and files to the same extent

that any member of the public does, but in certain limited circumstances. Limited. They can obtain some information from erased records.

Madam President, there's no more -- any questions, I'm going to ask that we vote on this and then I want to -- I have some Senate amendments.

THE CHAIR:

Senator Upson, we are on the bill.

SEN. UPSON:

All right. Then I will ask we bring out two Senate amendments.

First one, Senate LCO7020.

THE CLERK:

Senate Amendment Schedule A, LCO7020, introduced by Senator Upson.

THE CHAIR:

Senator Upson?

SEN. UPSON:

I move its adoption and ask for permission to summarize.

THE CHAIR:

Questions on adoption. Will you remark?

SEN. UPSON:

Yes. There are four parts to this amendment. The first one would strike some of the goals within the

bill I was discussing.

Second part of this bill talks about an automatic transfer of A and B felonies. Remember the bill I was just talking about only had to do with A felonies and -- A felonies only. So this would allow for automatic transfer of B felonies, if a juvenile, 14 or 15 has committed such.

The third part and more controversial, is Representative Radcliffe's amendment, which is incorporated in this one. And it's called -- it's on Section -- good faith exception of exclusionary rule and that's on Section 55, Line 516, etcetera.

And what that states, it says that "evidence shall not be subject to suppression under this section, if the court, after hearing fines by preponderance of the evidence that the law enforcement officers who seize the property acted in good faith relying upon a search warrant".

What happens in a search warrant, Madam President, if there's a minor mistake, for example, it should have been 32 Main Street, instead of 30 Main Street, all the effects of a seizure, search and seizure will be thrown out. This is a good faith exception. If the officers acted in good faith, if the officers did not intentionally mislead the issuing judge and if the

issuing judge did not wholly abandon his judicial role. And an officer must have a reasonable belief in the validity of the warrant and the warrant was not so deficient that the officers could not have reasonably presumed it to be valid.

And the other provision is restitution. That was taken out of the bill, the juvenile justice bill that passed the Judiciary Committee providing for restitution in some cases in juvenile area. For example, this would bring back restitution.

If the Office of Victim Services finds that enforcement of its subrogation rights would cause undue harm to an applicant, the Office of Victim Services may abrogate such rights.

But normally there would be, within the Office of Victim Services, there would be a lien on the applicant's recovery for the amount to which the office is entitled to be reimbursed. So there's a restitution aspect in the juvenile justice bill, Madam President.

So there are four areas to that amendment.

If there's no objection, I'd ask --

THE CHAIR:

Will you remark further on the amendment? Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President.

Rising to speak in opposition to the amendment, because there are several provisions of it that I think are disturbing.

First of all, the section of the amendment that removes Sections 1 to 5 and makes a change in Section 13, strikes out all of the important reorganizational sections that Senator Upson spoke about in bringing out the bill initially. Those dealing with accountability within the judicial system and changing the system to provide for better coordination of services and placing the responsibility with the Judicial Department to coordinate juvenile justice programs with other state and municipal agencies; expanding the role of the Office of Alternate Sanctions; to design and provide treatment programs based on individual or family assessments and case management plans, the kind of early intervention that we know can make a significant difference in deterring younger juveniles from heading down a dangerous path.

The section developing the juvenile justice programs and the creation of risk and assessment instruments to evaluate a juvenile's need by the Judicial Department and the creation of professional evaluation team plans in Section 5 of the bill, all of

which are very important and which this amendment -- which amendment strikes.

Also, the section dealing with juvenile transfers, Madam President, in striking Section 13 of the bill, and inserting a new section, does make the change regarding automatic transfer of A and B felonies.

But the file copy of the bill, which is changed, actually in some ways might have provided for more transfers, because under the bill, the court would automatically transfer from juvenile to adult court any child charged with a capital felony, a Class A felony or arson murder, provided the offense was committed by someone over the age of 14. But, also, under the file copy a child charged with any other felony, meaning perhaps even C and D felonies going beyond the Class B felonies limited here, a child charged with any other felony must be transferred if the juvenile prosecutor moves for the transfer, if the child was at least 14 when the crime was committed, the court found probable cause that the child committed the crime and the judge ratified the transfer.

So in such case, the child's file would be -- would remain sealed until the regular court accepted the transfer and the regular court would return any such case to the juvenile court for disposition, if it

chose.

But -- so it is not necessarily true that the change in the amendment will result in more transfers of juveniles than the file copy, merely because it designates A and B felonies in a way different.

If I might -- in looking at the amendment, lines 95 and thereafter, if I might, just a question to Senator Upson regarding the process of transfer, Madam President.

THE CHAIR:

Please proceed.

SEN. LOONEY:

Thank you, Madam President.

Senator Upson, the -- if you could, just take us through the process of transfer, beginning on line 95 of the amendment. The court sitting for the regular criminal docket may, on motion of a states' attorney, transfer the case of any child charged with the commission of a Class B felony to the docket for juvenile matters for disposition in accordance with the provision.

So that means that the A would be automatic, but the -- with the -- B would have to depend on a motion of the states' attorney. Is that the way this would work?

SEN. UPSON:

Uh, I think it's the --

THE CHAIR:

Senator Upson?

SEN. UPSON:

-- through you, Madam President, the reverse. It would be an automatic A or B or violation of Section 53A, etcetera. But then, if after it's transferred to the adult court, then the motion of states' attorney can transfer the state -- excuse me, the case of a child down to the docket for juvenile matters.

I'm assuming that's what is meant by this.

SEN. LOONEY:

All right. And that would only be for Class B felonies --

THE CHAIR:

Senator Looney.

SEN. LOONEY:

-- through you, Madam President, if that's correct.

SEN. UPSON:

Through you, Madam President --

THE CHAIR:

Senator Upson.

SEN. UPSON:

-- that's the way it's written.

SEN. LOONEY:

Okay. Then looking at the --

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Thank you, Madam President and thank you, Senator Upson.

Then looking at Section B, line 100 and thereafter, then on motion of a court advocate being the juvenile prosecutor, then the court shall transfer from the docket for juvenile matters to the regular criminal docket of the Superior Court, the case of any child charged with the commission of a C or D felony or an unclassified felony.

So that means that under this amendment also, felonies other than A and B felonies would be transferred upon the motion of a court advocate, but that would be without any review or discretion in the court, is that right?

THE CHAIR:

Senator Upson.

SEN. UPSON:

Through you, Madam President, it says the court shall transfer -- let's see -- it would have to still

be under the discretion of the court advocate.

But you're correct. Once the court advocate's made that motion, the court shall transfer.

SEN. LOONEY:

All right.

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Thank you, Madam President. Thank you, Senator Upson.

So it would be entirely at the discretion of the court advocate and the court -- the juvenile court judge would not have discretion, but would have to make that transfer upon that motion, is that correct? Right. Okay. All right.

SEN. UPSON:

Through you, Madam President --

THE CHAIR:

Senator Upson.

SEN. UPSON:

-- that's correct.

SEN. LOONEY:

Right.

THE CHAIR:

Senator Looney?

SEN. LOONEY:

Right. Thank you, Madam President. Thank you, Senator Upson on that.

The section of the bill that I find especially troubling is that dealing with the good faith exception to the exclusionary rule, which is part of this amendment, toward the latter section of it on page 16. And this makes a far reaching change to our law and I think a very dangerous one.

What it would do, would be in effect, to overturn the unanimous 1990 decision of the Connecticut Supreme Court in which the court, in an opinion by Justice David Shea, rejected the so-called good faith exception to the exclusionary rule, which had been found in federal law.

The proposed bill would carve out this exception which, Madam President, since 1818 the Connecticut Constitution, under which that decision was framed, has guaranteed all citizens a realm of personal privacy that should not be breached in the absence of probable cause.

The language of that -- of our Constitution says that the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures and no warrant to search any

place or to seize any person or thing shall issue without probable cause supported by oath or affirmation.

And what this does, Madam President is to enforce the constitutional guarantee, the Constitution does not distinguish between good faith and bad faith violations. It establishes a right to be free from an unreasonable search and seizure without probable cause.

And, Madam President, this -- the exclusionary rule that we have is really the only presently available meaningful sanction against unconstitutional searches or seizures. And this -- the emasculation of this rule as the amendment would do, really does undercut the constitutional guarantee. So it is much more far reaching than it might seem to be only on its face.

So this is something that we really should pause before attempting to do, because the good faith exception really rescinds the right established by the expressed command of the -- of Article 1st, Section 7 of the Connecticut Constitution.

And it's clear, Madam President, that there can be rights under our State Constitution which go beyond those of the Federal Constitution.

So it is important for us to look at this and to

not rush to judgment on this in this far reaching way.

The Marcella decision in 1990 in which the Supreme Court rejected the good faith exception to the exclusionary rule is one that -- that had been adopted by the United States Supreme Court interpreting federal law in the United States versus Leone. But the Connecticut court specifically based its decision on our own -- on our own Constitution.

And it provides -- that decision really provides an excellent road map, Madam President, for all of the flaws in the argument for the good faith exception. And it is one that really -- that really points out that much of the criticism that's often labelled at the exclusionary rule is really misdirected. It is criticism, if it is to be directed, is to be at the Fourth Amendment to the Constitution. And that is something that is an important underiding principle of our nation.

So it is not as if we're looking at a technical adjustment. We're looking at a fundamental challenge to a constitutional right.

So it's something we should, I think, back away from and respect our State Constitution and not be guided entirely in this matter by a decision based upon the Federal Constitution, which did not necessarily

guarantee a right as far reaching as what we have here in Connecticut.

And it's also true, Madam President, I think the proponents to the good faith exception really overstate the societal costs of the exclusionary rule, because it is just simply not true that many prosecutions are thrown out as a result of it and the good police work has learned how to be responsible and to deal with quality work, quality investigations.

And if we make this change, what we are encouraging is sloppy police work, the belief that there will be a safety net for sloppy investigations which will be then rehabilitated after the fact in an improper way.

And for that reason, Madam President, we should reject this amendment, because it contains this radically dangerous change to our criminal law.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney.

Will you remark further on the amendment? Will you remark further? Senator Jepsen?

SEN. JEPSEN:

Thank you, Madam President.

I, likewise, rise in opposition to the amendment

for the reasons just alluded to by Senator Looney.

What I really want to focus on is the topic of his latest remarks concerning the good faith exclusion of evidence.

It would be a mistake to pass this amendment for two reasons. One, the Connecticut Supreme Court has made very clear its policy with regard to the Connecticut Constitution and search and seizure. It clearly says that the good faith exclusion will not be permitted in Connecticut courts.

What that means is, as a practical matter, because it's well established that you can overturn constitutional doctrine with statutory law, that this part of the amendment would be unconstitutional. This is, at best, an exercise in futility and, at worst, jeopardizes, if you were -- happen to be a supporter of the rest of this amendment and of this bill, you run the risk of jeopardizing the entire bill to defeat because of this part is constitutionally infirm.

Secondly, I'm opposed to the good faith exclusion, not just on constitutional grounds, but on grounds of public policy. Simply put, it is naive to think that without a good faith -- with the good faith exclusion that innocent people won't be at risk by overzealous police and police who make mistakes and police who, not

so innocently, make mistakes, but who testify to the same in court.

It is naive to think that you can have a meaningful Fourth Amendment, or in the case of our Connecticut Constitution, Article 1 protection from search and seizure that is unwarranted and uncalled for unless the fruits of an illegal search or seizure are not permitted in a trial.

To allow the good faith exclusion to take place will create an erosion of search and seizure rights that will effectively mean that an individual will not be protected from any search and seizure involving a search warrant.

Therefore, both for constitutional reasons and for reasons of public policy and protecting the Connecticut public, I opposed this amendment.

THE CHAIR:

Will you remark further on Senate A? Senator Upson?

SEN. UPSON:

Yes. I respect both comments from Senator Jepsen and Senator Looney. As people know, this will be in conference, this committee report and this -- this portion of it. And certainly will take that into consideration.

I will remind people that the Federal Constitution does allow for this exception. But we're talking about a different instrument, the Connecticut Constitution.

I would ask for support and I do -- I'm sure we'll see Senator Jepsen and Senator Looney and myself and Senator Kissel in the conference and we'll certainly discuss this. Thank you.

THE CHAIR:

Will you remark further on Senate A? Will you remark further? Senator Harp?

SEN. HARP:

Thank you, Madam President.

I stand with Senator Looney and Senator Jepsen against this bill, this amendment for a number of reasons. One, I think that we have blurred who has responsibility for determining when children shall be considered for adults and under what circumstances and I opposed that.

And I certainly oppose the infringement on our constitutional rights here in Connecticut.

I would ask for a roll call vote.

THE CHAIR:

Senator Harp has asked for a roll call vote. It will be ordered.

Will you remark further on Senate A? 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 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 so, the machine will be locked. Clerk, please take a tally.

THE CLERK:

Total number voting, 35; necessary for passage 18. Those voting yea, 20; those voting nay, 15.

THE CHAIR:

The amendment is passed. Will you remark further on the bill? Senator Upson?

SEN. UPSON:

Yes. If you could call, have the Clerk call Senate B, LCO7631?

THE CLERK:

Senate Amendment Schedule B, LCO7631, introduced by Senator Upson.

THE CHAIR:

Senator Upson.

SEN. UPSON:

Yes. If I may, Madam President, move adoption of Senate Amendment and ask for permission to summarize?

THE CHAIR:

Questions on adoption. Will you remark?

SEN. UPSON:

Yes. This simply adds the treasurer, as a member of the task force, to study the implementation of this bill.

THE CHAIR:

Questions on adoption of Senate B. Will you remark? Will you remark?

If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay".

ASSEMBLY:

Nay.

THE CHAIR:

Ayes have it. Senate B is adopted.

Senator Upson.

SEN. UPSON:

Yes. I believe we discussed this and, if so, I would ask for a roll call.

THE CHAIR:

Roll call will be ordered at Senator Upson's request.

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 return to the Chamber?

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

An immediate roll call in the Senate. All Senators please return to the Chamber.

THE CHAIR:

Have all members voted?

Have all members voted?

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, 27; those voting nay, 8.

THE CHAIR:

The bill as amended is passed.

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THE CHAIR:

The bill is passed.

THE CLERK:

Page 23, Calendar 469, Substitute for HB7025, An Act Concerning Juvenile Justice, amendment by House Amendment A, C, D, E, H, I, K and N. And Senate Amendment Schedules A and B. Favorable report of the Committee on Judiciary, House rejected Senate A, 603 and 783 are the file.

SEN. UPSON:

Madam --

THE CLERK:

House I, K and N. And Senate Amendment A and B.

SEN. UPSON:

I think it's just Senate B alone, Madam President.

THE CHAIR:

Actually it indicates that it is Senate Amendment A and B.

THE CLERK:

I have the report of the Committee on Conference. They agree to reject Senate A, to adopt House Amendments A, C, D, E, H, I, K and Senate B. And to adopt a new House Amendment Schedule N.

THE CHAIR:

Senator Upson?

SEN. UPSON:

Thank you, Madam President.

THE CLERK:

LCO8374, by the way.

SEN. UPSON:

That's correct. Thank you, Madam President.

I move for adoption of the Conference Committee report and adopt House Amendment Schedule A, C, D, E, H, I, K and Senate Amendment Schedule B and House Schedule N. I move for its -- their adoption.

THE CHAIR:

Question is on adoption of the Conference Committee report. Will you remark?

SEN. UPSON:

Yes, Madam President.

This has passed the House, the Conference Board was -- report was unanimous. And what it does, and we've already explained the Juvenile Justice Bill in some respects to this audience here.

But it adds that A and B felonies committed by children or youths over 14 will be automatically transferred to the criminal side of the Superior Court. Should be immediate transfer, Madam President and that arraign in the next regular criminal docket.

However, those dockets shall be sealed and unless

the file is transferred back, they have 10 days to do it. It would be back to their -- back to the Juvenile Court 10 days following such arraignment, or if, in fact, the state's attorney has filed a motion in which case the file shall remain, there'll be another 10 days until the court makes a decision.

So there's a maximum of 20 days possible that this remains sealed. It's not until it's accepted in the regular docket that the transfer becomes unsealed, so to speak, and that then the child who is 14 or older will be treated as an adult. These are for A and B felonies.

Madam President, it also provides that eventually the juvenile prosecutors which are now part of the Judicial Department will be absorbed in, doesn't say this specifically in the bill, but they will be absorbed in the Office of the Chief States Attorney.

But in the interim, they are directed to disclose information. Remember, juvenile records right now are in most cases confidential. But they must disclose them to those people employed in the Division of Criminal Justice as a prosecutor -- official inspector investigator, who in performance of their duties request such information. So it allows for that transfer of information immediately.

It also provides for C and D felonies or unclassified felonies to be transferred from the docket for juvenile affairs to the regular criminal docket. First of all, the child has to be -- after or over the age -- attain the age of 14 and there must be probable cause hearing by the judge to believe the child has committed the act.

So that for A and B felonies, automatic transfer to adult side, criminal court, with the provisions that it remain sealed for 20 days, 10 and 10. And then once it's determined that that child or offender should be treated as an adult, then that would be open.

And you heard about A -- should be C and D felonies. In addition, there will be a task force, legislative task force to study the operations of the Division of Criminal Justice, the public defender services and the examination of staffing the juvenile districts, the role of prosecutors, public defenders, the juvenile justice system. The eligibility of defendants to receive public defender services. Task force should be made up of the people, chairman and ranking members of Judiciary Committee, six legislators appointed by the president -- one by the President Pro Tem of the Senate, the Speaker of the House, the Majority Leader of the Senate, the Majority Leader of

the House, Minority Leader of the Senate and the Minority of the House of Representatives.

Unanimous -- ananimous and unanimous and I request a roll call.

THE CHAIR:

Will you remark further?

SEN. UPSON:

Yes. I would also like to thank Senator Kissel and Senator Looney for their thoughtful additions. The Conference Committee, while it didn't meet for too long, these two individuals added a lot to the discussion and the final resolution.

THE CHAIR:

Senator Kissel?

SEN. KISSEL:

Thank you very much, Madam President.

I just wanted to commend Senator Upson for all the hard work he did on this bill. I know going into it he put an awful lot of time into it.

There -- in talking to Jack Bailey prior to the Conference Committee, he said that basically a lot of individuals spent over a year trying to hammer out some of these differences. I know that Representative Lawlor and Senator Upson have worked very well together as co-chairs of the Judiciary Committee and really

ironed out some tremendous differences.

And I really think what this bill does is takes our juvenile justice system and does indeed bring it from the 1930's to the 1990's and it really does address some very serious offenses in what we are to do with our youth in regarding these allegations.

There are ample provisions within the law to protect our young citizens along the path. There is initially the prosecutor can do a substitute information. If he or she feels that the allegations do not warrant being considered as a B felony. But if, indeed, at that initial stage there's enough facts on the record to make a case for a B felony, then off it goes. And hopefully justice will work its way.

And while it's not perfect, certainly we have the best system, I believe, in the world.

So again, once again, I'd like to commend Senator Upson and I would urge support for this bill. Thank you.

THE CHAIR:

Will you remark further? Senator Looney?

SEN. LOONEY:

Yes, thank you, Madam President.

I rise in support of the Conference Committee's report. I think this is, as Senator Upson and Senator

Kissel said, it has been a work that has been in progress for some time. I'd also like to commend Senator Upson on his -- on his work on the whole issue along with Representative Lawlor as co-chairs of the Committee, working in consensus. It's been a valuable experience to be part of it.

I think the bill is one which is -- points out that there will be severe penalties. We did have testimony in the course of working on it that too many people coming into the juvenile system had come to regard the system as a joke. We had juvenile probation officers who talked about the decline and deterrence within the juvenile system; that too many repeat offenders saw no punitive aspect or no coercion or had absolutely no sense that there was anything to fear from the juvenile system and that was detrimental not only to their victims, but also to them as it inevitably sent them down a course that led to serious, more serious crime and suddenly they would find themselves surprised by consequences.

What this will do as well as adding the more serious sanctions for a serious crime and it's unfortunately true that we have so many more serious crimes committed by juveniles than the system was devised 80 years ago to deal with children who had

committed an isolated lapse of something not too serious, vandalism or something of the like that should not scar them or create a permanent record.

And we have had a developing problem of criminal enterprises that a younger -- younger age cause a great dismay. We need to address it in several ways. This is only one.

But one of the, I think, more constructive elements of the bill is that it does require the Judicial Department, the Department of Children and Families and the Office of Policy and Management in consultation with the Attorney General and other officials to work on a juvenile justice reorganization plan and that we will continue to find ways to make our system more comprehensive, to have more early intervention, better efforts and more support for the juvenile probation officers who we find in talking to them that they really know these children, they know their case load, they can identify young people who are getting into trouble at an early age and need care and need assistance and need diversion, not only for themselves, but also for their whole families.

There are many people in the system who are doing a wonderful job, whom we need to listen to. That's also true of the prosecutors, currently called the

juvenile advocates. Many of them have been working at this job long and hard and understand with great sympathy and compassion and also great responsibility the nature of the children and the families with whom they deal.

So I think that this bill is going to be helpful, but it is by no means complete in itself. This is an issue that we will continue to need to deal with in a way that -- with concern both for public safety and also for a constructive approach to these young people.

I think the House Amendment N, which was referred to and added in here is one that I think is important in providing for the maintenance of confidentiality until a decision has been made to transfer the case finally and irrevocably. And that, I think, is an important safeguard and precaution to maintain that.

And then also I think it lays out a rational schedule for the transfer of the cases that will be sent from the Juvenile Court to the Superior Court and also for the transfer back provision.

So, again, it has -- it was, I think, worthwhile and constructive to work on this and it is something that has been in progress for a long time and I urge the Chamber to adopt it.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney.

Will you remark further?

SEN. PENN:

Madam President?

THE CHAIR:

Senator Penn?

SEN. PENN:

Thank you, Madam President.

Though I have many questions, I'll just limit one or two on this particular item.

During the arrest of the child, would he be held in juvenile detention, to the proponent of the bill, or be sent to one of the adult jails?

THE CHAIR:

Senator Upson, would you care to respond?

SEN. UPSON:

I apologize, Madam President.

THE CHAIR:

Senator Penn, would you rephrase the question?

SEN. PENN:

During the arrest or detention of the child, will he be held in the juvenile detention center or will he be sent to -- or she, be sent to one of the adult jails?

THE CHAIR:

Senator Upson?

SEN. UPSON:

Through you, Madam President.

There is going to be a change -- we're studying this, too. There is going to be a change in who handles the detention centers. Right now the detention centers are regulated by the Judicial Department. There's questions about transferring that to the Department of Children and Families, so that -- anyway, the point is they'll be held probably by DCF.

THE CHAIR:

Senator Penn?

SEN. PENN:

So they probably be held by DCF?

SEN. UPSON:

That's correct.

SEN. PENN:

And to what time would they be turned over to a -- an adult facility?

SEN. UPSON:

Through you, Madam President --

THE CHAIR:

Senator Upson.

SEN. UPSON:

-- Madam President, it's my understanding that -- I'm not sure exactly when they'll be turned over to the adult side, that's what you're suggesting. But the adult side also will have to have provisions for -- they have now, where the 16 to 18-year-olds go and they will be, my understanding, be part of that system.

THE CHAIR:

Senator Penn?

SEN. PENN:

Thank you. I think we should be clarifying more on -- if we're talking about as we've done and I know me and States' Attorney Bailey went over this issue several times during the summer, because I know the age of detention and harsher penalty is getting much lower and lower and I am concerned.

And I would like a direct answer at what point would a 14-year-old and we keep using the term child and children and how big we feel jumping on children, that kind of bothers me, where we're placing a child in the correction institution with more hardened criminals or are they with other juveniles. At what point they would be transferred again into adult facility.

I think if we said we -- all this hard went into a juvenile justice bill, not enough attention was placed on where we housing these children at or what the

fiscal impact would be. All of a sudden we throw a hoard of children into adult prisons.

I would, again, I would like an answer of where we gonna house them at and what's the fiscal impact of a sudden move of putting all these children into adult prisons?

THE CHAIR:

Senator Upson?

SEN. UPSON:

Yes. Through you, Madam President.

Of course, while we're using the term child, we're talking about someone who's committed the most heinous crimes to the State of Connecticut, A or B felonies: murder, robbery, arson, rape. These are all the major felonies. These are 14 and 15-year-olds who have the mindset to commit adult murders. That's why we're making them automatic -- automatic transfers.

So while you may characterize them as children, these persons were intelligent enough to commit the most heinous crimes in the State of Connecticut.

They will be housed as we would house 16 and 17-year-olds in the normal judicial system, which means, for example, I believe in Cheshire, I think it's Manson -- I'm looking -- what's it called? Long Lane is one, for example. I'm looking for help here, but -- Manson

Youth -- thank you -- Institution, for example, where we already have existing facilities.

That's after they're accepted --

THE CHAIR:

Senator --

SEN. UPSON:

-- excuse me, through you, Madam President, after they're accepted, the transfer has been accepted and then they would be in the hands of the adult court, so to speak. The regular side criminal docket of the Superior Court.

THE CHAIR:

Senator Penn?

SEN. PENN:

And, thank you, Madam President.

I'd also like to thank Senator Upson. I could spend time in going over the total merits of what I consider non-preventive measures before we get these hardened children into the court system.

But, again, hopefully they are convicted rather than pre-sentenced before they are thrown into an adult situation where they may be innocent, again, unless proven guilty, rather this A, B, C felony or a capital crime.

I want to make sure that they're not moving into

that process and we do have innocent people, as we know, who has been in jail or incarcerated. They are not moving through that part of the process until they are convicted of their crime.

And that's my reason for asking it and getting to the merits of that, again, we can debate this all evening rather on the prevention side. And, believe me, I have no intention of being soft on crime. But I have a problem of stuffin' out my chest on a war on children.

So I just wanted to make that clear, Senator Upson. I have no problem with being tough on crime, this particular issue.

Again, Madam President, through you, I would like to know under the concurrence now that we have with just the passing of the death penalty, could a 14-year-old under this legislation be convicted of a capital crime and be sentenced to a death penalty?

SEN. UPSON:

Through you, Madam President --

THE CHAIR:

Senator Upson?

SEN. UPSON:

-- no. The capital felony crimes, there are nine of them now. You have to be 18 or older.

THE CHAIR:

Senator Penn?

SEN. PENN:

Thank you. And through you, Madam President, upon attaining the age of 18, could the same person convicted of past crime then be sentenced to death under the same legislation?

THE CHAIR:

Senator Upson?

SEN. UPSON:

Through you, Madam President. No, that would be double jeopardy, my understanding, they could not do that.

THE CHAIR:

Senator --

SEN. PENN:

Thank you, Madam President.

THE CHAIR:

Thank you.

SEN. PENN:

Thank you, Senator Upson.

THE CHAIR:

Will you remark further? Will you remark further?

If not, would the Clerk please announce a roll call vote. Excuse me, Senator Daily?

SEN. DAILY:

Thank you very much. Through you, Madam President.

Senator Upson, I certainly intend to support this bill and I appreciate the hard work that's gone into it.

But it's my understanding -- or this amendment, that even though a child, a juvenile is transferred to adult court, they're still entitled, in fact, we must provide for them the same juvenile benefits in terms of their being held and in terms of their being incarcerated. There has to be the same sight and sound separation, same services provided as any other juvenile, even though they're found guilty in adult court.

THE CHAIR:

Senator Upson?

SEN. UPSON:

Yes. Through you, Madam President.

They will be treated as adults. They will be sentenced, they will be housed.

First of all, anyone who has -- would be transferred, remember automatic transfers A and B felonies, there has to be probable cause first, before there's an automatic transfer. Then the prosecutor on

the criminal side makes the decision whether or not he or she is going to keep that transfer. If not, transfers back.

What you're suggesting is though, once they're transferred over to the criminal docket and moved to -- once that's accepted and moved to Manson, for example, or Long Lane, are they -- they would be given the same treatment as, my understanding, as the 16 and 17-year-olds in that facility. Not different treatment.

THE CHAIR:

Senator Daily?

SEN. DAILY:

Thank you, Madam President.

That's what I was saying. Federal law entitles them to that protection. And it would remain that way under our amendment even though they would be transferred to the court for trial purposes.

THE CHAIR:

Senator Upson?

SEN. UPSON:

Well, through you, Madam President, whatever law is in place for 16 and 17-year-olds at Manson and Long Lane, that would be the same treatment for them. If that -- if you're saying the federal minimums, then that would pertain. Thank you.

THE CHAIR:

Thank you.

Will you remark further? Senator Harp?

SEN. HARP:

Thank you, Madam President.

I rise probably to be the only person who opposes this particular bill. I'm in opposition to including B felonies. And I'm also in opposition to the possibility of including C and D felonies.

And I think that it speaks to a loss of hope that we have for the young people who live in our communities and have traditionally, since, I guess the turn of time, especially among the masculine gender, run through many people, problems with gangs, problems with acting out.

And, yet, prior to this time we've had hope that these lives could be salvaged. I think this speaks to our lack of hope, it speaks to putting our resources in on the negative end and not the positive, which is the prevention end and so, therefore, I will be voting against this bill.

THE CHAIR:

Will you remark further? Senator Upson?

SEN. UPSON:

Yes. If I may just to answer Senator Harp.

The C and B felon -- excuse me, the C and D felonies right now can be transferred after a probable cause hearing. That's also true with A and B felonies, all right? In other words, there's no automatic transfers now; there will be with this bill being passed for A and B, but one can be transferred if there's a probable cause hearing.

So in actuality when you talk about C and D felonies being transferred by way of probable cause hearing, that's already in existence.

And I just want to say that I'm remiss in not thanking Sen -- excuse me, Representative Lawlor who really did spend a long time with this bill, admittedly had some problems with transfer of B felonies, but certainly has his fingerprints and handprints on this legislation. And I'm sorry for not mentioning that. And very thoughtful -- he spent a long period of time interviewing people on his own and with other help from the Democratic caucus. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

SEN. PENN:

Madam President?

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you. One question. I'm sorry, I thought we were still on the amendment, aren't we, rather than the bill? The bill --

THE CHAIR:

Senator Penn, it is a Conference Committee report.

SEN. PENN:

I'm so sorry, Madam President. You're absolutely correct.

May I ask you one more question to the proponent of the bill, Madam President?

THE CHAIR:

Please proceed.

SEN. PENN:

The provision Section 15 the children who commit delinquent acts rather than felonies only, may be fingerprinted and photographed. And I thought this was particularly aimed at those who commit a harsher penalty, felonious penalty, A and B assault or rape or -- but this, again, as I'm seeing, I think we deviated from that fact of harsher penalty and say those who commit a delinquent act will be fingerprinted and photographed. Thank you, Madam President.

THE CHAIR:

Senator Upson?

SEN. UPSON:

I was -- excuse me. I was looking at the Conference Report.

Is this -- what line is this, through you, Madam President?

THE CHAIR:

Senator Penn?

SEN. PENN:

Section 15. I'm getting blinder and blinder. Section 15.

SEN. UPSON:

All right.

THE CHAIR:

Senator Upson?

SEN. PENN:

So the -- excuse me, Madam President.

So the provision that children who commit delinquent acts rather than felonies only may be fingerprinted and photographed. And it goes on.

I thought this was aimed at those people who commit a harsher crime rather than a misdemeanor.

SEN. UPSON:

If you --

THE CHAIR:

Senator Upson?

SEN. UPSON:

Through you, Madam President, if you're looking at lines 948, 949, 950 and 950 -- to 952, it says, notwithstanding as amended this act, the photograph of any child arrested for the commission of a capital felony or Class A felony -- oh no, that's disclosure to the public.

Yes, that is correct. The line before, I'm sorry. Looks like 942. Whenever a child is arrested and charged with a crime, such child shall be required to submit to taking of his photograph, physical description and fingerprints. That would be correct, under this -- just the A and B felonies.

THE CHAIR:

Senator Penn?

SEN. PENN:

Thank you, Madam President.

Again, let me just say I concur with Senator Harp's remarks and I was going to wait and I'll just speak very briefly, because I thought I was going to speak on the bill.

That is one of my faults that I see with this bill and I explained to Chief Attorney Bailey, we keep going that extra mile. And I think what's happening, again,

as we talked about getting tougher on crime in children, sometimes we can't separate the two.

And this is one part of the bill that does not distinguish between the harsh and criminal and a child who does a delinquent act. And I don't see a delinquent act defined in here. But I can only think it as a misdemeanor and probably something that most of us has done something as a child.

And that is one of the problems when I have when we start moving the trying a child as an adult from 16 to 15 to 14, next 13 and 12 and quite sure before my term is up, we would try to move it again. And sometime we can't see the forest for the trees.

And those are some of my concerns when we start dealing with children matters, distinguishing a child and a prank from a juvenile who does bad things.

And so for those -- just cutting this short, Madam President, I will be opposing the amendment. Thank you.

THE CHAIR:

Thank you, Senator Penn.

Will you remark further? 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 return to the Chamber?

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

THE CHAIR:

Have all members voted?

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 32; those voting nay, 3.

THE CHAIR:

The Conference Committee report is adopted.

SEN. NICKERSON:

Madam President?

THE CHAIR:

Senator Nickerson.

SEN. NICKERSON:

Yes, Madam President.

As a courtesy to one of our members who missed a preceding vote and would like to be recorded on record, I would like to move at this time reconsideration of SB1152, Calendar 432. I was on the prevailing side and would ask simply for a voice vote on that

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yea, 144; those voting nay, zero. Absent, not voting, 7.

SPEAKER RITTER:

Bill as amended, passes.

Clerk will please call Calendar 410.

THE CLERK:

On page 13, Calendar 410, Substitute for HB7025, An Act Concerning Juvenile Justice. Favorable report of the Committee on Judiciary.

SPEAKER RITTER:

Hopefully that will be the last noise people will make for a while.

Why don't we, before Representative Lawlor brings this out, if we can have staff please come to the well -- if we could have members try to keep the conversations in a low voice and we'll turn it over to the Chair of the Judiciary, Representative Michael Lawlor from the 99th District, representing the Town of East Haven. You have the floor, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. And the Short Beach section of Branford.

SPEAKER RITTER:

Ah. I apologize, sir. I understand how important that is to you.

REP. LAWLOR: (99th)

It's very important, sir.

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

SPEAKER RITTER:

Motion on acceptance and passage. Please proceed, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

I think most members of the Chamber have received a copy of a rather lengthy amendment. So this essentially replaces the file copy and makes a series of amendments to the file copy.

And I would ask that the Clerk call LCO831 and I be given permission to summarize.

SPEAKER RITTER:

What's that LCO number again, sir?

REP. LAWLOR: (99th)

831, Mr. Speaker.

SPEAKER RITTER:

Clerk has Amendment LCO831, which will be designated House A. If he could call it and Representative Lawlor would like to summarize.

THE CLERK:

LCO831, designated House Amendment Schedule A,

offered by Representative Lawlor.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

I simply wanted to reserve an explanation of the bill until he called this amendment, because essentially this is a major finetuning of the file copy.

Mr. Speaker, I believe also members of the Chamber either have or have access to an OLR section by section summary of this amendment, which in layperson's terms explains the provisions of this bill. If you don't have it, it is available, I think from the staff. And it might be useful in understanding what is actually contained in the various sections.

Mr. Speaker, this legislation is the result of a lengthy study, if you will, by members of this House and by the Chamber on the third floor. And essentially what it stems from is some frustration last year that I think all of us experienced as we tried to fix what most people considered to be a broken criminal juvenile justice system. And we were somewhat at a loss of exactly how to do it.

There was a variety of suggestions regarding the

transfers to the adult court, etcetera and I think that many of us intended to come back this year and really take a close look at that system.

Starting immediately after the election, a group of legislators, principally from this Chamber, began a formal process of going out and meeting with the people on the front lines of the juvenile justice system throughout the state. That means the prosecutors and probation officers, investigators, inspectors within the juvenile court itself, the public defenders, the judges, the teachers, the police officers, the workers at Long Lane, which is the prison for juveniles here in Connecticut, people from the Connecticut Junior Republic, which is a privately run facility for juveniles.

And I think many people recall that our Governor favorably referred to the Connecticut Junior Republic during the campaign season.

And we also spoke to the youth officers in police departments, people from youth service bureaus, people from various community programs --

SPEAKER RITTER:

Representative Lawlor, why don't you at this point, summarize the amendment and maybe when you get to the bill, talk about that, okay?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

And most of the contents of this bill are based on the recommendations of those individuals.

The bill itself contains numerous sections. Rather than explain it section by section, let me explain the four major changes that this reform seeks to accomplish.

First of all, transfer of juveniles from the juvenile court to the adult court. Under this file copy and under this replacement amendment, juveniles who are charged with a felony may be automatically transferred to the adult court upon a motion from the prosecuting official and with the concurrence of the judge.

The change from the current law is that under the current law there are a number of hearings which are required to take place, some of which -- in all cases, some of which only upon the request of the juvenile defendant or his or her attorney.

All of those procedural hearings are eliminated with the exception of one and that is what is essentially a pro forma and ex parte finding of probable cause for the charges that are -- that have been lodged against the juvenile.

So, in other words, under our system when a prosecutor makes a motion to transfer any felony to the adult court, that transfer will take place automatically assuming both the prosecutor -- assuming the prosecutor makes the motion, there's probable cause found in the ex parte hearing and the judge orders the transfer. There's no mandatory hearing that needs to take place, other than that.

And upon such a motion, the arraignment will take place on the following court day in the adult court of competent jurisdiction.

In this amendment, all Class A felonies are not only automatically transferred, but the transfer is mandatory. In other words, there are no circumstances under which the juvenile court can retain jurisdiction over that case. It is a mandatory and an automatic transfer to the adult court.

Secondly, for cases which are serious, but for whatever reason the prosecutors and judges want to keep them in the juvenile court, we've provided a mechanism which has been referred to as a double sentencing provision, but works more or less as follows.

It allows a juvenile defendant to be charged with a juvenile offense and subject to certain penalties, but if the juvenile fails to comply with whatever

program a judge imposes, for example, drug treatment or mandatory attendance in school, a adult sentence will be suspended and will be imposed if the juvenile doesn't comply with those conditions.

So, in other words, the prosecutors and the judges in the juvenile court, for some cases which they wish to keep in the juvenile court, but still treat very seriously, would have that additional tool.

And, finally, for the cases that are the run-of-the-mill juvenile cases that remain in the juvenile court, this amendment will allow penalties to be imposed without the reference to the sort of soft words, you might say, like instead of a conviction, it's an adjudication; instead of a prosecutor, they're called advocates. We've added in all the words to make it look very much like the adult system.

Also, we've added something that was suggested by the prosecutors and probation officials in one of the juvenile courts which was a provision which holds parents just as responsible for being in court for a court appearance, as our their children who have been arrested.

So, in other words, when a child is referred to juvenile court and has a court appearance, the parent -- one parent also will be charged -- will be served the

papers which require them to be present in court.

Now, you should know, that under the current system parents have to be in court anyways. But we're allowing the court to issue a habeas. In other words, take a parent into custody if they willfully refuse to show up at a court date. Because without the parent, the proceedings cannot go forward.

Secondly, we have changed the provisions regarding confidentiality. A great many people were frustrated by the confidentiality in the juvenile justice system. In this bill, we allow any professional working within the system, in other words, the prosecutors, the probation officers, the Department of Children and Family social workers, the teachers, the police officers, people from private organizations which have contracted with the court to provide supervision to adults in the -- or to juveniles going through the system, can talk to one another about any case. There are no confidentiality restrictions for those people talking about cases pending within the system.

Under the current system many times police are prohibited from talking with juvenile probation officers about possible suspects in cases, because of the confidentiality rules. That's one of many examples of how justice is frustrated and which would be

corrected under this amendment.

Next, victim rights. We have provided specifically in this bill that victims who are -- which is a concept specifically defined already in our law, victims would have the same rights in the juvenile court as they do in the adult court.

For example, to be present at sentencings, to have contact with the prosecutorial officials about the pendency of any case, to receive restitution, to ask for and receive protective orders. And simply to know what's going on.

And speaking to prosecutors and probation officers in the juvenile court, we found out how frustrated they were when they were contacted by a victim, asked what the status of a case was or whether or not a juvenile defendant was in prison or not and they had to respond that they weren't at liberty to disclose any of this information at all regarding the pendency of a case.

So this would eliminate those restrictions and say that for a victim of a crime, as I said, it's a concept that's already defined in our state statutes, the victim could find out any information about the pendency of a case and they would be able to do so through an identified person working at the juvenile court.

Ideally, someday we'll have juvenile advocate -- victim advocates for the juvenile court funded for every court in the state. But until we can get to that point, this bill requires that every court must designate one official in that court; it might be a prosecutor, it might be an investigator, it might be a probation officer, it might even be an clerk to be the contact person for victims to speak with when they're seeking information about the pendency of a case.

Fourth, this bill establishes the same array of alternatives, of options for prosecutors in the juvenile court that are available in the adult court.

In other words, there are many cases which do not warrant incarceration which were some lower level of supervision or punishment or community service or drug treatment, for example, might be appropriate, judges today do not have the power to directly order juvenile defendants into programs like that. This bill will give them that specific power.

Finally, aside from those changes, there are an assortment of bureaucratic, if you will, changes that we are in some cases requiring, in other cases recommending for the system.

For example, we are recommending that the prosecutors, the investigators, the inspectors and the

staff within the juvenile court system who currently work for the Judicial Depart -- the Judicial Branch, should be part of the Division of Criminal Justice.

In other words, juvenile prosecutors ought to be in the same office as adult prosecutors so they can exchange information about cases, make informed decisions about prosecutions, take advantage of all the same training that's available and when appropriate, discuss whether or not a case should be prosecuted in the juvenile court or in the adult court and make the appropriate motions in the juvenile court.

Also, we are setting in place a process by which the bureaucratic and budget changes that need to be made can take place, not here on the floor of the legislature today, but instead over the next six or seven months through deliberations among the agencies involved. In other words, criminal justice, the judicial branch, Department of Children and Families, Department of Corrections and other agencies, so they can come back to us next February and tell us how we need to make adjustments in the second year of the biennial budget to give effect to the changes that we are calling upon them to make.

And that is why the effective date for those changes is July 1st, 1996, the second -- the first day

of the second year of the biennial budget.

The balance of the bill takes effect on October 1st of this year, that is, some of the language regarding transfers and victim's rights, etcetera.

On whole, Mr. Speaker, I think this amendment makes Connecticut's juvenile justice system the model for the country. It is by far the most comprehensive change it's already been undertaking.

I point out that Connecticut already is one of only three states, I believe, that treats 16-year-olds as adults. It used to be 18, we moved down to 16 about 10 years ago. This is making another change consistent with the change in the demographics of the crime problem we're experiencing here in Connecticut and throughout the nations.

Mr. Speaker, I would urge adoption of the amendment.

SPEAKER RITTER:

Will you remark further on House A? Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

Mr. Speaker, before I ask my questions, I'm sure he did it, but I don't remember hearing the proponent move adoption. Was it moved?

SPEAKER RITTER:

Yeah, he did.

REP. PRELLI: (63rd)

He summarized, but -- it was moved? Thank you.

Mr. Speaker --

SPEAKER RITTER:

He did move adoption.

REP. PRELLI: (63rd)

Thank you. Through you a couple -- few questions to the proponent.

SPEAKER RITTER:

Please proceed, sir.

REP. PRELLI: (63rd)

Representative Lawlor, on line -- on page 3, starting on line 92, I see that we're developing a new program, but I basically have never heard of it. It's a purchase of care system. Could you explain what that is and who would run that program? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

This program is intended to accomplish a couple of goals. Basically it would be devised -- well, first of

all, let me just say, there's many parts of the bill that do things similar to this which call on various parts of the state bureaucracy to explore opportunities for federal reimbursement which is the case here or to develop a program which is much more cost effective than our current programs.

This purchase of care system is intended to provide a much more cost effective system for providing services and supervision for juveniles who are not actually incarcerated at Long Lane, for example.

You see reference here to the Title 4E funds. Our research has determined that the state might be eligible for federal reimbursement for some and in perhaps some cases, all of the cost of supervising juveniles who are not actually in prison facilities.

The federal government does provide 4E reimbursement if it is anything other than a prison. And currently we do not take advantage of that opportunity for reimbursement.

This is calling on the judicial branch to explore by having a purchase of care system for juveniles who are in non-secure settings. For example, a highly supervised group home or some other type of center like Connecticut Junior Republic is another example of it, if we can receive federal reimbursement for that.

We think it's possible. This simply calls on the judicial branch in this case to do the homework to make sure we can qualify.

SPEAKER RITTER:

Representative Prelli, you still have the floor, sir.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker and thank you to the Chairman of the Judicial Committee.

Mr. Speaker, it appears that I -- in reading this section, I see that we're going to have some new programs in the judicial department of the state. And the first program is going to develop a risk assessment instrument and that sounds like it should be part of our judicial department.

Second program develops a care classification process, again, part of the whole issue of the trial and maybe even parole.

It seems to me that Section 3 that we were just talking about belongs more in the Department of Social Services.

And then through you, again, the question to the distinguished Chairman, Mr. Speaker --

SPEAKER RITTER:

Please proceed.

REP. PRELLI: (63rd)

-- Representative Lawlor, why is this program going to be under the Judicial Department rather than under the Department of Social Services? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

First of all, it's not so much a program. It's a system. And the difference is it's just an attempt to do the necessary research and have our ducks in a row so that we can take full advantage of, in this case, federal reimbursement that may be available.

And the judicial branch does operate the juvenile court system, employs all of the probation officers, provides all of the services that we're talking about for juvenile offenders, prior to the time they're, in effect, convicted and transferred over to the Department of Children and Families.

So, essentially what we're doing is we're asking the judicial branch to undertake the kinds of programs which we learn are very productive in allowing us to get, in this case, more money to help offset the cost of the stuff we already do.

SPEAKER RITTER:

Representative Prelli, you still have the floor.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. And thank you to the Chairman for his remarks.

It appears to me that the agencies in the State of Connecticut that are used to getting federal funds, the agencies who are used to working with the federal government to accomplish that are the Department of Children and Family, are the Department of Social Services. And it seems to me that this program fits much better in those areas than in there, but let me go on.

Representative Lawlor, I noticed in and I don't have the mark right here, but I'm sure you know what it is, for an automatic -- for an automatic switch to the Superior Court, it's for a Class A felony and there's a few other items on that. Could you explain to me what are Class A felonies and capital and then there was one other cite there? I'm sorry, I can't find the exact line right now.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Sure. I think you're referring to Section 13. If I can just find it --

REP. PRELLI: (63rd)

It's on the bottom of page 18. Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Well, a capital felony is a felony for which the death penalty may be imposed. A Class A felony, I think the principal one is kidnapping. I'm not sure if murder -- well, I think murder is a Class A felony also.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

And then Section 53A, 54D, could you explain what that is?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

53A-54D is arson murder.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

Are all murders, through you, Mr. Speaker, are all murders considered a Class A felony or what murders and such wouldn't be? Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, yes, all murders are a Class A felony and I point out that in addition to arson murder and kidnapping, arson first degree is also a Class A felony.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Two other quick questions on that section. Just in -- not being a lawyer and not -- never having sat for the bar, I guess I would ask that there are no Class B murders? I know there's manslaughter and I know that's a different crime. I consider that a murder; I'm sure you don't because of the definition differences.

But are there Class B murders also? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Not that I'm aware of, Mr. Speaker. Through you.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you. One other question on that section,

through you, Mr. Speaker.

A capital felony, I -- as brought out in some discussions here just a minute ago, I thought you had to be 18 years old to be accused of a capital felony. Are we changing that section at all? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

No. There -- if you recall the debate on the death penalty, it is a statutory mitigating factor if you are under the age, I think -- I think -- I believe it's under the age of 16 at the time you commit offense. 18? 16. Something like that, 16.

And so if you meet that mitigating factor, then you could be convicted of a capital offense, but the penalty would be life in prison without possibility of release instead of the death penalty. So --

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you very much, Representative Lawlor and thank you, Mr. Speaker.

I just basically have, I think, two more

questions. One of them is on page 35 and it's line 120 something, the rest of my page is cut off. But it's basically talking about repeat -- juvenile repeat offenders and it -- the way I read this and I guess I would need your help with an explanation on this, the way I read this, through you, Mr. Speaker, is that if you were a juvenile repeat offender and you waive a jury trial, you stay in the court that the case is being heard at that point.

But reading earlier, the only way of getting to the Superior Court from the juvenile court is for a Class A felony or for one of those other examples we just discussed.

So it would seem to me that at least reading this on the surface, if you are a serious juvenile repeat offender and you're now at juvenile court, you can just keep waiving a jury trial and always be tried in juvenile court and not be moved to Superior Court.

How would that case be in Superior Court if it's not one of those that we listed earlier? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, if the prosecutor asked to send it to Superior Court, it would go, pending approval of the judge. But there's no -- you have no way of avoiding that if the prosecutor makes the motion.

And it's very similar to the -- in fact, what we've intended to do is make it identical to the process by which cases are transferred between the two levels of the adult court.

There's a Part B and a Part A. And if a prosecutor in the -- for example, let's take robbery first degree. Somebody -- an adult gets arrested, everybody is arraigned first in the lower court, the Part B court, when they get there. This may or may not be a case the prosecutors want to prosecute in the higher courts, I believe, because they have more resources they can single out cases for special attention if they do that.

So if the prosecutors make the motion to transfer in the adult system, the case automatically goes to the Part A court, the higher court.

Technically the judges retain some overall control on that process. They may feel there's too many cases coming, they may feel a case is really not serious enough. But I think most attorneys at least in the hall who do criminal cases would acknowledge that any

time a prosecutor wants to send a case to Part A, it generally goes.

We've attempted to use the same exact procedures for the transfer from the juvenile court to the adult court. Just to safeguard that not too many cases are transferred, such that they can't be prosecuted, but at the same time give the maximum discretion to the prosecutors that whenever they want to send any felony, not just the Class A or B felony, but any felony to the adult court, that transfer is automatic. In other words, there's no procedural steps between the decision to transfer and the transfer. In fact, the arraignment would be the following day in the adult court.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Prelli

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. And, again, thank you to the distinguished Chairman.

I think that I disagree with his interpretation a little bit, at least reading it, because, first of all, we're now talking about a judge in the juvenile court and at least what we've heard is that those judges tend to not transfer things to Superior Court, that they tend to keep them in juvenile court.

And now all of a sudden we're saying that the key to that is that he has to believe that he has committed that act and that he has to approve the transfer. And one of the problems we said and why, I think, some of us would rather see a more definite decision of what gets referred and a more decisive decision on what gets referred is because of that fact that the last statement there is the judge on whether to transfer, it's not an automatic transfer.

And I think that also weighs heavily on the section we were just talking about, whenever a child is a serious juvenile offender, that this is going to happen, that the case is going to stay in juvenile court, because I think most of the attorneys that do trial work would probably recommend that they not accept a jury trial and they'd move on.

I'd like to thank, Mr. Speaker, that pretty much ends the questions I had. I'd like to, once again, thank the Chairman for his answers.

Mr. Speaker, I have some problems with this amendment. I tried to bring up some of the ideas. I think that we are now crossing over between the Department of Children and Family and the Judicial Department on some probation type of programs. This should be done on some ongoing continuation programs

and some new programs, trying to get federal funds. I think that was one of the problems.

I look at Section 1 and 2 of this bill and I -- they look like nice feel good pieces of legislation, but they don't do anything and they're just there to make us feel better. I don't think they should be as part of the amendment here or go forward.

I have a problem that I don't believe we're going to be transferring enough cases. I don't think in the long run we're talking about a vast number of cases. The numbers are -- that I've been hearing are less than 200 cases in total that are going to fall under this, under even an extreme version of this and that with just limited this to Class A felonies we could be less than 25 cases and that's not a lot of cases.

I think this amendment, though well -- will well mention that I think -- and I think well met and well thought of and worked very hard on, I think is still a little bit too soft on youthful offenders. I think we have to get tougher, I think we have to buy that line.

And for that case, I won't be supporting the amendment. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

In reading this amendment, I get a feeling of deja vu all over again because we were here during a special session last year and some of us were standing here saying that the automatic transfer provision or the so-called transfer provision to which Representative Prelli just made reference, really wouldn't work, really wouldn't do anything, was just pre-election feel good legislation.

And sure enough, we're back here after the state's attorney has testified at two separate hearings that the juvenile transfer statute that we enacted in the special session doesn't work, didn't work, wasn't intended to work and now we're back here trying to do something else again.

And unfortunately while moving it marginally ahead, I'm not sure that Section 13 really does a whole lot. Representative Prelli indicated that he thought the number of cases transferred would be under a couple hundred. I suggest that on the basis of 1993 statistics, if we're only dealing with Class A felonies, the number is actually 24 that would automatically been transferred under this section.

Now this amendment does eliminate the probable cause hearing, does eliminate the competency hearing,

which has allowed the process in juvenile court to be hamstrung and to be cumbersome and inappropriate.

But, Mr. Speaker, I have several questions and I'll restrict them at this point to Section 13, if I may. Question through you, to the proponent of the amendment, Representative Lawlor.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Yes. Through you, Mr. Speaker.

As I read this amendment, just to clarify things, capital felonies and I believe it's an absolute bar in the capital felony statute that anyone under 18 being convicted of a capital felony, so we have capital felony in here, but it's really not necessary because no one under 18 can be convicted of a capital felony if they were under 18 at the time of the commission of the crime. Is that correct, first of all, through you, Mr. Speaker.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you. I think they certainly can be

convicted. It's a bar to the imposition of the death sentence. So they would instead receive life in prison without possibility of release.

REP. RADCLIFFE: (123rd)

Right. But the death penalty sentence would not be imposed, because that is still, under the bill that we adopted the other -- couple weeks -- few weeks ago and was signed by the Governor, that is still an absolute bar.

And, of course, we have capital felonies and arson murder. In these situations, as I read the amendment, there is an automatic transfer. There is no discretion in the juvenile court judge. Is that correct, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, through you.

For a Class A felony or a capital felony, it's not only automatic, but it's mandatory. The automatic would apply to all other felonies.

REP. RADCLIFFE: (123rd)

So that in the case of these three instances, arson murder, 53A 54D, capital felony or Class A felony, there is no discretion in the judge, there's no

prosecutorial discretion, the case is automatically transferred to the docket of the Superior Court. Is that right, through you, Mr. Speaker?

SPEAKER RITTER:

Mr. Lawlor?

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes, it's mandatory.

REP. RADCLIFFE: (123rd)

Thank you. So we've come that far since the bill of less than a year ago in which these were still dependent upon a probable cause hearing in the juvenile court and a finding of competency in the juvenile court which can tie up a process for many months.

So for these, at least, we have no contingencies.

But let's go, if I may, to the Class B, C and D felonies and unclassified felonies. In reading this amendment and I know the amendment has changed a couple of times, in reading this amendment, the process has been changed, but certainly it could no longer be termed automatic.

By those 1993 statistics that I read earlier, there were 307 juveniles charged with Class B felonies during that year and I assume the figures in 1994 are probably similar.

So under this amendment the court wouldn't

automatically transfer, there would be discretion. The Court would have to make a finding of probable cause. If there was a finding of probable cause, the court then has to approve the transfer. I see that the amendment uses the word approve instead of ratifies. I guess they're synonyms, but the court still has to approve it.

Then the Superior Court judge has to accept the transfer and if none of this happens or if in one of those three instances a judge says, no, it doesn't happen.

Through you, Mr. Speaker, to Representative Lawlor. In the amendment on line 663, we're told that there shall be an ex parte probable cause hearing. I remember a little bit of my Latin, but what does ex parte mean in this particular context? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

It means, to describe it in terms of the actual process, it is the exact language that appears in Section 650 of the Connecticut Practice Book, determination of probable cause, if a defendant has

been arrested without warrant and has not been released from custody, no such -- sorry -- such determination shall be made in a non-adversary proceeding which may be ex parte based on affidavits.

So, in other words, the finding of probable cause in the juvenile court would be identical to the finding of probable cause under similar circumstances in the adult court. In other words, the judge reads the police report and makes a determination without benefit of argument from counsel or the defendant or anyone else, whether or not, in fact, there's probable cause for the charges which have been levied.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

As I recall the transfer section in adult court and I should point out that both of those proceedings are public proceedings, both the proceeding in Part B and the proceeding in Part A and in this case, this would not be a public proceeding, the judge may base his findings on affidavits under the wording of the statute.

Can an individual at that stage in the Superior Court seek a hearing in probable cause and does the court have the ability to grant such a hearing? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

I suppose, as is often the case in any criminal proceeding, you can make whatever request you want, the statute would not provide for that, however.

REP. RADCLIFFE: (123rd)

So then a judge, through you, Mr. Speaker, in carrying out this statute might determine that a hearing was appropriate and might decline to automatically transfer or transfer, even on a finding of probable cause based on the four corners of an affidavit. Is that true, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes, that's true. All right.

REP. RADCLIFFE: (123rd)

Now, assuming the judge does find probable cause, there's another step here that says that he must approve the transfer. Are there any standards that a judge must use assuming a finding of probable cause initially to approve the transfer? Through you, Mr.

Speaker, and that's on lines 634 and 635.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Thank you.

No, there are no standards in the bill. I assume that they would do just as they have done in the adult system, which is, the judges do control the courts and they have their broad parameters and if my experience has been any guide, they're more concerned with the number of cases and the seriousness of the cases, than any philosophical point of view. Through you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

So in a situation where we're dealing with a Class B felony, let's take manslaughter in the first degree or assault in the first degree of a senior citizen, let's take those two instances. A court could make a finding of probable cause in camera, ex parte, without any party -- anyone present, that's not a public proceeding and then would have to approve the transfer, again, done in a secret proceeding or in camera without public scrutiny and the judge might not approve it on the basis of standards that aren't contained in this

particular bill.

Through you, Mr. Speaker, is the approval governed by the exercise of judicial discretion and under what circumstances would that judicial discretion be disturbed? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, through you.

First of all, I'm not sure ex parte means the same thing as in camera, in fact, I'm sure they don't. I don't imagine that any proceeding would be held in secret in our court system. There are confidentiality rules that do apply and will apply in the future, but the defendant is going -- will be present together with his or her attorney, if they choose to have one, together with other court officials, including the prosecutor and the clerk for any motions that are made on the record.

So the motion to transfer will not happen in camera, nor will it happen ex parte. The defendant does have the right to be present.

I think the issue is the determination that the judge makes of whether or not there's actually probable cause, can and will be based on a review of affidavits

if they feel that's appropriate. And I think rather than speculate, I think we, you know, experience can be a very effective guide here. We certainly have had a lot of it in these exact same procedures in the adult court.

I'm not aware that there has ever been a complaint that too few cases are transferred from Part B to Part A, for example, that the prosecutors feel shut out in any way from that process. Generally speaking, if the prosecutors want to transfer a case, it's transferred. This is the exact same system. I don't see why it would be any different.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

I don't accept the analogy of Part A to Part B. Part A and Part B are both the criminal section of the Superior Court, they're both public sessions. Anything that occurs, occurs on the record in open court and the jurisdiction of the judges in terms of the penalties they can impose are identical. That was the reason for the merger of the old court of common pleas to the Superior Court.

So I don't accept that particular analogy. I don't think it's valid. In juvenile court, you're dealing with an in camera proceeding, you're not

dealing with a public proceeding. So the analogy just fails there.

I do think we have an amendment here, however, that allows a judge, ex parte, on the basis of the affidavits to find probable cause and then still does not require that judge to approve the transfer, is that correct? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, through you.

Yes, that's correct, but I would point out that in the bill with reference to the remarks that were just made a moment ago, we are changing this to be a criminal court. In fact, this will be a criminal session of the Superior Court, if this bill passes and, therefore, not some sort of special juvenile proceeding.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

So assuming then in this case, in these two cases regarding manslaughter and assault in the first degree of a person over 60 years of age, which are just two Class B felonies that I've been using for example. Assuming that a judge finds probable cause, assuming

then that the judge approves the transfer and it goes to Superior Court, we still have a third step that we have to go through in the Superior Court in Part A Section, before the case is made public and that is that the regular criminal court must accept the transfer.

Through you, Mr. Speaker, just so I understand this correctly on line 637. If a judge finds probable cause, approves a transfer to Superior Court, does the judge sitting for the regular criminal docket on line 637, is that judge required to accept the case? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

No, the judge is not required to --

SPEAKER RITTER:

Representative Radcliffe.

REP. LAWLOR: (99th)

-- accept the case. And I'd only point out that in every version of this bill that I've seen from both parties, including introduced by the Governor, all of the steps you've just outlined have been present.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

And if the gentleman feels that these steps are inappropriate, I assure him he will have an opportunity to vote on an amendment which eliminates most of these at a later time. So I would hope I would have his support on that if he thinks that this is -- this is an impediment to swift and certain justice.

But the court sitting on the regular criminal docket, the court at that point that has received this particular case, what standard is that judge required to apply in determining whether or not to accept the case? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

The bill does not require a standard, therefore, no appeal can be taken of that decision. And for that reason, we think it is an automatic transfer. Through you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

All right. Through you, Mr. Speaker.

So that there is no standard that that judge sitting on the Superior Court, he can say I accept this particular transfer and therefore, we're going to make this particular case public regarding a particular juvenile.

But I don't accept this transfer. I'm going to send that back to juvenile court and this individual's trial is not going to be public. The victims of this Class B felony aren't going to know about it, because I'm going to send it back to Superior Court. And there's absolutely no standard that this judge would apply in making that decision between both of these two individuals.

In the case of a Class A felony, we don't have this. What is the reason for giving a judge in the case of a Class B felony this distinction to make distinctions in terms of which case is going to become public between two defendants, both charged with the same crime? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, through you.

Every victim of every juvenile crime, A, B, C, D felonies, misdemeanors, regardless, has the right to

find out every aspect of the status of the case. So under no circumstances, if this bill becomes law, could a victim be refused access to all of the information they would ordinarily be -- have access to in the adult case, number one.

Number two, this is a system which has been tried for a long time in the adult system. To my knowledge there are no complaints. We have spoken to many prosecutors, many judges who work in the courts every single day. They think this is the better system than a mandatory transfer of too many cases.

They would like the discretion to decide which cases to send. They do not believe that the judges would refuse to accept cases and I might inquire of the proponent of the question, if he or anyone else has spoken to a prosecutor who feels that the judges might interfere with their discretion under these circumstances.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

Over the years and the past few months, I -- I'll be happy to answer the question, although I had the floor and was posing the question, I've spoken to many prosecuting attorneys, officials in the court on both the criminal and civil side where I have a little bit

of experience in terms of actually trying cases.

And, yes, I have -- I've talked to several individuals who would like to see this system improved, would like to see a mandatory transfer. I heard the chief state's attorney testify at two public hearings that he wanted a mandatory transfer.

One of the bills that was before us at that public hearing was a bill that would have required a mandatory, and I'll define mandatory as compulsory under all circumstances without exception, transfer to the docket, not only of Class A felonies, but also of Class B felonies, including the two examples I just used.

So we had the testimony of the chief state's attorney at two separate public hearings, one here and one in the City of Waterbury at which he testified in favor of the type of transfer that we've been discussing for the past few minutes on a mandatory basis.

When you adopt something like this you run exactly the risk that we ran last year. Last year we adopted a juvenile transfer statute that some of us warned was not going to be affective, wasn't going to do the job, allowed the system to be tied up through dilatory motions, allowed juveniles in juvenile court to remain

in juvenile court, because the probable cause hearing could be appealed.

This amendment takes care of only one of those instances regarding Class A felonies. There were only 24 such individuals in the State of Connecticut under figures in 1993 and I obtained those figures from the court personnel.

There were 307 juveniles charged with Class B felonies. Now Class B felonies are serious crimes. And, quite frankly, under this system, we have the same problems in many respects as we do under the existing system.

The prosecutor has to make a motion to transfer, the prosecutor doesn't have to make a motion. The judge in an ex parte proceeding has to find probable cause, something which may or may not be appealable by the individual defendant. The judge then has to approve a transfer. It then goes to the Superior Court where a judge can refuse the transfer and it can be sent back to juvenile court and we play round robin once again.

Now, we've improved the system a little bit. But if Representative Lawlor really believes that this amendment, particularly in line 13, assures the public that those juveniles who commit serious crimes will pay

the consequences for those crimes in adult court, it clearly does not do that. And it allows judges to make distinctions based upon criteria that aren't in the court between one defendant and another defendant.

And when we do that in our system, that's always the subject for potential abuse.

Mr. Speaker, I have many questions on other sections of this bill. I'm sure we'll be -- have an opportunity to get to them at a later time. I know this amendment hasn't been adopted. I hope it will be adopted and I hope the membership of this Chamber will really have an opportunity today to vote on a juvenile transfer bill that actually does the job. This doesn't.

SPEAKER RITTER:

Will you remark further on House A?

If not, I'll try your minds. All in favor, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER RITTER:

Opposed, no. House A is adopted.

Will you remark further on this bill as amended by House A?

REP. RADCLIFFE: (123rd)

Mr. Speaker?

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you. Mr. Speaker, because House A has been adopted, we now have before us a juvenile transfer statute. But I believe that the transfer statute that we have before us here, for reasons that I stated earlier, really doesn't do the job in terms of what our constituents are demanding in terms of accountability of juveniles for the commission of serious crimes.

And, therefore, Mr. Speaker, the Clerk does have an amendment, LCO7909. Would the Clerk please call and may I request leave of the Chamber to summarize?

SPEAKER RITTER:

The Clerk has LCO7909, which we designate as House B. If he may call it and Representative Radcliffe would like to summarize.

THE CLERK:

LCO7909 designated House B, offered by Representative Radcliffe, et al.

SPEAKER RITTER:

Representative Radcliffe from the 123rd, you have the floor, sir.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require the court to automatically transfer to the criminal docket of the Superior Court capital felonies, Class A felonies and a violation of Section 50A 43B, just as did or just as does the underlying file copy.

But it also provides that those juveniles accused of a Class B felony will also be automatically transferred to the adult docket of the Superior Court, provided the offense was committed after the individual is 14 years of age.

Now those Class B felonies, just so we know we're talking about serious crimes here, those Class B felonies include manslaughter in the first degree, manslaughter in the first degree with a firearm, assault in the first degree, assault in the first degree of a person over 60 years of age, sexual assault in the first degree, aggravated sexual assault in the first degree, sexual assault of a spouse, promoting prostitution, kidnapping in the second degree, kidnapping in the second degree with a firearm, burglary in the first degree, arson in the second degree, larceny in the first degree, and robbery in the first degree.

Those cases now, which are serious cases and which

based on 1993 statistics accounted for 307 cases in the juvenile court, would now automatically be transferred to the docket of the Superior Court and could be transferred, if it was a Class B felony, back to the juvenile court on motion. And since it would be on the Superior Court docket, that motion would be heard in open court where it could be transferred.

The amendment also allows, as does the underlying file copy, although without the convoluted procedure in juvenile court, allows the transfer of Class C, D felonies or unclassified offenses on motion of the court advocate. That's where prosecutorial discretion comes into play, only at the level of a Class C, Class D or unclassified felonies.

The difference between this and the file copy is that the file copy accords that same discretion to a prosecutor into a court or several judges in the cases of Class B felonies, such as manslaughter in the first degree.

The amendment further tracks the language of the existing file regarding the incarceration of juveniles in the existing statute who are subject to the transfer provision.

Mr. Speaker, I move adoption.

SPEAKER RITTER:

Question before us is the adoption of House B. Will you remark further, sir?

REP. RADCLIFFE: (123rd)

Mr. Speaker. Mr. Speaker, we had an opportunity some time ago to do something meaningful about the juvenile transfer statute. We have a juvenile court system today. A juvenile court system which was designed for juveniles, for young offenders who committed minor violations, who committed minor offenses, who committed crimes that probably fell into the category of mischief.

And that juvenile court system hasn't changed, but the nature of the offenders certainly has changed.

That same juvenile court system is now being asked to deal with offenders who are committing the most serious and the most destructive of crimes, including those Class B felonies to which I alluded earlier, robbery, burglary, manslaughter, who are not only using guns and bringing them to our educational institutions, but are engaged in adult activities in a variety of ways.

And when those juvenile offenders between 14 and 16 years of age engage in an adult activity with adult consequences, with serious consequences to their victims, this amendment would require that they be

treated as adults with the seriousness that the offenses deserve.

This amendment essentially brings the juvenile court system designed for far less serious crimes up to date and takes account of the more serious violations now being committed by juveniles which are now in our juvenile court system.

For example, in 1993, there were 591 Class C felonies, Class C felonies committed by juveniles that went through our court system. This bill would allow that transfer in a particular case and would allow it without the cumbersome procedural technicalities which have hamstrung our prosecutors and made our juvenile court system a joke.

Mr. Speaker, if this Chamber is really serious about doing something about juveniles who commit serious crimes and I consider a Class B felony a serious crime and I would ask any member of this Chamber to dispute that, if we're really interested in doing something about juvenile offenders who commit serious crimes, then we'll adopt this amendment.

If we want to take account of only a very small fraction of those offenders committing Class A felonies, then reject the amendment, vote for the file copy and we'll be back here next year saying why isn't

the juvenile transfer bill that we did in 1995 working.

That's the question we're asking today. And I can remember the debate less than a year ago, Representative stood here and said this is a meaningful juvenile justice reform. It wasn't. It didn't work, it was a farce.

This amendment, Mr. Speaker, will give our juvenile court officials, our prosecutors and our police the tools that they need to prosecute serious juvenile offenders as they should be prosecuted and will also insure that in public open court our victims know what is happening when an individual commits one of these serious crimes.

It's long overdue. It ought to be approved and I hope it will not be defeated on the basis of partisan politics. Thank you.

SPEAKER PUDLIN:

Will you remark further on House Amendment B? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, a question to the proponent to the amendment.

SPEAKER PUDLIN:

And your question, sir?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Does -- under the system would the prosecutor retain the discretion to reduce it to a lesser charge, thereby avoiding the transfer to adult court?

SPEAKER RITTER:

Would you care to respond, Representative Radcliffe?

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

Neither the file copy nor this amendment addresses that particular area. The initial charge is always made as -- former Representative Lawlor as a former prosecutor knows by a prosecutor when the court is placed into the system. Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

So, in other words, through you, the prosecutor still retains the discretion to not send a case to adult court simply by changing the charge? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

Neither this amendment nor the file copy speaks to prosecutorial discretion.

REP. LAWLOR: (99th)

Through you, Mr. Speaker.

Then why is this amendment necessary?

SPEAKER PUDLIN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

Because this amendment will insure the automatic transfer of those individuals included in the file copy and will also insure the automatic transfer to the regular docket of the Superior Court of those juveniles accused of Class B felonies, which include the bulk of the juveniles committing the most serious crimes in our court system.

Representative Lawlor, based on 1993 statistics, would deal with 24 juveniles out of a case load of 25,307. This amendment deals with 307 individuals who committed the most serious crimes of Class B felonies. Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

I would urge rejection of this amendment. In talking to the prosecutors, the judges, the court officials, the police, they know who the bad guys are, they know who ought to be in adult court. Sometimes they're charged with Class D felonies, sometimes drug felonies, which are neither A, B, C or D, by the way.

I think we should rely on them, trust them to send the cases to adult court they think are appropriate and not waste the court -- the adult court's time with cases that they can impose more effective, in many cases, more serious punishment in the juvenile court.

I'd urge rejection.

SPEAKER PUDLIN:

Representative O'Neill.

REP. O'NEILL: (69th)

Yes. Thank you, Mr. Speaker.

First, I would like to request that we have a roll call on this amendment when the vote is taken.

SPEAKER PUDLIN:

Request for roll has been made. All those in favor of a roll call, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

20 percent has been met. When the vote is taken, it will be taken by roll.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker.

And, secondly, I would urge adoption of the amendment. I believe that it's a very useful improvement to the now amended file copy and I think it goes a long way in the right direction, which we need to go in order to deal with juvenile crime in the State of Connecticut.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you, sir.

Will you remark further on House B?

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker.

In listening to the debate, I've now understood or at least I understand better as to what has held back the juvenile court from literally being a viable court that is specifically necessary to deal with the crime that occurs involving people up to the age of 16 years old.

The first thing I hear is a major distinction between a Superior Court and a juvenile court and I guess I would only suggest that a juvenile court is, in fact, a part of the Superior Court, is, in fact, a Superior Court, for those of you who aren't involved in the system.

And the second part is that the judges that sit on the benches of juvenile courts are judges of the Superior Court. They have the same powers, the same responsibilities, the same discretion, the same authority to dictate certain forms of remedies within their court system, within the judicial court system, the juvenile court system, per se.

However, what has happened is legislation throughout the years has limited their abilities to function as a Superior Court which, in fact, they are. And we limit that because we create this idea that something magical happens in adult court that cannot happen in a juvenile court, which clearly is not the case. They are competent responsible individuals sitting in those courts who don't unfortunately have the tools necessary to proceed forward in certain instances.

The suggestion that their mission is somewhat different in a juvenile court than an adult court, I

think is absolutely wrong. Their mission's the same, to deter crime, to include remediation that could very well include incarceration, but also other remedies.

And what I'm hearing is we do not want to allow the remedies to occur or allow judges with the same experiences as in the adult court sector to utilize their discretion to move cases from a juvenile docket to an adult docket and weren't responsible enough to make those decisions in appropriate fashion.

Clearly we all would agree that eight felonies are the most serious of felonies that should be dealt with in adult docket because of the methods of remediation that we deal with in the adult sector.

But to assume for one moment that a judge sitting in a juvenile court does not have the ability or the authority to create a discretionary call of B, C and D felonies I think is absolutely wrong and should not be the case.

We should create a juvenile court system that creates respect and demands respect from the people that we sent to that court, from those kids. That it be not called what we call it on the street as Kiddie Court. And this legislature should not continue to allow that type of reputation to continue in a juvenile court.

We all sit here and we talk about wanting juvenile courts to function. We want to create prevention and intervention programs and yet we stymie the ability of a juvenile court to function as a Superior Court, which it is.

The amendment that's proposed is bad. It should allow for discretion. I oppose the amendment and I would hope that others would join me in doing so.

SPEAKER PUDLIN:

Thank you, sir. Will you remark further? Representative Ward.

REP. WARD: (86th)

I would yield the floor to Representative Fusco. I'm sorry, I didn't see him rising.

SPEAKER PUDLIN:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker.

Just in brief response to Representative Diamantis, quite frankly, with all due respect to my learned colleague, what he just said is a bunch of hog wash.

Mr. Speaker, if we don't give some direction on this public policy, it's never going to change. I think the amendment is a well thought out amendment and

it's about time that we got tough on crime.

SPEAKER PUDLIN:

Will you remark further on House B?

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker.

I'd add a couple of items. Besides the policy difference in this amendment with regard to an automatic transfer of B felony and I won't read the whole list, but they are also amongst the most serious of felonies.

There's another important policy distinction in the amendment versus the file as already amended by House A and that is whether or not those cases that are transferred are public or are secret.

The file copy under House A, when the transfer is made, although they're in adult court, they can be -- continue to have the protections of secrecy that are there in juvenile court. I think that is fundamentally wrong, that if you're talking about serious felonies for those over 14 that are either mandatorily transferred, the Class A felony or, in this case, the Class B, or those where the judge felt in his discretion that C or D should move, the public ought to have a right to know what's happening in that court.

The press ought to be able to walk in and find out what's going on about it and the public ought to know. If you want to have confidence from the general public as to what's happening for serious crime committed by teenagers between 14 and 16, I think having it open to the public, not just a victim getting some victim input, but truly open for public inspection, is appropriate.

So that I would urge you to adopt the amendment, because as a public policy we should say if you're 14 or 15 years old and you commit a B felony, no ifs, ands or buts, we're going to treat you like an adult.

Those B felonies are not minor offenses. Those are all very serious crimes generally involving substantial theft, more often than not, substantial injury to humans. Beyond that, when it's transferred, I think the public ought to have a right to know.

We believe there's probably 350 cases a year. Those are precisely the kids that we ought to have off the street, we ought to have public scrutiny as to who they are and we ought to move them if they're committing B felonies. Those are the things that we think will be automatically transferred.

I believe the amendment makes a bill that's pretty good much better. I would urge adoption of this

amendment. Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Will you remark? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, just very -- yes, very quickly. Representative Ward dealt with the public's right to know. Representative Diamantis would have the Chamber believe that there's no difference between the juvenile court and the Superior Court. I suggest there's a world of difference in terms of the ability of a judge in the juvenile court to sentence an offender accused of one of these offenses, than with a judge in the Superior Court.

The judge in juvenile court, to my understanding and I would stand to be correct on this, but as I read the statute, has a maximum -- can sentence an individual to a maximum term of four years incarceration, regardless of the nature of the crime.

On the adult docket for the Superior Court for a conviction of a serious felony, a Class B felony, it's well in excess of that.

So there is more than a semantic difference here. There's a real difference in the way a judge can sentence an individual. This bill will insure that at least the victim is going to know about that on the

adult docket of the Superior Court and will insure that those cases will be treated the same for purposes of transfer.

It's a meaningful amendment. It's a good change for our statute. And it takes account of the more than semantic difference between juvenile court and adult court.

REP. WARD: (86th)

Mr. Speaker?

SPEAKER PUDLIN:

Sir.

REP. WARD: (86th)

It's to reemphasize the point because I -- it seems to have been lost.

That's exactly the kind of case that would be transferred to the adult court, whether it's a B, C or D felony, unclassified sale of drugs. The point is let the professionals in the court decide which ones to send. Because in many cases you're right, they should get more than four years. But we shouldn't be decided here on the floor of the House of Representatives case by case which ones should go. Let them decide, give them the ability to do it, with no ifs, ands or buts, which is what the original amendment does. Those cases will be sent to the adult court, they'll get long

prison sentences and that's that.

SPEAKER PUDLIN:

Will you remark further?

If not, staff and guests to the well of the House. Members be seated, the machine is open.

THE CLERK:

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

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

SPEAKER PUDLIN:

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

Clerk will please announce that tally.

THE CLERK:

Voting House B to HB7025. Total number voting, 145; necessary for adoption; 73. Those voting yea, 62; those voting nay 83. Absent, not voting, 6.

REP. LAWLOR: (99th)

Mr. Speaker?

SPEAKER PUDLIN:

House B is defeated.

Will you remark? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

The Clerk has LCO6538. I'd ask that the Clerk call and that I be permitted to summarize.

SPEAKER PUDLIN:

Clerk, please call LCO6538, House Schedule C.

THE CLERK:

LCO6538, House C, offered by Representative Lawlor.

SPEAKER PUDLIN:

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

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

This makes several changes, some stylistic, some not in the amendment which was earlier adopted.

First of all, in line 22, deletes language that was in that amendment, recommendations concerning the establishment. It just says, the establishment of OAS. That's a stylistic change.

In line 31, it changes adjudicated in House A, that was enacted to convicted consistent with the other aspects of the bill.

And in line 33, deletes the word recommendations, which had in the original amendment, appeared before the word, the operation.

On the flip side of this amendment, there's two new sections which are, in fact, new and to some extent substantive. First is a program which we had intended to include in the original package, but unfortunately I had forgotten to do it, ask -- requiring the Department of Public Safety to adopt a -- to study and determine the feasibility of establishing a program called the Child Protection Network, which allows them to provide to municipalities information and brochures and signs surrounding this program which has been very successful and I'm sure will be explained by Representative Mushinsky in a few moments.

This is not mandatory on any municipality, but if they want to participate there'd be a reasonable fee established by Public Safety.

And, finally, Section 48, adding of Section 48 to the bill, clarifying a concern about mediation services available. To a large extent, this bill relies on alternative forms of dealing with cases, one of which is a very successful mediation program.

There has been a problem --

SPEAKER PUDLIN:

Excuse me, Representative Lawlor. Excuse me.

We're enabled, not mandated to listen to this debate. Feel free to leave the Chamber. I would

encourage you to do so. I think the debate will happen faster if we have a little more decorum in the Chamber.

Representative Lawlor, proceed.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

I was referring to lines 56, 57 and 58 of the amendment, just clarifying the circumstances under which mediation programs can be employed by prosecutors in Connecticut's courts and some clarification that the effective dates for those Sections 44 and -- hum -- clarification on the effective dates on Sections 47, 48, and 49 on October 1st of this year.

I'd urge adoption, Mr. Speaker.

SPEAKER PUDLIN:

Questions on adoption of House C. Will you remark?

If not, let me try your minds -- I'm sorry, Representative Lawlor, did -- you wish to speak again? You can follow yourself, I think that's in the rules.

If not, all those in favor of House C, signify by saying -- no?

Representative Powers.

REP. POWERS: (151st)

Hi. I'm going to invest in flags, I think.

If I could ask the proponent of the amendment a

question --

SPEAKER PUDLIN:

You can.

REP. POWERS: (151st)

-- please? Thank you very much.

Through you, Mr. Speaker, could we -- what is the fiscal note on this amendment?

SPEAKER PUDLIN:

Representative Lawlor, will you respond?

REP. LAWLOR: (99th)

If I could have a moment, Mr. Speaker?

Mr. Speaker?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

The Office of Fiscal Analysis has indicated minimal cost can be absorbed within agency budgets.

SPEAKER PUDLIN:

Representative Powers.

REP. POWERS: (151st)

Thank you, Mr. Speaker.

Through you, do they indicate which departments are going to be absorbing this cost?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Is the question does OFA indicate which departments or does the amendment indicate which departments? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Powers.

REP. POWERS: (151st)

Which, either one.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, Section 47 refers to the Department of Public Safety; Section 48 refers to the Judicial Branch. And since the other language is purely stylistic in nature, there's no agency involved.

SPEAKER PUDLIN:

Thank you, sir. Representative Powers.

REP. POWERS: (151st)

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

You're welcome. Remark further on C?

REP. DEPINO: (97th)

Mr. Speaker?

SPEAKER PUDLIN:

Hello. Representative Depino, good evening, sir.

REP. DEPINO: (97th)

Good afternoon, Mr. Speaker, thank you.

I just rise to support the amendment, specifically Section 47. In consultation with Representative Mushinsky from Wallingford and having done some independent study, I think this is a very, very worthwhile and active program that the Department should participate in.

Certainly being pro-kids is something that everyone in this General Assembly would like to do. And I think this is a very good opportunity for us as an elected body to let our constituents in our communities know that we can be very pro-active in preventing the abduction or abuse of a child in any neighborhood in this state.

And I very much encourage my colleagues to support the amendment. Thank you.

SPEAKER PUDLIN:

Thank you, sir.

On C, will you remark? Representative Mushinsky.

REP. MUSHINSKY: (85th)

Thank you, Mr. Speaker.

Just briefly to let the members know that Section -- new Section 47 was originally a bill from the Children's Committee, was unanimously endorsed by the

Committee and was simply lost in transit between our committee and Public Safety.

It was very well received by the members and is strictly on a voluntary basis. We hope to work with the state police to distribute this information in the future to towns that wish to set up child prevention -- child abuse prevention on their own.

SPEAKER PUDLIN:

Will you remark?

If not, let me try your minds. All those in favor of C, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

Opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Will you remark? Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has an amendment, LCO7815. Could he be -- could he please call and I be allowed to summarize?

SPEAKER PUDLIN:

Will the Clerk please call LCO7815, designated

House Schedule D?

THE CLERK:

LCO7815, designated House D, offered by Representative Prelli.

SPEAKER PUDLIN:

Representative Prelli, you've asked leave to summarize. Proceed, sir.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

I know looking at this amendment, it looks like a long amendment, it's three-and-a-half pages long, but I would draw your attention to line 67 through 71 where we define delinquent act. That's the only change in this amendment and I would move its adoption.

SPEAKER PUDLIN:

Question is on adoption of D. Will you remark?

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

Mr. Speaker, as I was reading through the amendment and the bill, the bill prior to it and also in this amendment, no place did I see delinquent act defined. I wasn't sure what a delinquent act was in the bill, so I asked for a definition of it and that's what this amendment does. It strictly is technical just to define what a delinquent act is. And I urge

support.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Question is on the adoption of House D. Will you remark? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, a question to the proponent.

SPEAKER PUDLIN:

Proceed, sir.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, just so it's clear, is the only change from the House Amendment A, which was enacted, the language contained in line 67 through 71?

SPEAKER PUDLIN:

Representative Prelli.

REP. PRELLI: (63rd)

Mr. Speaker, yes, that's what the intent of the amendment was. That's the only thing that's supposed to be changed is the definition, adding the definition of delinquent act and then obviously, renumbering some of the sections. Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

And through you, Mr. Speaker, in the opinion of the proponent, is this necessary to clarify or to make a distinction between a delinquent and a delinquent act, given that the language appears to be identical?

SPEAKER PUDLIN:

Representative Prelli.

REP. PRELLI: (63rd)

Just a second, Mr. Speaker.

SPEAKER PUDLIN:

Take your time, sir.

REP. PRELLI: (63rd)

Yes, Mr. Speaker. I -- the problem was that in delinquent act was never defined and I just wanted to define delinquent act. It is very -- if the proponent says it's the same as delinquent, I will take his word for it, but it was just to define delinquent act.

SPEAKER PUDLIN:

Did you hear, Representative Prelli?

REP. LAWLOR: (99th)

Yes, I did. Thank you, Mr. Speaker.

I would have no objection to this amendment. If it serves the purpose of clarifying, it's fine.

SPEAKER PUDLIN:

Will you remark further on House D?

If not, let me try your minds. All those in favor

of D, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

Opposed, nay. The ayes have it. D is adopted. Will you remark further on the bill as amended? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, the Clerk has an amendment, LCO5579. Would he please call and may I request leave to summarize?

SPEAKER PUDLIN:

Will the Clerk please call LCO5579, House E?

THE CLERK:

LCO5579, House E, offered by Representative Radcliffe, et al.

SPEAKER PUDLIN:

Hearing no objection to request for summarization, proceed, sir.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

This amendment amends Section 8 of the file copy to add two additional individuals; one Republican and one Democrat to this body to be appointed by the -- which will include the chief court administrator and

the other individuals listed here with responsibility of devising a plan and recommending revisions in the second year of the biennial budget.

SPEAKER PUDLIN:

Thank you, sir. Will you remark on House E?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Mr. Speaker --

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, I think this is an appropriate addition to the bill and I'd urge its adoption.

SPEAKER PUDLIN:

Question is on House E. Will you remark further?

If not, let me try your minds. All those in favor of E, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

Opposed, nay. The ayes have it. E is adopted.

Will you remark further on the bill as amended?

REP. RADCLIFFE: (123rd)

Mr. Speaker.

SPEAKER PUDLIN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

I certainly wish this bill had been brought out earlier in the day. That was not our decision, however.

In Section 28 of the bill, Mr. Speaker -- or Section 22, rather, the bill talks about restitution for a victim of an offense by a juvenile offender.

Through you, Mr. Speaker to the proponent of the amend -- the bill, if I may?

SPEAKER PUDLIN:

Representative Lawlor, ready yourself, sir. Proceed.

REP. RADCLIFFE: (123rd)

Representative Lawlor, in Section 22, we're talking about restitution to a victim and it gives the court an opportunity to order restitution not only to the juvenile, but also to the parent and then tracks the limits of the parental liability statute, which are $5,000.

So, through you, Mr. Speaker, would the court by way of collecting this monies, be entering a judgment against one or both of the parents? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

It's an interesting question, 'cause I know we have another bill coming shortly, an act concerning victim services, which includes language regarding establishing orders of restitution as judgments of the court which are enforceable for 10 years, following the release from prison.

And I'm not sure exactly how the language is currently written in that bill, but I think that it would be appropriate given the spirit of that bill, that these orders of restitution also be given the same weight and enforceability as a judgment of the court.

And if -- and I certainly think -- I just can't recall exactly the language in that bill, but it's on our goal list and we will be taking it up shortly and I would certainly be happy to clarify that that would apply to these types of juvenile restitution orders as well.

Through you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

Through you, the bill on line 1049 or the amendment, mentions Section 52-572 of the General

Statutes, which is the parental liability statute and provides a limit of up to $5000.

Now the court can impose this restitution on line 1042 based on the child's ability to pay. If the child had no ability to pay and the parents had tremendous assets, would the court be able to impose the maximum $5000 penalty under that statute, assuming that damages had been proven? Through you, Mr. Speaker?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Yes, I believe they would.

SPEAKER PUDLIN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker.

Would this preclude a parent from initiating -- or a victim from initiating an action under the parental liability statute for the willful and malicious acts of minors, since this statute only applies to those actions which are deemed willful and malicious?

Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker.

No, I don't think it would. I can imagine an argument for some type of set off, but I think that ought to be resolved by the court that hears that action.

REP. RADCLIFFE: (123rd)

All right. But then -- but the fact that we use Section 52-572 in this statute, which only applies to willful and malicious acts, an individual who was ordered to pay restitution for acts that may not have been willful and malicious, but nonetheless constituted damages, that individual would not be precluded for a separate action, is that correct?

Through you, Mr. Speaker?

REP. LAWLOR: (99th)

Through you, Mr. Speaker.

Yes, that's correct. And I think that since we're talking about criminal conduct, I think that might fall into the category of willful and malicious. I suppose it could be reckless and negligent.

But certainly the intent is not to in any way do anything inconsistent with what you just said.

REP. RADCLIFFE: (123rd)

Well, thank you, Mr. Speaker.

I'm thinking of a situation in which there may have been three or four actors and one of the actors may have -- may have done particular damage or the most severe damage and not all three. In a civil action, each individual would be responsible for their particular actions.

Under this statute, as I read it, however, the court could actually impose damages that may not have been willful and malicious on the part of one of the actors. Is that a correct reading, even in light of the referencing of 52-572 in that section?

Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

I think it's fair to say, the purpose that the citation of 52-572 is to establish the limit, and not rely on the guidelines of that actual statute regarding willful and malicious conduct.

So the answer to your question is, yes.

REP. RADCLIFFE: (123rd)

All right. Thank you, Mr. Speaker.

And I think that does -- that section does need some clarification. Certainly if this -- this is a

case where restitution is to be made through the court, I don't know if the individual failed to make restitution, if the individual could take a private action.

I think perhaps it should be in the form of a judgment which was enforceable and as a judgment, it would be good for 17 years under our existing law.

Couple of final questions, through you, Mr. Speaker. On line -- on Section 45, if I may? And I don't know how Representative Lawlor can hear, but we'll try.

On line 45, we talk about the division of criminal justice and the merger. We know about the situation in which a juvenile court prosecutor would not be able to share information with the state's attorney, because the juvenile court prosecutor is an employee of the Judicial Department and not the Department of Criminal Justice.

I think in Section 45 you've attempted to clarify that, but you've indicated in that section that the proceedings concerning juvenile matters in the criminal section shall be under the control of.

That would not, however, make them employees of the Criminal Justice Division, would it? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you. The intent is that the juvenile -- the court advocates now, which are also known as juvenile prosecutors, together with the inspectors and investigators that work in their office and their staff, would all become employees of and under the jurisdiction of the Division of Criminal Justice. Exactly how that transfer would take place, would be resolved in the next session of the legislature as part of the second year of the biennial budget adjustments.

REP. RADCLIFFE: (123rd)

All right. And the reason I raise that issue is we have a situation now where some of the sheriffs are under the direction of the Judicial Department, but are under the control or hold their office through the pleasure of the high sheriff in our courts, particularly bailiffs.

And I think in this particular session we may not be accomplishing what we're talking about. I think the purpose of this is certainly laudatory. We're attempting to allow them to share information. By simply putting them -- putting the Criminal Justice

Division in charge of the proceedings, I don't know if we'd necessarily made them part of the same law firm.

So, Mr. Speaker, I'd like to call, if I may, an amendment LCO7025. Would the Clerk please call and may I request leave to summarize?

SPEAKER PUDLIN:

Clerk, please call LCO7025, House F.

The Chamber will stand at ease while we wait 7025.

(HOUSE AT EASE)

SPEAKER PUDLIN:

Representative Radcliffe, can you help us out and give us the bill number, not the Calendar number.

REP. RADCLIFFE: (123rd)

Gave you the --

SPEAKER PUDLIN:

You gave me the LCO7025.

REP. RADCLIFFE: (123rd)

7132. Did I give you the -- I gave you 7132, Mr. Speaker? Excuse me. It's LCO70132.

SPEAKER PUDLIN:

Then we'll try again.

REP. RADCLIFFE: (123rd)

My apologies if I read the wrong number.

SPEAKER PUDLIN:

That's okay. We're now looking for 7132, House Schedule F.

THE CLERK:

LCO7132, House F, offered by Representative Radcliffe, et al.

REP. RADCLIFFE: (123rd)

Permission to summarize, Mr. Speaker.

SPEAKER PUDLIN:

Granted.

REP. RADCLIFFE: (123rd)

Mr. Speaker, this amendment would make persons employed as court advocates in the juvenile court system, which is the title of a juvenile court prosecutor is court advocates, employees of the Division of Criminal Justice.

I would move adoption.

SPEAKER PUDLIN:

Questions on the adoption of F. Will you remark further?

REP. RADCLIFFE: (123rd)

Yes, Mr. Speaker.

I think this amendment dovetails with a portion of Section 45, although it may require some additional finetuning with regard to other employees of the

Department of Criminal Justice or other members of the staff of the court advocates.

In order to keep the fiscal note as minimal as possible, I think it's necessary only to include court advocates at this time.

I am not certain that Section 45 of the bill as it is in file -- in the amendment form would give the court advocate to the juvenile court prosecutor the ability to share information with the Superior Court, even in those very rare instances, in my opinion, in which the transfer provisions will be operated.

But in those particular provisions, they ought to be able to share information, as can the office of the public defender right now, because they're basically members of the same law firm.

I think this takes care of part of the problem. I recognize fully and I think the Chairman of the Judiciary Committee also recognizes that there may be some additional work required.

SPEAKER PUDLIN:

On House F, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Just a couple of questions. First of all, the effective date under this amendment would be when?

Through --

SPEAKER PUDLIN:

Representative Radcliffe.

REP. LAWLOR: (99th)

-- you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

This amendment on line 49, since it's Section 47, would be effective October 1, 1995.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

It's been pointed out that that effect -- there might be some adjustments in bargaining units, in salaries, etcetera, which have to take place and those items are not taken into account in the current years or in the budget that I expect we'll be voting on next week.

And I just want to point out for clarification, in the fiscal note for this bill which is rather lengthy, it does explain that Section -- that the transfer of the advocates and other personnel to the Division of Criminal Justice, a total of 18 positions, 12 of whom are actual attorneys, is being transferred over.

And -- so I think there's a couple problems with

this amendment, but I'm sure we could resolve it and -- with regard to effective date, etcetera.

REP. RADCLIFFE: (123rd)

If that's a problem, I know this bill has to go to the Senate and maybe that would be the appropriate place to fix the effective date.

I simply would like to effect the provisions of Section 45 immediately. I think it's imperative that, you know, our state's attorneys at least have the same abilities as those who are defending the juvenile offenders have and that's the ability to share information.

So if that's possible, I know this bill has to go to the Senate and I know this Chamber is not bashful about sending crime bills back to the Senate as we did yesterday.

So I think the amendment makes sense at this point. We can adopt it and as far as the -- as far as the amendment's concerned, I'm looking at the fiscal impact here and it's -- and I don't see any fiscal impact. There's to be no fiscal impact, other than that indicated already in the bill, already in the file copy.

So as far as the fiscal impact, I think the amendment is fiscally neutral. It doesn't have any

additional cost. That cost has already been factored into the bill. And frankly if the amendment is considered to be not fiscally prudent, then the bill would suffer from that same disability.

I don't see that we lose anything by adopting it, recognizing that we may have to include others. That's why it was drafted as narrowly as it was precisely because of that potential fiscal impact.

SPEAKER PUDLIN:

Thank you, sir.

Will you remark further on House F?

REP. LAWLOR: (99th)

Thank you, for your indulgence, Mr. Speaker.

SPEAKER PUDLIN:

Always, you're indulging speaker.

REP. LAWLOR: (99th)

Mr. Speaker, I understand the intent of it and I've asked that a separate amendment be prepared that would encompass all of the employees and have an effective date of July 1st, '96. I think this is a clarification, doesn't change anyway the intent of the bill.

I'm not exactly sure it's 100 percent necessary, but if there's a concern, I certainly have no objection to it. But in its present form, this amendment, I'd

urge my colleagues to reject this pending the arrival of a second amendment that would make it clear that not only the attorneys, but the inspectors and investigators are brought -- are included.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you. Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, for the third time, I would request leave of the Chamber to withdraw the amendment. I do have an amendment that I think does exactly what Representative Lawlor is suggesting.

SPEAKER PUDLIN:

You gentlemen know you can negotiate off the microphones, too.

Thank you very much. Hearing no objection, the amendment is withdrawn.

Will you remark further on the bill --

REP. RADCLIFFE: (123rd)

Mr. Speaker.

SPEAKER PUDLIN:

-- as amended?

REP. RADCLIFFE: (123rd)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Will the Clerk please call LCO6705?

SPEAKER PUDLIN:

Clerk, please call LCO6705 House G.

THE CLERK:

LOC6705, House G, offered by Representative Radcliffe, et al.

REP. RADCLIFFE: (123rd)

Permission to summarize?

SPEAKER PUDLIN:

Please.

REP. RADCLIFFE: (123rd)

This does exactly what the last amendment did, only it makes the effective date July 1, 1996 for Section 47.

I move adoption.

SPEAKER PUDLIN:

The negotiations continue. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you.

Mr. Speaker, I certainly appreciate the intent, but there was two problems. One was the effective date and one, it doesn't cover the other --

SPEAKER PUDLIN:

Excuse me, Representative Lawlor. It's been brought to my attention there's nothing on the board. Please wait.

Proceed, sir.

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

My concern is twofold. One is the effective date that's clearly resolved here. But there are other people who work for the Judicial Branch, the inspectors, investigators, clerical staff. And it's anticipated -- well, it's intended that all of those people would move over to the Division of Criminal Justice.

And if the intent is to be specific that that's going to take place, I think it's more appropriate that we include both of those items in the amendment. And I don't think this is a disagreement on substance, but I have asked for an amendment to be prepared that does both those things.

We expect it to be here very shortly and with all due respect, I would urge rejection in the interim.

SPEAKER PUDLIN:

On G, Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, I don't know that the amendment has been ordered on this bill. And I don't know what the fiscal impact will be. I don't know how many more amendments are going to be called on this bill, if any.

But this particular amendment doesn't have any fiscal impact. And as I indicated earlier, the reason it's drafted so narrowly is to avoid exactly that.

I mean, this bill said that it could be absorbed within the contents of the existing file copy. That's what I wanted to do. I understand the need to take account of other individuals.

The same procedure took place with the merger of the Court of Common Pleas and the Superior Court many years ago.

But it's important for the juvenile court prosecutors, independent of those other considerations, for one very important reason and that is the ability to communicate and share information with other officials in this state charged with prosecuting serious crimes. They can't do that right now. Those defending the juveniles, the public defenders can. And I think we have to level the playing field here.

If Representative Lawlor has another amendment that's going to be here shortly on this, I'll be happy to withdraw this amendment. If the co-sponsors of this

amendment offends the sensibility of the Chairman of the Judiciary Committee, but I see no reason to.

But based on that representation, I'll withdraw the amendment.

SPEAKER PUDLIN:

Hearing no objection -- oh, is -- Representative Farr, do you rise to object to the withdrawal of the amendment? No.

Hearing no objection, Amendment G is withdrawn.

Will you remark further on the bill as amended? Representative Farr.

REP. FARR: (19th)

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has an amendment. Will the Clerk please call 7826 and I be allowed to summarize?

SPEAKER PUDLIN:

Clerk, please call LCO7826, House H.

THE CLERK:

LCO7826, House H, offered by Representative Farr.

SPEAKER PUDLIN:

Gentleman has asked leave to summarize. Proceed, sir.

REP. FARR: (19th)

Thank you, Mr. Speaker.

What this amendment does, it allows the disclosure

of information about a child who has escaped from custody or for whom an arrest warrant has been issued and they can't locate the child if he's committed a felony. And it allows the law enforcement officials to disclose information about that child.

I move adoption of the amendment.

SPEAKER PUDLIN:

Question is on adoption of H. Will you remark?

REP. FARR: (19th)

Yes. Thank you, Mr. Speaker.

Last summer or last year, there were three instances which really struck me as bizarre in the State of Connecticut.

First of all, in one week there were four juveniles who escaped from Long Lane. The police put out a notice and they announced that four juveniles had escaped, they had stolen a car and people ought to be on the lookout for four juveniles.

They couldn't tell you the names, whether they're male or female or what they look like or what their names were. But you had to be on the lookout for four escaped juveniles, because they couldn't tell you the information.

Later, a week later in Hartford, the police announced that they had a warrant out for a 15-year-old

who had murdered a 14-year-old. They didn't know where the 15-year-old was. They knew who he was, they knew what he looked like, they knew his name and his address and everything else, but the only information they could give out to the public and perhaps even that violated some of our laws, was that they wanted a 15-year-old and you should be on the lookout for a 15-year-old escaped murderer.

Later, a few months later it got even worse. There was a juvenile who had been sentenced who had a detention bracelet on, who broke into his father's store -- gun collection, stole an assault weapon and the police put out a warrant, a notice to the public, be on the lookout for a 15-year-old and they even told you how much he weighed and how tall he was. But they wouldn't tell you his name, give you a picture, we couldn't do that. But be on the lookout, there was an armed 15-year-old in our -- in the public.

Now that is frankly absurd. In the State of Connecticut, if John Doe, number one, was a juvenile, the information the police would give out, if they knew who he was is be on the lookout for a juvenile who's wanted. Because, quite frankly, under our laws we can't disclose that information.

And what this amendment is intended to do is to

correct that, to say quite clearly that in our society when somebody escapes or when we have arrest warrants for juveniles for felonies, that the police are going to let -- be able to tell the public who these felons are or who these escapees are. Not to do this is insane.

I mean, this would reestablish some sanity in our juvenile justice laws. I urge passage of the amendment.

SPEAKER PUDLIN:

Will you remark on House H? Will you remark?

Representative Lawlor, good evening.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

There are some questions about exactly how this might play out in reality. But I certainly understand the intent and have no objection to it.

SPEAKER PUDLIN:

Will you remark further on House H? Will you remark?

Let me try your minds. All those in favor of H, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

Opposed, nay. H is adopted.

Will you remark further on the bill as amended?

REP. LAWLOR: (99th)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, the Clerk has LCO6704. I'd ask that the Clerk call and then I be permitted to summarize.

SPEAKER PUDLIN:

Clerk, please call LCO6704, House I.

THE CLERK:

LCO6704, House I, offered by Representative Lawlor and Tulisano.

SPEAKER PUDLIN:

Gentleman has asked leave to summarize. Proceed, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

This amendment goes back to the issue which had received a good deal of discussion earlier, but -- and I'm sure it will receive a good deal of discussion again now. But basically it's simply clarifying what was in the original bill by rearranging the words somewhat, but what it says in the first section is

clarifying -- it's moving language from the earlier amendment to the front of this section indicating that upon motion of the juvenile prosecutor and the approval of the court, the case can be transferred to the adult court.

Also, on the second page, adding some clarifying language in line 40 of the amendment with regard to an order of restitution within the $5000 guideline indicating if it's going to extend to the parent, there would have to be some showing that the parent had knowledge of and had condoned the conduct of the child.

I'd urge adoption, Mr. Speaker.

SPEAKER PUDLIN:

Questions on the adoption of I. Will you remark?

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, on that last comment and I guess the proponent of the amendment was talking about line 46, it still references Section 52-572 in terms of the amount of restitution which would be $5000. That statute, the parental liability statute, does not require parental knowledge.

As I read that statute, it simply requires that the act of the minor child be willful and malicious.

Through you, Mr. Speaker, would this amendment

encompass acts not included by Section 52-572?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes it would.

SPEAKER PUDLIN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

But then the purpose of referencing that section then is only for purposes of the $5000 limit and not for purposes of tracking that statute by way of the responsibility of the parent. Is that true? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Sir.

REP. LAWLOR: (99th)

Mr. Speaker, I apologize. I didn't hear the question.

REP. RADCLIFFE: (123rd)

All right.

SPEAKER PUDLIN:

That's okay.

Representative Radcliffe, would you please repeat your question?

REP. RADCLIFFE: (123rd)

Certainly, Mr. Speaker.

Then the purpose of -- on line 46, of using Section 52-572 is merely to reference the limit of $5000 and not to track any other language of that statute regarding the liability of a parent. Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, yes, that's correct.

REP. RADCLIFFE: (123rd)

All right.

SPEAKER PUDLIN:

Representative --

REP. RADCLIFFE: (123rd)

So there -- therefore, Mr. -- through you, Mr. Speaker. If an order were entered under this section in which the parent had actual knowledge, that would not preclude another action under Section 52-572 for the willful and malicious acts of a minor, which action would not require parental knowledge, is that correct?

Through you, Mr. Speaker.

SPEAKER PUDLIN:

Sir?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, yes, in fact, that is correct.

REP. RADCLIFFE: (123rd)

All right. Therefore, this, again, for purposes of intent, this section could easily read, the limit shall be $5000. That's the only purpose of referencing that statute is the $5000 limit and nothing else, is that correct? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Sir?

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Yes, that is correct.

REP. RADCLIFFE: (123rd)

Thank you.

SPEAKER PUDLIN:

Thank you. Will you remark further on I?

REP. WARD: (86th)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

Through you, a question to Representative Lawlor. Really, it's a follow up on that same -- those same points.

SPEAKER PUDLIN:

Proceed, sir.

REP. WARD: (86th)

Through you, Mr. Speaker.

Representative Lawlor --

SPEAKER PUDLIN:

Representative Ward, we should have asked Representative Fuchs to put her balloons on a short leash. I can't see you most of the time. If you could -- that's half a job well down.

Representative Ward, please.

REP. WARD: (86th)

Thank you, Mr. Speaker.

Representative Lawlor, I'm just trying to determine this section with the current parental liability section. As I -- my recollection of 52-572 is it doesn't require any knowledge. It simply makes apparent within that limit liable for the torts the civil wrongs of their child or children.

Am I correct in that regard? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Yes, you are correct.

REP. WARD: (86th)

Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

Nothing in this then undoes those provisions now to collect for that tort, you would not have to demonstrate condonation or prior knowledge of the wrongful act? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes, that's correct. This would only relate to an order of restitution being entered by the actual juvenile court against the parent, not a separate action in civil court to recoup that type of money.

REP. WARD: (86th)

And just so that I understand the procedure in the court, does the parent have to be then made a party -- I know there's a parent or guardian needs to appear with the child. I don't think both parents need to appear with the child. If one of the parents was not appearing, never showed up in court, would the restitution order still apply to that parent who may not have been a party to the proceeding?

Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, assuming there was knowledge and condonation by that other parent, yes, in fact, they would be responsible to pay a restitution order entered by the court.

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker.

I guess I don't have a problem with that. Although, I think that there may be some procedural problems for orders being entered against people who are not, in fact, in any way noticed of the proceeding. And so you may have a technical problem with that.

The fact, in terms of a policy, if it were written better, I certainly think it would be a good idea that if parents condoned criminal act of a child that the parent share in some of that responsibility.

So I guess I won't object to the amendment in this form, but I think it does leave a problem and I would hope that when a prosecutor seeks to do it, they would make sure that whatever parent they're going to seek to have an order enforced against, that they've at least

given them notice of the hearing and the proceeding.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

And thank you, sir.

On House I, will you remark?

If not, we will try your minds. All those in favor of I, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

Opposed, nay. The ayes have it, the amendment is adopted.

Will you remark further on the bill as amended? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has Amendment LCO7137.

SPEAKER PUDLIN:

Will the Clerk please call LCO7137, House J?

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize?

SPEAKER PUDLIN:

Well, let him call it first.

THE CLERK:

LCO7137, House J, offered by Representative Tulisano.

SPEAKER PUDLIN:

And now your summary, sir.

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, permission to summarize.

SPEAKER PUDLIN:

Yes.

REP. TULISANO: (29th)

Thank you, Mr. Speaker.

The amendment basically indicates that any child charged with delinquent act is a felony in the juvenile court may be entitled to right to a trial by jury.

I move its adoption.

SPEAKER PUDLIN:

Will you remark further?

REP. TULISANO: (29th)

Mr. Speaker? Mr. Speaker, as you know the bill is before us and as amended really establishes the juvenile court, a division which is, in fact, a criminal court and it has some variables as how one may either stay in the juvenile court or be tried in an adult court for certain felonies. And clearly they are felony -- it is felonious conduct and we recognize it as criminal in nature, not as we formerly had, a sort of semi-civil criminal, whatever it was in the past.

As such, Mr. Speaker, I think it will be incumbent upon this General Assembly and the government to authorize in those cases which have -- are now clearly criminal in nature and would -- at the same time reducing the age of the individuals involved or covering them in a much different way than we have in the past with different penalties, that they be entitled to a trial by jury.

I think and it is my opinion that if we don't do this it will be required ultimately by some court and we ought to plan for it itself -- ourselves. I move its adoption.

SPEAKER PUDLIN:

Question is on the adoption of J. Will you remark? Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker.

Through you, a question or two to Representative Tulisano.

SPEAKER PUDLIN:

Ready yourself, Representative Tulisano. Proceed, sir.

REP. WARD: (86th)

Representative Tulisano, the right to jury trial that we're adding now would be a right for a non-

transferred juvenile who is still in the juvenile proceeding, is that correct?

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's correct.

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

Is it correct that even in the absence of this amendment for any of those juveniles that were transferred to the regular Superior Court, they would, in fact, have a right to a jury trial? If they were transferred to the adult side of the court without this amendment?

SPEAKER PUDLIN:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's correct. In the adult court it is clear they have the right to jury trial.

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

And I apologize for this question, 'cause it was probably explained and I didn't hear it, but what is the reason by which you believe that constitutionally

or otherwise that there needs to be now this jury trial right in juvenile court? Through you, Mr. Speaker.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER PUDLIN:

Proceed, sir.

REP. TULISANO: (29th)

It is my belief that once we now have characterized, characterized the juvenile proceedings in the primary -- prime bill as criminal in nature, then, in fact, the constitution authorizes anybody when charges are criminal, to be entitled to a jury trial. Both the constitution of the state and the constitution of the United States.

This is no longer a quasi-criminal or quasi-civil, whatever we characterize juvenile as at this time. We are clearly establishing the two sections of that juvenile court; one clearly criminal in nature and one which is civil in nature.

And now that we've divided it and made these criminal within a criminal court, I think that, in fact, we will be required to give them a jury trial.

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

I thank the gentleman for his answer.

I think I come to a different conclusion if I understand the file copy as previously amended. It seems to me that if the person stays in the juvenile proceeding, they have the benefits of the juvenile law, which is the maximum of the four-year sentence, in most cases the sealed proceeding in those cases.

So that they then, I think, the substance is it is still a juvenile proceeding. It is my understanding that the law is clear in a juvenile proceeding that you do not have to afford one the right to a jury trial.

So I'm concerned that this will result in a lot of delay and time consuming process for those who still have all the benefits of the juvenile system.

I would stand to be corrected if people could point out otherwise. But I think this is a problem. If we adopt this you will be adding a lot more jury -- jury trials for the first time in the juvenile system that's not set up to do it. And I think that it would not be required because, in fact, the child that is in the juvenile system is still afforded the protections of the juvenile system.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

And thank you, sir. Will you remark further on

House J? Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker.

If I might pose a question to the proponent of the amendment?

SPEAKER PUDLIN:

Your question, sir?

REP. O'NEILL: (69th)

Thank you.

Is there a fiscal note, through you, Mr. Speaker?

SPEAKER PUDLIN:

You'll stand easy until Representative Tulisano gets the fiscal note delivered.

REP. TULISANO: (29th)

Through you, Mr. Speaker, we're trying to get it right now.

SPEAKER PUDLIN:

Oh, I understand.

Representative O'Neill, if you have other questions you might want to ask first, then -- while we're waiting for the fiscal note to get here?

REP. O'NEILL: (69th)

If I might yield to Representative Radcliffe at this point in time and my --

SPEAKER PUDLIN:

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Representative Radcliffe, do you accept the yield?

REP. RADCLIFFE: (123rd)

I do, Mr. Speaker.

I'll only ask -- I had a couple of questions to follow up on what Representative Ward had said. If I may, through you, to the proponent of the amendment.

On line 23, it said the execution of the sentence is stayed. Through you, Mr. Speaker, until what date?

SPEAKER PUDLIN:

Representative Tulisano?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

Line 23 is current law. I'm not so sure -- I'm not really -- don't know the answer to that.

REP. RADCLIFFE: (123rd)

I ask that question because we're giving the -- or the juvenile court has the ability to sentence either under 46b-140a, which is in the family section or 53a-28 and the sentence can be stayed.

Now, if we're giving a trial by jury and the judge could sentence the juvenile as if he or she were an adult and the sentence has to be stayed, is it stayed until the 16th birthday? Is it stayed indefinitely? Is it a suspended sentence? What are we really putting in place here, if we're giving these juveniles a jury

trial? Through you, Mr. Speaker.

REP. TULISANO: (29th)

Through --

SPEAKER PUDLIN:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

I guess the sentence can be stayed -- the language that Representative Radcliffe addresses, read in its entirety, indicates like any other stay of sentence. You could have a -- similar to a suspended sentence on condition of certain conditions are maintained.

If you read the whole section C here, it is stayed that is not imposed a sentence of incarceration is not imposed as long as they don't violate certain conditions of probation or whatever the release mechanism is in juvenile court.

But what we are doing here is we're saying, look at, under the current statute as being changed at this point in time, it is no longer a quasi-civil case. It is no longer absolutely, as Representative Ward said, totally in camera.

It is, in fact, we have changed to even prosecute, we're prosecutors now, not child advocates. We fulfill, I believe, those kinds of issues that were

raised in Duncan versus Louisiana, which said that there must be a right to a jury trial in -- and all constitutional protections must be imposed when, in fact, there is a criminal matter.

This is a criminal matter. And whatever the costs may be, we are constitutionally mandated, it seems to me to provide all rights to criminal defendants. We are, in fact, treating them or may treat them as adult defendants.

We have opted to say, okay, we may put limitations on the sentence. But the sentence is no longer a civil sentence. The sentence is now a criminal sentence. And, as such, I believe the constitutional guarantees go along with it.

Now I understand there may be some dispute. But on the other hand, we are now going into an area which we have never addressed before. And it seems, in my opinion, that once you start dealing with issues as criminal in nature, rights to counsel certainly exist, rights to trial by jury exist, rights to confront your accuser exist. All the rights guaranteed to protect one against the government's abuse of power, which our Bill of Rights and the rights of -- enumerated in the Connecticut Constitution must adhere as long as it is criminal in nature and not civil.

Thank you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

Mr. Speaker --

SPEAKER PUDLIN:

Thank you, Representative Tulisano. Representative Radcliffe.

REP. RADCLIFFE: (123rd)

-- Mr. Speaker, I appreciate both the answer to the question and the extemporaneous oration regarding juvenile law. However, I don't know of any -- any case that has held that there is a right in juvenile court to a trial by jury, not the Duncan case, not in re: Galt or any of the other cases have ever -- or McKever versus Pennsylvania, I think you have ever held that there is a right in juvenile court to a trial by jury.

We would be giving a right here that's over and above those guaranteed by the Constitution and guaranteed by the Bill of Rights, of which the gentleman spoke.

But since this is existing law, Section 53a-28, I would point out that the power to sentence in juvenile court under this amendment has not changed and is not going to change. The judge would still be limited to that sentence.

But before that sentence could be imposed, we

would now have to mandate a jury trial, presumably a jury trial in juvenile court in a proceeding not open to the public, which is a guarantee over and above that required either by the federal or the state constitution, unless that's changed.

So, I see this as being nothing more than an attempt to undo any reasonable attempted reform of the juvenile justice system. And I'd oppose the amendment and would refer the -- would, Mr. Speaker, ask permission to yield back to Representative O'Neill at this time.

SPEAKER PUDLIN:

Are you accepting that?

REP. O'NEILL: (69th)

Yes, Mr. Speaker, I would accept the --

SPEAKER PUDLIN:

Okay.

REP. O'NEILL: (69th)

-- yield back.

Again, through you, Mr. Speaker, I would inquire as to whether the fiscal note has been located?

SPEAKER PUDLIN:

Was -- wait for the proponent to get back to his chair.

REP. TULISANO: (29th)

May I yield to Representative Lawlor, please? Through you, Mr. Speaker.

SPEAKER PUDLIN:

Yeah.

REP. O'NEILL: (69th)

Woah, Mr. Speaker. I have the floor.

SPEAKER PUDLIN:

You do. Would you let him yield to Representative Lawlor?

REP. O'NEILL: (69th)

Well, I -- I would be willing to relinquish the floor or -- I will yield to Representative Lawlor.

SPEAKER PUDLIN:

That will work. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

I did take the opportunity to call over to the Office of Fiscal Analysis and I spoke with one of the analysts there who informed me that the fiscal note, when it arrives here, will say that this amendment has a significant fiscal impact. And it has some elaboration about why that it is.

But in terms of impact, it simply says significant impact.

REP. O'NEILL: (69th)

Would Representative Lawlor yield back to me for a moment?

SPEAKER PUDLIN:

We can do that.

REP. LAWLOR: (99th)

I yield to Representative O'Neill, if that's okay --

SPEAKER PUDLIN:

Thank you. Representative O'Neill --

REP. LAWLOR: (99th)

-- Mr. Speaker.

SPEAKER PUDLIN:

-- you have the floor, sir.

REP. O'NEILL: (69th)

I believe our rules do require that before an amendment is brought before us, that we should have a fiscal note available to us. And I understand that we've got some information from -- orally from OFA.

But I guess at this time I would object to the presentation of the amendment without that fiscal note so that we could know what the significant fiscal impact really is.

SPEAKER PUDLIN:

We could do that --

REP. O'NEILL: (69th)

So I make that objection.

SPEAKER PUDLIN:

-- Representative O'Neill.

The only question I would ask of Representative Lawlor, did you say that the fiscal note is forthcoming?

REP. LAWLOR: (99th)

Yes.

SPEAKER PUDLIN:

Rough idea of a time table on that?

I would ask the Chamber to stand at ease.

(HOUSE AT EASE)

REP. TULISANO: (29th)

Mr. Speaker?

SPEAKER PUDLIN:

Will the House please come to order?

Representative O'Neill, you had asked a question of Representative Lawlor. Representative Tulisano is asking permission to interrupt --

REP. O'NEILL: (69th)

Okay. Well --

SPEAKER PUDLIN:

-- relative to the fiscal note.

REP. O'NEILL: (69th)

I think I had asked if the fiscal note was available. And I had the floor, as I understood it.

SPEAKER PUDLIN:

You do.

REP. O'NEILL: (69th)

And I would again pose that interrogatory to Representative Tulisano.

SPEAKER PUDLIN:

Representative Tulisano, sir.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

My information is the fiscal note is available and on its way over, but not in our possession at this point in time. As the proponent of the amendment and I apologize to the House for the delay that has occurred.

I am prepared at this point in time, if it's appropriate, to withdraw this amendment to go further and then call it back when the fiscal note gets here.

SPEAKER PUDLIN:

The gentleman has asked leave of the Chamber to withdraw House K. Representative --

REP. O'NEILL: (69th)

Okay. I will --

SPEAKER PUDLIN:

-- O'Neill?

REP. O'NEILL: (69th)

-- I think I still have the floor?

SPEAKER PUDLIN:

You do, sir.

REP. O'NEILL: (69th)

I would yield to Representative Tulisano.

SPEAKER PUDLIN:

You are. Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, at this point in time I would move to withdraw the amendment subject to being recalled when the fiscal note arrives.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Hearing no objection on the withdrawal of House J, J is withdrawn.

Will you remark further on the bill as amended? Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, thank you.

The Clerk has LCO5588. I'd ask the Clerk to call and I be permitted to summarize.

SPEAKER PUDLIN:

Sir, did you say 5588? He did?

Clerk, please call LC05588, House K.

THE CLERK:

LC05588, House K, offered by Representative Lawlor.

REP. LAWLOR: (99th)

Thank --

SPEAKER PUDLIN:

Permission to summarize granted.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

This is aforementioned problem about the transfer of court advocates, adding now inspectors, investigators and associated staff and clarifying the effective date as July 1st, 1996 for this particular change.

I'd urge adoption.

SPEAKER PUDLIN:

Question on the adoption of K. Will you remark? Will you remark?

If not, I'll try your minds. All those in favor of House K, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

Opposed, nay. Ayes have it. K is adopted.

Will you remark further on the bill as amended? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

The Clerk has LCO5587. I'd ask the Clerk to call and I be permitted to summarize.

SPEAKER PUDLIN:

Would the Clerk please call LCO5587, House L?

THE CLERK:

LCO5587, House L, offered by Representatives Bysiewicz, et al.

SPEAKER PUDLIN:

Representative Lawlor, please summarize, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

This amendment is consistent with language in the bill that seeks to redeploy resources currently committed for the construction of additional facilities at Long Lane School.

Long Lane School is the only juvenile prison the state maintains. The bill -- the bill as it's been amended, provides for a variety of other alternatives in addition to or instead of the current facilities at Long Lane.

Currently there is bonding money which has been

authorized for the reconstruction of Long Lane School. I believe it's about $45 million in total. There are a variety of steps in that process, some of which have been taken, others which have not been taken.

But pending a resolution of the long-term plan for our juvenile justice system and keeping in mind many more cases will be transferred to the adult court and, therefore, persons would be incarcerated in the Department of Corrections, instead of under the custody of DCF after their conviction.

I think it would be appropriate to wait until those plans are finalized, which we anticipate would be next February and this bill would clarify that no additional money should be spent out of that bonding until we reach a resolution on this issue.

I would urge adoption, Mr. Speaker.

SPEAKER PUDLIN:

On the adoption of L. Will you remark? Representative Ward.

REP. WARD: (86th)

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

SPEAKER PUDLIN:

Frame your question, sir.

REP. WARD: (86th)

I'm sorry. To Representative --

SPEAKER PUDLIN:

No, I -- Representative Lawlor.

REP. WARD: (86th)

Thank you, Mr. Speaker.

Representative Lawlor, can you share with us the fiscal note on this amendment?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

I'll check to see if it's arrived, Mr. Speaker.

SPEAKER PUDLIN:

Very well.

Representative Lawlor, am I right that that's a fiscal note in your hand?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

The fiscal note has arrived and I understand it's being provided to the other side at this time.

SPEAKER PUDLIN:

Do you have it, Representative Ward?

REP. WARD: (86th)

Thank you, Mr. Speaker. I do now have it.

Mr. Speaker, through you, an additional question to Representative Lawlor.

SPEAKER PUDLIN:

Proceed, sir.

REP. WARD: (86th)

Representative Lawlor, is it correct that there are plans now for changes at Long Lane School that this amendment would stop?

SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, it's my understanding that although there are plans, it's -- the Department of Children and Families is not able to commence with them. There are a variety of administrative challenges taking place, environmental and otherwise and is shaded by Wesleyan University in the City of Middletown, etcetera.

This would simply put all the planning on hold until the State, the Legislature, the Executive, the Judicial branch have made a final decision on exactly how the juvenile justice system should be restructured.

So it wouldn't prevent anything that's about to take place, because nothing's about to take place at Long Lane.

SPEAKER PUDLIN:

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker.

My understanding that there were some plans at Long Lane School which would include things of trying to make it more secure, make it harder for people to escape. I believe this amendment would prohibit going forward with those plans.

I think this unduly ties the hands of those who need to administer our juvenile justice system by saying whatever is about to happen or might happen before a plan is submitted, cannot happen at Long Lane School, is not the appropriate way.

It's one thing to talk about we've got to develop a plan for the future. It's something else quite again to say that in the facility that houses many juvenile offenders that we can't go forward with any plans that those charged with the administration of it would want to.

I think in this juvenile justice bill it is a mistake to adopt, a very strong mistake to adopt this policy.

Mr. Speaker, I would urge the rejection of the amendment and I would request a roll call on the amendment as well.

DEPUTY SPEAKER HYSLOP:

Gentleman has requested a roll call. All those in favor of a roll call, signify by saying aye.

ASSEMBLY:

Aye.

DEPUTY SPEAKER HYSLOP:

Vote to be taken will be taken by roll.

Will you remark further on the amendment? Representative Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. And I hope this doesn't turn into a partisan issue, but I believe the gentleman indicated earlier, this is the only -- the only facility we have in the state for incarceration of juveniles.

And regardless of what the plan is for juvenile justice next year, I feel very, very comfortable that we will still require a place for incarceration of serious offenders of juvenile age.

Bond funds have been committed, contracts are in various stages of -- in place for the reduction of the number of beds in Long Lane and the improvement of security, etcetera, to improve the environments around the prison.

And I think as well intended as this amendment

might be, Mr. Speaker, I think it really flies in the face of where the policy of the State of Connecticut must, in fact, take us.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the amendment? Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

Mr. Speaker, when Representative Lawlor brought out this amendment, I thought I heard him say that with passage of this bill when 15 and 16-year-olds are convicted when they go through a Superior Court trial, they'll be incarcerated at an adult prison.

Representative Lawlor -- or through you, Mr. Speaker, a question to Representative Lawlor.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. PRELLI: (63rd)

Representative Lawlor, as I read the file in line 643 through 648, I think it is, it states that even after the trial that these -- these 14 and 15-year-olds, if they are convicted will -- I -- agree they will be treated as a 16-year-old, but when they are convicted, will serve their first -- will serve the penalty until they are 16 years of age in a youth -- in

a youth facility.

Through you, is that not what the bill says?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. PRELLI: (63rd)

Mr. Speaker, that's on page 19, line 647, I believe is where -- around 647.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

After they're sentenced, they would go to the Department of Corrections. So it says, until he attains the age of 16 or until he is sentenced, whichever occurs first.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63rd)

So that if a 15-year-old is sentence -- at the time a 15-year-old is sentenced, at that point they will be transferred. Through you, is that correct?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

Through you, that child wouldn't go to Long Lane in the first place. Up until the time he's convicted

and sentenced, he'd be held presumably in a secured facility.

Right now they're held in detention centers in the three juvenile courthouses, if they're confined prior to sentencing. Once they're sentenced, under this language, and I think it's the current law, by the way, they're transferred to an adult facility if they're sentenced as an adult.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the amendment?

REP. LAWLOR: (99th)

Mr. Speaker?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99th)

I'd like to withdraw this amendment.

DEPUTY SPEAKER HYSLOP:

Questions on withdrawal of the amendment.

Seeing no objection, so ordered.

Amendment L is withdrawn.

Will you remark further on the bill as amended?

Will you remark -- Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, may I call LCO7137 at this time?

DEPUTY SPEAKER HYSLOP:

Will the Clerk please call LCO7137 designated House M?

REP. TULISANO: (29th)

Permission to --

REP. LAWLOR: (99th)

7137.

DEPUTY SPEAKER HYSLOP:

7137. Yeah, but he withdrew it.

REP. LAWLOR: (99th)

Mr. Speaker, the one that was passed previously --

DEPUTY SPEAKER HYSLOP:

That was one that you withdrew before?

REP. LAWLOR: (99th)

That's correct.

DEPUTY SPEAKER HYSLOP:

Previously designated House Amendment J. Would you please call LCO7137? J, previously designated House J.

THE CLERK:

LCO7137, previously designated House Amendment J, offered by Representative Tulisano.

DEPUTY SPEAKER HYSLOP:

Representative has asked leave to summarize.

Seeing no objection, proceed.

REP. TULISANO: (29th)

Mr. Speaker, as previously indicated, this amendment would allow any child charged with a delinquent act as a felony, be -- have a -- to a trial by jury. I indicated I thought the significance of which would be constitutionally required.

We do have our fiscal note at this time, it has been distributed and it confirms that the state impact would be significant cost and indicates that passage of the amendment would result in significant cost to the juvenile court system that would likely require an increase in budgetary resources.

I move its adoption and passage.

DEPUTY SPEAKER HYSLOP:

Questions on adoption. Will you remark further? Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I certainly think it is well-intentioned. The Representative Tulisano believes that if we don't do it, we could put some juvenile cases in jeopardy. I

come to a different conclusion.

It seems to me that those elements that are most important to distinguish juvenile proceedings from adult criminal proceedings include things like that you're not convicted of the crime, that you had the limited sentence of four years that should be in a juvenile facility, that your record is wiped clean, I believe it's at age 21, I stand to be corrected on that, but that it's not considered an adult criminal record.

Therefore, I believe we do not need to have a jury trial for that.

And if, in fact, we were to add jury trials, set aside the expense, if one of the purposes on those offenses that are not serious enough to transfer to adult court is to deal with them within the juvenile system, it is to deal with it a little more swiftly than will clearly happen if we add the right to jury trial at the juvenile level.

That will greatly overburden that system, will add a great deal of time to it and I think fundamentally the constitutional question comes down to the issue of whether we still have essentially those elements of a juvenile system and juvenile court or it really is like adult court.

I believe it is still essentially a juvenile court, therefore, a jury trial would not be required. Would be, not only an unnecessary expense, but a disservice to the purpose for which juvenile courts were set up.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the amendment?

REP. O'NEILL: (69th)

Mr. Speaker?

DEPUTY SPEAKER HYSLOP:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker.

I also would rise to oppose the amendment for all the reasons cited -- recited by Representative Ward and also because of the significant fiscal impact that this would have.

We are, of course, nowhere near the point of being able to balance our budget and have a complete package. And I would request at this time that we have a -- when the vote be taken, that it be taken by roll.

DEPUTY SPEAKER HYSLOP:

Request has been made that when the vote be taken, it be taken by roll.

All those in favor, signify by saying aye.

ASSEMBLY:

Aye.

DEPUTY SPEAKER HYSLOP:

When the vote is taken, it shall be taken by roll.

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, in summary, again, I think Representative Ward has correctly characterized my concerns that, one, that this is a constitutional requirement; that, in fact, from the debate here this evening, it is clear that the changes in the statute are intended to make the criminal justice system more punitive, more adult court-like, more punitiveness, more alternative sanctions, more treating young people like adult criminals and, in fact, extending which children may, in fact, be treated as adult criminals.

As a result of that, I come from a different conclusion. And it is imperative, it seems to me, that we err on the right of justice and err on the right of if a conviction is to be obtained, it would be upheld; that we do put and list potential convictions, just as we did in the DWI matter when we were warned about the same thing not some time ago, but this Legislature saw fit to ignore it and we're in a real crisis at this

point in time.

Let me point out, that prior to Gideon versus Wainwright, no one gave necessarily a thought that the right to counsel was required. And although there was a significant impact, constitution required that we provide indigent individuals, people who could not afford its counsel, the right to counsel, because the constitution said we had to.

No one cared whether we could balance our budget or not; that was our obligation under the law of this land.

Mr. Speaker, I believe it will be determined to be the law of our land that we give this protection to people who are accused of crimes in a criminal session of the juvenile section of our Superior Court.

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

SPEAKER PUDLIN:

On the objection -- on the adoption of -- Representative Powers.

REP. POWERS: (151st)

Thank you, Mr. Speaker.

A question through you to the proponent of the amendment.

SPEAKER PUDLIN:

Your question, Madam?

REP. POWERS: (151st)

Yes, please. This is a layman's question.

It's my understanding that in a trial by jury you are allowed or you are guaranteed a jury of your peers. With this proposal in this amendment, of whom would the jury be made? Would they be juveniles, would they be adults and how would we judge them to be peers?

REP. TULISANO: (29th)

Through you, Mr. Speaker --

SPEAKER PUDLIN:

Representative Tulisano.

REP. TULISANO: (29th)

There are a number of court cases interpreting that constitutional right, jury of your peers. It doesn't mean people of your same class, color, or age group. It does not mean that.

Generally we do have a venue system in which juries are pulled. Generally it means we have that system at this point in time from people in which the JD is drawn from and there's a whole process by which our statutes outline -- lay out how juries are called.

It has not been interpreted -- both at the federal and state level to mean what we -- you and I as lay people might consider our peers, though some of us

think that's what it should be.

To come to that interpretation would mean that innercity people should be judged by innercity people, by color or age and that has not been what the courts have interpreted that language to mean.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you, sir. Representative Powers.

REP. POWERS: (151st)

Thank you. I'm still a little concerned that if we're talking about young kids, 14, 15 and 16, that there would be a concern that, in fact, they weren't being properly dealt with or that they were not being properly heard.

REP. TULISANO: (29th)

Through you, Mr. Speaker, to respond.

Just as an example. If, in fact, there is a determination in transfer, as everybody supported not too long ago in the adult court system, no one has suggested that when that 14-year-old is tried in the adult court system, that it's 14-year-olders that are going to be sitting on the jury.

Our jury law requires to be of a certain age. To raise the issue that's being raised by the Representative at this time, would mean that same issue

raises -- puts in jeopardy the whole bill before us today, 'cause that issue would apply to every 14-year-old, no matter what court they were being tried in.

Because certainly it is acknowledged by all parties here today that if a 14-year-old is tried in what we call adult court, they are entitled to a jury. And no one is suggesting that is a jury, necessarily, of 14, 15 or 16-year-olds. It is whatever our jury system -- pool system develops.

And I'm suggesting only that that same system would apply within the juvenile court, which is now characterized as a criminal court.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you, sir. Representative Powers.

REP. POWERS: (151st)

I thank the Representative for his answer. I think we're talking about apples and oranges. Clearly cases that would stay in the juvenile court under this bill, could be very different from the ones that would be moved to the adult court. Thank you.

SPEAKER PUDLIN:

Thank you, Madam.

Will you remark further on J? Will you remark?

If not, staff and guests to the well of the House.

Members be seated, the machine is open.

THE CLERK:

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

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

SPEAKER PUDLIN:

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

Will the Clerk please announce that tally?

THE CLERK:

On HB7025, amendment J. Total number voting, 144; necessary for adoption, 73. Those voting yea, 39; those voting nay, 105. Absent, not voting, 7.

SPEAKER PUDLIN:

J is defeated. Return to the bill as amended.

Will you remark further? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker. Mr. Speaker, the Clerk has amendment LCO6525. Would she please call and may I request leave of the Chamber to summarize?

SPEAKER PUDLIN:

Clerk please call LCO6525, House M.

THE CLERK:

LCO6525, designated as House M, offered by Representative Radcliffe, et al.

SPEAKER PUDLIN:

Summarize, sir.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

Mr. Speaker, this amendment which is very similar to a bill that has been on our calendar now for, oh, probably about eight or nine weeks and I'm confident would remain there until the close of the session, was passed by the Judiciary Committee by a 20 to 15 vote when members could actually vote how they felt.

Since we may not get that opportunity again, this amendment would establish within the State of Connecticut what is known as a good faith exception to the exclusionary rules.

The United States Supreme Court in United States versus Leone, since 1984, has recognized a good faith exception. Our state Supreme Court, however, in a decision not mandated by the Fourth Amendment's protection against unreasonable searches and seizures and that case was State versus Marcella, decided that there would be no good faith exception in the State of Connecticut.

Basically what this bill says is that if there is an honest inadvertent mistake by a police officer in the execution of a warrant or a judge in issuing a warrant and that can be demonstrated by a preponderance of the evidence, that the evidence obtained in violation of the protections against unreasonable search and seizure --

SPEAKER PUDLIN:

Excuse me. The debate will proceed more quickly, I think, if we're a little quieter, please. The Chamber come to order.

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

What this amendment says is that if evidence is obtained and there has been a mistake made by a police officer or a judge, but that mistake was a good faith mistake, that the evidence can be used in a criminal case.

Quite directly it says that the criminal will not go free simply because the police officer made an honest good faith mistake.

That's what this bill does in substance, Mr. Speaker and I move adoption.

SPEAKER PUDLIN:

Questions on adoption. Will you remark?

REP. RADCLIFFE: (123rd)

Yes, Mr. Speaker.

Mr. Speaker, this is a bill to close what our constituents commonly refer to as a legal loophole. And maybe this is a lot of lawyer talk, but I think if you boil it down, it's very simple.

What this amendment says is, if a police officer executes a warrant and that warrant may be designated the wrong house on the right street, but they knew that there were drugs being dealt in that particular area or they were making an arrest, and they make the arrest because of the ministerial mistake in the warrant. It was an honest good faith mistake, it wasn't a case of a deliberate invasion of the Fourth Amendment.

That if that evidence is obtained, the courts aren't going to throw out that evidence simply because a mistake was made.

I would point out that this would not deal with mistakes that were made deliberately and intentionally by police officers. If there's a situation where a police officer violates the constitution, violates the Fourth Amendment, breaks down a door without a warrant, without announcing entry, does anything in violation of the Fourth Amendment or the amendment to our State Constitution, then that evidence would be excluded,

because that would be a deliberate violation of constitutional rights. So that's not affected here.

The standard of a Fourth Amendment is not lowered. The United States Supreme Court, for many years, has recognized this good faith exception.

Now you may hear that this is something that's required by the protection of the Fourth Amendment. That's not true. The United States Supreme Court in construing the Fourth Amendment specifically said that there was a good faith exception to the exclusionary rules in the United States versus Leone.

Our own Supreme Court, however, more concerned evidently with the rights of -- the protection of criminals then convicting them -- thank you -- decided in State versus Marcella that what the United States Supreme Court had said in the Leone case six years earlier did not apply. That under our State Constitution, Article 1, Section 7, there was no good faith exception to the exclusionary rules.

Now, in this building and not across the street, we define the jurisdiction in the powers of the court system. Article 1, Section 5 of our constitution says, the powers of the courts will be defined by law.

The exclusionary rules are not rights of criminal defendants. Neither the U. S. Supreme Court nor our

State Supreme Court has said that these are rights enjoyed by criminal defendants. They are judge-made laws based on the powers of a court, which are promulgated in order to insure protection of the Fourth Amendment.

I suggest that those protections are guaranteed in a situation where a good faith exception is applied. The United States Supreme Court applies that at the federal level. The State Supreme Court has refused to apply it. We should apply it.

I would not want a situation to occur in which there was an innocent mistake, evidence was obtained, evidence sufficient to convict someone of a serious crime and that person is turned loose, not because the police officers didn't do their duty, not because there was a deliberate violation of anyone's rights, not because the victim was any less traumatized by the event. But because our State Supreme Court said even though the mistake was unintentional, we're going to prevent you from using this evidence.

The purpose of the exclusionary rules is to deter improper police conduct. That purpose is secured when we enforce the exclusionary rules against deliberate violations of constitutional rights. It makes no sense to say that a criminal will go free because an honest

mistake was made by law enforcement officials.

That's what this amendment would correct. It passed the Judiciary Committee on what I have to call a bipartisan vote of 20 to 15. And I would sincerely hope it would pass here.

And, Mr. Speaker, because I think this is a very important amendment and this may be the only opportunity we'll get to hear it in light of the fact that its drawn very little attention, I ask that the vote be taken, it be taken by roll.

SPEAKER PUDLIN:

All those in favor of a roll call vote, signify by saying aye.

ASSEMBLY:

Aye.

SPEAKER PUDLIN:

20 percent's been met. The vote will be taken by roll.

Will you remark further on House M?

Representative Scalettar.

REP. SCALETTAR: (114th)

Thank you, Mr. Speaker.

I rise in opposition to this amendment and I urge my colleagues to vote against it for several reasons.

First, this amendment is totally unnecessary.

There have not been problems with unnecessary exclusion of evidence because of the exclusionary rule.

The chief states attorney's office has told us that it has not been a problem and, in fact, they are not aware of a single instance last year when evidence was excluded because of the lack of a good faith exception.

In addition, an informal study found that between 1978 and 1989 evidence was suppressed in .0013 percent of the cases and some of those cases resulted in convictions in any event.

So the instance of suppressed evidence is so minute, that we are not even talking about a real problem.

In addition, Mr. Speaker, in the City of Chicago a survey was done and the head of the Chicago Police Department's Organized Crime Division stated what is commonly the view of police departments with respect to the exclusionary rule and to quote him, he said, "In my personal opinion, it is not a detriment to police work. In fact, the opposite is true. It makes the police department more professional."

And that is commonly the response to the exclusionary rule.

Secondly, Mr. Speaker, this proposal is clearly

unconstitutional under Article 1, Section 7 of the State Constitution. The Supreme Court in a unanimous decision stated "That a good faith exception to the exclusionary rule is incompatible with Article 1st, Section 7."

The Supreme Court has unequivocally stated its view and plainly this is an unconstitutional proposal.

Finally, Mr. Speaker, I believe this is one of the most ill-advised proposals we are considering today.

The Fourth -- Article 1, Section 7, like the Fourth Amendment to the Constitution of the United States protects one of our most basic and important freedoms, the freedom to be free from unwarranted government intrusion in our homes, our businesses, and intrusion of our person with respect to arrests.

The exclusionary rule is the means that has been developed by the courts to assure this protection and we should do nothing to weaken it.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you, Madam. Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker.

I would speak in favor of the amendment. I would point out to the Chamber that this language in this

amendment is contained in another bill, it's a bill which I believe is on our calendar and has been for some time. It was voted favorably out of the Judiciary Committee.

And it does not abolish the exclusionary rule. It does not really weaken it. It treats, in Connecticut, the exclusionary rule in the same way that it is treated in most of the rest of the United States and certainly in all of the federal courts.

What we have here is a situation in which someone who is obviously guilty is going to be given the opportunity to escape conviction because a police officer made a mistake. That is what we are talking about.

And Representative Scalettar is absolutely right, it is a relatively small number of cases we are talking about, but if it is your son, daughter, brother, sister, parent or your property that has been injured by the activities of someone, that case is critically important to you.

If it is you who have had your home broken into, your car stolen or you who have been assaulted, that .100 percent is a very important percent.

The exclusionary rule, unlike the -- when we're talking about the Fourth Amendment, unlike Fifth

Amendment situations, we are not talking about someone who might have been coerced into confessing; we're not talking about the police having arrested the wrong person. We are talking about a situation in which the paperwork may have been done slightly wrong or a police officer may have made a mistake in delivering the papers, in effect, to the wrong place.

We are talking about a very minor clerical type of error that could occur that would effectively invalidate the search without a good faith exception.

It is an exception that is permitted by the United States Supreme Court and, as I understand it, by most of the other courts in all the -- most of the other jurisdictions in the United States. That is to say, the very same criminal could commit the very same acts, a police officer could make the same mistakes in another state, such as New York or New Jersey or Pennsylvania or Rhode Island or Massachusetts, but would be convicted. Whereas in Connecticut, because of this ruling in Marcella, would be acquitted. And we should reverse it.

I'd further say that it is my understanding that Marcella is not really based on the constitutional interpretation as much as it is our statutes in this matter. The court refers to the Constitution, but we

have a statute.

There's no underlying, as I understand it, Supreme Court case, unlike Map versus Ohio at the federal level that granted the right to an exclusionary rule in federal courts and extended it to the states. There is no court case, no interpretation underlying the exclusionary rule in Connecticut as it is in the statutes. That's something we wrote into the law and we can amend it.

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you, sir. Will you remark further on House M? Representative Knopp.

REP. KNOPP: (137th)

Thank you, Mr. Speaker.

Mr. Speaker, response to the comments by Representative O'Neill. I read the case, the Marcella case completely differently.

I think it's clear the ruling in Marcella was a state constitutional ruling. It had nothing to do with any statute or any practice book provision. The court examined statutes, the court examined practice book provisions, the court examined the efforts of the Legislature to pass exclusionary rule statutes in passed years and found that none of those were

applicable. It based its ruling entirely and solely on the Constitution.

And as everybody in this Chamber should know, whether we want to do it or not, the Legislature, by statute, cannot enact an amendment to the Constitution. That can be only done through a referendum of the public at an election.

So this amendment is futile. It may show up on a brochure in a campaign. It may be a good press release. It is completely ineffectual to change the law in Connecticut as decided by the Marcella case.

That case held that the -- a good faith exception to the exclusionary rule is incompatible with Article 1st, Section 7 of our State Constitution. It says nothing about statutes.

That's the law. If you -- if people want to change that and we can have a reasonable debate, do it by constitutional amendment --

REP. BELDEN: (113th)

Mr. Speaker?

REP. KNOPP: (137th)

-- proposal, not through --

REP. BELDEN: (137th)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Belden. Would you rise, sir?

REP. BELDEN: (113th)

-- Mr. Speaker, point of order.

SPEAKER PUDLIN:

And your point, sir?

REP. BELDEN: (113th)

My point, sir, is the gentleman is impinging the motives of the offer of this amendment, that it might be used in campaign literature, etcetera.

SPEAKER PUDLIN:

Representative Knopp, I'm sure you'll strive to talk towards the bill.

REP. KNOPP: (137th)

Yes. I did not mean to impugn the motives of anyone. I merely suggested --

REP. BELDEN: (113th)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Belden.

REP. BELDEN: (113th)

Mr. Speaker, if you would like, just a moment, I'll give you a cite from Mason's. I made a point of order that should be acted upon by the Chair.

SPEAKER PUDLIN:

Sir, would you please repeat your point?

Will the Chamber stand at ease?

(HOUSE AT EASE)

REP. BELDEN: (113th)

Mr. Speaker, my point of order is that under our rules the motives of another cannot be challenged on the floor. And my point is that the gentleman has, in his debate, challenged or indicated that the offer of the amendment did so in order to be able to put it in his campaign brochure.

I think that's inappropriate and outside of our rules.

SPEAKER PUDLIN:

Thank you very much, sir. The Chamber will stand at ease for a moment.

(HOUSE AT EASE)

REP. BELDEN: (113th)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Belden. The House will please come back to order.

Representative Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker.

I believe based upon some discussions, that I will at this point in time, withdraw my point of order and hope we will have accomplished my goal, which is to set the tone for debate during these last few weeks of the Chamber, that it should deal with the issues and not with personalities.

SPEAKER PUDLIN:

Representative Belden, you remind us of a very good cite from Mason's.

Representative Alex Knopp, you have the floor.

REP. KNOPP: (137th)

Thank you, Mr. Speaker.

I'd first like to thank Representative Belden for withdrawing his point of order and I appreciate his pointing out that, indeed, impugning the motives is not a proper element of debate. It was never my intention to do that and I appreciate him reminding me of that.

Mr. Speaker, I think the issue is this, that the decision of the court in Marcella was a constitutional interpretation, not a statutory interpretation. And, therefore, a statute change as we've accomplished by this amendment would be entirely and completely ineffectual to overturn Marcella.

And on that basis I would be voting against the amendment. Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Remark further on House M? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, I rise in support of the amendment and I do want to clarify a couple of things that I think have been lost in the debate.

First of all, the information quoted earlier regarding the police department and the exclusionary rules is absolutely correct. Nothing in this amendment, nothing changes the exclusionary rules. The exclusionary rules would still apply.

If I might give an example of where they would apply, it would be a situation such as in Map versus Ohio, where you had police officers clearly violating the rights of citizens, it would apply in instances where there was no warrant or there was a warrant and the warrant was not obtained in good faith and evidence was subsequently obtained.

Under those circumstances, the evidence could be suppressed. The evidence could be excluded and, in my judgment, the evidence should be excluded. Nothing in this bill changes the exclusionary rules. Nothing in

this bill changes the standard established by the exclusionary rules, standards which the court has imposed over a period of time.

The only thing that has changed is whether or not evidence obtained in violation of the exclusionary rules can be admitted in court. And that would only be the case in a situation in which the mistake was an honest, good faith mistake and all of the criteria in this amendment were adhered to.

And that criteria are as follows: the officers did not intentionally mislead the judge in seeking a warrant; the issuing judge did not abandon his judicial role; the officers had a reasonable belief in the validity of the warrant; and the warrant was not so deficient that they could not have reasonably presumed that it was valid.

If all of that was proven by a preponderance of the evidence, then the evidence could be admissible. What we're really talking about is not a rule of constitutional law, but a rule of evidence. Can the evidence be admissible in a case where there was a good faith exception.

Article 1, Section 5 of that same Constitution, says that the General Assembly shall determine by law or powers of the court shall be determined by law, laws

are passed here.

We've had discussions on the Constitution on other bills and frankly sometimes they're a close call, like the bill we had the other day regarding the powers of a retired Superior Court judge.

In this particular situation, we should not be timid in making the law. The law should be made here and not across the street. The exclusionary rules are judge-made rules. They are not rights of constitutional defendants.

The Fourth Amendment does not require a good faith exception to the exclusionary rules. We should not require it here.

And as far as the states attorney's office is concerned, I would point out that this request for a change came from the chief states attorney in Fairfield County, Mr. Donald Brown, who along with Bob Sati, Jr. came to our hearing, testified in favor of this amendment, testified in favor of a good faith exception to the exclusionary rules.

So it is simply not accurate to say that the states attorney's office has not taken a position on this. They have testified in favor of it, both in the presence of Mr. Brown and Mr. Sati and the chief states attorney on this particular issue.

This is a bill that makes sense. Putting it in very, very simple terms, very simple terms, if you believe -- if you believe that a police officer makes an honest good faith mistake and takes evidence, if you believe that that evidence should be excluded, then vote against the amendment.

But if you don't believe that a criminal should go free because a police officer or a judge made an honest mistake in trying to do his or her duty, vote for the amendment, it's that simple. It's a rule of evidence. It ought to be adopted. Thank you.

SPEAKER PUDLIN:

Thank you, sir. Will you remark further?

If not staff and guests to the well of the House. Members please be seated, the machine is open.

THE CLERK:

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

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

SPEAKER PUDLIN:

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

Clerk will announce that tally.

THE CLERK:

Voting House Amendment Schedule M to HB7025. Total number voting, 145; necessary for adoption, 73. Those voting yea, 64; those voting nay, 81. Absent, not voting, 6.

SPEAKER PUDLIN:

House M is defeated.

Will you remark further on the bill as amended? Will you remark further on the bill as amended?

If not, staff and guests to the well of the House. Members please be seated, the machine is open.

THE CLERK:

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

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

SPEAKER PUDLIN:

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

Clerk will announce the tally.

THE CLERK:

HB7025, as amended by House A, C, D, E, H, I and K. Total number voting, 141; necessary for passage, 71. Those voting yea, 137; those voting nay, 4.

Absent, not voting, 10.

SPEAKER PUDLIN:

As amended, the bill passes.

At this time are there any points of personal privilege, announcements? Representative Norton.

REP. NORTON: (48th)

Mr. Speaker, would the transcript please note that Representative Wasserman may have missed some votes today due to legislative business in the Governor's office.

And will the Journal please note that Representative Varese missed some votes early this morning because of an emergency he had to attend to.

SPEAKER PUDLIN:

So noted.

Other points? Other announcements?

Representative Fritz.

REP. FRITZ: (90th)

Thank you, Mr. Speaker.

I rise for the purpose of transcript notations. The following legislators may have missed some votes today because they've been out of the Chamber on legislative business: Representative Ken Green, Representative Mary Eberle, Representative Claire Sauer, Representative Carl Schiessl, Representative

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voting, three.

SPEAKER RITTER:

The bill as amended passes.

Clerk, please call Calendar 410.

CLERK:

On Page 39, Calendar 410, Substitute for HB 7025, AN ACT CONCERNING JUVENILE JUSTICE, as amended by House Amendment Schedules "A", "C", "D", "E", "H", "I", "K" and Senate Amendment Schedules "A" and "B". Favorable report of the Committee on Judiciary.

SPEAKER RITTER:

The Honorable Representative from East Haven, Representative Michael Lawlor, you have the floor, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report in concurrence with the Senate.

SPEAKER RITTER:

The motion is on acceptance and passage in concurrence with the Senate.

Please proceed, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I think most members will recall we had a lengthy discussion of this bill a week or so ago. The Senate took up the bill and acted

favorably on most of the Amendments we passed. However, they did reject House Amendment "C" which we had adopted.

The Clerk has LCO 6538. I'd ask that the Clerk call and I be permitted to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO 6538. If he may call it? And Representative Lawlor would like to summarize.

CLERK:

LCO 6538, previously designated House Amendment Schedule "C", offered by Representative Lawlor.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This was an Amendment that added several things to the bill itself, some of which were relatively technical. Others were adding to a relatively substantive section and some language regarding the effective date.

In this Amendment it added a new Section 47, which would have allowed the Department of Public Safety to begin publicizing a program known as the Child Protection Network.

Section 48 added some language to the existing State Statute which allows judges and prosecutors

together to refer cases for mediation when it's appropriate. Apparently, there had been some confusion as to the intent of the original statute. And this language sought to clarify that.

Mr. Speaker, I would urge adoption of this Amendment. And my understanding is with adoption of this Amendment, once we take final action on this bill today, it would be referred for a Conference Committee. I urge adoption, a re-adoption of this Amendment.

SPEAKER RITTER:

The question is on adoption of House "C". Will you remark further? If not, I'll try your minds. All in favor signify by saying Aye.

VOICES:

Aye.

SPEAKER RITTER:

Opposed No? House "C" is adopted.

Will you remark further on this bill as amended?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Or -- Mr. Speaker?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

The Clerk has LCO 7020, previously designated as Senate Amendment "A". I'd ask that the Clerk call and

that I be permitted to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO 7020. If he may call? And Representative Lawlor would like to summarize.

CLERK:

LCO 7020, Senate "A", offered by Senator Upson.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This bill -- sorry. This Amendment is rather lengthy. It does a number of things. It starts out by repealing or striking the first five sections of the bill itself. I think some members might recall that the first five section refocus the juvenile justice system, making it essentially a criminal court when it is dealing with criminal matters, and calls for the reorganization of the system to reflect more accurately the new type of crime that is being handled in the system.

It adds -- it strikes Section 13 and adds some additional language which essentially refers to the automatic transfer not only -- or the mandatory transfer not only of Class A felonies but also of Class B felonies.

It adds some language regarding mandatory

restitution for certain types of offenses. It also adds some language governing some of the procedures when a case is to be transferred and the role the victim might play in the process itself.

And some other language, Mr. Speaker, that looks like the language that this Chamber has already adopted in other bills, although I'm not 100 percent sure of that.

Mr. Speaker, since this Amendment, among other things, deletes the first five sections of the bill, I would urge rejection of this Amendment, Senate Amendment "A". But I would point out that the process on this bill is already governed by the last vote we have taken, assuming it's ratified by the final action on this bill. In other words, this bill is going to Conference Committee. But I would urge rejection of this Amendment.

SPEAKER RITTER:

The question is on rejection of Senate "A".

REP. WARD: (86th)

Mr. Speaker?

SPEAKER RITTER:

I'm sorry. I should know that voice. You have the floor, sir.

REP. WARD: (86th)

Thank you, Mr. Speaker. Just for the Chamber's edification, although you might expect the Minority Leader to be arguing for the Senate Chairman's Amendment, as the distinguished Chairman, Representative Lawlor, indicated, at this point it's a moot point. This bill is going to a Conference Committee. I think it makes sense to move the process along, to support the motion for rejection, because in any event we've consulted on this side of the aisle with the Senate. It makes sense to get the differences into a Conference Committee and hopefully iron those differences out. So I think, frankly, dealing with this on a voice vote and rejecting this and putting it in Conference makes the most sense.

Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you very much, sir, for your comments.

So let's try your minds. All in favor of rejection signify by saying Aye.

VOICES:

Aye.

SPEAKER RITTER:

Opposed No? It's rejected.

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The Clerk has LCO 7631. I'd ask that the Clerk call and I be permitted to summarize.

SPEAKER RITTER:

The Clerk has Amendment LCO 7631. If he may call, Representative Lawlor would like to summarize.

CLERK:

LCO 7631, Senate "B", offered by Senator Upson.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This Amendment simply adds the Treasurer to the list of persons who would participate in reporting back to the legislature next year on the reorganization of the juvenile justice system. I don't oppose it. I think it's entirely appropriate. There would be bonding money involved and we may have to rework some of the bonding, depending on the ultimate decision. So I'd urge adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further? If not, I'll try your minds. All in favor signify by saying Aye.

VOICES:

Aye.

SPEAKER RITTER:

Opposed No? The Ayes have it.

Representative Lawlor.

REP. LAWLOR: (99th)

I urge passage of the bill.

SPEAKER RITTER:

Will you remark further on this bill as amended? If not, staff and guests please come to the well of the House. The machine will be open.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber.

(Roll Call vote taken)

SPEAKER RITTER:

Have all members voted? Please check the Roll Call machine and make sure your vote is properly cast. If it has -- your vote is properly cast, Madam. The machine will be locked and the Clerk will please take the tally. No, no. I'm sorry. Vote.

(Tally taken)

SPEAKER RITTER:

The Clerk will please announce the tally.

CLERK:

HB 7025 as amended by House "A", "C", "D", "E",

"H", "I", "K" and Senate Amendment Schedule "B". Total number voting, 145; necessary for passage, 73; those voting Yea, 142; those voting Nay, three; absent, not voting, six.

SPEAKER RITTER:

The bill as amended passes.

Clerk, please call Calendar 413.

CLERK:

On Page 10, Calendar 413, Substitute for HB 6570, AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS. Favorable report of the Committee on Finance.

SPEAKER RITTER:

Representative Staples.

REP. STAPLES: (96th)

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

SPEAKER RITTER:

The motion is on acceptance and passage.

Please proceed, sir. Well, wait. Proceed in a second. Proceed now. It's up on the board.

REP. STAPLES: (96th)

Thank you, Mr. Speaker. Mr. Speaker, this is our annual authorization of school construction projects

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Necessary for passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER PUDLIN:

Bill as amended passes. The Clerk will now call the Conference Committee results of Calendar 410.

CLERK:

On page 40, Calendar 410. Substitute for House Bill number 7025, AN ACT CONCERNING JUVENILE JUSTICE as amended by House Amendment Schedules "A", "C", "D", "E", "I", "K" and Senate Amendment Schedules "A" and "B" favorable report of the Committee of Judiciary. The Clerk has in his possession the Committee on Conference Report. Which indicates that it should reject Senate Amendment Schedule "A". Adopt House Amendment Schedules "A", "C", "D", "E", "H", "I", "K", and Senate "B". Adopt a new House Amendment Schedule "N".

DEPUTY SPEAKER PUDLIN:

The Honorable Chair, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. I move acceptance of the Conference Committee's report.

DEPUTY SPEAKER PUDLIN:

Motion is on acceptance and passage of the Conference Committee's report. Please proceed sir.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. The Conference Committee has met simultaneously with this there is a report pending in the Senate, and one hopes they will take action on it when they return on Monday. The report essentially embraces the bill as it passed in the House, amended by a variety of amendments, together with one additional amendment.

Which encompasses part of one of the two Senate amendments which passed. And makes a few other additions to the bill. Mr. Speaker, the Clerk has LCO number 8374 I'd ask that the Clerk read and I be permitted to summarize.

DEPUTY SPEAKER PUDLIN:

Clerk has LCO number 8374, you may call it and Representative Lawlor would like to summarize.

CLERK:

LCO number 8374, House amendment schedule "N" offered by Representatives Lawlor. Scalettar and Radcliffe.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. This bill, this amendment does several things. First of all it clarifies so that there can be no question that employees prosecutors, investigators and other employees of what is currently within the judicial branch, the juvenile prosecutor's office and the juvenile probation office can exchange any and all information with regard to pending juvenile cases, or pending investigations with their counter parts in the division of Criminal Justice.

And of course once this bill takes full effect on July 1, 1996, those same state employees, the prosecutors, investigators, and inspectors will become will actually be within the division of criminal justice. Secondly this bill brings some closure to the debate about whether or not there should be mandatory transfers for juveniles charged with B felonies under this amendment.

Juveniles charged with B felonies would be mandatorily transferred to the adult court on the day following their arraignment in the juvenile court. A couple of other procedural safeguards have been added, clarifying at what point the file, in essence, would become public information. That would take place following the arraignment in adult court, unless the adult court prosecutor has filed a motion to send the

case back to juvenile court.

If that takes place then the file would remain sealed for an additional.

DEPUTY SPEAKER PUDLIN:

Could you hang on for a second please Representative Lawlor, because my mind is wondering here, I know you've offered an amendment. But the Conference Committee should incorporate. Would the Conference Committee report, is it available here and does it incorporate the amendment in the Conference Committee report?

REP. LAWLOR: (99th)

Thank you Mr. Speaker, yes. I believe it's referred to.

DEPUTY SPEAKER PUDLIN:

First of all why don't we do two things, my suggestion would be just to withdraw this House amendment and let's make sure that the Conference Committee Report be distributed to both sides of the aisle, okay? And then we can start all over, okay?

REP. LAWLOR: (99th)

Mr. Speaker, I ask permission to withdraw the amendment.

DEPUTY SPEAKER PUDLIN:

Seeing none, it's hereby withdrawn. Now let me

just make sure that the Conference Committee report is on both sides of the aisle, okay and then we can continue. Then actually the work we've done today will be helpful because the other side will know, well Representative Radcliffe is part of this anyway, but. Why don't you let us know. Do we have the report? Do you have the report back there? Has it been Xeroxed and? Is the report on both sides? Do you have it? The other side of the aisle do you have it? We're ready to go. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker, I apologize for that procedural mistake, but the Conference Committee report which is being distributed does refer to the recommendation of the Committee to adopt LCO number 8374 as part of the report itself. That is the amendment to which I was referring. That's the additional language the Committee agreed to.

To further explain it, going back to the Class B felony mandatory transfer, it does call for any juvenile arrested and then charged with a Class B felony in addition to the Class A felony that was in the original House version, would be mandatorily transferred. And there would be that clarification on what actual point the record would become public. I

should point out though, that in the bill itself, that victims of the crime would always have information to the, have access to the information and be permitted to attend any court proceedings, whether or not it was transferred to the adult court. And especially after it's transferred and before the record itself become public information.

The Committee also agreed to add and additional section, allowing for the General Assembly to participate in the process of coming back to the General Assembly in the 1996 legislative session, to make whatever budget adjustments that would be necessary for the second year of the biennial budget and it does appropriate $50,000 for that purpose. So Mr. Speaker, those essentially are the changes to the bill that was previously passed in this assembly.

I think it's important to point out. This is a very lengthy bill, much like the bill that was considered last night in this House. It is a very comprehensive change to a system, although many different points of view on the specific problems, I think everyone would agree that in general the system does not work.

It was designed forty years ago for problems that seem sort of quaint today. That it is dealing with

serious crime, violent crime on an everyday basis. I'd like to just take a moment to thank, aside from the legislators who participated in putting this together, two members of House Democrat staff, Barbara Ireland and Ed Schmidt who perhaps did more work on this bill than anyone else in terms of putting it together and organizing the ideas into a fashion that could be understood by the general assembly.

It's really a tremendous accomplishment, and I hope and I expect that the Senate will pass it. Once this takes full effect on July first of next year, then our prosecutors, our police officers, our teachers, our probation officers, our DCF workers will have every tool they need to deal with what people predict is a tremendous problem down the road, and that is ten years from now there will be many young kids in that age group that seem to be shooting at each other on an every day basis.

So the extent that this legislation will prevent those murders and allow taxpayer dollars to be spent on constructive programs rather than punitive programs, I think we're all winners. Mr. Speaker, I would urge passage, adoption of the Conference Committee's report and passage of the bill.

DEPUTY SPEAKER PUDLIN:

A participant on the Conference Committee Representative Dale Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you Mr. Speaker, I too rise in support of the Conference Committee's report. I think it's important to say that by passing this bill today, we will have begun the process. We won't have finished the process. But we will have begun the process for the eventual reform of a juvenile court system which was geared for the 1930's and must be brought into the 1990's if it's going to serve the interest if public safety.

This is a tough law. It's a law that will send a clear and an unmistakable message and more important will deliver that message to violent juvenile offenders. The report that we have before us, provides the automatic transfer of Class A and Class B felonies from the juvenile court to the adult docket of the superior court.

What we're talking about here are not frivolous, are not crimes that qualify as mischief. We're talking about robbery we're talking about sexual assault in the first degree. We're talking about burglary, kidnapping. This bill will ensure that for those specific offenses, the punishment will now fit the

crime.

In juvenile court there is a maximum sentence of four years. These cases, when they are transferred to the adult docket will ensure that those violent offenders engaged in adult activities and adult crimes will be treated with the severity that the crimes deserve. There are also some very important administrative reforms in this bill. And the administrative reforms too often don't receive the attention that the juvenile transfer revision will receive.

Juvenile court prosecutors will now be able to share information with prosecutors in the superior court. Now that means that information gathered in the investigation of a crime and the prosecution of a crime in juvenile court is going to be readily available to all prosecutors in the system.

That's a necessary change . It's a change that has to be made if the transfer provision in this statute works. When this bill left the House, it applied only to those limited Class A felonies which would automatically receive that more serious consideration. Now it applies to class B felonies. That based on 1993 statistics would be approximately 307 cases in the state of Connecticut. The most

serious, the most violent juvenile offenders.

And the other thing that has not been ignored in this conference committee report and I should make mention of this for just a moment is the area of victim's rights. For the first time a victim of an offense of a juvenile will have an opportunity to make a statement as to the impact of that offense on that individual and their family and the traumatic effect that, that violent crime may have had on an individual's life.

There will also be a right of a victim of an offense, subject to court approval, to be present when the actual trial is being conducted. That's something that can't happen today, and after October first the victim will have a right to be present and know what is happening in each stage of the procedure.

In addition, we have redefined a serious juvenile offender as an individual who has committed two felonious crimes prior to being a juvenile offender. That individual will also be treated as an adult. There will be a reorganization of the juvenile court and there's been a task force organized for that purpose.

Mr. Speaker, and ladies and gentlemen of the chamber, this bill is not a panacea but it is a start.

And it's something that many of us feel is long over due. I was looking through some papers last night, some reports of previous sessions of the general assembly and I came across something back in 1978 where there was a proposal at that time, to treat serious juvenile offenders as adults. Seventeen years later, that particular promise, which was contained in some material following the 1978 session of the general assembly were in fact a reality with this bill.

There is still a lot of work to be done but we've made a start. Being a juvenile offender, a serious juvenile offender will no longer be a badge of honor. Being a juvie will no longer be something to brag about. In these particular situations involving the most serious crimes, crimes of violence, crimes committed with a firearm, Class B felonies. Those juvenile offenders committing adult act crimes, will receive the penalty which the crime merits.

It won't be limited to the treatment in juvenile court. You know this juvenile court system was designed to take care of mischief. It was designed in a, perhaps a less complicated era. To deal with individuals who committed what we would call today youthful mischief.

It wasn't equipped, and it isn't equipped to deal

with the serious crimes and to deal with the serious social problems that it's being asked to deal with today. This bill makes a welcome start in that direction, and I hope the Chamber will endorse the Conference Committee's report.

DEPUTY SPEAKER PUDLIN:

A third member from that Conference Committee from the 114th Representative Scalettar.

REP. SCALETTAR: (114h)

Thank you Mr. Speaker. I also rise in support of the Conference Committee report. The report made certain changes and comprises with respect to the bill, but in essence, the juvenile justice bill which passed out of this chamber remains in tact and made the important changes which have been discussed. I would like to reiterate just a few of them. The recognition of the importance of victim's rights, is throughout this bill and very important in our system.

And also, the juvenile justice bill recognizes that we have to treat juveniles appropriately and fairly according to the severity of their crimes. And for very serious crimes they will receive appropriate punishment.

But at the same time, juveniles who have not committed as serious offenses can receive a variety of

sanctions. Which will help them avoid turning to more serious crime and a life of crime. So the bill recognizes a range from prevention to serious penalties.

The work of the committee was very quick and amicable and we came up with these compromises and I urge the chamber to adopt the report. Thank you Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Further, if not, staff and guests please come to the well of the house, the machine will be open.

CLERK:

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

DEPUTY SPEAKER PUDLIN:

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

CLERK:

On the Conference Committee Report for House Bill 7025.

Total number Voting	145
Necessary for passage	73

Those voting Yea 142

Those voting Nay 3

Those absent and not voting 6

DEPUTY SPEAKER PUDLIN:

Conference Committee Report is adopted.

DEPUTY SPEAKER HARTLEY:

Are there any announcements or points of personal privilege at this time? Are there any announcements? Representative Widlitz, no? Are there any announcement or points of personal privilege? If not, will the Clerk please return to the call of the calendar, calendar 518, excuse me Clerk we have changed. Calendar 471.

CLERK:

On page fourteen, calendar 471, Senate bill number 495, AN ACT CONCERNING MAPLE SYRUP. Favorable report of the Committee on General Law.

DEPUTY SPEAKER HARTLEY:

Representative Widlitz.

REP. WIDLITZ: (98th)

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

DEPUTY SPEAKER HARTLEY:

The motion is acceptance and passage. Will you

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REP. O'NEILL: I understand the armor piercing part. It makes sense. I understand why you don't want it. I think armor piercing ammunition made out of steel is currently prohibited by the Bureau of Alcohol and Tobacco. There are various federal standards and certainly we should not allow armor piercing ammunition.

Although my understanding is that certain kinds of low grade body armor can be pierced by a lot of commonly available rifle bullets, as well. But this only relates to these plastic polymer type bullets that we are talking about.

Thank you.

SEN. UPSON: Any other questions? Yes. Representative Scalettar.

REP. SCALETTAR: Thank you, Mr. Chairman. With respect to SB1092, in new section D, authorizes an investigative officer to disclose the contents of a wire interception after conviction for the crime. Insofar as it relates to income derived from the underlying offense, what I am wondering is, who will make the determination of whether it relates to income derived from the offense?

CHIEF ANTHONY SALVATORE: Will all due respect, Representative, in concept, we support the State Police measure with regards to this bill. I am not familiar with all the contents of this measure.

REP. SCALETTAR: Thank you.

CHIEF ANTHONY SALVATORE: Sorry.

SEN. UPSON: Any other questions? Thank you very much.

CHIEF ANTHONY SALVATORE: Thank you.

SEN. UPSON: Judge Lueba and Deb Fuller.

JUDGE LUEBA: Good morning Senator Upson and Representative Lawlor and other members of the committee.

SB606 HB7025
SB953 SB926
SB1194
HB5646 HB7026
SJ55

Guidelines would leave the judges with less discretion and provide the prosecutor who almost sat down here before me, with more discretion and the suggestion there is that the selection of the offense in a guideline situation is the important criteria for determining what the sentence is and those, the selection of the offense, as you know, can take place in the privacy of the rooms of the State's Attorney and the Defense Attorney.

SEN. UPSON: (INAUDIBLE - NOT USING MICROPHONE)

JUDGE LUEBA: Thank you, Senator. Also, I would like to suggest the possibility that the sentencing guidelines in other jurisdiction seem to result in more trials which therefore, give us more delay because it provides a dis-incentive to plea bargaining and resolutions by agreement.

It clearly results in the federal system in many appeals on sentencing issues alone where there is no perception of error at the trial level, but the sentencing itself, with regard to interpretations of guidelines, delays the disposition of cases by appeals leaving some defendants at large for lengthier periods of time.

The sentencing guidelines is to us, continue to have difficulty in the federal courts and in other places where they have been used and the Judicial Branch supports the flexibility of the existing system with regard to that particular legislation.

I would like, if there are no questions, to then turn to HB7025, SB953, and SB926, all of which relate to the juvenile justice system and various provisions relating to it.

In connection with all three of those bills, I would like to say simply that the Judicial Branch is committed to working together with the Legislative and Executive Branches in developing solutions to problems of mutual concern. Therefore, we would like the opportunity to work together to reach a consensus on a plan for the reorganization of the juvenile justice system.

The Judicial Branch is not seeking expansion of its function to encompass the entire area of delinquency. However, when an individual is referred to the court and either admits to the act or is adjudicated delinquent, we believe that the courts should have access to the resources available to utilize divisionary programs. There has been support for such divisionary programs by the Executive Branch and the Legislature in the past and we support the continuation of additional funding for the Judicial Branch for divisionary programs in this area.

We believe that the current adult system works well and that implementation of an analogous system for the juvenile matters would also work well. We do support continued cooperation between the different branches of government that currently exist rather than assuming the responsibilities in the Judicial Branch for Long Lane or other expansive activities.

In that connection, Judge Ment and I recently met with the new Commissioner, Rossi to begin a continuing dialogue with the new commissioner of Children and Families.

We believe these discussions and discussions with the Legislative Branch will lead to a realignment of the Juvenile Justice System that would prove beneficial and would insure a continuity in services to the various constituents.

And notwithstanding our views on the broad realignment areas, I would like to recommend at this time, one specific change regarding the transfer provisions in this bill and in SB926 and SB954. (SB953)

We believe that the final decision on a motion to transfer a matter from the docket for juveniles to the regular docket should rest with the judge who is the neutral party in this adversarial setting and not with the advocate of the State's Attorney who is not.

SEN. UPSON: (INAUDIBLE - NOT USING MICROPHONE)

to the Board of Parole and we don't know who would pay for it and we also don't believe the Clerk should deliver it to the Board of Parole.

HB5628, AN ACT TO ESTABLISH RESTITUTION UNITS IN THE PRISON SYSTEM. There is an inconsistency in that bill, I pointed out.

And finally, four bills, all of which we believe would require additional resources and we have asked that you refer to the Appropriations Committee, are SB465, AN ACT CONCERNING MINIMUM CONTRIBUTORY PENALTIES; SB927, AN ACT CONCERNING TRUTH IN SENTENCING; SB964, AN ACT CONCERNING ACCELERATED PRE-TRIAL REHABILITATION; and HB6348, AN ACT ESTABLISHING A REGIONAL PUBLIC SAFETY COUNCIL.

That concludes my testimony.

SEN. UPSON: Any questions? Thank you very much.

DEBORAH FULLER: Thank you.

SEN. UPSON: John Bailey.

JOHN BAILEY: I am John Bailey. Mr. Chairman, members of the committee. I see that time is going very quickly. I have three State Attorneys here with me today who are out in the front lines every day.

I will submit my testimony to you in writing. The only thing I would comment on is the Juvenile Justice Bill. There are a number of good bills being prepared by the legislators and we would only ask that we be asked to consult with you. I do believe we have to have changes in the Juvenile Justice System. Which ones you pick, we will work with. HB7025

Mr. Satti who is still a Special Assistant State's Attorney has thirty-eight years as a prosecutor and for those new members of the committee, I thought it would be good for him to come before you today because it is like a ritual. He will be speaking on the investigative subpoena as he has done for the last twenty years.

SEN. UPSON: No. I am afraid that time is moving on.

GERARD SMYTH: May I have my turn?

SEN. UPSON: Yes. As much as you have --

GERARD SMYTH: Attorney Sullivan did submit written testimony which directs some other bills.

SEN. UPSON: I don't mean to be rude, but --

GERARD SMYTH: And one thing I would just draw the committee's attention to is her written testimony with regard to the waive of probable cause hearings twenty-four hours in advance. There are significant logistical problems involved with that which particularly impact on defense attorneys and our clients and I would urge you to look at the written testimony. SB960

I would simply like to comment, briefly on my concerns about the impact that many of the bills on today's agenda will have on the Division of Public Defender Services and as I have reviewed the bills, I have become increasingly concerned, seriously concerned, about the ability of the Public Defender System to absorb the workload that is created by many of these proposals with existing staff and resources.

For example, transfers of juveniles to the regular criminal docket on the adult side. All of these proposals, whatever form they take, will increase caseloads in the JD's and the GA's. That is perhaps not the most significant impact as is the fact that the attorneys in the adult court are not experienced and do not have expertise in dealing with the very unique issues that arise in representing juveniles. There are things like abuse and neglect, custody and parental rights, school issues, families with service needs, treatment facilities for children. All of these are highly specialized and require the expertise of the attorneys who work in juvenile court. (SB953) (SB926) (HB7025)

So I foresee a big impact on our office staff if they are asked to handle these juvenile defendants.

with that?

ALEXANDER DELUCIA: None, whatsoever.

HUBERT POTOSCHNIG: No.

REP. RADCLIFFE: Alright. Thank you.

SEN. UPSON: Yes, Representative Winkler.

REP. WINKLER: Thank you very much, Mr. Chairman and Representative Radcliffe covered a number of the things that I was going to ask you.

Just one brief question. If a jewelry store owner purchases or buys back a ring from a customer, they would also fall under this particular legislation?

ALEXANDER DELUCIA: They are currently, yes. That is the correct way to do it.

REP. WINKLER: Thank you.

SEN. UPSON: Alright. I would request that you do talk to someone from the State's Attorneys Office. Maybe someone from our staff can show you them and see what their language is. Okay. Thank you very much. Any other questions?

Now moving back to the state agency heads, the Mayor of Middletown. Then to be followed by someone from Bell Atlantic Mobile whose name I cannot read. Thomas -- is it Serra? Serra, right?

REP. JO PH RRA: G d af , Senator Ups a d HB7025 members. I would like to apologize on behalf of the Mayor of Middletown. He had to leave for a previous engagement, but since I am the State Representative from that area, I will substitute for him and I have here with me the Mayor's executive aide, Robert Bourne. And I will turn it over to Bob Bourne, right now.

SEN. UPSON: Did you also sign up too?

REP. JOSEPH SERRA: No.

SEN. UPSON: You didn't sign up. No other place.

ROBERT BOURNE: Mr. Chairman, first off, the Mayor wanted me to extend his gratitude to members of the committee who conducted a public informational session on raised HB7025 that took place in Middletown a few weeks ago. It was attended by 200 plus citizens --

SEN. UPSON: We had a meeting in --?

ROBERT BOURNE: Yes. It was a public hearing in Middletown.

SEN. UPSON: Not from Judiciary?

ROBERT BOURNE: No. On the task force. I am sorry. Representative Martinez --

SEN. UPSON: I didn't know about it.

ROBERT BOURNE: But it was attended by 200 plus citizens of Middletown expressing their concern about any expansion of the Long Lane School in Middletown.

In reviewing raised HB7025, the Mayor wanted me to express to the committee his absolute opposition to any provision of this bill which might impact, adversely, the citizens of Middletown.

Long Lane School, which presently exists in Middletown, is the only incarceration center for -- in the Department of Children and Family system. There are various proposals that have either endorsed an expansion of that facility or an expansion of certain parts of that facility which included the -- which involve the secured, highly dangerous clients of that facility.

The Mayor wanted me to express to you the city's opposition to any expansion and has asked that in the alternative, the State seek alternative sites prior to expending any future dollars at the facility.

Various proposals are out there. One, including this HB7025, that will involve the spending of tens

of millions of dollars to the facilities at Long Lane and what the Mayor is requesting is that somehow we would like to see in this bill, an opportunity for the State to seek alternative sites for this facility prior to any expenditure.

We are informed that Wesleyan University and its representative will be speaking here today with more specific details on what a proposed amendment to this bill could be to facilitate the seeking of alternative sites and we would strongly endorse any provision that would be (INAUDIBLE - BACKGROUND NOISE)

Thank you.

SEN. UPSON: Alright. Thank you very much.

REP. JOSEPH SERRA: Members of the committee, I want to just quickly just relate a couple of personal stories that involve me directly so you can understand the concerns of many of the citizens of Middletown. I came home last week and during the afternoon and my home was pretty much locked up and I had to unlock all the doors and I walked in and I asked my daughter, why are all the doors locked. She said the police were just here and told us to lock all the doors because they are out again. And that term, "they are out again" means that the residents of Long Lane are running through the residential neighborhoods that surround the facility.

Just quickly and I won't belabor the point, I had my car stolen and that wound up in Bridgeport. A thousand dollars worth of damage. I went -- my wife went out to our garage one day and found two of our cars all smashed, windows and all. Blood all over the floor. Stains are still there. There is tremendous apprehension now whenever she goes out in the morning and presses the button for the garage doors to walk out through the detached garage. We chased six of them off my front lawn not aware of who they were and these stories go on and on and on and on. (TESTIMONY NOT RECORDED DUE TO GOING FROM TAPE 1B TO TAPE 2A) And it is a cottage type setting . It has been turned into a

juvenile detention or prison or whatever terms you want to use and what has happened now is that as the residents move about the campus they decide they are going to leave, they just run through the neighborhood.

So Middletown residents are very concerned about the expansion. I just firmly believe that it should be moved somewhere else where some state of the art facilities can be built because what they are going to do now, is tear down some buildings that are, in my judgment, are structurally very sound. They may have some code violations, but personally, I think that the residents of Long Lane Facility, only two percent of the residents of Long Lane Facility are generated from the greater Middlesex County area. The rest come from, it is obvious, the major cities. And it just disturbs me even as a taxpayer to come by on a Saturday morning and see taxis from Bridgeport and New Haven there bringing families up to visit the residents there who are now at Long Lane.

But I am not going to belabor the point. You know where I stand.

SEN. UPSON: Okay. I appreciate it.

REP. JOSEPH SERRA: Thank you, sir.

SEN. UPSON: Thank you very much. Moving right along. Someone from Bell Atlantic Mobile. Whoever signed up, I can't read it. Did you sign up?

CHRIS WAILOO: Yes I did. My name is Chris Wailoo.

SEN. UPSON: How do you spell it?

CHRIS WAILOO: W-A-I-L-O-O.

SEN. UPSON: Oh. Alright. Thank you, Chris. By the way, to be followed by Richard Blumenthal.

CHRIS WAILOO: My name is Chris Wailoo. I am General Manager, External Affairs with Bell Atlantic Mobile. I want to thank you all for giving me the opportunity to speak about HB6999 today. And I

immortalized and people generally, before a bill is acted on in the House or Senate, they go back and look at the testimony from the public hearing. So don't be concerned if you see only several legislators actually in the room when you are testifying.

APRIL GOFF-BROWN: And it is also nice to know that we will be immortalized.

REP. LAWLOR: That's right. Sometimes it is not a good thing though.

APRIL GOFF-BROWN: Good afternoon. My name is April Goff-Brown. I am Director for Youth Services for the City of Hartford and a member of the Connecticut Youth Services Association.

HB6513

I have comments on two bills that are before this committee. One is HB7025, AN ACT CONCERNING JUVENILE JUSTICE. And as I went through that, I was encouraged to read that there is legislation which seeks to provide a comprehensive range of community-based services for juveniles and youthful offenders. Particularly, that it looked like there were several levels of early intervention for young people that would prevent recidivism looking at case management and holistic assessment to try to get an idea of what is really go on in that child's life which may have caused a contact with the police or the judicial system.

And I think we have some things in place when we look at our Juvenile Review Boards which are dealing with kids the first time they come in contact with the police. Having case management for juvenile justice, both diversion and alternative sanctions and the same with the youthful offender status, I think, gives a message to young people that we do believe that they have the capacity to change their ways and where an intervention may not have worked when they are nine or ten, when they come before Juvenile Review Board that it may indeed when they are thirteen, fourteen and the juvenile justice systems or even at sixteen and seventeen that it is never too late to turn around their activity, their negative activity.

In section 22c, number 4, it doesn't make mention of the youth service bureaus. And so I am asking that you keep in mind to the critical role of the youth service bureau in providing and coordinating youth and prevention services in the local communities.

We are not just another program, but are indeed an arm or local government. Hartford's Youth Service Bureau is part of city government.

Other legislation also does mention Youth Services and so I ask that as you also vote on this, and you vote on other bills that you will see before you, that you keep in mind that a vote that could cripple youth services, may in fact, impact negatively what you would be trying to put together in this particular bill.

For example, the Youth Service Bureaus were included in the Human Service Block Grant. If the cuts go through in Hartford, it could mean that we would lose both our Juvenile Review Board and our Youthful Offender Program which is a diversion program for sixteen and eighteen year old kids.

With regard to HB6513, which is AN ACT CONCERNING CRIME PREVENTION, again, it is an encouraging bill to see that there is an attempt to having central coordination in state government to looking at prevention and early intervention services. As well as Connecticut beginning to see that there needs to be focus here as opposed to simply punitive measures.

I would request though, under Section 8d, that there is an inclusion of the Connecticut Youth Services Association to the list of groups to be involved in doing any planning and development around prevention early intervention. Again, looking at our legislation, the YSB is the local arm of government for both prevention and youth services in their communities.

I would also hope that if we are talking about developing a biennial plan, that it is not a plan that like many others that I have been involved

children. Maybe by having the word out that they are pedophile, they will be on their toes more. They will watch what they are doing. They will be more conscience before they make the next move to hurt a child. Maybe we can break that cycle. But we have to start somewhere and we have to start dealing with it now because it is getting out of hand.

REP. LAWLOR: I hope if we are successful and we can get some landmark legislation passed, I hope you will come back for the bill signing.

MAUREEN KENKA: I would love to. I hope so, also.

REP. LAWLOR: Thank you. Any other questions? If not, thank you. Thank you for coming up to Connecticut again.

Next is Gina Solak.

GINA SOLAK: Good afternoon, members of the committee. My name is Gina Solak. And I am here representing Windham Youth Services.

REP. LAWLOR: Gina, why don't you just hold on a second. Can we ask the journalist to perhaps step outside so we can --- okay. Thanks. Thank you. Go ahead.

GINA SOLAK: My name is Gina Solak and I am representing Windham Youth Services. That is way out in the quiet corner of eastern Connecticut.

I would like to talk to you for a minute today about the bill number HB7025, AN ACT CONCERNING JUVENILE JUSTICE.

As a juvenile justice counselor for Windham Public Schools, I manage the Juvenile Review Board in Windham and I counsel youngsters and their families when they become involved in the criminal justice system.

I would like to talk to you a little bit today about juvenile review boards as a diversionary program that is designed to target youngsters who exhibit criminal behavior at an early age.

Sometimes, as you heard before, previously here this morning, as early as eight or ten years of age. By referring these cases to juvenile review boards, our community-based programs intervene giving youngsters a clear and firm message that this behavior will not be acceptable in our community.

The program also identifies at risk youngsters at an early age when intervention is most affective. The statistics for my own program are very, very encouraging from about 125 cases that we have dealt with since 1990 when the program began, we probably have had only about 10 of those children re-offend again.

I talk to you about Juvenile Review Boards this morning because as our state legislature prepares to overhaul our juvenile justice system, I think there are some very key issues that juvenile justice counselors in the field, such as myself, we ask you to consider this morning and I would just like to highlight two.

First of all, effective diversionary programs such as our Juvenile Review Boards are already in place in many communities in our State. They are traditionally funded in some fashion by the Department of Children and Families. Our relationship with the Department of Children and Families is a long standing one that works well. Juvenile Review Boards are preventive in nature. They are not sanctioned oriented and should be maintained under the scope of the Department of Children and Families and certainly not under the scope of the Office of Alternative Sanctions.

And the second issue that I would like to address this morning is that diversion and rehabilitative services targeting the 16 and 17 year old population are virtually non-existent in our community, certainly in Eastern Connecticut and certainly in our court system, due to that limbo status that the 16 and 17 year olds have traditionally enjoyed. As most of you, I think, are aware, once over the magic age of 16, a youngster who is arrested is thrown into the adult

criminal justice system where until very recently, they have not been considered of much consequence by the system that is already overwhelmed by serious adult felons.

The Office of Adult Probation has not traditionally been in a position to offer much intervention at the youthful offender level. For example, if a youngster becomes involved in a school altercation with another student and he is given YO treatment, most often the youngster is basically placed on a short period of probation with an admonition to stay out of trouble. And that is the routine case, as I as a juvenile justice counselor would be handling.

No other interventions take place at this entry level. In my current position, I have often watched as the State agencies cannot reach agreement over who is exactly responsible to provide services to this age group and the youngster goes untreated. This situation must be remedied by clarifying the language of our legislation.

That is all I have to say this morning. The only other thing that I would add is a little bit about my background.

In the early 1980's I started my career in criminal justice as a bail commissioner. After that, I was a federal probation and parole officer for the federal courts in our state. Then I went into juvenile justice. For the last five years and presently, I am also a member of the Board of Parole of the State of Connecticut.

Thank you very much this morning. I commend you for your efforts in tackling the juvenile justice system.

REP. LAWLOR: Thank you, Gina. And just to clarify. The Juvenile Review Board, where you are, you are not handling the major cases, are you? You are just -- how do you get the cases? Do they get sent to you from the court or from the police officers directly, or how does it work?

GINA SOLAK: Traditionally, Juvenile Review Boards, their major strength, is that they do start with very minor or they deal with kids that are engaging in misdemeanor-type offenses. You are talking about third graders that are maybe beginning to shoplift.

Talking about that kinds of fights that I described in school, but what we found is that usually when these kids start to exhibit this kind of behavior if they go untreated -- when they get to be fifteen or sixteen years old and then you want to address the problem it is almost too late.

Basically, what the Juvenile Review Boards do is they provide a process to address those very, very minor initial crimes that kids at at young age start to commit. Many, many times, police, Willimantic Police get called to the local Stop and Shop that they have caught an eight year, a ten year old shoplifting. Many, before our programs were in place, what they are going to do with this kid? Many times they just wouldn't do anything with it. They would reprimand the kid, tell the parents. With the Juvenile Review Board in place they are able -- they know that there is a body that will deal with this, especially when the police are reluctant to refer a kid to juvenile court where maybe that is considered a lot more serious. And again, we all know that Juvenile Court is again, overwhelmed with much more of the serious type offenses that young kids are engaged in today.

Your other question is where I get my referrals from. Juvenile Review Boards traditionally, my understanding is, that they function under the discretion of the police departments. Police departments traditionally have had a lot of discretion in dealing with family matters and therefore they make decisions as to how to best handle that shoplifting that has occurred. And they are the ones that refer to us. Most of my cases are referred from the police departments.

REP. LAWLOR: But they can't do that with sixteen and seventeen year olds.

GINA SOLAK: No they cannot because at that point they are into the adult system and they have to turn everything over to the State's Attorney Office and that is where the (INAUDIBLE) I know in my own community, we have been dealing very effectively because we have been able to get the funds from DCF to run our review board to the kids that are up to 16 years old.

Our school principal at Windham High School has always come to us and said, we are doing fine and good for the kids up to 16, but you know, Gina, most of our troublemakers are the kids at the high school. The kids that are between sixteen and eighteen and we would like to do something for them.

REP. LAWLOR: And what you are saying is that those kids, the sixteen and seventeen year olds who do relatively minor stuff, they have to go to court and they end up on some meaningless probation.

GINA SOLAK: Exactly. I think your routine handling of that matter in the Superior Court is going to be that the kid is going to be offered youthful offender or accelerated rehabilitation. Usually when you get youthful offender treatment, the most that is going to happen to that kid is if he is lucky, the public defender is probably going to chastise him and he is going to be told, well you have been given probation and now stay out of trouble for whatever the court decides, three months, six months and adult probation is really not in a position to be doing much with these kids whereas, there are some other interventions that could be done such as refer to youth services program. Something that either would be funded by DCF or even the Office of Alternative Sanctions. If there was something in place there then we could do more work with these kids.

REP. LAWLOR: Why don't they do that then?

GINA SOLAK: The money just isn't there. We have come up, our own agency, has come up with and that is the problem that I described before, we have come up with a program and that is where DCF says, well

we really are not going to fund programs --

REP. LAWLOR: Programs for the sixteen and seventeen year olds.

GINA SOLAK: Sixteen and seventeen year olds and OAS says we are really -- that really should be DCF. I have been in touch with legislators before, the directors from my agency and it seems that that limbo status that I described is one of the major hurdles that we are facing.

REP. LAWLOR: Thank you. Are there other questions? If not, thanks.

GINA SOLAK: Thank you very much.

REP. LAWLOR: Next -- we are going to switch back to the agency head portion for just a moment. We are going to try and weave a few people in here. Leslie Brett. Is she still here? Is Leslie here? Tom Siconolfi.

SB813 SB958 SB1163 SB926 SB953 HB7025

TOM SICONOLFI: Good afternoon, Senator Upson and Representative Lawlor and members of the committee. My name is Tom Siconolfi, Director of Justice Planning at OPM. And I am here on behalf of the Governor and Secretary Jones to comment on several legislative proposals before the committee today. I have submitted extensive written testimony on all of those bills and in the interest of time this afternoon, I would limit myself to comments on three measures.

And those include, Truth in Sentencing, the Transfer of Inmates to out-of-state Privately Run Correctional Facilities and then juvenile justice reform.

SB927, AN ACT CONCERNING TRUTH IN SENTENCING. We have made tremendous progress since the 1980's when prison overcrowding forced the early release of prisoners of their suitability for release. In fact, we have expanded our prisons by some 9,500 beds since 1986 allowing the DOC to affectively deal with gang members and other violent offenders in a way that they were unable to do for many

not those are real figures and the only way to do that is to make a well thought out effort to pilot a program. SB813 and SB958 would both allow us to transfer inmates to such prisons.

SB1163, on the other hand, would permit privatization of in-state correctional facilities and quite honestly, there may be benefits associated with that, but we are not recommending that approach at this time. We think we are best served by trying the out-of-state approach and if that turns out to save the kinds of dollars we hope it will, then we can look at other ventures, but to try to do so in-state, I think, would create a number of problems that would compromise the possible success of the venture and we don't recommend it at this point.

The third issue, the final issue I would like to address in my oral testimony would reform of the juvenile justice system and there are three measures before the committee today that do that and one is SB926. The second is SB953 and HB7025. I think Juvenile Justice System Reform is considered by all to be necessary and long overdue. Offenses committed by juveniles do represent a very small portion of overall crime. The disturbing part is that youth crime, particularly violent crime committed by youths is increasing at a time when overall crime in on the decline.

The feeling is that our Juvenile Justice System cannot affectively deal with gang and drug related offenses that are being committed by youth today. Limited sanctions, restricted ability to transfer certain serious cases to the adult court and the inaccessibility of juvenile records do little to punish offenders, to deter future criminal activity, to protect the public or to instill confidence that the system actually works.

We are tougher than some states because in Connecticut, at the age of sixteen, rather than eighteen, you are considered an adult for criminal justice purposes. But overall, I think it is safe to say that the juvenile justice system as constituted today, was really designed for a

different, to serve a different kind of need and a different kind of offender.

Now the Governor, in his budget recommendations, has made several proposals to insure that juvenile offenders receive the kinds of sanctions and attention that measure with their crime and backgrounds.

Very briefly, we want to increase secure space at Long Lane School while decreasing the overall size of Long Lane through privatization of residential community placements. We want to construct a new juvenile court and detention facility in Bridgeport. We would like to make presumptive, the transfer of certain 14 and 15 year olds to the adult court and we want to see a substantial increase in juvenile probation personnel and contractual resources to supervise juvenile offenders who return to their community.

SB926 and SB953, both make transfers to adult court more certain. HB7025 is a much broader bill and it transfers primary responsibility for delinquents and delinquency prevention from DCF to the Judicial Branch and permits juveniles accused of virtually any felony, I think any felony, to be transferred on the motion of a juvenile prosecutor.

SB926 and SB953 coincide most directly with what the Governor has proposed. HB7025 addresses many of the same bills and honestly, is not out of synced, by in large, with the Governor's proposals. For one piece we don't support in HB7025 is the transfer of virtually all delinquency responsibilities from DCF to the Judicial Branch.

DCF is that State's lead agency for kids. We think it needs to retain a significant role in that area largely because the lines around abuse and neglect, delinquency, etc., are not always all that well defined. Medical, psychiatric, educational needs, substance abuse problems often overlap and we think DCF, quite honestly, is in the best position to respond to those issues in many cases.

But despite our concerns about that provision of

HB7025, we think that the Juvenile Justice proposals on the table today have much in common in that a concerted effort to be made to see if a consensus package can be put together on juvenile reform and today, we respectfully suggest that at the committee's convenience, representatives of the Executive Branch, the Judicial Branch and the Committee sit down and see if indeed that consensus can be reached. We are very open to talk about that.

The remaining bills that I have testified on can be found in the written testimony and I would not seek to take any more of the committee's time on those. So I would be happy to answer any questions you might have. Otherwise, thank you very much.

REP. LAWLOR: Just a few questions. Juveniles who are transferred to the adult court for prosecution, if they are sentenced to prison, they would not go to Long Lane. Isn't that right? They would go to Manson Youth Institution or Maloney?

TOM SICONOLFI: As I understand it currently, if they are not sixteen, if they were transferred as fourteen or fifteen year olds, until the time they were sixteen, they would be in the custody of DCF and typically, are then transferred to DOC, but I think, quite honestly, by the time the court process has worked its way through, most of those offenders are sixteen or just about sixteen and they would go to Manson.

REP. LAWLOR: If we clarify in the statute that juveniles being prosecuted as adults would be confined after their conviction in that Manson Youth Institution instead of Long Lane, do you think that would obviate the need to expand Long Lane?

TOM SICONOLFI: I am not certain. From our discussions with DCF and I believe they will be testifying and can speak more directly to that issue, right now without a lot of additional transfers occurring, there is a need for additional secure space beyond the 56 beds that they currently have at Long Lane.

REP. LAWLOR: Right. But the proposal is to change that so that -- I think that almost everybody in the 58-bed prison at Long Lane is in there for the equivalent of a crime which would certainly get them transferred to the adult court under any of the proposals that are floating around.

TOM SICONOLFI: Right.

REP. LAWLOR: So, will there be a need for more than 58 beds?

TOM SICONOLFI: We have asked DCF what they thought the minimum need might be, quite honestly, in terms of secured beds at Long Lane and again, I am not going to suggest that we have contemplated every possible transfer under HB7025, but the feeling is that we certainly need more than the 56 that are there and it would be hard, honestly, to work without 100 secured beds.

REP. LAWLOR: Well, I don't understand though because I think, based on my own knowledge of who is in those 58 beds, at least the majority of them are in there for very serious crimes. And I think, under any reasonable juvenile transfer scheme, they would be prosecuted in the adult court in the future instead of in the juvenile court. So therefore, they would never go to Long Lane.

TOM SICONOLFI: Well one of the issues we would have to look at if the jurisdiction were transferred to DOC was what sort of -- if those same functions that are being performed right now by DCF would belong to, as an example, the Department of Correction, I think we would have to talk to the Department and look hard at what facility might be able to house those.

REP. LAWLOR: But they have sixteen year olds at Manson Youth Institution.

TOM SICONOLFI: But Manson is historically run at a very full level. I think there are 750 or so youths between 16 and 21 there today.

REP. LAWLOR: Couldn't you take out like the 21 year

olds and put them in the regular prisons and sort of scale it down a little bit at MYI?

TOM SICONOLFI: I honestly can't think of a reason why it would be impossible. I think it bears some discussion. I can't think of a reason why, to tell you right now, that this couldn't possibly work.

REP. LAWLOR: And you mentioned double-celling and re-opening some of the prisons that are about to close. Is there much money in the biennial budget to accommodate double-celling?

TOM SICONOLFI: No additional double-celling because as SB927 has been crafted, it would apply to offenses that are committed on or after October 1, 1995 and so for those offenders to begin to add up to additional beds, they would have to be arrested, convicted, sent to prison and served time beyond what they otherwise would have served. And that pushes us well beyond the biennium. So there are no dollars or additional beds expected to be necessary to meet truth in sentencing in the next biennium.

REP. LAWLOR: But that is only if the law applies to people committing crimes in the future.

TOM SICONOLFI: That is correct. If it ends up applying to people in the system today, then we would have to re-access the need and I am certain that we would be looking at some additional beds required in the next two years. At is stands right now, the first impact, I believe, is in mid-1997. I think we are expecting about $6 million and 200 to 300 beds being needed in the second biennium, looking ahead.

REP. LAWLOR: Do you know if OPM has explored what Governor Potaki has recommend in New York which is for the non-violent drug offenders, rather than incarcerating them in prison, punish them in a different way so that he can make room for the violent offenders without spending new money on prisons?

TOM SICONOLFI: We haven't looked at that proposal,

of the Commissioner of Correction and I am not certain whether the bill eliminates furloughs for them or not.

REP. LAWLOR: Yes, it does.

TOM SICONOLFI: That might be more of a problem for the Commissioner than the other proposal where only those granted parole would fall and I would guess that is where his primary concerns would lie.

REP. LAWLOR: Could someone get back to us with the position on that proposal?

TOM SICONOLFI: Sure. Absolutely.

REP. LAWLOR: Thank you. Are there any other questions? If not, thanks very much.

Next is Kelly Cronin. Just so you know, Kelly will be followed by Mary Anne Rhyne and Bob Boone of the Associate Press and JI, respectively. George Balsamo, Charles Duffy, Martha Stone, Gail Burns-Smith, Jonel Newman.

KELLY CRONIN: Hello, Representative Lawlor, members of the committee. My name is Kelly Cronin. I am the Executive Director of Waterbury Youth Services and a mother of five children. My sympathy goes out to Megan's mom who previously testified before me. HB 7025 HB 6513

Being the Executive Director of a large inner-city youth service agency we see the turmoil that the youth have to go through. The need for a statewide community based continuum of care for juvenile delinquents is tremendous and has been long awaited by those of us dedicated to the welfare and development of Connecticut's children.

As the Executive Director of an agency serving one of Connecticut's neediest communities, I have seen, first hand, the effect of coordinated community based intervention strategies can have on troubled children and their families. I know all too well the frustration that a lack of a sound diversified continuum of care causes both service providers and juvenile court personnel.

In Waterbury services are in place to make a substantial difference in the lives of troubled children. But the number in need far surpasses what agencies are able to handle at present funding levels. Our goal here in Waterbury is to provide quality effective wrap-around services in accompanying all aspects fchhldrens lives.

Youth Service provides parental support and educational services, academic enhancement, mental health services, youth employment programs, and family therapy as well as alternatives to criminal and otherwise detrimental behaviors. We network with other area agencies to provide for these and other family needs in a coordinated, unified manner. In pursuing this goal, Waterbury has developed programs designed specifically to serve pre-delinquents, adjudicated delinquents and re-entry children.

This continuum of care begins with the Juvenile Review Board which is coordinated through my agency and diverts first time offenders from the juvenile court system. By networking with area youth serving agencies, the board locates counselling and other needed services for them. This has been both an extremely rewarding and extremely challenging endeavor, although quality services are available, they are under-funded and so often unable to deal effectively with the numbers we can divert to them.

An other glaring gap in these pre-delinquency programming is the Board's absence of direct service manpower. The Board consists of volunteers from the police department, the Department of Children and Families, the court system, the school system, and area social service agencies. The lack and ability to access directly the needs of the children it serves. So much relies upon various community agencies to go above and beyond the call of duty to provide these services.

Effective programming for adjudicated delinquents is in place as well, but is no where near able to provide for the number of children in need of services. My agency offers a juvenile re-direction program which provides case management,

coordination, assessment, counselling, educational services, community service coordination, family support and alternative programming as well as positive recreation activities, after school hours and on weekends for a small number of adjudicated children a year.

The program also provides limited funding to other area agencies to provide specialized services for this population, including group counselling, crisis intervention and behavior modification. At present funding levels, however, the program can only serve twenty children at a time and because it must stay involved with each child for an extended period of time to be effective, the need for expansion is great.

In essence, the framework for a quality effective, community based network of care is in existence here, but the need for expansion and for the filling in of service gaps is a great one. With increased funding levels that would be created by a purchase of care system, and the implementation of a coordinating entity, I believe that both the incidents of re-arrest among adjudicated delinquents and a number of these adjudicated delinquents requiring residential placement, will decrease substantially.

Ultimately, not only will this save tax dollars formerly earmarked for court cost and residential beds, but it has the added benefit of giving the children of our inner cities, a fighting chance of survival. I hope you will give them this opportunity. Thank you.

REP. LAWLOR: Thank you. Are there any questions? If not, thanks.

Mary Anne Rhyne and Bob Boone.

HB 6945

ROBERT BOONE: Mr. Chairman and members of the committee, I want to thank you for letting us speak before you today and for letting us appear in tandem.

My name is Robert Boone and I am News Editor of the

there are any situations in which the use of a hypodermic needle by someone has resulted in liability against the manufacturer or is the proximate cause the improper use or the injection of improper tainted drugs. What's the proximate cause of the injury? It doesn't seem to me that it is the manufacturer of the needle.

CHARLES DUFFY: I can't say. I don't know.

REP. RADCLIFFE: Okay.

REP. LAWLOR: Are there further questions? If not, thank you. Next is Martha Stone.

MARTHA STONE: Good afternoon. My name is Martha Stone. I am Legal Director of the Connecticut Civil Liberties Union and I am here to testify about HB7025, the Juvenile Justice bill.

We introduced in the Sheff vs. O'Neill trial, over 525 exhibits. And one of the most telling exhibits that we introduced was the one that showed the 67% of the sixth graders and 57% of the eighth graders did not even meet their remedial levels on the Mastery Test. We represent the children who have been abused and neglected in the DCF system. We represent the 3,000 children who are in Connecticut's three juvenile detention centers.

The reason that I mention these three cases is because the children who are affected by this bill fall within all three different systems. Their problems are complex. Their problems are multi-faceted and the populations are overlapping.

The DCF figures in a recent report showed that 50% of the children at Long Lane have been referred to protective services for sexually abuse, for physical abuse. Eighty-five percent have a prior history of drug and alcohol abuse. Sixty to seventy-five percent of current residents have been victims of sexual abuse. Most of the children at Long Lane fall two to three years below grade level. They are the children that are failing in the Hartford school system.

We feel that this bill in many ways, addresses the complex nature of the Juvenile Justice problem and for the first time, addresses the comprehensive nature of the issue by providing an array of alternatives. There are four provisions, however, which we feel are missing from this bill.

Item number one is the issue of over representation of minorities in the juvenile justice system. This State paid thousands of dollars to have a study done by Spectrum Associates, which showed that this was a disproportionate rate of over representation of minorities controlling for other social and legal factors. This bill does not address that issue or provide remedies to eliminate that problem.

REP. LAWLOR: Martha, can I just ask you on that?

MARTHA STONE: Sure.

REP. LAWLOR: Is that over representation in which part of the system, at Long Lane or in the courts?

MARTHA STONE: I believe that it showed over representation along the continuum in each part of the system. There was over representation within the detention centers as well as Long Lane. My understanding was that the recommendations from that study were due to the Legislature in February, but as of this time, they have no recommendations forthcoming. I think it is a serious issue. I think it needs to be addressed as part of any comprehensive bill that deals with juvenile justice.

Point number two that this bill does not sufficiently address in our opinion, are the services within detention and the array of pre-trial alternatives. This bill does spell out a wise array of alternatives for the post-sentencing options. I think that same kind of detail needs to be provided for the pre-trial alternatives.

We also have a lawsuit called Emily Jay vs. Weicker which talks about the conditions within the three detention centers and the lack of mental health

medical care recreation. I believe that this bill does not make provisions for that population nor does it address those issues.

Point number three is the involvement of the Department of Children and Youth Services. As I stated in the beginning and the reason that I spent some time at the beginning to talk about the overlay of these populations is that the children in the Juvenile Justice System are victims of abuse and neglect. They are involved with DCF because they are families with service needs. They have many mental health needs. DCF is the agency to handle those problems by transferring everything to OAS to merely continue the fragmentation which is one of the major problems right now with the Juvenile Justice System.

Point number four -- I believe that there is a serious gang problem among our urban youth. There are children being recruited into the gangs within the Hartford Juvenile Detention Center. They are being recruited out into the streets. These are our thirteen and fourteen year olds. There must be provisions to address the issue of gangs.

Those are the four areas which we feel need to be expanded and addressed in this bill. There are four issues, quickly, that we do not agree with, respectfully which have been outlined in this bill.

The first is the fragmentation issue. When you have children who are abused and neglected in the DCF system who then go into the detention system which is run by the Family Division of Detention, and then get their education within the detention centers by the three city schools and then are supposed to get their treatment alternative plan by another agency, OAS, you continue the fragmentation and you have children bumping into all different state bureaucracies. None of which have sufficiently, up to this point in time, provided for their care.

Secondly, we oppose the transfer of all felony cases under the proposed bill to the adult docket. It leaves no discretion under this bill for the

juvenile court judge to deny a transfer. Many of the children are accused of committing offenses against other children. They take radios or clothes or whatever from another child. Those, under this bill, those cases would all be transferred to the adult system.

The third point which we oppose is the extension of commitment based upon community concerns, as opposed to just best interest of the child.

And lastly, we are concerned about the confidentiality provisions. The waiver, particularly as it relates to other victims and particularly when those other victims are other children because there is a tremendous potential for retaliation.

So with those comments, there are provisions about this bill for which we wholeheartedly support. I think that it can be fixed by addressing some of our omissions.

Thank you.

REP. LAWLOR: Just as a point of clarification, Martha. The bill doesn't require the transfer of all felony cases. It simply allows for the transfer --

MARTHA STONE: Over fourteen.

REP. LAWLOR: No. It allows for the transfer of any felony case, but not all and presumably, the prosecutorial discretion would be very careful to weed out the cases where it is a theft of a radio by one child from another.

And regarding the victim notification provisions. Although it does open up the information to all victims, the conduit for that information would be a designated professional in each juvenile court. For example, a juvenile probation officer who would be the one dealing directly with that victim so I would imagine that in the case of perspective retaliation, the information being given out is being chronicled by the probation officer so that any subsequent retaliation, they would certainly

know how the information was obtained and who obtained it.

So I think that is an appropriate safeguard versus the adult system where it is simply that anyone can come in off the street and get any kind of information.

Are there any other questions? Representative Radcliffe.

REP. RADCLIFFE: Just one. You mentioned Sheff vs. O'Neill and a few other cases. You are not suggesting that this bill or any of those that have been before our committee are in violation of the federal or state constitution, are you?

MARTHA STONE: The -- I am not prepared to say that some of the suggested provisions are not in violation, but that was not the point of mentioning those cases.

REP. RADCLIFFE: So you are not -- your objection then to this and other bills including the transfer provision has to do with the policy behind them and not whether or not they are in accord with constitutional safeguards?

MARTHA STONE: Well the reason I mentioned the other cases does not reflect, generally, on what is being proposed. I think it is the same population in those other cases. What I am suggesting, particularly with the Emily Jay vs. Weicker case, which does deal with the conditions of confinement is that this bill could give the legislature and the State, a vehicle to correct some of the deficiencies that I pointed out in that particular lawsuit.

But the lack thereof would not necessarily be relevant.

REP. RADCLIFFE: Okay.

REP. LAWLOR: Other questions? Representative O'Neill.

REP. O'NEILL: I think your first point that you raised

in reference to a Spectrum Study that was done for the State of Connecticut and that even after controlling for social economic factors, that there was a dis-proportionately large number of minority youth that were involved with the criminal justice system -- is that -- am I --

MARTHA STONE: That word "detained" within the detention center of Long Lane. That's right.

REP. O'NEILL: You say that this has to be addressed and that it ought to be addressed in this bill and it was your first point, if I recollect. What do you have in mind by way of addressing it?

MARTHA STONE: I think that one -- while the Spectrum Associates study, as I understand it, did not actually identify the causes of the over representation, they did have study groups around the State and came up with a number of reasons for the over representation. One of the primary reasons was that the private providers were not accepting certain children from the urban centers and I think that has -- that can easily be corrected by requiring culturally appropriate and linguistically appropriate groups homes or residential centers. You can fix it by having a policy where a private provider that gets a DCF contract cannot refuse to accept a particular child from the juvenile justice system.

Part of the problem is that the private providers now refuse to accept these children.

REP. O'NEILL: So in other words, it would be to require the private providers to accept them?

MARTHA STONE: That's one remedy. There were all sorts of reasons for the over representation. Some of the residential facilities like Connecticut Junior Republic which is an excellent facility is located in the Western part of the State. It is very difficult for the urban families to get there. Therefore, the children don't end up going there. You can relocate some of the residential facilities closer into the urban centers to make access more accessible which would increase the number of

children and families opting for the residential facilities.

There are a whole host of very complex reasons why this over representation occurs. Some of it has to do with lack of appropriate training for judges, lack of appropriate training for probation officers who have to make the placements. There are quite a number of different proposals that I could address some of the issues.

REP. O'NEILL: I guess I would say that I have been to the Connecticut Junior Republic and it seems like that a significant -- I don't know what the percentage ought to be and I don't know if they are one of the places that is deemed to be under represented. Are they in fact -- were they less than they should have been, according to your estimates?

MARTHA STONE: I don't know that anybody actually looked at the numbers of children who ended up at Connecticut Junior Republic. The Spectrum Associates studies, as I understand it, focused on the detention population in the Long Lane population.

REP. O'NEILL: Well, when you say the factors, because in order to address this, I guess you have to understand what the cause of it is because we really can't address -- in other words, if the cause is no one in the system is well trained, then we have to retrain everybody and I guess that is really beyond the scope of this particular bill that we are dealing with. It goes to the whole system, basically. It would embrace a lot more than what this bill talks about.

I guess what I am wondering about is among the factors, for example, that are controlled for, was the severity of the offense something that was controlled for?

MARTHA STONE: Yes. All of those legal factors and social factors were all controlled for and despite the controlling that even controlling for all of that, they found it disproportionate, the number of

juveniles complying in the facilities.

So all of those factors were controlled for in the study. What's interesting about the list, particularly in the bill at the beginning which lists certain services for children who are victims of sexual abuse or certain services for girls, there is a target population of minority youth who also need special facilities and services and the private providers need to address that and it needs to get addressed through the contracting process with DCF.

REP. O'NEILL: Because I remember sitting down at a meeting with some private providers from my neck of the woods, which is in Litchfield County, for the most part and they were complaining that they were not getting referrals from DCF and when the person was being sent out of state, in many cases, and it seemed like they were trying to get business as it were and yet, were not receiving the referrals from DCF, unless they were people with extremely severe behavioral problems, for which these particular types of programs, not so much necessarily, the Junior Republic, but some of the other ones, seemed that was not the program that they were trying to run. They were trying to run a program that was different from some sort of private prison, basically.

MARTHA STONE: I think that points up the need for an array of different kinds of programs to meet these children's needs. And many of the private providers, like CJR are not equipped to deal with some of the multiple problems that these children present themselves with.

We have represented children who have been waiting in juvenile detention for a placement, they have been waiting in juvenile detention for a placement in either a private provider or in Riverview Hospital because they had psychiatric needs. And instead of dealing with their multiple handicaps, they are stuck in a juvenile detention center with very little services. That doesn't benefit them or the larger society when they get out.

REP. O'NEILL: Thank you.

SEN. UPSON: Any other questions? Thank you very much. Gail Smith. I can't read her middle name. Burns. I am sorry. You have spoken here many times. The copy doesn't come through. On various bills.

GAIL BURNS-SMITH: Good afternoon, Senator Upson, members of the Committee. My name is Gail Burns-Smith. I am the Executive Director of the Connecticut Sexual Assault Crisis Services. HB7024 HB7025 SB963 SB964 HB6883

I have already submitted written testimony, so I will just try and summarize not only my written testimony, but on several other bills that we are interested in. SB 1192

Starting with HB6153, AN ACT CONCERNING CRIME PREVENTION. We believe that primary prevention and early intervention programs are crime prevention programs. But we strongly support this bill because it provides both the coordinated program and a consolidated program. HB6513

SEN. UPSON: HB6153? Okay.

GAIL BURNS-SMITH: That's correct. Last year we provided risk reduction and prevention education to over 55,000 school aged children and we would welcome the opportunity to work with the committee on some kind of prevention plan to put this in place.

On HB7023, AN ACT CONCERNING CRIME CONTROL, we think that this can be a landmark bill which will hold sex offenders accountable for their behavior, recognize the seriousness of sexual contact with children under the age of 16 and it moves really, towards the goal of providing real community safeguards in regards to sex offenders.

We applaud the work of this committee and those legislators that crafted this proposal. We believe that these provisions could actually move us towards the goal of ending sexual violence and we think that it heeds the concerns of both victims and providers who have brought the concerns to you.

HB7024, AN ACT CONCERNING VICTIM SERVICES. Again, we support this bill. We think that particularly we are pleased to see the restitution pieces and see that this can be enforced. We also think that holding the offender accountable by both the sentence and this kind of restitution, may make a big difference in terms of the healing for victims. Additionally, it may make some offenders, less likely to re-offend.

Section 3d, we believe, is an essential component in ensuring victim safety. This section allows for input from victims or his or her representative before any definitive sentence over three years is reduced. We think that this --

SEN. UPSON: Which one are you reading from?

GAIL BURNS-SMITH: In Section -- HB7024, section 3d.

SEN. UPSON: Okay.

GAIL BURNS-SMITH: We think that that is an essential piece and we strongly support that.

SEN. UPSON: HB7024 and the section again?

GAIL BURNS-SMITH: Three-d.

SEN. UPSON: Three-d. Okay.

GAIL BURNS-SMITH: Okay?

SEN. UPSON: Go ahead. Excuse me.

GAIL BURNS-SMITH: That's okay. On HB7025, AN ACT CONCERNING JUVENILE JUSTICE. At the beginning of this session, several of us were here and invited to speak before this committee about our concerns and we think that this bill goes a long way in answering some of those concerns. We are particularly pleased to see that this bill provides for restitution and we actually differ with CCLU's position. We think that allowing the information about the identity of a child in the disposition of a case is an essential component and we strongly support it.

SEN. UPSON: Which one is that?

GAIL BURNS-SMITH: HB7025.

SEN. UPSON: Okay. Which section of that are you talking about?

GAIL BURNS-SMITH: I don't have the section, Senator, in front of me, but there is a section in there that allows for the release of information to the victims about the disposition of the case.

SEN. UPSON: Okay.

GAIL BURNS-SMITH: We think that is a very important consideration. We have one suggestion --

SEN. UPSON: Section 12, I think. Go ahead.

GAIL BURNS-SMITH: In that bill, we --

SEN. UPSON: Yes. Records of cases of juvenile matters involving proceedings concerning juvenile children may be disclosed to and between individual agencies providing service directly to the child --- blah, blah, blah.

GAIL BURNS-SMITH: Yes. In further on, it talks about that the identity of the child in the disposition of the case and the release of the child from custody can be given to the victim of the crime. And we think that is an important piece and strongly support that.

We would ask, however, that there is another portion of the bill that talks about establishing in the Office of Alternative Sanctions, both adult and juvenile offender advisory committees. We would suggest that you add victims' voices to those committees. We think that is an important element to those.

In terms of some other bills, I will just briefly go over. SB963, AN ACT CONCERNING STALKING. We think that this is a good bill and we support it. We think, particularly the section that calls for next day arraignment is particularly important.

SB964, AN ACT CONCERNING ACCELERATED PRE-TRIAL REHAB. We support that also. We think that the fact that people currently charged with B or C felonies can get AR is inappropriate.

SEN. UPSON: Say that again about AR.

GAIL BURNS-SMITH: We believe that we -- we support this bill. We actually like the tightening --

SEN. UPSON: That A and B felonies should be subject --

GAIL BURNS-SMITH: A, B and C felonies should not be allowed to get AR.

SEN. UPSON: All three?

GAIL BURNS-SMITH: That's correct.

REP. RADCLIFFE: That's --

SEN. UPSON: That's not what the bill does.

REP. RADCLIFFE: You testified in favor of HB7025 regarding transfer to the adult docket of Superior Court. And in the accelerated rehabilitation bill, you testified, I think would eliminate the various categories of sexual offenses, three of which are Class B felonies and two of which are Class C felonies, if I am reading that correctly. Is that right?

GAIL BURNS-SMITH: That's now how I understood the bill, Representative Radcliffe. If that is what is says, we wouldn't support that. The bill that we read, we thought, said that you would no longer be able to get AR for A, B, or C felonies.

REP. RADCLIFFE: Right. That's -- that's the one bill.

SEN. UPSON: That's the one bill, but the on that you are testifying, HB7025 --

GAIL BURNS-SMITH: Correct. AN ACT CONCERNING JUVENILE JUSTICE.

SEN. UPSON: Does not --

REP. RADCLIFFE: That doesn't do that.

SEN. UPSON: Does not do that. It has other parts that you like, but on the A and B, it still says it can be available for A and B felonies.

REP. RADCLIFFE: HB7025 makes it available for A and B felonies, makes it unavailable for crimes which are defined as sex crimes, some of which are A, B and C felonies. In fact, most of them are. One of which is a Class B misdemeanor. I take it what you are saying is you think that accelerated rehabilitation should not be available for say, a Class B felony like kidnapping or robbery as opposed to something like a Class B misdemeanor.

GAIL BURNS-SMITH: What we would say is that A, B and C felonies should not be eligible for AR.

REP. RADCLIFFE: Right.

SEN. UPSON: Right. We appreciate that.

REP. RADCLIFFE: Thank you.

GAIL BURNS-SMITH: That's why I wanted to be sure that you saw that we supported this other bill.

SEN. UPSON: Other people were here --

GAIL BURNS-SMITH: Okay?

SEN. UPSON: Thank you.

GAIL BURNS-SMITH: Raised HB68 --

SEN. UPSON: We do have a difference on that.

GAIL BURNS-SMITH: I am sure. Raised HB 68-

SEN. UPSON: Do you have that in writing?

GAIL BURNS-SMITH: I would be happy to submit that.

SEN. UPSON: I would appreciate that.

GAIL BURNS-SMITH: Raised HB6883, AN ACT CONCERNING

HARASSMENT BY COMPUTER. We also support that and think that that is a necessary new inclusion. SB1192 --

SEN. UPSON: Someone asked me - should we swear you in?

GAIL BURNS-SMITH: Yes. SB1192, we would also support --

SEN. UPSON: I think the reason we are saying that is some people -- we are saying we don't want A and B felonies to be considered for AR at all and there are others that say no sexual offender, even a misdemeanor should be considered. So I think -- and we are not saying we are necessarily not against that. We are just -- we are trying to (INAUDIBLE) the two. You understand? That is why I wanted to explain why we were questioning you there.

GAIL BURNS-SMITH: Yes.

SEN. UPSON: Alright? You probably know about that. Excuse me for interrupting you again.

GAIL BURNS-SMITH: Really Senator, I am finished. I would be happy to answer any questions that people might have.

SEN. UPSON: Yes. Representative Radcliffe.

REP. RADCLIFFE: I have a question on the -- it goes HB 7025 back to classifications again, but on the juvenile transfer bill that you testified in favor of. This leaves it up to prosecutorial discretion. There is another bill, however, that was previously before the committee that allows for an automatic transfer for an A and B felony which are most of the sexual assault crimes as you know. And the discretionary transfer for Class C and Class D felonies.

Do you prefer the prosecutorial discretion or the automatic transfer in those most serious cases?

GAIL BURNS-SMITH: I think with juveniles it is important to have and still have some discretion be allowed.

REP. RADCLIFFE: So you think a prosecutor should be able to refuse to transfer a homicide based on who the juvenile is, but perhaps could transfer a larceny if it were over the amount that made it a felony?

GAIL BURNS-SMITH: Well, I think that I am -- it is best if I just keep my testimony to sex offenses.

REP. RADCLIFFE: Okay.

GAIL BURNS-SMITH: Are there any other questions?

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

GAIL BURNS-SMITH: Thank you.

SEN. UPSON: Since we have a young -- oh, she just left. I was going to have Leslie Brett speak. No, we will move to somebody else. But she was -- I didn't do that because she left the room. But she will be next afterward. Okay?

Is it Joel Newman? Newman. I am sorry.J-O-E-N-E-L. Newman. Connecticut Coalition for Choice. Jonel. I am sorry. Did you sign in or did someone else do it?

JONEL NEWMAN: Someone signed me in.

SEN. UPSON: That's what I thought. It looks very difficult.

JONEL NEWMAN: Good afternoon. My name is Jonel Newman. I am testifying on behalf of the Connecticut Coalition for Choice, an umbrella group of organizations that works on issues affecting womens reproductive rights throughout the State.

We have submitted written testimony, so I will try to briefly summarize exactly what it is that we find troubling about raised HB6881, AN ACT CONCERNING FETAL HOMICIDE AND ASSAULT.

Primarily, we have two serious problems with this bill. The first is as we view it, it will

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interchangeable.

DR. ROBERT SUTTON: I will get you that right away.

SEN. UPSON: Well, you can wait until Monday. Any more questions? I appreciate the team effort.

DR. HEDY AUGENBRAUN: Thank you.

DR. ROBERT SUTTON: Thank you.

SEN. UPSON: I guess I should go -- is Phil Tegeler here from CCLU? Is it T-E-G-E-L-E-R? Alright. And then how about Bob Pidgeon? We missed him, I think. He is not here? Oh, alright. From DCF. They changed the name this year, too?

ROBERT PIDGEON: Yes. They keep finding us.

SEN. UPSON: It took long enough for DCYS for me.

ROBERT PIDGEON: Mr. Chairman, members of the committee. My name is Bob Pigeon. I am the Director of Juvenile Justice for the Department of Children and Families. And I am here to testify about HB7025, AN ACT CONCERNING JUVENILE JUSTICE.

I have submitted written testimony, so I will summarize my testimony as quickly as I can for you. I would be glad to answer questions then and there are a lot more details about what I am going to say in the testimony.

DCF plays a fairly large role in juvenile justice. We operate Long Lane, the State's only facility for committed delinquent kids. We operate parole services which supervises delinquent kids in the community. We fund the Youth Service Bureaus through our own budget.

DCF supports much of this proposed legislation and in fact, I think we are in the process of implementing many of the things that are talked about in the legislation and also in the reform package that was published.

Many of the provisions in the bill changes the

confidentiality rules, transfer juveniles to the adult court mechanisms. Other measures are supported by the Department.

This bill also moves the responsibility for delinquency cases from the Department of Children and Families to the Judicial Department, Office of Alternative Sanctions. DCF does not support this portion of the bill.

SEN. UPSON: What section is that? Do you know?

ROBERT PIDGEON: Pardon me?

SEN. UPSON: What section is that found?

ROBERT PIDGEON: Section 8, perhaps.

SEN. UPSON: HB7025, right?

ROBERT PIDGEON: It is section 8.

SEN. UPSON: Alright.

ROBERT PIDGEON: It requires the Chief Court Administrator and the Commissioner, not later than January 1 to develop and submit a plan to address the transfer of staff and responsibilities involving delinquency from DCF to the Office of Alternative Sanctions.

SEN. UPSON: So when you are testifying on this, you are testifying on behalf of the Rowland administration. Correct?

ROBERT PIDGEON: Yes.

SEN. UPSON: Alright. Through the whole concept of HB7025 or just --

ROBERT PIDGEON: No. Just to the portion that deals with the transfer of delinquency responsibilities from DCF to OAS.

SEN. UPSON: That's it?

ROBERT PIDGEON: Yes. Our testimony is consistent with

what you have heard from OPM and from Judicial also.

SEN. UPSON: Okay.

ROBERT PIDGEON: We believe that that transfer will not be in the interest of kids because it will restrict access to certain services. It will fragment the system in a way that it is not fragmented now.

Mental health, substance abuse, education, health, child protection, juvenile justice, now are all in DCF and they are integrally tied together. Those services, with the exception of juvenile justice, under this bill, would remain in DCF, but also a number of support functions that OAS would have to be staffed up to provide. Revenue enhancement, contracts, rate settings, licensing, monitoring, those sorts of things that are currently done by DCF.

In addition, DCF collects about $50 million a year in federal revenues. Those federal revenues are collected, principally, under Title 4E of the Social Security Act and there is a very complicated process to determine eligibility and to determine if we are meeting all the protections.

If we transfer a certain portion of our population and they do not do the eligibility as needs to be done or if we have any problems with the protections and the case records, we put at risk not just the small amount of money that comes for juvenile justice, which is between $2 million and $3 million, but all of the $50 million and some portion of that can be put at risk.

SEN. UPSON: Is your Department still under a court order to some degree?

ROBERT PIDGEON: One of the Consent Decree, but it applies -- it does not apply to the juvenile justice population.

SEN. UPSON: And you are giving us your comments in writing too, correct?

ROBERT PIDGEON: Yes. You have them. Finally, the Department supports many of the reforms made in the bill and believes much of the bill is constant with the Governor's plan and the actions taken by the plan by DCF already.

The Commissioner of the Department has begun a dialogue with Judicial, which I believe you heard the Judge refer to earlier and we concur with both the Judicial Department and the Office of Policy and Management that we need further discussions to see if we can reach consensus about juvenile justice should be organized in the State.

I am grateful for your effort, for your interest and thank you for allowing me to testify.

SEN. UPSON: So you think we can sit down and do some this year or next year?

ROBERT PIDGEON: I do, Mr. Chairman.

SEN. UPSON: So you and Judicial, us and who else?

ROBERT PIDGEON: Probably OPM.

SEN. UPSON: Then maybe you can talk to somebody at OPM and we can do it next week?

ROBERT PIDGEON: Absolutely.

SEN. UPSON: Would you do it that?

ROBERT PIDGEON: Yes, I will do that.

SEN. UPSON: Alright. You heard where our meetings are to raise bills. The days of the next two weeks and I don't know where they are here, but -- here they are. For example, I know that we are going to be -- the 13th we are going to be at the hearing. The 18th, 19th and 20th, 21st -- it's got to be next week. Probably Wednesday or Thursday we can try to do something.

ROBERT PIDGEON: Alright. We will do it.

SEN. UPSON: Excuse me, Representative Martinez.

REP. MARTINEZ: Yes. Hi. Am I understanding that the major difference in this bill is basically the transfer of that juvenile population from DCF to the Judicial system?

ROBERT PIDGEON: Yes.

REP. MARTINEZ: Other than that, everything else in the bill seems to be pretty (INAUDIBLE-BACKGROUND NOISE) with what the Governor is planning and proposing?

ROBERT PIDGEON: I think it is very similar. Yes.

REP. MARTINEZ: Okay.

ROBERT PIDGEON: I think you heard from Tom Sigonolfi and I think maybe had a few of the things that might have been different, but in general, yes.

REP. MARTINEZ: And I think -- and I am very happy to hear that. I actually participated in the task force, which I think should be included. It was the Task Force on the Juvenile System, which we went throughout the State and really looked and did a lot of hard work on this. So, I am really glad to put some recognition -

ROBERT PIDGEON: Yes, you visited Long Lane and as some of you were to visit Long Lane and took the tour down there with me.

REP. MARTINEZ: Yes. Long Lane is one of many that we visited.

ROBERT PIDGEON: Yes.

REP. MARTINEZ: But so I think the Task Force should also be included. Some members of the Task Force so that we can come up with a compromise.

I don't think we are very far off, but now there are some questions as to how effective DCF is or has been in the past around this issue and I think those are the kinds of things that we need to look at and tighten up.

ROBERT PIDGEON: Let me be very frank. I have been with the Department of Children and Families less than a year, eleven months. We have a new commissioner and I think the Department paid very little attention to juvenile justice, in general, in the past. And I know why that happens because in another state, I did the child welfare job and I know how that overwhelms any system. But I think we have a commissioner now who is the winner of the CASS Award from the American Correctional Association, the highest award that has been given. She has been a commissioner in Texas and Maryland and Rhode Island before coming here. Twice in Rhode Island. And I have been a Deputy in one state and an Assistant Commissioner in another, all --

SEN. UPSON: You are Deputy, right?

ROBERT PIDGEON: --in criminal justice. I believe we do have substantial experience that hasn't been in the Department before.

SEN. UPSON: Your position is what?

ROBERT PIDGEON: I am the Director of Juvenile Justice.

SEN. UPSON: Okay.

REP. MARTINEZ: And quite frankly, I am very elated that that does exist now and certainly, as we have been to -- one of the persons who sat and interviewed Commissioner Rossi, I am very excited about the prospects about what she brings. And I am glad that we are at least identifying the areas that we all agree need to be looked at and I think we can probably come out of here with a (INAUDIBLE) bill. Thank you.

SEN. UPSON: Any questions? Thank you very much.

ROBERT PIDGEON: Thank you, Mr. Chairman.

SEN. UPSON: Phil Tegeler from CCLU. Is it Teleger. Am I saying it right? He is not walking this way. Alright. Donna Fox. How about that? Donna Fox. Alright. On HB6881.

I would want them finger printed, I want to know whether they have a record. But my secretary never handles that, we have some part-time employees who are just there to help on Saturday in selling and don't buy anything, I have four children who are small stockholders in the company, they're listed as backers, which they're covered, I don't see why they should be finger printed and so on.

REP. HOFFMAN: But they have been?

SAM SLOAT: No, the question, the law says you should be finger printed.

REP. LAWLOR: You mean if the bill became law they would be required to be finger printed.

SAM SLOAT: Yes, the bill, yes.

REP. LAWLOR: Are there further questions? If not, thanks. Chris Tommasi. Mr. Tommasi?

CHRIS TOMMASI: Yes.

REP. LAWLOR: Oh, I'm sorry.

CHRIS TOMMASI: I'm short.

REP. LAWLOR: Yeah, that's alright.

CHRIS TOMMASI: I'd like to begin by thanking this committee for allowing me this opportunity to speak before you today. My name is Chris Tommasi and I am the father of Michael Tommasi, he was shot and killed 9 months ago by a 15 year old juvenile on June 26, 1994. Our family lives in a small historic country town called, Lebanon. (HB 7025)

We live in this small country town because of the educational factor and because there is little to no crime as per se. We raise our children to be the best they can be and get all the joy they can get out of life. We are parents trying to be responsible enough to teach our siblings right from wrong.

We are simple, hard working, taxpaying people. I

am here today to discuss the juvenile justice system and the affect it has on my family. As I pointed out my son was murdered by a 15 year old and ever since my family has been in a complete turmoil. My wife is under a physician's care, my 15 year old son is failing tech school because he has difficulty concentrating on school work.

My 12 year old daughter is afraid to sleep in her room at night. The first two weeks was really hell and confusing not knowing what happened or what to do. My lawyer made an appointment for us to see the Assistant States Attorney, Kevin Kane along with the victim's advocate. We were told by them that the police records in a juvenile case are confidential.

The juvenile process is very slow, it may take up to 18 to 24 months before the case is transferred to adult court and that we must have patience. We were also told that they would keep us informed and would help us in any way they possibly can. The victim's advocate said that we were entitled to six free counseling sessions.

I thought to myself boy, the criminal get all the counseling they need, way beyond the six sessions I get. He also said that the state has a victims compensation program to help victims financially. When my wife and I left the state attorney's office we felt that the justice system was there to help get us through this senseless ordeal.

After a few months went by I decided to call the victim's advocate to see how things were progress, since I had not heard from the state in a while. To my amazement I was informed that I could not be told at what stage, juvenile case was at. It was like all the doors were shut in our faces.

Here I am with the loss of my son and can't even find out what is happening or even if the juvenile made bail. The police are not notified of the release or the condition of bail. So how can you enforce a court order if no one knows about it? I wrote to the juvenile judge requesting information, he didn't even acknowledge my letter.

Meanwhile during this long waiting period of frustration and not knowing, my lawyer is trying to get information from the state attorney so we can proceed with facts on our case. Again, because of confidentiality laws he runs into a road block. It is very difficult to present a case with very little facts.

On the other hand the juvenile lawyer can request for a disposition of production document where he can ask anything from school and medical records to my son's hobbies. Keep in mind we had to fill this document out and return it two days before Christmas. Do you know what kind of a burden was placed on us.

Because this document is now made public, the juvenile's lawyer can pick an choose the information he needs to help his client. I as a victim cannot ask or get information of same to help us. Most of the information that I obtained is from the news media, Connecticut Law Journal or some of the witnesses that were very close to us. Not from the state who is supposed to protect us.

Here we are being victimized again. I am also faced with the financial burden of this outrageous act of a juvenile due to funeral expenses, hospital costs, legal fees and other expenses incurred. I applied for victim's compensation hoping to ease some of the financial burden but after seven months of waiting I called victim's services only to find out the claim was pending. I asked why it was pending, I was told they needed a police report before they can approve the claim.

I explained to them that I couldn't get the police report because of the juvenile laws. Then asked what type of information was needed and if the chief state advocate could supply that information, and the victim services said yes he could supply it. I could not believe that after all this time victim services did not notify me of the situation.

I immediately called the chief state advocate and explained my situation to him, he said he would try to correct this problem. Well it got approved only

for $2,400, this doesn't even cover the funeral expenses. Why aren't the parents of this juvenile not taking responsibility for paying the bills? After all, he's supposed to be a child under 16. Why should I get bad credit for not paying the bills, or have to mortgage my house?

When in fact the parents of the juvenile sits back and enjoy their home and not have to worry about the expenses their child has imposed upon me, why should I be victimized again? Out of anger, frustration, hatred, and bitterness I was forced to educate myself in the juvenile system. I researched statutes and found victims have few rights and criminals have all the rights.

I would like to briefly explain changes that must be made now. Confidentiality law concerning juveniles. Juvenile court was established in 1899 in Illinois and was intended for family matters. The judge acts as a fatherly role. It was not intended for the crimes of the 1990's. We feel any juvenile with over a misdemeanor charge that all juvenile proceedings and records be open to the general public because it is unconstitutional for the court proceedings to be secret.

I suggest you follow the footsteps of Oregon, which opened its juvenile courts to the public more than a decade ago because they also felt it was unconstitutional. Victims especially deserve the right to know what is happening. Here before me I have a petition signed by over 750 taxpaying voters of Connecticut. This petition was collected in just two short weeks. I'd like to give it Mr. Lawlor or somebody,

REP. LAWLOR: Mr. Tomassi if you could just give it to our community staff there, they'll make sure we all get a look at it and get copies.

CHRIS TOMMASI: Number two, automatic transfer to adult court. It is also recommended in the petition that all juvenile cases in horrendous crimes be automatically transferred to the adult court. Minnesota sends young felons and repeat offenders to adult courts. They can be transferred back to

the juvenile court if they don't warrant adult prosection.

Three, parent's responsibility. General Statute 52-572a states that parents are liable up to $5,000 intentional tort for their child. This value must be increase to cover all personal damages of the victim. The financial burden must be placed on the parents not the victim.

Juvenile punishment. In the current system juveniles get a slap on the hand or probation. Juveniles should have to pay for their wrong doings. They must pay fines and do community service. By paying fines more judges can be hired, it lowers the court costs to the taxpayers.

Judges, juvenile judges and adult judges should be combined into or under the same jurisdiction. The juvenile judge in Montville only hears two to three cases a week. He's only dealing with the juvenile and not the adult cases too. By doing this it would ease the backlog of juvenile cases pending.

Six, truth in sentencing. Criminals should serve full sentences and nothing less. The punishment often does not fit the crime. There should be no possibility for parole or time off for good behavior or pardon on those convicted of a violent crime. (SB 927)

Seven, laws made today. Criminals should be subject to laws in effect at the time of sentencing and not laws that were in effect at the time of a crime. The current system burdens the courts. In conclusion, you must act now to pass tougher crime laws. Give rights to victims and survivors. Crime is a disease spreading like a cancer. It is out of control and it has to be stopped. Changes must be made to protect the public.

God forbid if you lost a loved one by a violent crime. Do you think you could live with the fact of not knowing why your loved one died or who did it? We have to. I would like to thank you for your time and if there are any questions.

CHRIS TOMMASI: Yeah, but we're getting second hand information again.

REP. LAWLOR: Oh, I agree. But that's part of the bill that you're testifying on today. I would allow victims to come right into the court just like they can the adult court and know everything and participate in sentencing and express their opinion and that kind of thing. Are there any other questions? Thanks, thanks for coming up here. Keith Sweeney, and I see Keith is joined by Cathy Edwards.

KEITH SWEENEY: Senator Upson, Representative Lawlor members of the committee, my name is Keith Sweeney I'm here before you about a lot of these matters. I'm an investigator with Superior Court Juvenile Matters in New Haven. I come before you today to support HB7025. I believe the idea of splitting juvenile court into criminal session and civil session is an excellent idea and is long over due.

The idea of punishing a juvenile. The word punishment we've never used in juvenile court and we've never been allowed to use. The idea of punishing a juvenile for a crime committed is an idea who's time has come. Anyone who has children of their own, or deals with children, knows that there has to be a reaction to any action for the juvenile's behavior. The current system doesn't allow for punishment but rather rehabilitation.

The judges under this bill can set a period of time of incarceration to both punish and hopefully rehabilitate the juveniles involved. Proposal to have police serve a written complaint upon the child and the parent will cut down upon unnecessary paper work within the system and make parents accountable.

As I testified to this committee before, the victims rights portion of this bill is something the victims have needed for a long period of time to allow them to be notified of proceedings and be a portion of them. The portion of the bill that takes away the right of a person who has been adjudicated as a serious juvenile offender, to be

denied youth offender, closes the loophole that allows abuses of the system where a youth could be adjudicated a delinquent of a serious juvenile offence and then get YL, youth offender status, for the same charge as an adult.

I would like to point out a couple of portions of the bill that I hopefully believe were oversights. On line 326 of the definition of serious juvenile repeat offender. At this point in time it reads: Serious juvenile repeat offender means any child charged with the commission of a felony in which the child has previously been adjudicated delinquent..

SEN. UPSON: Which line again?

KEITH SWEENEY: I'm sorry?

SEN. UPSON: Which line?

KEITH SWEENEY: It was line 326, starting with 3-23-2326. At any age for two violations of any provision of Title 53a which is designated as a felony. Ladies and gentlemen this leave out any Title of 53 would be anything to do with bombs; 21a, drugs; 29 weapons. And I don't believe it was the intent of this committee to leave those serious things out of there.

As it stands right now it would leave out over 50% of what we are dealing with, with that line.

SEN. UPSON: Section 29a and what are the others?

KEITH SWEENEY: 21a, which would be drugs, Section 29 which would be weapons and the whole 53 statutes, of which there is numerous, in the what is now the serious juvenile offense category as defined by statute that are totally left out. Another line I would like to bring out is line 709.

This is also something that has been long overdue. It would start with line 706. Whenever a child is arrested and charged with a delinquent act, such child, and we're taking out the word shall and we're putting in the words may be required to

submit to taking this photograph, physical description and fingerprints. It was restricted before to the point of it was only to Title 53a and again it left out weapons and drugs and anything in the 53 statute.

But now we're putting in language that may be required. I have a problem with that and the officers I've spoken to about this have a problem with that -- "Is may be required" instead of "shall" -- let's say we have a burglary ring in works and the officer arrests them for one and tries to fingerprint the young person for that charge and it's only may be required, what penalties or how can you force that child to submit to the taking of that fingerprints to possibly solve other cases, or hopefully not, but we do have them, as a person testified before, in the case of murder trial.

What happens if we cannot get the fingerprints off the weapon involved that would possibly be the only piece of forensic evidence we could have to link that subject to that crime and now we may not be able to have that because of this language.

REP. LAWLOR: Can I just ask Keith, on that one. I think this language tracks the language for adult offenders, because not in every case is there a fingerprint and a photo, like if you get a citation for example on the street. I think it's intended to be the same as that. So that if you decide not to process an arrest, possibly a breach of peace, give a ticket, don't bring them to the station, I'm not sure it's a shall, on the adult side, but we'll check on that. I think the intent is that whenever the police feel it's appropriate they just do it.

KEITH SWEENEY: Well, I would just like point it out for the history so that if that is the intent of the wording that we do have some histories to go back to it. One other thing I would like to bring out is the budget of which I am 100% behind. It increases a lot of funds for the juvenile court system, probation officers.

But it does not have any comments in there for

investigators or inspectors within the prosecutors office. The prosecutors in the state have three investigators. One in New Haven, one in Bridgeport and one in Hartford. None of the other courts, none of the other juvenile prosecutors have investigators or inspectors within their office to help them with the system.

Many times cases are lost within the system, due to the fact that of no one working within the system, in the prosecutors office, to help them work the case to find that witness or anything else like that. I think possibly that would be something else that could be looked at and overall I believe it is the most comprehensive reform of the juvenile justice system in the over 16 years that I have been involved in law enforcement and the judicial system and I thank the committee and I thank the committee we had beforehand and I thank this Judiciary Committee for taking the time to look at this serious bill that you have before you and all the time you've put into it and hopefully this will pass and this will become law.

REP. LAWLOR: You mentioned Keith the parental accountability in the bill as I understand that requires not only would the child but also the parent would get the, essentially the summons to appear in court. Is that a problem now, that the kids show up and the parents don't show up and what happens when that happens?

KEITH SWEENEY: It's a problem on both sides. It's a problem that the parent will show up and the child won't. There is no, as it is now the officer has his distinction on the street as to whether to bring the child home, release them, bring them to the police station and have the parents come down and get them, bring them to the juvenile detention center if it is in fact a serious juvenile offense.

With that system a lot of times we have the child in detention, no parent would show up. Or we have the parent coming in and the child is refusing to come out. Because there is no paper work involved.

REP. LAWLOR: What can you do?

KEITH SWEENEY: There's nothing served upon the child, until the child comes to court. Once the child comes to court, then the child is actually served with the paper work that would then require them to come to further proceedings.

REP. LAWLOR: And then what happens after that if the kid doesn't come back?

KEITH SWEENEY: If the kid doesn't come back after he's been served? Then a take into custody order can be issued by the judge.

REP. LAWLOR: And how about the parent, what happens?

KEITH SWEENEY: The parent would have to be served and capias could be issued, but again the problem comes into the parent originally not coming, or not having been served from the original process, the beginning of the process.

REP. LAWLOR: So, and the way this bill is written how would this change things?

KEITH SWEENEY: The way this bill is written now, it would be the exact same as the adult system, that the child would receive a summons to appear in court at a specific time, the parent would also receive notice.

REP. LAWLOR: From the police officer?

KEITH SWEENEY: From the police officer. And at that time if there was not appearance in court, the judge could issue a failure to appear for the child and order a capias for the parent. It would cut down a whole segment of time. Right now there is a cause and reaction, but there isn't anything there. We have sometimes juveniles come in two and three months after the fact to appear in court for something that they did as minor as a breach or as major as an assault.

And as you well know with anybody who deals with juveniles or has children of their own, how can you equate that punishment or how can you equate that system as saying, you know six months ago, or three

months ago you broke the window and now I'm going to talk to you about it and that's in essence what we're doing here.

REP. LAWLOR: And how about, you heard Mr. Tommasi testify before, about calling about a very serious case in that case, a murder, and not being able to get information. What happens when victims call the juvenile court where you work now?

KEITH SWEENEY: As it stands now, we are unable to give them any information as to where the case is within the system. We can't even tell them if a child is being detained or they've been let out, as I testified prior to, before.

REP. LAWLOR: And who ends up fielding those phone calls?

KEITH SWEENEY: Either myself or the prosecutor. And in the cases of all the areas where they don't have investigators, it's the prosecutor.

REP. LAWLOR: Cathy.

ATTY. CATHLEEN EDWARDS: Senator Upson, Representative Lawlor, members of the committee I think there are four words really that I like in the bill and I wanted to say those words out loud. Accountability, secure confinement, and punishment. And those are words that we haven't heard in conjunction with any juvenile statutes before. HB7025

I sound like dragon lady now, that's what the kids down in New Haven call me because I'm the prosecutor down there. But I think those are four words that need to be said in conjunction with some of the crimes that we're looking at in juvenile court. I started last Monday off with a phone call from somebody like Mr. Tommasi.

I have a murder and the victim's sister lives in Vermont, can't get any information, has no idea what's going on. My first phone call last Monday morning was from her. And she says: "What's going on? Help me." She's crying on the phone, "Tell me what's going to happen, give me some information?

Is he in detention, what's going on?" I can't tell her really much of anything.

I can describe the general process (break in testimony change cassette tape) the way the law is now. You know Keith and I have been here testifying before. So I want to say bravo for some of the changes that are in the statute, one of them being that we can tell the victims more information now under this statute as it's proposed.

I want to say that it's time to open up some of the records in certain circumstances and this bill describes some of those. I want to say thank you for the summons procedure which hopefully will cut down on the failures to appear and enhance the efficiency of the juvenile court system. And I want to thank you also for the fact that the judge can now order things, like restitution and community service.

Right now, we have to ask juveniles and their parents whether they're willing to do those things. And the judge can't order the, believe it or not, unless they say: "yes, that's okay with me." It seems to me to be totally inappropriate for a court to have to ask permission to impose something which should be part of a sentence.

I'm in favor of some of the new criteria for consideration and disposition that are listed in this bill. Things mentioned like seriousness, record, culpability, participation in a crime. We haven't really been able to say those things before. We talk about sentencing in terms of the least restrict alternative. We have to consult with the Commissioner before placement out of the home, to make sure that that's the least restrictive alternative.

And I think the spirit of this bill takes away some of those things, and makes the judge and the court able to respond to the serious crimes that we're seeing before us.

REP. LAWLOR: What kinds of crimes are you getting in

these days? What's the, you're in New Haven right?

ATTY. CATHLEEN EDWARDS: Well, I'm in New Haven so ah...

REP. LAWLOR: Give us some sense of what are the most serious crimes and how frequently do you have to deal with them in your court?

ATTY. CATHLEEN EDWARDS: Well, we have two kids right now who are sitting in our detention facility awaiting transfers on motor charges, both of those have been filed. We have an 18 year old in our detention facility who shot somebody in the face about five years ago and shot somebody in the hand about five years ago, he just got out on bond.

We have a number of individuals...

REP. LAWLOR: I'm sorry he?

ATTY. CATHLEEN EDWARDS: He got out on bond, we had a classic bond argument.

REP. LAWLOR: He's in your, in the juvenile?

ATTY. CATHLEEN EDWARDS: He was in our detention facility.

REP. LAWLOR: Even though he's 18?

ATTY. CATHLEEN EDWARDS: He was in our detention facility because, guess what, it happened before he was at the age of 18, I mean 16, the warrant wasn't served until he turned 18 and he was held in our detention facility. But he has to be treated as a juvenile don't forget, as far as the charges go.

REP. LAWLOR: Because of when the crime occurred.

ATTY. CATHLEEN EDWARDS: We have kids who are drug sellers, we have kids down there who are on assaults, we have kids down there -- basically the kind of kid who stays in detention and really clogs up the system is the kid who has, starts with a number of charges and stacks charges on charges and charges. And we're trying to move the case along and have difficulty in doing that.

One thing that I think the juvenile court system is missing right now and hopefully this is going to happen is some meaningful secure confinement. I mean, as far as I'm concerned you don't have to transfer everybody to the adult docket if we had some meaning in the juvenile court system. If a kid shot somebody on the streets of New Haven and we could make sure that they were actually going to be off the street in a secure facility and not jumping out of a cottage at Long Lane, grabbing a car, and beating the probation officer back to New Haven.

If I knew, or the public knew, that, that kid was really going to be locked up then we have some meaning to the juvenile court system. I do however, think that the transfer procedure as it has functioned in the past is unwieldy and lengthy. I can understand Mr. Tommasi's frustration with the system, because it might not take as long necessarily as 18 months to two years.
But under the old system that we were dealing with, with the probably cause hearings, with appeals, with putting the case on it would generally take a year or longer to finally get that individual transferred to the adult docket. In the mean time the victim's family is calling us guys up saying, "what's going on, are you doing anything?" Total, total utter frustration. That's been a problem in the system.

I like the feature in the bill about you know the dual session, the civil session and the criminal session. Call it what you want, call me what you want, because you rename me in the this bill I'm no longer a state's advocate now I'm a juvenile prosecutor. Call us whatever you want, but give us the ability to deal out meaningful sentences, to send juveniles to a place where they're securely confined. And if necessary to bump them up into the adult docket. I think the two systems have to work together. I don't want to see everybody transferred necessarily on the first felony charge because that kid is going to learn it's joke because they're going to be handled lightly in the adult system.

We need to mesh the two systems together so that when it's time the juvenile goes. And those are some of the things that Keith and I decided to come up here and tell you about. You guys work long hours and so I want to thank you for sitting here and listening to all of this. I didn't realize you guys stayed here so long at night. Any questions.

REP. LAWLOR: Come back in a month and you'll see how late we stay.

ATTY. CATHLEEN EDWARDS: I know, no this is my last time out of New Haven, this is three times in a month so I don't think I'll be back for another 10 years.

REP. LAWLOR: Let me ask you this, if it were up to you as the prosecutor in effect in the juvenile court, if you had a wide open system, let's say any felony could go, which is basically what this bill allows for. How many do you think would end up going to the adult court? I mean?

ATTY. CATHLEEN EDWARDS: A few more than go now, which is very rare. But I think less than you might think would go. I personally don't think that the kid who commits the D Felony, the burglary third, goes into somebody's garage and takes out a bike because in essence that's a felony and could be eligible for transfer, obviously that kid doesn't belong in the adult system.

But the kid who does the shooting and maims somebody for life and maybe that qualifies as assault one, but they didn't have the past SJO before and that kid is 14, that kid should very well go to the adult docket. I mean the torture that we go through in getting a murder transferred because we have had to in the past, we put on the same probable cause hearing as was done once again in the adult docket, the same Part A hearing.

We put it on in juvenile court and then we have to play out the whole appeal process because that hearing was appealable under the old statute. So I think you know, eliminating that will make transfer meaningful. It'll happen quicker, hopefully it will happen on the right charges and you know

nobody want's to see little Johnny Jones, the neighbor who goes into the garage to the adult docket, you know that's not going to happen.

But the kid who shoots somebody else in the face should be very well handled as an adult obviously. You gave me, or us a lot of discretion in this bill. I feel like queen for a day when I read this bill. It elevates me from being called states advocate where nobody knows exactly what I do to actually having some meaningful power.

But however, the statute works out in the end whether it requires a judge to review it on an affidavit and then goes on A and B felonies, which Senator Upson, I think like better than me queen for a day. We'll be happy with that. Give us a little something.

SEN. UPSON: You can be queen for a day up here.

ATTY. CATHLEEN EDWARDS: Give us a little something and we'll be happy with it, give us more than what we have, and we're going to be happy. And we're going to be happy with the little crumbs you threw us. Telling the victims things, making the system more efficient. We're pretty happy about even those changes that don't cost people a lot of money.

And if you put some money in the system you might be surprised that the recidivism rate might go down and we might actually be able to do something for society.

REP. LAWLOR: Representative Radcliffe.

REP. RADCLIFFE: Just a couple of questions. If you now become a juvenile prosecutor, and I don't know if that's queen for a day or not. The problem that we've had about sharing information, the public defender's office of course could share that information because they're part of the same office, you theoretically are not part of the state's attorney's office.

Do you see this bill as correcting that particular problem?

ATTY. CATHLEEN EDWARDS: I'm not quite sure when I read this bill where you put us in the end, there's catch all in the end that talks about the criminal justice division running the operations and I don't know whether you're going to have me report to Chief State's Attorney Bailey, whether you're going to create a separate division...

REP. RADCLIFFE: Regardless of who you report to, do you read this bill as saying that information in a case that's transferred, whether it's transferred automatically or on motion of the juvenile prosecutor, information could be shared between the juvenile prosecutor and the prosecutors in Part A of the Superior Court?

ATTY. CATHLEEN EDWARDS: I read it as allowing that, I think that it is.

REP. RADCLIFFE: That's a problem now, where you can't share the information, but the public defender's office, because they are the same office they have complete access.

ATTY. CATHLEEN EDWARDS: Well right now, under the new bill that you guys passed last year, it requires a consultation with the state's attorney. Now we in the field have interpreted that to mean, whether you meant that or not, that obviously we have to show them the police report.

REP. RADCLIFFE: Please don't say: "you" on that bill that transfer bill. I think that was written by a public defender who now became a judge who meant it to have exactly the effect that it now has which is nobody's going to be transferred. That's exactly, please don't say, "you" on that.

ATTY. CATHLEEN EDWARDS: Well under that bill, that we've had to work with in the system, we've taken it to mean that we could give the state's attorney the police report and tell them the kid's record, because how can we consult unless we give them that access.

REP. RADCLIFFE: There were a lot of us that predicted that precisely what you're saying was going to

happen and what happened in New London where there was homicide that took 18 months to go up and back and on appeal before they could finally transfer it to the superior court, it happens. So in the case of victims that call, as I read this if you decided not to transfer say an A or a B felony and it goes back to what Senator Upson had talked to you about earlier, that victim would still call and that victim would still be denied the information, is that right?

ATTY. CATHLEEN EDWARDS: Well, the victim can have certain information. Right now even under the statutes that we have. The victim is entitled to the disposition of the case, the name of juvenile parent if they plan to bring a civil action, and they're also entitled to address the court prior to the disposition concerning what they think ought to happen.

So there are certain things we can tell the victim. But if the victim calls me up and says: "Is the kid that just raped my daughter in detention or not right now?"

REP. RADCLIFFE: You can't tell.

ATTY. CATHLEEN EDWARDS: I've got to say, I'm going to ask the judge for permission to release that information to you. But that information is routinely denied from the judge for me to tell the victim.

REP. RADCLIFFE: But if that defendant made an automatic trip to the adult docket of the superior court and were arraigned then the victim would know the answer to that question?

ATTY. CATHLEEN EDWARDS: You're right. The victim could go to the hearing and find out the answer for themselves. And also right now I can't tell the bail commissioner, when the bail commissioner wants to set a bond, a meaningful bond on somebody, I can't tell them -- and I've had inquiries from state's attorneys and whatever, well how many times did that kid fail to appear in juvenile court? what kind of record did the kid have there? --

It's like they are created anew when they become adults, nothing travels with them.

REP. RADCLIFFE: There's certainly more of danger to flee if he never showed up in juvenile court.

ATTY. CATHLEEN EDWARDS: And I can't tell them that, so how can they set an appropriate bond?

REP. RADCLIFFE: Thank you.

ATTY. CATHLEEN EDWARDS: You're welcome.

REP. LAWLOR: Just to clarify. Under the bill, do you read it as, specifically under Section 11, that even if a case stays in a juvenile court, the prosecutor would, that a victim could get any information they wanted about the pendency of that case?

ATTY. CATHLEEN EDWARDS: Under the new bill?

REP. LAWLOR: Under the new bill right.

: What line are you on Representative Lawlor?

REP. LAWLOR: Section 11, 415 through 419.

ATTY. CATHLEEN EDWARDS: Under your new bill, it looks to me like you're letting the victims actually into the hearings unless the judge specifically excludes them from the hearing.

REP. LAWLOR: Right.

ATTY. CATHLEEN EDWARDS: So obviously they're going to have information under your new bill. Right now...

REP. LAWLOR: And a second bill we have here today.

ATTY. CATHLEEN EDWARDS: Right, right now, the victim is not allowed into any proceeding concerning juvenile court.

REP. LAWLOR: But just to clarify, because Representative Radcliffe asked you a question about whether this would change that. I just wanted to

clarify that this bill and there's...

ATTY. CATHLEEN EDWARDS: A lot.

REP. LAWLOR: There's another bill under victim's rights that a victim who, where the defendant is in juvenile court would be entitled to all the same rights that they have in the adult court. So that means the right to be present, the right to be consulted before a plea bargain, etc., etc.

KEITH SWEENEY: Representative Lawlor, there was a section here on line 961, 960 and 961 that I forgot to bring forward to you. It's any proceeding concerned with alleged delinquency of a child or victim of alleged delinquent conduct. The parents or guardian of such victim, an advocate for such victim, a point intersection, or subsequent counsel shall have the right to appear before the court. And we're bracketing out, or removing outside the present the alleged delinquent child.

In numerous times when we have sexual assault cases, one of the major things that a young girl that we have to deal with, 3, 4, 5, 7, 10, 12 years old, she doesn't want to see the perpetrator any more. She doesn't want to see the boogie man, she doesn't want to see the bad guy anymore. And we're allowed, at this point in time. Outside of the presence of the alleged delinquent child.

To have the child come in, have the parents come in, and actually explain to the judge how this has affected their life. I don't believe, I believe this will actually be in reverse of what we're trying to do here in this action. That a child won't want to come in because the 3 or 4 year old is going to say the boogie man or you know the Larry Scissors man or whoever he or she is calling this perpetrator now.

She isn't going to want to see them again, and I think that portion of it should remain as is.

REP. LAWLOR: I think the reason that language is in the current law is to protect the confidentiality of the defendant. And that's why that's excised here,

I think there's separate protections in the case of the sex offense. Under the adult law where the victim doesn't have to be confronted by the defendant. So I don't, I think you're looking at it sort of backwards.

I think there is a current law in the juvenile statute is to protect the confidentiality of the delinquent. And this, the reason that those words are excised is because in the past as I take it, the only way the victim could come in is if he can't see who the defendant is, so.

KEITH SWEENEY: I understand the, probably the reasoning behind it, but you have to understand also what we're dealing with. We're not dealing with...

REP. LAWLOR: You just want to make sure that in the case of a sexual assault you don't want the victim to have to be confronted by the defendant, that's your concern?

KEITH SWEENEY: But in essence that's what you're doing.

REP. LAWLOR: Right, but I think there are separate protections elsewhere in the law that deal with that situation, the adult law. So...

KEITH SWEENEY: But if we don't go through all the proceedings of the criminal in making us part of the criminal justice system those laws as they pertain now.

REP. LAWLOR: I understand.

KEITH SWEENEY: So do not, do not pertain to us.

REP. LAWLOR: So what you're saying is you want a specific additional protection in there above and beyond this.

KEITH SWEENEY: Yes.

REP. LAWLOR: This..

ATTY. CATHLEEN EDWARDS: Or it would be at the judge's discretion. If there were good cause shown that

the victim didn't want to be there. Right now the way the hearings are conducted are just with the juvenile's attorney present. If the juvenile's attorney's present I sit there and the victim comes in and just makes a statement to the court, without any questioning from either side as to what they think the disposition of the case should be.

And they're fairly routinely conducted in the juvenile courts right now.

REP. LAWLOR: Are there other questions? If not, thanks.

ATTY. CATHLEEN EDWARDS: Your welcome.

REP. LAWLOR: Next is Mike Zuccarelli, is Mike still here?

: He's left.

REP. LAWLOR: Efrain DeJesus, Susan Quincy.

HB7025

SUSAN QUINCY: Good evening. I am a member of the Junior Leagues of Greater Waterbury and I am the state Chairperson for the state Public Affairs Coalition of the Connecticut Junior Leagues. We're just speaking today in support of HB6513 and urge the Judiciary Committee to approve this crime prevention bill.

Violent crime committed by juveniles is on the increase. In fact the number of Connecticut juveniles arrested for violent crimes has increased 41% between 1984 and 1992. Early intervention and primary prevention programs can have a positive impact on stopping the vicious cycle that juvenile repeat offenders often produce.

It also decreases the likelihood that they will re-enter in the adult criminal justice system. To be effective however, such programs must be properly targeted, funded, administered, and evaluated. To this end, we support the appointment of an under secretary as proposed in HB6513 for primary prevention and early intervention, to oversee, coordinate and consolidate these programs.

We support the coordination between state agencies called for in this bill and the proposed involvement of outside agencies, coalitions and professional groups. We support the recommendations for funding of programs based upon effectiveness and the proposed inter-agency transfer of funds for primary prevention or early intervention programs.

We also would like to raise our support and take the opportunity to urge the approval of HB7025. This concerns the reform of the juvenile justice system. Increases in violent crime and recidivism make effective primary prevention and early intervention very important and reforms in the current system viable.

We support HB7025's call for coordinated case management, follow up, and aftercare programs for juveniles and their families to discourage re-entry into the juvenile justice system. Combined with community based programs and treatment services designed to prevent the unlawful behaviors that result in re-entry into the system in the first place.

We support holding juveniles accountable for their behavior and providing those who pose a danger to the community with secure and therapeutic confinement, with structured programs and to provide the academic and life style skills necessary to insure successful re-entry into the community and prevent repeat offenses. We support changes in confidentiality laws, which will protect the juvenile's privacy, allow school agencies and law enforcement officials to protect both them, the juvenile and the community at large.

State Public Affairs Coalition of the Connecticut Council of Junior Leagues and hundreds of women we represent feel that now is the time to act on these issues. Rather than to react to the damage the violent crime produces for our children and our families and our communities. We urge approval of these bills as an important step in that direction. We would like to thank you for your time and attention in these matters.

officers require cooperation from local law enforcement officials. In order to pursue a dog or cock fight case, most often raids are necessary during the actual fight.

Animal control officers do not have the manpower to do this. Local law enforcement officials are reluctant to give this assistance for several reasons. One being that at the present time dog and cock fighting is just a misdemeanor and until it is made a felony it will continue to be looked at as "just another dog case."

Police have rapists, murders and other highly publicized cases that put much more of a demand on them. Another reason is that animal control officers do not have the authority to deal with crime such as drug dealing and gambling rings which are most often involved in dog and cock fighting activities.

If this bill is passed, making dog and cock fighting a felony, the courts would be more likely to prosecute those involved and the local law enforcement officials wouldn't be reluctant to give their assistance. For these reasons the members of the Connecticut Municipal Animal Control Officers Association urge you, the Judiciary Committee, to support the passage of this bill HB5482.

REP. LAWLOR: Thank you, are there questions? None? Thanks. Robert Taylor, pinch hitting is Peter Boucher.

PETER BOUCHER: Good afternoon Chairman Lawlor and committee members. With the indulgence of the committee I am Peter Boucher with the firm of Halloran and Sage which is council to Wesleyan University and I am presenting the testimony of Robert Taylor the Vice President and Treasurer of Wesleyan University regarding HB7025.

Thank you for the opportunity to address the Judiciary Committee as it considers reform of the judicial justice system here in Connecticut. My comments today re preliminary and based on our initial reactions, because we have had only a few

days to consider the legislation your committee has proposed.

Wesleyan has previously in other forums expressed its concerns about the proposed changes to the Long Lane School. Wesleyan is particularly concerned about proposals to transform the Long Lane School into an exclusively incarceratory facility from its current focus as -- at least in large part -- an educational institution.

Wesleyan has historically enjoyed a positive relationship with the Long Lane School arising out of the physical proximity of our two institutions and the opportunity to share resources. Wesleyan currently has under long term lease a portion of the Long Lane site which we use for athletic fields.

In turn, Wesleyan provides access to those playing fields as well as its athletic and recreational facilities to Long Lane. The various Long Lane renovation and programmatic proposals being considered at this time strongly suggests that such opportunities for institution synergy could be seriously threatened.

Over the past year, Wesleyan has focused on the state's proposal to implement a $45 million renovation project at Long lane, and the growing body of evidence that the state's plan for Long Lane was to transform it from a campus-like collection of 19th century structures into a walled complex having all of the attributes of a prison.

It now appears that this proposal has been replaced by a plan for Long Lane which would increase the number of secure beds from its present approximate level of 58 to approximately 130. Perhaps most importantly as we understand this latest proposal, Long Lane would become essentially an incarceratory facility.

The University is deeply troubled by the potential for such a redefinition of the mission of Long Lane. We believe that the review of possible utilization of this site called for in the proposed

legislation provides a critically needed opportunity to question the appropriateness of such use.

In order to insure the review of the possible uses of the Long Lane site will be both comprehensive and robust, we suggest the following modifications to HB7025: 1) Amend Section Eight to provide that the Commissioner of Administrative Services, a representative of the City of Middletown, a representative of the University and a representative of the Long Lane neighborhood participate along with the Commissioner of Children and Families and the Chief Court Administrator in developing recommendations concerning future uses of the Long Lane site.

Second, amend Subsection Nine of Section Eight to provide that relocation of all juvenile detention facilities at the Long Lane site be specifically reviewed as one of the options in the development of recommendations concerning programs currently offered by the Long Lane School.

We believe that these proposed modifications to the bill would ensure that all options for the future best use of the Long Lane site would be considered. And that all of the key participants will be represented in the course of such consideration. To provide constructive and timely input into the process of reviewing all of the possible uses of the Long Lane site, Wesleyan has established, through its Board of Trustees, a task force headed by Wesleyan Trustee Emil Frankel.

This task force which will include members of the Board of Trustees, administration and faculty, will be responsible for the formulation of proposals to present to the group evaluating Long Lane options. Finally, we believe that the intent of this legislation, if it is to become law, is to require that all current plans for renovation or expansion of the Long Lane School, to be put on hold, at least until the study called for in Section Eight has been concluded.

We concur with the need for such a moratorium until

the future Long Lane facility has first been thoroughly reviewed and decided in a collaborative fashion by the executive and legislative branches. We thank the committee for its attention to Wesleyan's concerns and look forward to the opportunity to work with it on this important legislative proposal. Thank you.

REP. LAWLOR: Thank you Peter. Are there questions? Thank you. Sam Goldstein.

JUDGE SAMUEL GOLDSTEIN: My penmanship isn't very good. HB 7025 Members of the Committee, Representative Lawlor, my name is Samuel Goldstein, I'm a judge of the Superior Court assigned to juvenile matters. Where I have been sitting over the past 12 years of my career about half of that. Either on a weekly basis and for the last four years or so, five days a week.

Other judges, I should tell you, also sit full time, eleven juvenile judges -- again I'm using these words loosely because they're actually a technical term -- the eleven juvenile judges sit there full time. Now, a judge may be assigned to two courts so if you go to Plainville for example last year the judge sat there for three or four days and then did two days in Torrington.

The judge in Montville, until this year, the position is now full time, sat in Montville for three days and then two days went to Willimantic. So that while a casual observer of the court might think that there is no activity for the judge, actually the judge was doing juvenile but in different location. That doesn't mean there ought not to have been more judge time Montville, but they weren't being diverted.

Right now, I'm the juvenile judge in Hartford and in Rockville. I'm the presiding judge in those locations. There's a second judge in Hartford who stays there full time and does basically the neglect terminations, I do the delinquencies in Hartford and we switch around a little bit and in Rockville I do everything. From neglect terminations to delinquency matters.

What I do of course is impacted, or will be impacted by HB7025. The judicial department will at some point will obviously have a position to take on that. So I want to make clear that I am speaking for myself and only on two sections, that's what I came here for.

The comment about the placement of the judge, I just wanted correct an impression you might have had that judges aren't full time at this particular task. The task which you generally recognize is the most stressful in the judicial system. One other point before I get to Section 29 and 30. I would suggest that amendment that you did last year to Section 46b-128 was a success.

That there has been one transfer under that section 2, that is a gun, robbery with a gun. There has been a transfer on that. And if one discounts some of the overblown claims that were made for it, it seems to have worked and plus the trade off was the elimination of the appeal on transfers. There's no appeal on transfers under the present statute.

So that, that whole time block was lost waiting for the appellate court procedure hearings and in the case in New London, one of the justices became ill and so there was a further delay in the case down there. So I thought the legislation did well, on that particular amendment.

What I'm concerned about at this point is Sections 29 and 30. I've submitted a brief written statement to the Judiciary Department on that point. It's the use of referees in juvenile. The reason that I'm here to speak on it is that I will be a referee in several months and even though I have been in juvenile for some four or five years, you know that I am the principal author of the current revisions of the practice book, I will be precluded from going into juvenile court once I retire.

Consent or not, I will be precluded from going into juvenile matters, so that I would of course be able to hear a million dollar case on the civil side, but not decide a truancy case in juvenile. It

seems to me that it would be a waste of my background in activity over the past years.

The use of referees in juvenile, the principle has been supported, is being supported by the judicial department, and the Connecticut Judges Association has also voted to support the use of referees in the juvenile system. What I'm particularly concerned in the proposed bill is the requirement that there would be a written consent.

That could in effect put a serious handicap on the use of referees on the delinquency side. Now there's some discussion I believe, in the General Assembly, about changing written consent on the criminal side, maybe to oral consent or maybe eliminate it. I don't know where that stands at this point, I'm rather uncertain as to the fate of that.

But I suggest, that even if you eliminate the consent requirement on the criminal side, that you not include a consent requirement on the juvenile side, whether it's an oral or a written consent. The way the system would be set up would produce the problem. Unlike the adult court, despite the 15,000 cases that we have in juvenile on the delinquency side, most of those matters are what you would think of normally as arraignment situations are short counted.

A kid comes in, he pleads, he comes back in later on a plea disballed, there's no trials. And all the business is handled through that sort of expedited procedure. This bill would seem to require consents at each stage. He'd come in for a plea but he can't use a referee. And if you have the situation as I described, where a judge is there perhaps for only several days a week and in some cases there's a mixed docket.

So a judge referee would be able to do the neglect side but find that everyone objects to that person appearing, acting as a judge on delinquency side. It presents an awkward arrangement. When one considers that for example, that on the civil side you don't need consent, yet for here if I have to

decide whether a child stole a candy bar from Bradlees, I would have to get consent.

I think consent also in this context presents a problem. Because while the judge is an authority figure, somehow now, the parent has to authorize the judge to intervene. I hope that the use of the words in Section 29 is broad enough to include any pentane lie or post dispositional matters. I think it probably does because you use the word judicial matters.

One last point, on Section 29 and 30. I realize their part of an omnibus bill. I don't know what the fate HB7025 will be, but I urge that these two sections be treated specifically whether part of what ever you do, and I don't know what you're going to do with the bill, it's gargantuan in scope.

I don't know what you're going to do with the bill, but let me continue in juvenile, let the other referees continue in juvenile by passing Section 29 and 30 without the consent of limitation on it.

REP. LAWLOR: Judge, you'll be happy to know that as it's own separate bill, we've already sent that bill out of our committee just the other day and so hopefully it will be acted on promptly by the legislature and will be, at least the way it's worded now it's effective on passage. So you've got two months left on your?

JUDGE SAMUEL GOLDSTEIN: If you pass it and it's effective July 1st, I'll be okay.

REP. LAWLOR: It will be effective on passage so probably before that. And I don't know that there's any opposition to it so, I think.

JUDGE SAMUEL GOLDSTEIN: I don't mean to examine you on the point, but does the bill, do you have a bill number on it or does anyone know at this point?

REP. LAWLOR: Ah, (break in testimony - change cassette tape)

JUDGE SAMUEL GOLDSTEIN: Twenty-nine?

REP. LAWLOR: I don't know what language he uses. It basically says that any judge, I think it adds to the list, juvenile matters, and it's effective on passage so...We'll get you a copy of the bill Judge, don't worry about it.

JUDGE SAMUEL GOLDSTEIN: HB6929, is that the bill you're referring to?

REP. LAWLOR: I don't know.

JUDGE SAMUEL GOLDSTEIN: That's the one that added the word juvenile matters, but that presents some language problems and some concern.

REP. LAWLOR: I'll tell you what judge we'll track it down before you leave, we'll get it. I think we did it last week, but...yeah, we did one today for allowing, I think referees or senior judges to sit on adult court proceedings and last week...

JUDGE SAMUEL GOLDSTEIN: Well there's one about appellate courts,

REP. LAWLOR: That's the one we did today, appellate courts, but last week we did juvenile.

JUDGE SAMUEL GOLDSTEIN: Juvenile matters that presents problems because it uses the standard language which is rather confusing as it.

REP. LAWLOR: Rick do you remember which one?

RICK TAFF: It was HB6929, but it was substitute language.

REP. LAWLOR: Just made it effective on passage.

RICK TAFF: It might have been something else, I'm not sure.

JUDGE SAMUEL GOLDSTEIN: Yeah, but it says when issues are closed, which is language that's used in a civil case. That presents problems here because if you take a kid on arraignment are the pleadings

closed? Are the issues closed? Well, not really. So you would have to come in on the second stage, which means that as I pointed out you would not be able to be effective on the arraignment side because of that. And consent wouldn't get rid of it, maybe you can waive it but that's one of the problems.

REP. LAWLOR: Okay, we'll get you a copy of that Judge.

JUDGE SAMUEL GOLDSTEIN: Thanks.

REP. LAWLOR: Are there other questions? Next is Debra Lindsay. Mario Gaboury, Mario is here.

SJ 55
HB 7025
HB 7024
SB 927

B[illegible]y Comm ttee, my name is Mar o Gaboury, I am D rector of the Cen er for the S udy for Crime Vic ims Rights Remedies and Resources at the University of New Haven. I am also Chair of the Crime Victim Committee of the Connecticut Bar Association and I've worked with crime victims in various ways over 17 years including right now being in the midst of a study of the delivery of crime victim services in Connecticut to assist the Judicial Department in determining their delivery of crime victim services in the future.

I'm here to speak in support of several crime victim bills which you have here, because of the late hour I will abbreviate my remarks and provide something in writing early next week. I would just like to say that I testified at the original information hearing on victim's rights that you all had several weeks ago.

And to borrow from the current political vernacular I almost got the sense that the Judiciary Committee was making a contract with crime victims in Connecticut and I'm happy to come back and see such substantial progress in keeping your word in the contract that you were making. You heard from another, a lot of victims here today who have talked about the difficulties with the criminal justice system, very similar to a homicide survivor, a mother of a murdered child who told me just two weeks ago she characterized her handling -

- the criminal justice system handling of her case: "I felt like I committed the crime, it seems that all the compassion and all of the rights were given to those who committed the crime and not to me and my family." In particular I'm here to support SJR55 which is the constitutional amendment concerning the rights of victims of crime.

I will propose and send you something in writing that might offer a little bit more detail. I think what's here is very good, I think there are couple of other rights which are statutorily provided which could be included. Previously I gave you copies of a number of other state victim bills of rights and they tend to do that.

They tend to elevate as much as possible into constitutional language and I think we can do that. And also I'm going to suggest that you change the word, compensation to restitution, so that there's no difficulty in knowing the difference between the state run compensation program and restitution which is what you mean here.

The juvenile justice act which HB7025 has a number of provisions which will be very helpful to crime victims and which we support. The reduction of confidentiality rights and allowing victims access is very important. The idea of juvenile restitution has been proven successful in many other states where it's been used.

For that matter it's been to the benefit of the juvenile as well as the victim and these are very successful programs. These should be supported. The, there were a number of other specific sections in there as I say I want to keep it really short right now, so I'll put something in writing, but there were several aspects of the juvenile justice bill.

And as you amended the victim services bill also to include confidentiality reduction so that victims have access through that bill are very important to victims. Regarding the victim services bill, it was very good to see the restitution language that was put in here. I'm going to suggest some things HB7024

REP. LAWLOR: Ed Madison, Rosemarie Coratola.

ROSEMARIE CORATOLA: I think that's about the best pronunciation of my name I've ever heard.

REP. LAWLOR: I represent East Haven and we have lots of people with names like that in East Haven so...

ROSEMARIE CORATOLA: That's alright. I am Rosemarie Coratola, Director of the Family Resource Unit of Family Services Woodfield and Bridgeport, Connecticut. I really appreciate your, the opportunity to speak here this evening and your willingness to stay at this very late hour. HB 7025

REP. LAWLOR: Rosemarie I don't know if you heard at the beginning, but just for those of you who have chosen to stay, everything you say is taken down in a verbatim transcript, so it's not like no one's hearing what you're saying. Later on when whatever bill your testifying on is considered your testimony will be part of that bill, so your thoughts are with us forever.

ROSEMARIE CORATOLA: Thanks. We don't know if that's good or bad do we.

REP. LAWLOR: Well, we'll find out in a minute.

ROSEMARIE CORATOLA: I'm here today to speak on behalf of the Juvenile Case Management Collaborative, or JCMC program. This program is a part of a state-wide collaborative effort in Hartford, New Haven and Bridgeport, which began as a federally funded demonstration project.

The three sites provide intensive case management services for teens who are parolees from Long Lane School, Connecticut's juvenile correctional institution, youth on probation, or youth at risk of involvement with the juvenile correctional system. The case managers work closely and in partnership with the parole and probation officers, school personnel, community service providers and parents to reduce the recidivism to Long Lane School and support attendance and participation in their local school system.

In addition, we work to strengthen the bond of the youth with his or her family. We provide a number of services for the youth and family including individual and group counseling, family counseling, -- we also refer to other services, that include counseling for substance abuse and mental health -- advocacy with the schools and other social service providers, peer mediation, conflict resolution skills, recreational activities, parent support groups and pre-job readiness skills.

This program had been funded by CSAT, a federal agency which is the Center for Substance Abuse Treatment and provided four years of funding to DCF, the Department of Children and Families for this demonstration project. This project includes August 31, 1995. To date the three cites have services four hundred youth in the JCMC program, most of whom who have been from Long Lane School were referred to us from there.

One of the things that we found was that the youth involved in the JCMC program were able to stay about 16% longer out in the community than non JCMC youth. The three service providers are the Connecticut Junior Republic in Hartford, the Children's Center in Hamden for New Haven, and Family Services Woodfield, in Bridgeport.

I want to just very, very briefly on a couple of statements of some of the youth involved in the program. I didn't want to take them out of school today to be here. One is from a young man and I'll call Joseph. He's 16 years old and he said that the program helps keep teenagers off the street. He also said the program helps him stay out of trouble and keeps him busy.

And that he's involved in groups where they talk to each other, sit down and talk about, like if one of us has a problem and we'll talk about it to make it easier to handle so it won't be a problem. And the program helps parents who have young teenagers on the street to get them off the street. We get family counseling and drug counseling and learn about HIV AIDS education.

They also are involved in some recreational activities and get experience the cultural activities as well. Another is from a young gal I'll call Natalie, and she's also a member of the JCMC program in Bridgeport, and she said: This is a good program because it helps the teens and young kids like me stay out of the streets and trouble. I like this program because it has done me a lot of good.

Now I go to school and I'm doing very good. And it's also getting me out of trouble. With their help, meaning the program, I got accepted to Platt Tech. Without their help I probably would not have gotten accepted. The kids both urge the continuation of support of the JCMC programs as I do as well.

We realize that HB7025, AN ACT CONCERNING JUVENILE JUSTICE acknowledges the importance of programs such as this throughout the state, and so I urge your support of that.

REP. LAWLOR: Thank you, and I've met with some of the three agencies involved in this and we're hoping to continue the funding, figure out a way in the budget process as well as in the juvenile justice bill.

ROSEMARIE CORATOLA: Right.

REP. LAWLOR: We'll try and do it. Thanks. Tom Carusello, who I don't see around, Myra Cohen. Miss Cohen I think this is your third appearance for our committee this year, is that right?

MYRA COHEN: This is what?

REP. LAWLOR: Third appearance before our committee this year, I'm keeping track

HB 6883

MYRA COHEN: This is my third, right, you're keeping track okay. Yes, Myra Cohen of Newington. I'm speaking today on stalking and harassment. SB963 should include "repeatedly means on two or more occasions." And should include in the middle of line 41 the language that appears in HB6935, lines

daughter's ex-husband had made with her. I submitted one copy the first time I was here, I didn't know, this time I submitted 50.

REP. LAWLOR: Thank you Mrs. Cohen. Any questions? Dorothy Shugrue, Dosolina Fiore, Bob Pavlino, is that right?

BOB PAULINO: Good evening, my name is Bob Paulino.

REP. LAWLOR: I'm sorry.

BOB PAULINO: That's okay. I'm here in support of HB7023 and HB7025. I'm a resident of the town of Groton, Connecticut and I am also a mental health professional and since 1988 I have been specializing in the treatment of sex offenders, particularly juvenile sex offenders. I also held a position of the Director of Treatment Services for Juvenile Residential Treatment Facility in East Haddam, Connecticut.

One of the things that we know, working with sex offenders particularly with the adult, is that most offenders, the majority begin the offending behavior between the ages of 12 and 15. The average adult is caught on their first offense at around age 32. I compare sex offending to alcoholism, in the sense that a person who is in recovery can stay in recovery as long as they do the things necessary to keep themselves sober.

However, they always have the potential to go back to drinking. The same is true of a sex offender, once a sex offender, always a sex offender. Meaning that the potential is always there to re-offend. However, while the alcoholic has support groups such as AA, the sex offender doesn't. So I think it's important that we have some legal deterrents in place.

So that the person who has been adjudicated and incarcerated and released from prison, that there is something that deters him, hopefully, from recidivism, re-offending. If this person needs to keep registering for a number of years, this is a conscious pattern for him or her, that people know

about me and I can't hide the fact that I am an offender.

So for that reason I'm in support. Also I've noticed in Section 8 and Section 9, requiring treatment while the individual is incarcerated. I had the opportunity to visit Corrigan Correctional instituted about two months ago. And talking with folks there at the time.

REP. LAWLOR: Which one is Corrigan?

BOB PAULINO: Corrigan is over in Montville

: Maximum security.

REP. LAWLOR: That's where you work.

: No, I know where it is.

REP. LAWLOR: The correction officer of the year, alright, okay.

BOB PAULINO: Corrigan is a level 4, level 5 and of the first -- eventually it will hold 800 inmates, when I visited there was just slightly over 100 -- I was told that of the first 100, 34 of the inmates there could avail themselves to sex offender treatment. However, there is no sex offender treatment. Now if you have 100 inmates and 34 of them are sex offenders, you're eventually going to have 800, we can conceive then that there's the possibility that we'll have over 250 incarcerated individuals who are sex offenders and receiving no sex offender treatment.

Treatment I believe is important. And I know that there is a feeling today -- a public outcry against sex offenders, you know just lock them up and throw away the key -- the fact is that these people do return to society and they do return to the communities. So I think it's an issue of public safety that we mandate treatment within the prison and if necessary follow-up of treatment after prison.

People often ask me, "how do you know when an

offender will not re-offend?" And the only answer I can give is when that individual is six feet under. There are no guarantees and treatment of sex offenders is so new that we haven't even had time to do longitudinal studies to find out just what is the rate of recidivism.

There are some people who feel, such as Dr. Bill Pithers up in Vermont, who traced a number of inmates who were released from that facility. While there was some recidivism, it wasn't as high as most people thought it would be. So I do hold out hope for treatment. Regarding the juvenile offenders. When I was working as the director of clinical services and referrals were coming primarily from the Department of Children and Families, I could easily open up a facility that would treat 200 juvenile sex offenders tomorrow if we so desired.

And the fact of the matter is that our program there we took in eight. I've often wondered what happened, or what happens to all these juveniles who we did not take into our program. There just aren't enough facilities in the state of Connecticut to provide this treatment. I hold out a lot of hope for the juvenile sex offender because their offending behavior is just beginning between the ages of 12 and 15.

It hasn't become that ingrained behavior that we see in the adult offender age 32 and above. So I would urge the legislature to provide more juvenile sex offender treatment programs. We do have one that's going to be opening up shortly run by Justice Resource Institute. But that's only going to hold 15 kids.

We have a lot more juvenile sex offenders than 15. And that's all I wanted to say today.

REP. LAWLOR: I think, did you testify before?

BOB PAULINO: No I have not.

REP. LAWLOR: Because I know that someone had suggested that, just as you did tonight, that this is like

being an alcoholic if you're a sex offender then you're more or less going to have that problem for life.

BOB PAULINO: That's right

REP. LAWLOR: They said that many people escape first through the confidentiality in the juvenile system and then use their YL and their AR and finally their first real conviction. And that's why part of this bill is for sex offenders only, because of this unique problem, that they would not be able to get either AR or YL for a sex offense.

And then on any felony conviction would have that mandatory 10 years probation at least, following their release from prison, and perhaps up to 35, like they have in Vermont. I think the message is coming through loud and clear now that they -- you have to treat sex offenders different than all other criminals, violent or nonviolent because this is just a whole different ball game, so...

BOB PAULINO: And then we also need to define what does treatment look like. Because a treatment program for the pedophile is going to be very different from the treatment program for a rapist.

REP. LAWLOR: We found out one of the problems with the pedophiles is that the charge that they are frequently convicted of, called risk of injury to a minor, was never put in the category of sex offender because there are several ways to violate it and one of which is sexual abuse, but also, you know doing you know going fast in the car with your child in the car is risk of injury so it's -- in the bill we tried to break it out into two separate sections so that you can know which one.

You know if your a sex offender risk of injury we'll know that and then plug you into all the registration and treatment and requirements that are in there so, too infrequently we are able to talk to people who are experts on this, whether they're victims or professionals like yourself so we appreciate the input.

BOB PAULINO: You're welcome, thank you.

REP. LAWLOR: Thank you. And the delegation from Child, Inc., right? If you want to come up in groups that's fine too, it's up to you. But first I have Lori Hatch, Jean Stanis, Janell Chaucio, something like that, Chaucio, I'm sorry.

LORI HATCH: Hi, my name is Lori Hatch, I'm a member of CHILD, and I'm from the city and I'm from the city of Groton. I'm here today in support of HB7023. I feel that the registration of convicted sex offenders and giving the parole and probation officers a wide scope to work with is a great deterrent.

If the offenders are repeat offenders especially, the neighborhood should be notified that there is a child molester living next door.

REP. LAWLOR: Or better yet, not let the child molester live next door.

LORI HATCH: Better yet, but give the neighborhood at least a chance. I feel that it's crucial that convicted sex offenders complete prison based treatment programs. It would take up two years for a sex offender to develop empathy to begin even for his or her victims. I would also like to see a stiff penalty if the treatment session is missed, once they are released -- such as maybe a week end in jail or something to that effect.

Which would entail the judicial and probation departments to be a bit more involved also with the release, because the conviction, it doesn't end with the conviction. There's got to be a follow up, so I think working hand in hand it would be better off, I like the idea.

The state of Georgia, I think, has the best idea yet as far as midnight spot checks -- if the offender doesn't know when or where or day or night, that's also a great deterrent. I also would like to commend the joint efforts of Representative Winkler, Amann and yourself Mr. Lawlor. To me you have shown that politicians can work together even

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COMMENTARY. BILL NO. 7025 § 29, § 30 HB 6929

Whatever the present language of General Statutes § 52-438, § 46b-9 on utilization of state trial referees, the current interpretation precludes referees from presiding in any Superior Court juvenile matter:

This restriction on referees applies only in juvenile matters. Even though the state trial referee may hear child custody disputes in divorce court and even though I have spent about half of my judicial career in various juvenile locations and was the principal revisioner of the Practice Book on juvenile rules, I will be barred from participating in that docket.

Section 29 opens the juvenile docket to referees but in its present form requires consent in deliquency cases putting an unnecessary restriction on the ability of the trial referee to function in juvenile. Presumably that restriction derives from the current criminal limitation which proposed Bill No. 5475 would eliminate. If the General Assembly passes 5475, then § 29 should conform by deleting the balance of the first sentence after "superior court" line 1303. Even if 5475 does not pass, the restriction in § 29 should be deleted. Parties should not be able to delay juvenile proceedings by withholding consent. Because some courthouses have a single split docket, a trial referee without consent would be

limited to only the non delinquency portion of the docket. The delinquency docket should be treated as non delinquency cases. Hopefully the last sentence of § 29 is broad enough to include pendente lite or post dispositional matters.

Section 29 and section 30 are now part of an omnibus bill. I do not presume the fate of 7025. I urge the General Assembly to separate out, if necessary, § 29 and § 30 for action in this session. (While Bill 6929 address trial referees and juvenile matters the provisions of § 29 and § 30 are more practical approaches, particularly with the suggested deletion.)

Samuel S. Goldstein
Judge

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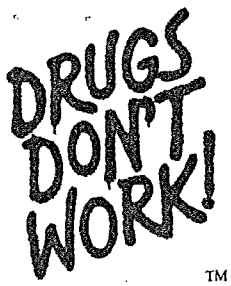

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April 6, 1995

The Honorable Thomas F. Upson, Chair
The Honorable Michael P. Lawlor, Chair
Judiciary Committee
Connecticut General Assembly
Legislative Office Building
Room 2500
Hartford, CT 06106

Dear Senator Upson, Representative Lawlor and Members of the Judiciary Committee:

RE: Subject Matter Public Hearing, April 7, 1995
- **House Bill No. 6513: An Act Concerning Crime Prevention**
- **House Bill No. : An Act Concerning Juvenile Justice**

I am pleased to submit my written testimony in support of House Bill No. 6513 and House Bill No. 7025, subjects of your public hearing today.

DRUGS DON'T WORK! is a public/private partnership of government and Connecticut businesses whose mission is to develop and implement drug and alcohol prevention programs and services for Connecticut's current and future workforce. DRUGS DON'T WORK! matches state funding more than 1:1 with corporate cash and in-kind contributions.

DRUGS DON'T WORK! serves its markets through four operating partnerships; Workplace, School, Campus and Media. The School Partnership currently serves 140 of Connecticut's 169 cities and towns. Over 350 Student Assistance Teams involving over 10;000 teachers have been trained. The essential element of our school training is to develop teams who can intervene early with youth who are showing signs of unusual behavior, and help those youth resolve problems which may lead to more serious crimes, violence or addiction if not identified and helped at an early stage. As a result of these trainings, nearly 75% of Connecticut's schools

Programs developed in the schools include:

- Parent education and involvement;
- Peer mediation and conflict resolution;
- Support groups for academic, violence or other prevention issues; and
- Mentoring programs.

The 350 Student Assistance Teams each assist approximately 75 to 100 students each year who are identified as having drug, attendance, behavior or academic problems. This translates to about 25,000 - 35,000 students helped each year.

THE SETTING FOR APPROPRIATE LEGISLATION

The Judiciary Committee's bills promoting Crime Prevention and Juvenile Justice are appropriately timed and effectively targeted. Our support for these two critical bills is based on our own activities and the calls we receive from our Partnership members.

Over the last two years, we have seen a significant increased in the school's and the public's concern about youth violence and crime. Our school members have made a plea to include violence prevention in the trainings we provide, and our Board of Directors has accepted the extension of our prevention mission to include the impact of drugs and alcohol abuse on the health and safety of our future workforce.

This testimony is provided specifically in support of House Bill No. 6513 and House Bill No. 7025, and more generally, the many bills which address these issues, but I want to lend particular support, on behalf of the Safe Schools Coalition, to the prevention components of these bills.

SAFE SCHOOLS COALITION

The Safe Schools Coalition was begun last May in response to the grave concerns expressed by members of our School Partnership. DRUGS DON'T WORK! initiated the Safe Schools Coalition by convening parties whose interest and mutual collaboration would be critical in being able to address the issue of violence in the schools and the creation and protection of a safe and healthy environment for learning. Joining DRUGS DON'T WORK! as co-sponsors in this Coalition were the State Department of Education, Police Chiefs Association, Youth Services Association and associations representing Boards of Educations, Superintendents and Principals.

An Advisory Committee was formed including representatives of urban schools, police, youth serving agencies, juvenile court, OPM, DCF, DPHAS, Public Safety and State Department of Education.

To date, over 550 educators, police officers, and youth workers have participated in programs covering a range of issues related to youth violence in schools, including 250 in a conference on peer mediation. Ninety youth from around the state attended a Youth Summit planned by them to meet legislators and to present their concerns about the violence and the need for creating prevention structures to allow for safe learning environments. The interest and the impact of the Safe Schools Coalition has grown well beyond what we anticipated, and the bills which you are considering today in public hearing will help to ensure that substance abuse and violence prevention remain a high priority in Connecticut.

The Safe Schools Coalition has met a high need, and both the Coalition and DRUGS DON'T WORK! have been identified as resources for assistance and trainings. For example, requests for on-site trainings to develop programs such as peer mediation have increased, as have requests to look at developing region-wide prevention programs.

The Safe Schools Coalition's Advisory Committee has prepared a legislative agenda which includes several elements, including a funding request of $100,000 to sustain the Coalition. To date, DRUGS DON'T WORK! has provide modest funding out of private contributions to sustain the Coalition, but the Advisory Committee's agenda requires significant support to meet the challenges that have been identified in the collaborative work of educators, police and key state agencies. DRUGS DON'T WORK! has pledged to match Coalition funding with additionally raised private corporate contributions.

The requested funding would be used to:

- Bring in national experts to expand the knowledge of Connecticut's educators and police in violence prevention techniques.
- Create a statewide mobile response team to assist when a violent incident occurs.
- Create a clearinghouse of information about youth violence and crime prevention.
- Create and implement an annual youth crime/violence prevention awareness month and media campaign.
- Conduct an annual survey of schools to assess the level of the problem, measure progress and identify innovative solutions.

In addition to the above funding, the legislative agenda includes:

- Address confidentiality concerns to promote more information sharing between the police, schools, courts and youth serving agencies.

- Develop more cost effective methods of educating students who have been expelled for violence or weapons offenses.

- Provide more funding for **prevention and early intervention.**

- Gun control to keep guns out of the hands of youth.

IN SUPPORT OF PREVENTION

The unique collaborations that have derived from the efforts of DRUGS DON'T WORK! in the areas of drug and alcohol abuse and violence prevention have provided several poignant anecdotes.

- The Safe Schools Coalition provided a forum for West Hartford's schools, police and youth service bureau to sit down together for the first time and map out a strategy for youth violence and crime prevention.

- DRUGS DON'T WORK! has convened the Cities of New Haven, Bridgeport, Hartford, Stamford and New London, and we are working collaboratively on a proposal for a foundation grant to create a model crime/violence prevention program. The sharing of information between cities brought on by this process is extraordinary; e.g, New Haven has an exemplary community policing program, Bridgeport has K-12 Students Assistance Teams and New London has an early childhood violence prevention project.

- DRUGS DON'T WORK! is working in partnership with the Fair Haven Middle School in New Haven, Farnam Neighborhood House and Centro San Jose to develop a model program to reach parents of kids most at-risk to become gang involved.

- The Waterford High School Student Assistance Team developed an alternative school for at-risk 9th graders as a result of training and support received from DRUGS DON'T WORK! This was accomplished with no additional funding.

The programs, trainings and services which DRUGS DON'T WORK! has developed and implemented statewide in our public schools, on our college campuses and in our state's businesses are key parts of an effective statewide prevention program. The initiatives exhibited in House Bill 7025 to reform the Juvenile Justice System are consistent with the state's needs to consolidate its Juvenile Justice System, to allow for effective focus of resources to reduce juvenile crime and to provide opportunities for appropriate sanctions or alternative sanctions for youth in the Juvenile Justice System.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 12
3917-4220

1995

STATEMENT OF ROBERT B. TAYLOR
VICE PRESIDENT AND TREASURER OF WESLEYAN UNIVERSITY
(Presented by Peter Boucher, Halloran & Sage)
Submitted To
GENERAL ASSEMBLY - JUDICIARY COMMITTEE
Regarding House Bill 7025
AN ACT CONCERNING JUVENILE JUSTICE
April 7, 1995

Thank you for the opportunity to address the Judiciary Committee as it considers reform of the juvenile justice system in Connecticut. My comments today are preliminary and based on our initial reactions, because we have had only a few days to consider the legislation you are proposing.

Wesleyan has expressed previously, in other forums, its concerns about the proposed changes to the Long Lane School. Wesleyan is particularly concerned about proposals to transform the Long Lane School into an exclusively incarceratory facility from its current focus as -- at least in large part -- an educational institution.

Wesleyan has historically enjoyed a positive relationship with the Long Lane School arising out of the physical proximity of our two institutions and the opportunity to share resources. Wesleyan currently has under long term lease a portion of the Long Lane site which we use for athletic fields. In turn, Wesleyan provides access to those playing fields as well as its athletic and recreational facilities to Long Lane. The various Long Lane renovation and programmatic proposals being considered at this time strongly suggest that such opportunities for institutional synergy could be seriously threatened.

Over the past year, Wesleyan has focused on the State's proposal to implement a $45 million dollar renovation project at Long Lane, and the growing body of evidence that the State's plan for Long Lane was to transform it from a campus-like collection of 19th century structures into a walled complex having all of the attributes of a prison. It now appears that this proposal has been replaced by a plan for Long Lane which would increase the number of secure beds from its present approximate level of 58 to approximately 130. Perhaps most importantly, as we understand this latest proposal, Long Lane would become an essentially incarceratory facility.

The University is deeply troubled by the potential for a redefinition of the mission of Long Lane as an incarceratory facility, and we believe that the review of the possible future utilization of this site called for in the proposed legislation provides a critically needed opportunity to question the appropriateness of such a use.

In order to ensure the review of the possible uses of the Long Lane site will be both comprehensive and robust, we suggest the following modifications to House Bill 7025:

1. Amend section eight to provide that the Commissioner of Administrative

Services, a representative of the City of Middletown, a representative of the University and a representative of the Long Lane neighborhood participate with the Commissioner of Children and Families and the Chief Court Administrator in developing recommendations concerning future uses of the Long Lane site.

2. Amend subsection nine of section eight to provide that relocation of all juvenile detention facilities at the Long Lane site be specifically reviewed as an option in the development of recommendations concerning programs currently offered by the Long Lane School.

We believe that these proposed modifications to the bill would ensure that all options for the future best use of the Long Lane site will be considered, and that all of the key participants will be represented in the course of such consideration. To provide constructive and timely input into the process of reviewing all of the possible uses of the Long Lane site, Wesleyan has established, through our Board of Trustees, a task force headed by Wesleyan Trustee Emil Frankel. This task force, which will include members of the Board of Trustees, administration, and faculty, will be responsible for the formulation of proposals to present to the group evaluating Long Lane options.

Finally, we believe that the intent of this legislation, if it is to become law, is to require all current plans for renovation or expansion of the Long Lane School to be put on hold at least until the study called for in Section Eight has been concluded. We concur with the need for such a moratorium until the future of the Long Lane facility has first been thoroughly reviewed and decided in a collaborative fashion by the executive and legislative branches.

We thank the Committee for its attention to Wesleyan's concerns and look forward to the opportunity to work with it on this important legislative proposal.

Directions, Inc.

Telephone 203-346-7274

P.O. Box 913
62 Washington St.
Middletown, CT 06457

April 7, 1995

Good Morning!

My name is Efrain DeJesus.

I am here today in support of Bill No. 7025, An Act Concerning Juvenile Justice. Beyond my duties as Director of Community Affairs for the Futures Program, part of the University of Connecticut's A.J. Pappanikou Center on Special Education and Rehabilitation, I provide voluntary technical assistance to Directions, Inc., a not for profit human service agency which provides individualized family support services to children at risk of being removed from their homes and local communities to residential placement. We also provide services to children returning from residential and/or detention centers to local communities and their families.

As the bill proposes, we at Directions, Inc. strongly believe that the permanency treatment plan will help insure that reunification services, early prevention and accelerated rehabilitation services will spare many of our children and families from the burdens of dealing with multiple agencies. Instead they will enjoy the presence of a network of community services such as assessment, family empowerment, case management, mentoring, and therapeutic educational and recreational services as well as necessary psychosocial evaluations and treatment.

By proposing follow-up and after care services to juveniles returning to their families, the Office of Alternative Sanctions will guarantee that there is a continuation of services and interventions with both the family and the juvenile. The collaborative and community based nature of services hopefully will put the growth of both the child and the family in the hands of those natural supports that have always been there, that neighborhood responsible for raising a child!

The purchase-of-care system will allow the Office of Alternative Sanctions to determine what particular programs can better serve juveniles in their local communities and evaluate which ones work effectively and which ones don't. At this time there is only a limited number of programs providing individualized treatment services to juveniles, and those who are doing it are being compromised by the absence of an effective purchase-of-care system.

The role of the family is paramount to the creation of a positive framework to identify, modify or do away with negative behavior. The bill provides supports by addressing inappropriate behaviors within the family spectrum which is where change should occur first.

The idea of a pilot program that includes several municipalities as proposed in the bill, provides the Office of Alternative Sanctions with an opportunity not only to start serving juveniles immediately but, with a very strong evaluation component, it will provide a data base with information about how juveniles can be served in different areas of the State, especially in inner city areas in which truancy and criminal conduct is more prevalent. Comparisons made between those who receive traditional services and those who receive individualized services will provide a scientific character and nature to the pilot program. That data base can help the Office of Alternative Sanctions do strategic planning toward more productive and far-reaching services.

COST EFFECTIVENESS OF INDIVIDUALIZED FAMILY SUPPORT SERVICES

By bringing different agencies and resources together, it is guaranteed that not all the fiscal resources have to come from one single source. Other states, including Vermont, have found that the cost associated with the provision of individualized services is lower than the cost associated with traditional services. As an example, juveniles placed out-of-state in Vermont cost the state approximately $58,718. versus $48,427. for the provision of individualized services.

For those cases enrolled in Therapeutic Case Management Services their actual out-of-state cost was $81,512. versus $51,789. for in-state case management for the year 1994. Obviously every state has its own particularities, but in general the cost associated with individualized services seem to be less than traditional services. An added benefit is the fact that juveniles are being served within their families and in their local communities.

In conclusion, we at Directions believe that Bill #7025 represents a much needed step in the right direction. We stand ready to work with the Office of Alternative Sanctions in conjunction with families and local communities to move forward in a progressive and realistic effort to curb inappropriate and criminal behavior among youngsters of our state.

NATIONAL ASSOCIATION OF REALTORS®
GREATER MID L TOWN SS CI I F EA ,I .
393 Main Street
Middletown, Connecticut 06457
Telephone (203) 346-4510

REALTOR®

THE VOICE FOR REAL ESTATE™ IN GREATER MIDDLETOWN

April 7, 1995

The Board of Directors of the Greater Middletown Association of REALTORS®, Inc. wish to register opposition to House Bill No. 7025, an Act concerning Juvenile Justice.

Our basic objection to this bill is that it will increase the number of criminal offenders at Long Lane in Middletown. Although the increase proposed in this bill might be less than proposed in other legislation, we object to any increase at all and, in fact, look favorably only on a decrease in Long Lane population or the complete phasing out of the facility.

Our concern as REALTORS® is that the location of Long Lane in a prime residential area of Middletown, adjacent to Wesleyan University and Snow School (a public elementary school), adversely affects the rights of Middletown residents to fully enjoy the privilege of home ownership and could lead to the lost of property values.

If Long Lane is to remain in Middletown, the facility should revert to its original concept-a school with no more than 150 students.

HB7025 and other proposal being considered will make Long Lane into a prison and prisons do not belong in residential neighborhoods.

Anthony S. Marino, Legislative Chairperson

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CCLU
FOUNDATION
ThirtyTwo Grand Street, Hartford, CT 06106
203/247-9823 Fax 203/728-0287

April 7, 1995

TESTIMONY OF MARTHA STONE, LEGAL DIRECTOR
CONNECTICUT CIVIL LIBERTIES UNION FOUNDATION
REGARDING AN ACT CONCERNING JUVENILE JUSTICE
BILL NO. HB 7025

Over the past several years, we have had the opportunity to represent thousands of Connecticut's most vulnerable children in the consent decree against DCF involving abused and neglected children (Juan F. v. O'Neill), in the lawsuit which is pending against the New Haven, Bridgeport, and Hartford juvenile detention centers (Emily J. v. Weicker), and in the educational equity case of Sheff v. O'Neill.

I mention these three cases because in many instances, the populations are overlapping. Based on recent figures from DCF, 50% of the youth committed to Long Lane had a history of referral to child protective services because they were physically abused, sexually abused, neglected or at risk; 60-75% of current residents at Long Lane have a history of being sexually abused. 85% have a prior history of significant drug and alcohol involvement. The majority of youth at Long Lane and in other residential programs function two to three years below expected grade level.

I. SUPPORT FOR NEEDED ALTERNATIVES

This bill recognizes the complexity and interrelatedness of these children's problems by requiring "individualized supervision, care, accountability, and treatment for these children." For too long we have planned future prison beds for those who are now only twelve and thirteen years old. For the last decade, the emphasis has been placed at the back end in adult corrections instead of the front end in juvenile justice.

This bill goes a long way to provide for a menu of options short of secure incarceration so the needs of each individual child can be adequately met. We support those portions of the bill which expand these needed alternatives.

II. ESSENTIAL SECTIONS WHICH ARE MISSING FROM THIS BILL

There are four key issues which need to be addressed in any comprehensive bill dealing with juvenile justice which appear to be missing from this bill.

1. Provisions related to Minority Overrepresentation within the Juvenile Justice System.

The state paid thousands of dollars for a study to determine whether there was minority overrepresentation in the juvenile justice system. This report was issued in September, 1994 and confirmed that black and Hispanic juveniles receive disparate and more severe treatment even when controlling for a variety of other legal and social factors. This bill omits any recommendations relating to this issue. At the least, there should be provisions for alternatives which would be culturally sensitive and linguistically appropriate. Monitoring mechanisms should be instituted to insure that minority overrepresentation as identified in this report is eliminated.

2. Services within Detention and Pretrial Alternatives.

The Emily J. v. Weicker lawsuit was filed to address overcrowding and systemic deficiencies in medical, mental health, educational, counseling, recreational services for children held within the three detention centers, as well as overcrowding and the lack of pretrial alternatives to incarceration. This bill omits any needed services for those children in detention. It also provides a full array of post-sentencing alternatives, without a similar array of pretrial alternatives as well.

3. Involvement of DCF.

As stated at the beginning, many of the children who enter the juvenile justice system are already involved with DCF -- either as victims of abuse and neglect, as children receiving mental health services, or as children who are Families with Service Needs (FWSN). In purporting to transfer juvenile justice functions from DCF to OAS, and in failing to include DCF in any development of treatment plans and alternatives, the bill ignores the underlying characteristics of these children and the reality that DCF must necessarily play a major role.

4. Provisions relating to gangs and gang reduction.

This bill ignores the severe problems of gangs among urban youth. A large proportion of the youth housed at the Hartford Juvenile Detention Center either are already members of a gang, or become heavily recruited once there. There needs to be

programs both within and outside the detention facilities and Long Lane to address the growing gang problem.

III. MAJOR OBJECTIONS TO THE BILL

CCLU has four major objections to the bill as follows:

1. Fragmentation of the System is not Corrected.

DCF provides services if the child is abused and neglected, needs mental health treatment, or if FWSN. Family Division of the Judicial Department runs the detention centers, the city schools run education within the detention centers, and now another agency OAS would be introduced to run Long Lane and alternatives. This design perpetuates the fragmentation, rather than corrects it.

2. Transfer of all felonies to adult criminal docket.

CCLU opposes the transfer of all felonies for children fourteen and over to the adult docket. These offenders are still children with multiple and complex problems who, as experts unanimously agree, can be rehabilitated. Many of the crimes committed by children involve other children. A child stealing a book or radio or piece of clothing from another child would have his charges transferred at the mere request of the prosecutor. The Juvenile Court Judge is without discretion to deny the request under the bill as presently worded. CCLU also opposes section 25 which allows for a double sentence and forces a child to waive a jury trial to remain in juvenile court. Bill #s 953 and 926 are also opposed for the same reasons.

3. Extensions allowed because of "community concerns."

Extensions of commitment should be allowed only because of the "best interests of the child." (pp. 32-33) Once the child has initially been committed, extensions should not be determined based on concerns of the community.

4. Confidentiality provisions regarding the victim.

This bill allows confidentiality to be waived as to all victims. This is a problem particularly when the victim is another child, because of the potential for retaliation.

STATE PUBLIC AFFAIRS COALITION
CONNECTICUT COUNCIL OF JUNIOR LEAGUES

Junior League of Eastern Fairfield County
Junior League of Hartford
Junior League of Greater New Haven
Junior League of Greenwich
Junior League of Greater New Britain
Junior League of Greater Waterbury
Junior League of Stamford-Norwalk

April 7, 1995

We would also like to take this opportunity to urge the approval of House Bill 7025, concerning the reform of the juvenile justice system. The increases in violent juvenile crime and recidivism that make effective primary prevention and early intervention so important also make reforms in the current system vital.

We support HB 7025's call for coordinated case management, follow-up and aftercare programs for juveniles and their families to discourage reentry into the juvenile justice system combined with community-based programs and treatment services designed to prevent the unlawful behaviors that result in entry into the system in the first place.

We support holding juveniles accountable for their behavior and providing those who pose a danger to the community with secure and therapeutic confinement with structured programs to provide the academic and life skills necessary to insure successful reentry into the community and prevent repeat offenses.

We support changes in confidentiality laws which, while protecting the juvenile's privacy, allow school, agency and law enforcement officials to protect both the juvenile and the community.

The State Public Affairs Coalition of the Connecticut Council of Junior League and the hundreds of women we represent feel that now is the time to act on rather than just react to the damage violent crime does to our children, our families and our communities. We urge approval of these bills as an important step in that direction.

Thank you for your time and attention. Susan Quincy, Chair of the State Public Affairs Coalition of the Connecticut Council of Junior Leagues.

003943

WATERBURY YOUTH SERVICE SYSTEM, INC.

95 NORTH MAIN STREET (203) 573-0264 WATERBURY, CT 06702
FAX: (203) 755-4835

April 6, 1995

Dear Committee Members:

I a k you to dor e the proposed Act Concerning Juvenile Justice. HB7025

The need for a statewide community-based continuum of care for juvenile delinquents is tremendous, and has been long awaited by those of us dedicated to the welfare and development of Connecticut's children. As the executive director of an agency serving one of Connecticut's neediest communities, I have seen first hand the effect that coordinated, community-based intervention strategies can have on troubled children and their families, and know all too well the frustration that the lack of a sound, diversified continuum of care causes both service providers and juvenile court personnel.

In Waterbury, services are in place that make a substantial difference in the lives of troubled children, but the number in need far surpasses what agencies are able to handle at present funding levels. Our goal here in Waterbury is to provide quality, effective, wrap-around services, encompassing all aspects of children's lives. Youth Services provides parental support and education services, academic enhancement, mental health services, youth employment programs and family therapy, as well as alternatives to criminal and otherwise detrimental behaviors. We network with other area agencies to provide for these and other family needs in a coordinated, unified manner. In pursuing this goal, Waterbury has developed programs designed specifically to serve pre-delinquents, adjudicated delinquents, and re-entry children.

This continuum of care begins with the Juvenile Review Board, which is coordinated through my agency and diverts first time offenders from the juvenile court system. By networking with area youth serving agencies, the Board locates counseling and other needed services for them. This has been both an extremely rewarding and extremely challenging endeavor, as though quality services are available, they are under-funded, and so are often unable to deal efficiently with the numbers we can divert to them. Another glaring gap in pre-delinquency programming is the Board's absence of direct service manpower. The Board consists of volunteers from the police department, the Department of Children and Families, the juvenile court, the school system,

Funded By:
Department of Children and Families, Waterbury Foundation, Swindell Foundation, Department of Human Resources, United Way of the Central Naugatuck Valle , United Way of Naugatuck and Beacon Falls, City of Waterbury, Community Development

United Way of the Central Naugatuck Valley, Inc.

and area social service agencies, and lacks the ability to assess directly the needs of the children it serves, so must rely upon various community agencies to go above and beyond the call of duty to provide this service.

Effective programming for adjudicated delinquents is in place as well, but is nowhere near able to provide for the number of children in need of services. My agency offers a Juvenile Redirection Program, which provides case management and coordination, assessment, counseling, educational services, community service coordination, family support, and alternative programming, as well as positive recreational activities after school hours and on weekends, for a small number of adjudicated children a year. The program also provides limited funding to other area agencies to provide specialized services for this population, including group counseling, crisis intervention, and behavior modification. At present funding levels, however, the program can only serve 20 children at a time, and because it must stay involved with each child for an extended period of time to be effective, the need for expansion is great.

Children re-entering the community from residential facilities (parolees) have available to them the Re-Entry Program at the Waterbury Office of Connecticut Junior Republic, which provides group and multi-family counseling, as well as alternative activities, case management, and academic services for the duration of their parole. But again, the number of children in need of this program far surpasses its capacity.

In essence, the framework for a quality, effective community-based network of care is in existence here, but the need for expansion and for the filling-in of service gaps is a great one. With increased funding levels that would be created by a purchase-of-care system, and the implementation of a coordinating entity, I believe that both the incidence of re-arrest among adjudicated delinquents and the number of these adjudicated delinquents requiring residential placement will decrease substantially.

Ultimately, not only will this save tax dollars formerly earmarked for court costs and residential beds, but it has the added benefit of giving the children of our inner cities a fighting chance at survival.

I hope you will give them this opportunity.

Sincerely,

Kelly Cronin
Executive Director

KMC/ml

STATE OF CONNECTICUT

CHAMBERS OF
ROBERT C. LEUBA, JUDGE
DEPUTY CHIEF COURT ADMINISTRATOR

DRAWER N, STATION A
HARTFORD, CT 06106

Testimony of Hon. Robert C. Leuba
Judiciary Committee Public Hearing
April 7, 1995

H.B. 7025, An Act Concerning Juvenile Justice

S.B. 953, An Act Concerning The Transfer of Children Who Are Fourteen and Fifteen Years Old to the Regular Criminal Docket

S.B. 926, An Act Concerning The Transfer of Juveniles to the Regular Criminal Docket of the Superior Court

The Judicial Branch is committed to working together with the Legislative and Executive Branches in developing solutions to problems of mutual concern. Therefore, we would like the opportunity to work together to reach a consensus on a plan for the reorganization of the juvenile justice system.

- The Judicial Branch is not seeking expansion of its functions to encompass the entire area of delinquency. However, when an individual is referred to the court and either admits to the act or is adjudicated delinquent, we believe that the courts should have access to the resources available to utilize diversionary programs. There has been support for such diversionary programs by the Executive Branch and the Legislative Branch as evidenced by increasing funds to the Judicial Branch for alternative sanctions. We support the continuation of additional funds being allocated to the Judicial Branch for diversionary programs.
- We believe that the current adult system works well, and that implementation of

an analogous system for juvenile matters would also work well.

- We support the continued cooperation between the branches of government that currently exist rather than assume the responsibilities for Long Lane. We believe that discussions with executive and legislative branches would lead to a realignment of a juvenile justice system that would prove to be beneficial and would ensure a continuity in services.
- Notwithstanding the broad realignment issues, I would like to recommend at this time one specific change regarding the transfer provisions in this bill and S.B. 926, An Act Concerning The Transfer of Juveniles to the Regular Criminal Docket of the Superior Court, and S.B. 953, An Act Concerning The Transfer of Children Who Are Fourteen and Fifteen Years Old to the Regular Criminal Docket. We believe that the final decision on a motion to transfer a matter from the docket for juvenile matters to the regular criminal docket should rest with the judge, the neutral in an adversarial proceeding, and not the advocate or state's attorney.

003947

Connecticut General Assembly

Allan Green, Director
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Room 5300
Legislative Office Bldg.
Hartford, CT 06106-1591

OFFICE OF LEGISLATIVE RESEARCH

April 6, 1995 95-R-0723

TO: Honorable Michael Lawlor

FROM: Lawrence K. Furbish, Assistant Director

RE: HB 7025, An Act Concerning Juvenile Justice

You asked for a section by section analysis of HB 7025, An Act Concerning Juvenile Justice.

Sec. 1 (New) This section lays out the "intent" of the General Assembly, which includes making the juvenile justice system accountable for providing individualized supervision, care, and treatment for delinquents and promoting prevention. Juveniles are to be held accountable for their behavior, the community is to be protected, services are to be community based and the juvenile's family involved when possible, services are to be by individual case management plan, and follow-up and aftercare must be available.

Sec. 2 (New) The bill requires the Judicial Department to coordinate juvenile justice programs with other state agencies, develop intake and assessment procedures for juveniles and provide case management for them, provide pretrial diversion, coordinate community based services, and provide other necessary programs and services.

Sec. 3 (New) The Judicial Department must design and provide treatment programs based on the assessment and case management plan. Treatment must cover drug and alcohol addiction, emotional and behavior problems, physical or sexual abuse, health needs, and education. Programs must include counseling, case management and coordination, and programs using various federal social service funds.

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Sec. 4 (New) In developing its programs the Judicial Department must create "risk and assessment instruments" to evaluate juveniles and a case classification process with program levels and management standards. The department must develop a purchase-of-care system to use private and local public sector providers to provide a diversity of services, funded at least in part by Medicaid, federal foster care and adoption assistance, and other community-based services funding. The department must also develop, and pilot test in several municipalities, a community-based assessment and evaluation process with a residential evaluation program.

Sec. 5 (New) Whenever a juvenile is committed to the Office of Alternative Sanctions (OAS), the bill requires a "professional evaluation team," made up of a juvenile probation officer, OAS representative, guardian ad litem or counsel for the juvenile when applicable, and school employee or other court-appointed party, to review the proposed treatment plan submitted by the OAS and within 15 days develop a permanent treatment plan. It must include type of placement, projected length of care and cost, and services needed. The plan must be submitted to the juvenile court for approval, and the court can order medical or psychological testing before it issues a final treatment order. The OAS must implement the plan upon the court's approval.

Sec. 6 (New) The OAS must develop programs to prevent and reduce delinquency and must cooperate with existing agencies to establish new programs and provide services to repeat offenders not in secure placement. The OAS is authorized to enter contracts with small regional facilities providing secure residential treatment of serious juvenile offenders. Services must at least include education, anger control and nonviolent conflict management, chemical dependency treatment, mental health treatment, and sexual abuse and victim related education. The OAS must collaborate with private residential facilities and community-based aftercare programs.

Sec. 7 (New) The OAS must fund an early intervention pilot project for juvenile offenders including peer tutoring and community service, specialized group home services for juveniles suspended from school, social services and counseling for female juveniles, cognitive skill training, an entrepreneurship program, and a mentor program. It is to operate for one year (calendar 1996) to provide a network of community services for juveniles, and OAS must evaluate its impact and report to the General Assembly by January 15, 1997 on its effectiveness.

Sec. 8 (New) The Chief Court Administrator and the commissioner of the Department of Children and Families (DCF) must develop and submit to the secretary of the Office of Policy and Management (OPM) and the Judiciary Committee, by January 1, 1996, a reorganization plan, including budget revisions, to transfer staff responsibilities for delinquency cases from DCF to OAS. The plan must include 16 specific items listed in the bill including such things as policy recommenda-

tions for adjudicated delinquents, service provider contracts, plans for home-based monitoring and residential facilities, comprehensive mental health and substance abuse plans, and plans for parole and aftercare and follow-up services.

Sec 9 (46b-120) The bill defines a "serious juvenile repeat offender" as any child (person under age 16) charged with a felony who has previously been adjudicated delinquent for two penal code felonies.

Sec. 10 (46b-121) The bill divides juvenile matters in Superior Court into civil matters, covering neglect, families with service needs, and termination of parental rights, and criminal matters, covering delinquency. The bill specifically authorizes the court to make and enforce orders to punish a child, deter him from further delinquency, assure the safety of other people, and provide victim restitution.

Sec. 11 (46b-122) The bill authorizes the victim of a delinquent act, his parents or guardian, or any court appointed victim advocate to be present in the delinquency proceeding unless the judge specifically excludes them. It also removes a prohibition on delinquency hearings being held in rooms normally used for criminal business.

Sec. 12 (46b-124) The bill changes the law on access to juvenile delinquency records. It makes it clear that such records include law enforcement agencies and various medical, psychological, and social welfare studies. It keeps such records confidential, for the most part, but allows them to be disclosed to all agencies providing services to the child and to a state agency trying to collect money due the state. The record of the case may be disclosed to anyone with a legitimate interest in the information upon order of the court. Information on the release of the child from custody must be made available to the victim, and the court must designate an official from whom a victim can get this information. Anyone disclosing information in violation of this law is immune from criminal or civil liability unless they acted in bad faith. The bill appears to remove the authority of a state's attorney to have access to delinquency records and the requirement that schools be informed of the identity of felony delinquents. If state's attorneys are considered to "provide services directly to the child," they may have access.

Sec. 13 (46b-127) The bill repeals the law allowing discretionary transfer of a child charged with certain felonies to the regular criminal docket (see Sec. 56) and amends the mandatory transfer statute. Under current law the court must transfer children charged with murder and certain serious crimes if it makes certain findings specified in the law. Under the bill the court must transfer any child charged with a felony, committed after the child turned age 14, upon motion of the juvenile prosecutor. But the court to which the child is transferred can order the child transferred back to juvenile court and the court must make the charges confidential.

Sec. 14 (46b-128) The bill allows a juvenile's parents, who are being served with a subpoena to appear at a delinquency proceeding in connection with orders directed at them, to be served by restricted delivery mail or by first class mail, rather than only by personal service. If the service is by first class mail, it must include a notice that appearance may subject them to the court's jurisdiction, and if they fail to appear, the court cannot issue orders in the case (presumably orders to the parents). But the court may use its contempt power to punish any parent summoned who fails to appear at the hearing.

Sec. 15 (46b-133) The bill replaces a requirement that any child 14 or older charged with a felony have a photograph and description taken and be fingerprinted by police, with authorization to do these things for any child charged with any delinquent act. When a child is arrested for a delinquent act and is to be referred to court but not placed in a detention center, the bill directs the police to serve a written complaint and summons on the child and his parents. They must execute a written promise to appear, and if they fail to do so the court can issue an arrest warrant to ensure that the child appears and a court order to assure that the parents appear and punish them for contempt if they do not appear in response to such order. The bill also allows the court to require periodic alcohol testing, as well as drug testing, as a condition of release from detention.

Sec. 16 (46b-133a) The bill changes the name of the person prosecuting juveniles from the "court advocate" to the "juvenile prosecutor."

Sec. 17 (46b-133b) The bill allows the court to order periodic drug and alcohol testing of a child during any period when the delinquency proceeding is suspended to allow treatment for the child's drug or alcohol problem. The bill also uses the term "convicted" of a juvenile offense, rather than "adjudged a delinquent child."

Sec. 18 (46b-134) The bill requires that the pre-disposition probation investigation of the delinquent child that is required by current law include information on the circumstances of the offense; the victim's attitude; the child's criminal record, social history, and condition; and any damages suffered by the victim.

Sec. 19 (46b-135) Technical.

Sec. 20 (46b-137) The bill specifies that only confessions or statements made to the police or a juvenile court officer are inadmissible if they are made without a parent present who has been warned about the child's rights.

Sec. 21 (46b-138b) The bill gives a court appointed victim rights advocate or the victim's counsel the right to appear before the court and make a statement.

Sec. 22 (46b-140) T e requ res t e court n cons ering ts spos t on o a case to consider the seriousness of the offense and any aggravating factors, the effect of the offense on the victim, the child's delinquency record and willingness to participate in programs, and the child's culpability. The court must give the most weight to the seriousness of the offense and the child's record. In addition to the options already available, the court can order the child to participate in a community service program or the child or his parents to make restitution. Under current law the court can order the child to make restituton or do work in public buildings and on public property only as a condition of probation and if the parents and child consent. The parents' liability cannot exceed that allowed by statute for the torts of a minor, currently $5,000. The bill allows the court to place a minor under the supervision of any organization to carry out community service and specifies that such service is not employment. The bill specifies that when court services or probation are not appropriate, the child must be committed to the OAS rather than DCF. It also increases the time a juvenile who has committed a serious juvenile offense must be placed outside his town of residence.

Sec. 23 (46b-141) The bill allows the commitment of a delinquent child to the OAS to be extended for the best interest of the community, rather than just in the best interest of the child. This section of the bill appears to be flawed because it replaces DCF with OAS in some places but leaves DCF unchanged in others when the context suggests that the whole section should refer to OAS. The bill replaces a requirement that certain delinquents be committed for an indeterminate period with an authorization allowing them to be so committed.

Sec. 24 (46b-141a) Technical.

Sec. 25 (New) When a child is a serious juvenile repeat offender and has committed a felony after reaching age 14, the bill allows a juvenile prosecutor to ask the court to make the proceeding a "serious juvenile repeat offender" (sjro) prosecution. Upon the request, the court must hold a hearing within 30 days unless the juvenile can show good cause and then it must be held within 90 days. The court must decide within 30 days of the hearing, and it must grant the request if the prosecutor shows that it will serve public safety. If the child waives his right to a jury trial, the sjro prosecution must be held before the judge, and if the child is convicted or pleads guilty to a felony, he must be sentenced according to both the juvenile and adult sentencing laws with execution of the sentence stayed if he follows the conditions imposed or does not commit another crime. If he is found or pleads guilty to a misdemeanor, he must be sentenced according to the juvenile sentencing laws. If he subsequently violates the conditions of his sentence or commits another crime, the court can immediately order the child taken into custody. The child can challenge this action and the court must hold a hearing. If the court finds against the child and no mitigating circumstances exist, it must order the child to begin serving the sentence. If the child does not waive his right

to a jury trial, the srjo prosecution must be transferred to the regular criminal docket of Superior Court and the child tried and sentenced as an adult, but he cannot be placed in an adult correctional facility until he reaches age 16 or is sentenced. The court can allow a juvenile to knowingly plead guilty to a lesser offense, but such action must not result in the child resuming his status as a juvenile. If the action is dismissed or nolled or the child is found not guilty, he retains his status as a juvenile until he reaches age 16.

Sec. 26 Technical.

Sec. 27 (46b-146) The bill requires the court to wait four years instead of two before ordering the erasure of juvenile police and court records when a delinquent or family with service needs child has reached the age of 16, has been discharged from the custody of DCF or court supervision, and has not been convicted or been involved in a juvenile proceeding.

Sec. 28 (46b-150b) The bill allows the court to emancipate a minor when that is in the best interest of a minor's child.

Sec. 29 (New) The bill allows state referees who have been Superior Court judges to hear juvenile matters, provided delinquency matters can only be heard with the written consent of the child's parents or guardian. Any hearing must be conducted according to existing law, and referees have the powers of Superior Court in these matters.

Sec. 30 (52-434(b)) The bill specifies that juvenile matters may only be referred to referees specifically designated to hear them.

Sec. 31 (54-56e) The bill prohibits the court from granting accelerated rehabilitation to anyone previously adjudged a youthful offender. Under current law, if the court finds good cause for doing so, it can grant AR to someone who has previously been a youthful offender.

Sec. 32 (54-63d) The bill authorizes disclosure of Bail Commission reports and files to the Office of Adult Probation for purposes of conducting youthful offender investigations, presentence investigations, and supervising people on probation.

Sec. 33 (54-76b) The bill prohibits anyone who has been adjudged a serious juvenile offender from being granted youthful offender status.

Sec. 34 (54-76l) The bill repeals existing law on access to youthful offender records and replaces it with access provisions similar to those contained in sec. 12 for juvenile records. The bill appears to grant access to records only to people and agencies "providing services directly to the youth," but then it lists specific agencies

including the state's attorney, the parole board, the bail commission, the court appointed victim advocate, the office of adult probation, school officials, and law enforcement and court officials. This section of the bill has the same provisions concerning those with "legitimate" interest, victims, and immunity from liability as sec. 12.

Sec. 35 (54-91a) The bill allows information held by the Office of Adult Probation to be disclosed to the Bail Commission for purposes of its bail investigations.

Sec. 36 (54-123a) The bill requires the OAS to oversee implementation of alternative sanctions for juvenile court and to evaluate the effectiveness of alternative sanctions on juvenile offenders.

Sec. 37 (54-123b) Technical.

Sec. 38 (New) The bill creates a nine member advisory committee to the OAS concerning juvenile offenders to be appointed by the chief court administrator. The committee must include a superior court judge; representatives from DCF, the division of criminal justice, private nonprofit agencies serving juveniles, and programs providing alternative sanctions; and public members.

Sec. 39 (54-220) The bill requires victim advocates to assist prosecutors by providing victim or witness information to aid in the processing of cases, instead of assisting victims by providing such information..

Sec. 40 (17a-1) The bill deletes the definition of delinquent child from the DCF statutes.

Sec. 41 (17a-3) The bill deletes DCF's responsibility to develop and provide services for delinquent children and to maintain Long Lane School and other delinquent facilities.

Sec. 42 (17a-7) The bill authorizes the director of OAS, rather than the commissioner of DCF, to place delinquent children on parole and revoke that parole.

Sec. 43 (17a-8) The bill transfers from the commissioner of DCF to the director of OAS authority over delinquents committed by the court, including authority to deal with escapes and to grant vocational parole.

Sec. 44 (17a-10) The bill deletes DCF's responsibility to pay for the support of delinquent children in the department's facilities.

Sec. 45 (17a-11(b)) Technical.

Sec. 46 (17a-12) The bill deletes the DCF commissioner's authority to ask the court to transfer a dangerous 14-year-old who cannot be held at Long Lane to a correctional facility.

Sec. 47 (17a-27) The bill authorizes the director of OAS, rather than the commissioner of DCF, to invest the Long Lane School donation fund.

Sec. 48 (17a-27a) The bill amends the Long Lane School Advisory Board statute to reflect the shift in responsibility for the school from DCF to OAS.

Sec. 49 (17a-32) The bill removes Long Lane from the list of DCF facilities.

Sec. 50 (17-409) The bill has the director of OAS, rather that the commissioner of DCF, assure and regulate access by clergy to Long Lane School inmates.

Sec. 51 (17a-574) Technical.

Sec. 52 (18-65a) Technical.

Sec. 53 (18-73) Technical.

Sec. 54 (New) The bill moves the juvenile justice centers from OPM to the Judicial Department upon the later of the bill's effective date (July 1, 1996) or when federal funds expire.

Sec. 55 (New) The bill gives the Division of Criminal Justice charge of all criminal juvenile matter proceedings and the Attorney General charge of all civil juvenile matters.

Sec. 56 The bill repeals CGS § 17a-13 (concerning jurisdiction of people committed to DCF who are transferred to a correctional facility) and CGS § 46b-126 (concerning discretionary transfers of certain juveniles to the regular criminal docket of Superior Court).

Sec. 57 The bill takes effect July 1, 1996, except the section requiring the reorganization plan (Sec. 8) takes effect upon passage.

LKF:tjo

Connecticut Sexual Assault Crisis Services, Inc.

CONNSACS
110 Connecticut Blvd.
East Hartford, CT 06108
(203) 282-9881 Office
(203) 291-9335 Fax

Centers:

Central CT-SACS
(203) 235-9297 Office
(203) 235-4444 Hotline
Middletown Office:
(203) 344-1474 Office
(203) 635-4424 Hotline

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

YWCA of Eastern Fairfield Co., Inc.-RCS
(203) 334-6154 Office
(203) 333-2233 Hotline

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

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

YWCA of New Britain -SACS
(203) 225-4681 Office
(203) 223-1787 Hotline

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

Northeastern CT-SACS
(203) 456-3595 Office
(203) 456-2789 Hotline

Rape and Sexual Abuse Crisis Center, Inc.
(Lower Fairfield Co.)
(203) 348-9346 Office
(203) 329-2929 Hotline

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

Susan B. Anthony Project
(203) 489-3789 Office
(203) 482-7133 Hotline

Waterbury YWCA-SACS
(203) 753-3613 Office/Hotline

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

From: Gail Burns-Smith, Executive Director

Re: R.B. 7025, AAC Juvenile Justice

Position: Strongly Support

My name is Gail Burns-Smith. I am the executive director of the Connecticut Sexual Assault Crisis Services which is the association of all twelve rape crisis centers in the state. Through our members last year, we provided a wide range of support and advocacy services to over 6800 victims and their families, conducted community education, professional trainings and prevention workshops to over 81,000 individuals.

We are here today to urge you to support R.B.7025, AAC Juvenile Justice. At the beginning of this legislative session, this committee heard from victims about the frustrations and concerns they had in regards to the juvenile justice system. This bill goes a long way in responding to those needs. Especially of significance to victims are the sections which will:

* provide restitution;
* allow information about the identity of the child, and the disposition of the case and the release of the child from custody to be given to the victim of the crime;
* provide for the court to appoint an advocate for the victim and
* include the bests interests of not just the child, but also the community before determining a sentence.

We have only one suggestion, and that is to include representatives of victims of crime on both the adult and juvenile offender advisory committees in the Office of Alternative Sanctions. We believe that it is imperative that victims voices be heard as policies regarding offenders are fashioned.

Thank you.

DEPARTMENT
of CHILDREN
and FAMILIES

Caring for Connecticut's Future

TESTIMONY OF THE DEPARTMENT OF CHILDREN AND FAMILIES
WITH REGARD TO HOUSE BILL NO. 7025
AN ACT CONCERNING JUVENILE JUSTICE
6 APRIL 1995

Good morning. My name is Robert Pidgeon, and I am the Director of Juvenile Justice for the Department of Children and Families. Thank you for the opportunity to testify about this most important proposed legislation.

The Department of Children and Families plays a significant role in the Juvenile Justice system, and is responsible for:

1. The operation of Long Lane School, the only state run institution for committed delinquents;
2. Providing parole services, which supervises delinquents in residential placements and on parole in the community;
3. Providing over 12 million dollars annually in private residential and other services for delinquents;
4. Funding and guiding the Youth Service Bureaus, which operate community based programs for a variety of youths throughout the state.

This proposed legislation, if enacted, will have a significant impact on all of the services provided for delinquents.

I know that the Committee has worked many hours in producing this bill, and has made an extensive effort to hear from all corners of the juvenile justice world. It was my pleasure to accompany members of this Committee when you toured Long Lane School, and I attended your excellent information session at the Legislative Office Building several months ago. This effort is commendable, and addresses some of the most serious issues facing those of us who work in the field, and I thank you for your willingness to entertain our opinions and respond to our needs.

STATE OF CONNECTICUT
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The Department of Children and Families supports much of this proposed legislation, and is in the process of implementing many of the programs which are discussed in the bill or appeared in the reform document. For example:

1. The Department is now working toward the removal of all females from Long Lane School by creating separate and privately operated facilities;
2. Creating an intensive supervision, tracking, and reunification program for 50-60 committed delinquents;
3. Creating a private residential program for 15 males with a history of sexual acting out;
4. Developing short term residential and day treatment programs for committed delinquents;
5. Developing a residential wilderness experiential educational program for fifty boys. The Department is searching actively for a program site at this time.
6. Developing a risk and needs assessment tool for Long Lane School to ensure the State's most valuable resources are used in an efficient way, and that these limited resources increase the level of public safety, and provide the services needed for this population.

The Department is also working to reduce the population and increase the public safety level at Long Lane School by converting the institution from a campus of open and secure settings holding, at times, upwards of 250 delinquents, to a physically secure treatment institution housing 130 delinquents, 86 of whom will be in long term secure care, and the balance being in a secure intake setting, or in a secure program for delinquents whose liberty has been revoked and are returned to an institutional setting.

The provisions in the bill for changes to the confidentiality rules, changing the transfer of juveniles to the adult court mechanism, and other measures are supported by the Department.

This bill also moves the responsibility for delinquency cases from the Department of Children and Families to the Office of Alternative Sanctions. The Department does not support this portion of the bill.

The Juvenile Justice Systems in the United States consist generally of the following elements:

1. **Prevention, Early Intervention, and Diversion:**
   - Provides services to ameliorate the conditions which may lead to delinquency, and provides alternatives to traditional entry to the court and corrections systems.
2. **Probation:**
   - Provides public safety and rehabilitative services to delinquents under the supervision of the court.

3. **Detention:**
   - Provides a holding capacity for juveniles to ensure presence at court.
4. **Community Based Treatment:**
   - Provides non-secure residential services, and community public safety and rehabilitative services for delinquents.
5. **Secure Treatment:**
   - Provides residential rehabilitative and public safety services for committed delinquents in a locked setting.
6. **Parole:**
   - Provides community public safety and rehabilitative services for committed delinquents released from residential care.

In Connecticut, these elements are fragmented among several agencies, in this manner:

Agency	Prevention	Probation	Detention	Commun-ity Based Treatment	Secure Treatment	Parole
DCF	X			X	X	X
JJAC	X					
OPM	X					
Judicial		X	X			

Two operational agencies, the Department of Children and Families (DCF) and the Judicial Department, perform the hands-on work of the system, and the Juvenile Justice Advisory Council serves as the federally mandated State Advisory Group for funds received from the federal Office of Juvenile Justice and Delinquency Prevention. The Office of Policy and Management (OPM) provides funding and oversight for a number of Juvenile Justice Centers.

If responsibility for delinquency cases is transferred from the Department of Children and Families to the Judicial Department, Office of Alternative Sanctions, Connecticut will be the only state to be so organized . While this is not an argument that we are doing it correctly now, it gives reason to pause and reflect that other states have struggled with this issue and have adopted other solutions.

Although probation rests within judicial in 25 states, the other elements of the system rest in either an umbrella children's agency, like DCF, or a separate juvenile justice agency, in 42 states. In 22 states, probation is also a part of an umbrella agency or a separate department.

Organizing in the manner proposed in this bill would have several effects:

1. Access to certain services (mental health, substance abuse, education, health, and child protection) will become more difficult, and the system will be fragmented in a different way than is now the case. These services reside currently within the Department of Children and Families, and will remain there. All of these services are vital to ensuring the viability of a services continuum.
2. Certain support functions will no longer be available. The Department now provides support for the following areas, which will have to be created in a new or different agency:

    - Revenue Enhancement, which provides federal revenue from Titles IV-A (Emergency Assistance), IV-E (Foster Care), and XIX (Medicaid);
    - Contracts, which develops performance based contracts and negotiates services with providers;
    - Rate Setting, which researches budgets of providers and establishes fair prices for services;
    - Licensing, which enforces standards for programs;
    - Monitoring, which provides quality assurance for programs

The proposed reorganization in this bill will have a programmatic impact, and a fiscal impact. The Judicial Department will need an appropriation to prepare to do the things now done by the Department of Children and Families for the juvenile justice, child protective service, mental health, and substance abuse populations.

Additionally, the Department of Children and Families garners approximately 50 million dollars of Federal revenue annually. Between 2 and 3 million dollars of that amount are attributable to the juvenile justice population, but the impact of having another agency perform the eligibility and service functions required by Federal law could have a much larger impact. Since The Department of Children and Families is the designated IV-E agency for the state, any financial audit penalty assessed by the Federal auditors will be held against the entire amount distributed to the state. Failure to handle the many Federal revenue sources through lack of trained and experienced staff could result in a penalty much higher than the total amount attributed to the juvenile justice population.

The Department of Children and Families supports many of the reforms made in this bill, and believes much of the bill is consonant with the Governor's plan and the actions taken or planned by the Department. We are grateful for your effort and interest, and assure you that the Department of Children and Families stands prepared to cooperate with this Committee and other state agencies to develop a structure that will best serve the needs of Connecticut's youth.

ADDENDUM

Current Juvenile Justice Systems Organization by Number of Jurisdictions so Organized

- Juvenile Corrections:
  - In Separate Juvenile Justice Department - 16
  - In a Juvenile Umbrella Agency - 26
  - In Department of Corrections - 8
  - In Judicial Department - 0
- Juvenile Probation:
  - In Separate Juvenile Justice Department - 3
  - In a Juvenile Umbrella Agency - 19
  - In Department of Corrections - 3
  - In Judicial Department - 25
- Within New England:

State	Juvenile Detention	Juvenile Corrections	Juvenile Probation
MA	Separate	Separate	Judicial
CT	Judicial	Umbrella	Judicial
NH	Umbrella	Umbrella	Umbrella
RI	Umbrella	Umbrella	Umbrella
VT	Umbrella	Umbrella	Umbrella
ME	Corrections	Corrections	Corrections

State of Connecticut

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GERARD A. SMYTH
CHIEF PUBLIC DEFENDER
566-5328

Outline of Testimony of (SB954) (HB7026)
Chief Public Defender Gerard A. Smyth (HB5646) (SB1194)
Concerning Proposed Crime Legislation

April 7, 1995

I would like to comment briefly on my concerns about the impact that many of the bills on today's agenda will have on the Division of Public Defender Services. As I've reviewed the various criminal justice proposals, I've become increasingly concerned about the ability of the public defender system to handle the additional workload that will be created by these proposals.

1. Transfers of Juveniles to Regular Criminal Docket. These (HB7025) proposals will increase caseload in the G.A. and JD courts and, more significantly, give attorneys in adult courts responsibility for representing children. The adult system is ill-equipped for dealing with children, and public defenders in adult court lack experience in the different issues, programs and problems that are unique to juveniles (eg., abuse and neglect; custody and parental rights; school issues; families with service needs; treatment facilities for children). These cases require specialized expertise, are very time consuming, and can also involve collateral proceedings in juvenile court.

2. Accelerated Rehabilitation. Proposals to restrict (SB964) eligi i ity or AR w nev a y ncrease e num ers of trials because defendants who currently accept AR as a compromise will not be willing to plead guilty, and many of these cases will have to go to trial. Likewise, other cases that are currently resolved through AR will be nolled by prosecutors because of proof problems at trial, thereby eliminating any probation supervision for alleged offenders in those cases.

Upson Lawlor

I would like to begin by Thanking this committee for allowing me this opportunity to speak before you. (HB 7025)

My name is Christopher Tommasi and I am the father of Michael Tommasi, who was shot and killed 9 months ago by a 15 yr. old juvenile on June 26, 1994. Our family lives in a small historic country town called Lebanon. We live in this small country town because of the educational factor and because there is little to no crime as per say. We raise our children to be the best they can be and to get all the joy they can get out of life. We as parents try to be responsible enough to teach our siblings right from wrong. We are simple, hard working, tax paying people.

I am here today to discuss the Juvenile Justice System and the effect it has on my family. As I pointed out, my son was murdered by a 15 yr old, and ever since my family has been in a complete turmoil. My wife is under a physicians care, my 15 yr old son is failing tech. school because he has difficulty concentrating on school work, my 12 yr old daughter is afraid to sleep in her room. The first 2 weeks was really hell and confusing not knowing what happened or what to do.

My Lawyer made a appointment for us to see the Asst. State Attorney Kevin Kane along with the victims advocate. We were told by them that police records in a juvenile case are confidential. That the Juvenile process is very slow, it may take up to 18 - 24 months before the case is transferred to Adult Court and that we must have patients. We were also told that they would keep us informed and would help in any way they possibly could.

The Victims Advocate said that we were entitled to 6 free counseling sessions. I thought to myself, boy the criminal gets all the counseling they need, way beyond 6 sessions. He also said, the State has a Victims Compensation program to help victims financially. When my wife and I left the State Attorneys office, we felt that the justice system was there to help us get through this senseless ordeal.

After a few months went by, I decided to call the victims advocate to see how things were progressing, since I had not heard from the state in a while. To my amazement, I was informed that I could not be told at what stage the Juvenile case was at. It was like all the doors were shut in our faces. Here I am, with the loss of my son and can't even find out what is happening or even if the juvenile made bail. The police are not even notified of the release or condition of the bail. So how can you enforce a court order if no one knows about it? I wrote to the juvenile judge requesting information, he didn't even acknowledge my letter.

Mean while, during this long waiting period of frustration of not knowing, I have a lawyer who is trying to get information from the State Attorney so we can proceed with facts on our case. Again because of the confidentiality law he runs into a road block. It is very difficult to present a case with very little facts. But on the other hand, the juveniles lawyer can request for a disposition and production document where he can ask anything from school and medical records to my son hobbies. Keep in mind, we had to fill this document out and return it 2 days before Christmas. Do you know what kind of a burden was placed on us? Because this document is now made public, the juvenile's lawyer can pick and choose the information he needs to help

his client. I as a victim, can not ask or get information of the same to help us. Most of the information I obtain is from the news media, the Connecticut Law Journal, or from some of the witnesses that are very close to us. NOT FROM THE STATE who is suppose to protect us. Here we are being victimized again.

I am also faced with the financial burden of this outrageous act of a juvenile due to funeral expenses, hospital costs, legal fees , and other expenses incurred. I applied for victims compensation hoping to ease some of the financial burden. But after 7 months of waiting, I called victims services only to find out the claim was pending. I asked why it was pending? I was told they needed a police report before they could approve the claim. I explained to him, I could not get a police report because of the juvenile laws. Then asked, what type of information was needed and if the Chief State Advocate could supply that information? Victim Services said, YES. I could not believe after all this time, the Victim Services did not notify me of the situation. I immediately called the Chief State Advocate and explained my situation. He said he would correct this problem. Well I got approved for only $2400, this does not even cover the funeral expense. Why aren't the parents of this juvenile not taking responsibility for paying the bills? After all, he suppose to be a child under 16. Why should I get bad credit for not paying, or have to mortgage my house? When in fact the parents of the juvenile sits back and enjoy their home and not have to worry about the expense their child has imposed upon me. Why should I be victimized again?

Out of anger, frustration, hatred, and bitterness I was forced to educate myself in the juvenile system. I researched statues and found victims have few rights and the criminal have all the rights. I would like to briefly explain changes that must be made NOW:

1) **Confidentiality Law Concerning Juveniles:** Juvenile Court was established in 1899 in Illinos and was intended for family matters. The Judge acts as a fatherly role. It was not intended for the crimes of the 1990's. We feel, any juvenile with over a misdemeanor charge, that all juvenile proceedings and records be open to the general public because it is unconstitutional for court proceedings to be secret. I suggest you follow the footsteps of Oregon, which opened its juvenile courts to the public more than a decade ago because they also felt it was unconstitutional. Victims especially deserve the right to know what is happening. Here before me, I have a petition signed by over 750 tax paying voters of Connecticut. This petition was collected in just 2 short weeks.

2) **Automatic Transfer to Adult Court:** It is also recommended in the petition that all Juvenile Cases of horrendous crimes be automatically be transferred to Adult Court. Minnesota sends young felons and repeated offenders to Adult Courts. They can be transferred back to the juvenile court if they don't warrant adult prosecution.

3) **Parents Responsibility:** GS 52-572 (A) states parents are liable up to $5000 for intentional tort of their child. This value must be increased to cover all personal damages of the victim. The financial burden must be placed on the parents not the victim.

4) **Juvenile Punishment:** in the current system juveniles get a slap on the hand or probation. Juveniles should have to pay for their wrong doings. They must pay fines and do community service. By paying fines, more judges can be hired and it lowers the court cost to the tax payers.

5) **Judges:** Juvenile Judges and Adult Judges should be combined into or under the same jurisdiction. The Juvenile Judge in Montville only hears 2-3 cases a week. He should only deal with juvenile and not adult case too. By doing this would ease the back log of juvenile cases pending.

6) **Truth in Sentencing:** Criminals should serve full sentences and (SB927) nothing less. The punishment given often does not fit the crime. There should be no possibility for parole, time off for good behavior, or pardon for those convicted of a violent crime.

7) **Laws made Today:** Criminals should be subject to laws in effect at time of sentencing and not laws that were in effect at the time of the crime. The current system burdens the courts.

In conclusion you must act now to pass tougher crimes laws, give rights to victims and survivors. Crime is a disease spreading like a cancer. It's out of control and it has to be stopped. Changes must be made to protect the public. God forbid if you lost a loved one by a violent crime. Do you think you can live with the fact of not knowing why your loved one died or who did it? We have too.

Thank you for your Time.

WINDHAM YOUTH SERVICES BUREAU

003968

Adolescents in Crisis

872 Main Street
Willimantic, CT 06226
(203) 423-4534

"... youth, an investment in our future."

Patricia Calvo
Director

April 7, 1995

To Members of the Judiciary Committee: (HB 7025)

I represent Windham Youth Services in Eastern Connecticut. As the Juvenile Justice Counselor for Windham Public Schools, I manage the Juvenile Review Board and counsel youngsters and their families when they become involved in the criminal justice system. The Juvenile Review Board is a diversionary program designed to target youngsters who exhibit criminal behavior at an early age, (sometimes as early as eight/ten years of age). By referring these cases to the Juvenile Review Board, our community based program intervenes by giving youngsters a clear and firm message that this behavior will not be acceptable in our community. The program also identifies "at-risk" youngsters at an early stage when intervention is most effective.

As our State Legislature prepares to overhaul our Juvenile Justice system, there are some key issues that Juvenile Justice counselors in the field would ask you to consider:

-Effective diversionary programs such as Juvenile Review Boards are already in place in many communities in our state. They are traditionally funded in some fashion by the Department of Children and Families. Our relationship with DCF is a long standing one that works well. Juvenile Review Boards are preventive in nature, not "sanctions oriented" and should be maintained under the scope of DCF not the Office of Alternative Sanctions.

-Diversion/rehabilitative services targeting the 16 and 17 year old population are virtually non-existent in our communities and Court system due to the "limbo status" that 16 and 17 years old have traditionally enjoyed. Once over the magic age of 16, a youngster who is arrested, is thrown into the Adult Criminal Justice System where, until very recently, they have not been considered of much consequence by a system already overwhelmed by serious adult felons. The Office of Adult Probation has not traditionally been in a position to offer much intervention at the Youthful Offender Level. For example, if a youngster becomes involved in a school altercation with another student and he is given "Y O" treatment, most often, the youngster, is basically placed on a short period of probation with an admonition to "stay out of trouble". No other interventions take place at this entry level. In my current position, I have often watched as state agencies cannot reach agreement over who is exactly responsible to provide services to this age group and the youngster goes untreated. This situation must be remedied by clarifying the language of our legislation. Thank you for your attention.

A Program of the Windham Regional Community Council

Funded by: Town of Windham, DCF, DSS, CADAC

To: Senator Thomas S. Upson, Representative Michael P. Lawlor, and the respected members of the Judiciary Committee

(HB 7025)

From: Thomas Christopher, Chairman
Long Lane Neighborhood Alert
Middletown, CT 06457

Testimony concerning the Juvenile Justice Reform Legislative Package

Our neighborhood group, the Long Lane Neighborhood Alert, formed in 1994 to protect the interests of local residents, all of whom have had their personal safety and property values affected by the increasing danger from Long Lane School.

This school was founded over a century ago as an institution for "wayward girls". It was originally a school where such troubled young women could learn industrial and agricultural skills, and have the opportunity to put their lives back on track in a structured and positive environment. It continued in this vein until 1972, at which time a reform school for boys in Meriden was closed, and the population of that institution moved to Long Lane School.

The immediate effect of that move was to transform Long Lane School. Whereas previously the girls had raised much of their own food in the fields that surrounded the school, now the more dangerous population of students could no longer be allowed out of a strictly defined "secure" perimeter. Male students began escaping from the school; the level of escapes has varied but commonly exceeds 100 incidents a year. Such escapees began threatening anyone they encountered, and breaking into houses in search of money and or tools to assist them in the theft of cars.

The state has dealt with this problem by installing a medium security and high security unit on the site. The effect of this building program has been negative from the surrounding community's point of view, however, since the state used increased security measures as a justification for moving more violent, dangerous offenders into the former school - it has routinely expanded the population at Long Lane School far beyond the capacity for which it was designed. Escapes have continued, and the violence of escaping students has steadily increased. Last year, for example, two escapees car-jacked a Wesleyan student, and also stole and destroyed a number of residents' automobiles. Local residents are spending thousands of dollars each to install alarm systems, and increasing numbers talk of buying handguns to protect themselves.

When viewed in this context, current proposals to further increase the population at Long Lane School and to construct additional "secure" units there are especially disturbing. More

than two decades of experience has proven that escapes will continue and, if the proposed construction program is realized, the escapes will be drawn from an even more violent population.

Long Lane School is located in the heart of a densely populated residential neighborhood, and abuts an elementary school and Wesleyan University. It is already having a very adverse effect on the local economy. Last August, during hearings on the environmental impact study that the Department of Children and Families conducted concerning its proposed expansion of Long Lane School, we submitted letters from a local realtor concerning Long Lane School's adverse effect on local property values. We also submitted a letter from the president of the Middlesex County Chamber of Commerce outlining the difficulty that local retailers were having in attracting shoppers to Middletown's business district - people do not wish to locate businesses or shop next to an institution that is clearly developing into a prison.

Middletown is currently striving to revitalize a business district crippled by Connecticut's economic recession. As the president of the Chamber of Commerce pointed out, any progress Middletown has made is seriously threatened by the state's plan to expand Long Lane School. Wesleyan University, one of Middlesex counties largest employers, has also expressed concern at the threat Long Lane School poses to its ability to attract students. One violent incident is all that it will take to severely impact applications.

As important is the effect this institution is already having on the quality of life for thousands of Connecticut tax payers. We in the Long Lane Neighborhood have become accustomed to watching dogs and their handlers pursue students through our backyards. We watch for the state cars with flashing lights that tell us that our children and our homes are at risk again. We wonder when the state tells us that the only solution to this situation is to turn a former school for wayward girls into a full-fledged prison for juvenile offenders. We do not believe that this will lead to true security for us or for our children, or to any benefits for Middletown.

In short, the Long Lane School site is a dangerous and inappropriate place to locate a large correctional institution. We urge the state legislature to consider the proposals to create other destinations for troubled youths. We object to any proposal to create new "secure" units at Long Lane School. And we urge the legislators to plan not an expansion at Long Lane School, but instead to scale back the population there to a small and manageable level. We urge the legislature to follow the lead of other states in establishing a network of small units for juvenile offenders all around the state, so that the juveniles can be housed close to their home communities, and so that the overall program will not have such a devastating effect on any one community.

STATE OF CONN TI UT

OFF.__ OF POLICY AND MANAGEMENT

TESTIMONY OF
THOMAS A. SICONOLFI
BEFORE THE JUDICIARY COMMITTEE
FRIDAY, APRIL 7, 1995

Good morning. My name is Thomas A. Siconolfi, and I am the Director of Justice Planning at the Office of Policy and Management. I come before the Judiciary Committee this morning on behalf of Governor John G. Rowland and OPM Secretary Reginald Jones to speak in regard to several legislative proposals pertaining to the criminal justice system and the Governor's anti-crime initiative. The proposed bills I will address in this testimony are, in numerical order:

SJ 34, RESOLUTION URGING THE ATTORNEY GENERAL TO REOPEN CONSENT DECREES CONCERNING PRISON OVERCROWDING,

SJ 55, RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT CONCERNING THE RIGHTS OF VICTIMS OF CRIME,

SB 813, AN ACT CONCERNING THE TRANSFER OF PRISONERS TO OUT-OF-STATE PRISONS,

SB 926, AN ACT CONCERNING THE TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL DOCKET OF THE SUPERIOR COURT,

SB 927, AN ACT CONCERNING TRUTH IN SENTENCING,

SB 953, AN ACT CONCERNING THE TRANSFER OF CHILDREN WHO ARE FOURTEEN AND FIFTEEN YEARS OLD TO THE REGULAR CRIMINAL DOCKET,

SB 954, AN ACT GRANTING STATE'S ATTORNEYS INVESTIGATIVE SUBPOENA POWERS,

SB 955, AN ACT CONCERNING THE ARRAIGNMENT OF CRIMINAL DEFENDANTS IN COURT,

SB 958, AN ACT CONCERNING THE TRANSFER OF INMATES TO OUT-OF-STATE OR PRIVATE CORRECTIONAL FACILITIES,

SB 960, AN ACT CONCERNING PROBABLE CAUSE HEARINGS FOR PERSONS CHARGED WITH CRIMES PUNISHABLE BY DEATH OR LIFE IMPRISONMENT,

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SB 961, AN ACT CONCERNING THE LICENSING OF PAWNBROKERS, PRECIOUS METAL DEALERS AND DEALERS IN SECOND-HAND GOODS,

SB 962, AN ACT CONCERNING BOND FORFEITURE,

SB 963, AN ACT CONCERNING STALKING,

SB 964, AN ACT CONCERNING ACCELERATED PRETRIAL REHABILITATION,

SB 1163, AN ACT CONCERNING PRIVATIZATION OF CORRECTIONAL FUNCTIONS, and

HB 7025, AN ACT CONCERNING JUVENILE JUSTICE.

The first bill I will discuss is *SB 927, AN ACT CONCERNING TRUTH IN SENTENCING.*

Connecticut has made tremendous progress since the late 1980's and early 1990's, when severe prison overcrowding forced the early release of many prisoners, regardless of their suitability for release or their behavior in prison. Due to a massive and immensely expensive prison building program, prison space has increased from about 6,000 beds in 1986 to more than 15,000 beds today. With several high security prisons now open, the Department of Correction can effectively deal with gang members and other high risk prisoners. A network of safe and effective alternatives to incarceration is in place and is successfully supervising more than 4000 less serious offenders in the community, freeing additional prison space for violent and repeat offenders.

These dramatic improvements have enabled us to undo the damage resulting from years of prison overcrowding. The minimum time prisoners serve behind bars has been restored to a meaningful level. In 1989 most offenders served an average of less than 14 percent of their sentences behind bars. Today, less serious offenders serve at least 45 percent prior to release. More serious offenders serve at least 50 percent and many serve a substantially longer proportion. The Board of Parole objectively determines when and if offenders merit early release from prison. Offenders who violate conditions of community release can be reincarcerated to serve out their sentences. Criminals who flee from justice are actively tracked down and returned to custody. The basic integrity of our prison system has been restored.

SB 927 represents another opportunity to significantly improve our justice system. This bill requires criminals who commit virtually any violent crime to serve no less than 85 percent of their sentences behind bars, and criminals who prey on the elderly would serve their full sentence in prison. The passage of *SB 927* would be a positive step toward honest and proportionate punishment for those offenders who constitute the greatest threat to public safety.

Obviously, longer sentences will increase the number of prison beds needed in the future. We have taken steps in crafting *SB 927* to ensure that the effects of longer sentences on the prison system are minimized, and therefore would not cause a return to the overcrowding and early releases of the 1980's. As written, this legislation would

commodity, and may prove unsatisfactory or unworkable in the long run, we believe it is in the best interest of the State to test the potential for savings of this magnitude.

Next, I would like to address the following three bills which reform the juvenile justice system, principally in the matter of transferring 14 and 15 year old serious offenders to adult court:

SB 926, AN ACT CONCERNING THE TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL DOCKET OF THE SUPERIOR COURT

SB 953, AN ACT CONCERNING THE TRANSFER OF CHILDREN WHO ARE FOURTEEN AND FIFTEEN YEARS OLD TO THE REGULAR CRIMINAL DOCKET

HB 7025, AN ACT CONCERNING JUVENILE JUSTICE

Reform of Connecticut's juvenile justice system is generally acknowledged as necessary and long overdue. The total number of offenses committed by juveniles in Connecticut is a relatively small fraction of overall crime. However, crimes committed by youth, particularly violent crimes, are increasing at a time when crime in general is on the decline. There is also a concern that our juvenile justice system is not equipped to effectively deal with the gang and drug related offenses being committed by youth today. Limited sanctions, restricted opportunities to transfer serious cases to the adult court, and the inaccessibility of juvenile court records do little to punish offenders, deter future criminal conduct, protect the public, and instill confidence in the system.

Connecticut is tougher than most other states because it designates 16, rather than 18, as the age at which persons are considered adults for criminal justice purposes, but overall our juvenile justice system was designed for a different type of offender than is often seen today. Recognizing these problems, Governor Rowland's anti-crime initiative outlines several proposals aimed at improving the juvenile justice system and ensuring that every juvenile offender receive attention commensurate with their crime and background. The Governor's proposals include;

- increasing secure space at Long Lane School while decreasing the overall size of the school through residential community placements;
- construction of a new juvenile court and expanded juvenile detention center in Bridgeport;
- a presumptive transfer to adult court for 14 and 15 year olds who commit serious crimes; and,
- a substantial increase in juvenile probation personnel and contractual resources to supervise offenders in the community.

SB 926, and *SB 953,* are both intended to make the transfer of serious offenders to adult court more certain. *HB 7025* is a much broader proposal, which transfers primary responsibility for delinquents and delinquency prevention from the Department of Children and Families(DCF) to the Judicial Branch, and permits juveniles accused of any felony to be transferred to adult court on motion of the juvenile prosecutor.

SB 926 and *SB 953* coincide with the Governor's plan. That is, they both amend the juvenile transfer legislation passed last July and mandate the transfer of certain juveniles to adult court, rather than leave the decision to the discretion of the juvenile court judge or prosecutor. We believe that a mandatory transfer would address the most serious concerns about the manner in which serious offenses are disposed of in juvenile court. In conjunction with the increases in secure space, community-based residential placements, and probation resources proposed in the Governor's budget, real progress can be made in reforming the juvenile justice system.

HB 7025 addresses many of the same issues, and, by and large, is not inconsistent with the Governor's proposals. The increases in community-based resources called for in *HB 7025* appear workable. The sections allowing disclosure of confidential records between individuals and agencies working with these juveniles are long overdue. Also, the new process for sentencing serious repeat juvenile offenders offers promise as an interim step between juvenile processing and adult criminal court. However, one area where we strongly disagree with the language in *HB 7025* is the transfer of responsibilities for delinquents and delinquency prevention from the Department of Children and Families to the Judicial Branch. DCF is the State's lead agency for children, and in our opinion should retain a significant role with these populations. The lines between abuse, neglect and delinquency are not always well defined. Medical, psychiatric, substance abuse, and educational concerns often overlap, and are not best addressed by segmentation or duplication among agencies or branches of government. DCF is in the best position to respond to these concerns.

Disagreement with *HB 7025* on this issue should not be taken as an assertion that current systems are functioning without problems and cannot be improved. Additional resources are recommended in the Governor's budget for DCF and the Judicial Branch in recognition of the need for such improvements. As well, the Governor clearly supports the critical role of the Judicial Branch with respect to juvenile offenders, both those awaiting sentencing and those on probation. In fact, the similarities in principle between the Governor's juvenile reform proposals and those embodied in *HB 7025* are such that a concerted effort should be made to negotiate a consensus package on juvenile justice reform. To this end, we suggest that representatives of the Executive and Judicial Branches meet with the committee, at your earliest convenience, to discuss the three bills in question and determine if consensus can be reached.

The remaining bills are more narrowly focused, but still are important to the functioning of the criminal justice system. I will address them in numerical order.

SJ 34, RESOLUTION URGING THE ATTORNEY GENERAL TO REOPEN CONSENT DECREES CONCERNING PRISON OVERCROWDING

This resolution requests that the Attorney General take such action. The "caps" imposed by the federal judiciary affect the community correctional centers in Hartford, New Haven, and Bridgeport and restrict the use of approximately 475 bedspaces. With the recent completion of the State's prison building program, these restrictions have little practical effect on the system as a whole. The removal of the caps, however, would allow additional double-celling and add a measure of flexibility to the system, which may prove helpful in implementing measures such as Truth in Sentencing. *SJ 34* is therefore

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TESTIMONY OF CONNECTICUT CIVIL LIBERTIES UNION FOUNDATION
ON SELECTED CRIME AND CORRECTIONS BILLS
CONNECTICUT LEGISLATURE, JUDICIARY COMMITTEE

FRIDAY, APRIL 7, 1995
MONDAY, APRIL 10, 1995

Other witnesses have presented separate CCLU testimony regarding S.B. No. 926 and S.B. No. 953 (transfer of juveniles), H.B. 7025 (juvenile justice), H.B. 5139 (cordless telephones), S.B. 611 and H.B. 5642 (sentencing of mentally ill criminals), and H.B. 6881 (fetal homicide). CCLU positions on other bills before the Committee are set out below.

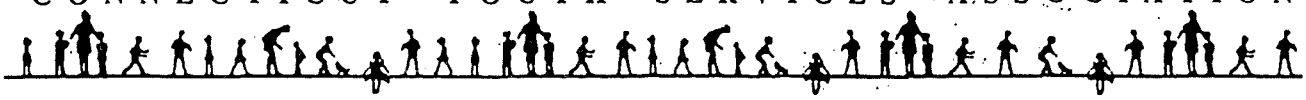
S.J. 34 Resolution Urging the Attorney General to Reopen Consent Decrees Concerning Prison Overcrowding

The legislature should not attempt to substitute its judgment for that of the courts, in cases that involved allegations of violations of inmates' federal constitutional rights. At least four institutions (New Haven, Bridgeport, Hartford, and Niantic) are subject to court orders affecting population. The process that led to the imposition of these court ordered consent orders involved a careful balancing of the alleged infringement of prisoners' rights and the institutional needs of the state after the United States Court of Appeals decision in LaReau v. Manson, 651 F.2d 96 (1981) (Hartford Correctional Center).

S.J. 55 Resolution Proposing a Constitutional Amendment Concerning the Rights of Victims of Crime

In general, we would urge the Committee not to consider adoption of constitutional amendments where similar protections can be provided by statute -- or are already available under existing law. For example, the provision giving a crime victim "the right to receive compensation for his injuries and losses from the person or persons convicted of the crime" is unnecessary where tort remedies already exist, and could be improperly construed as a "guarantee" of compensation, rather than a right to seek compensation. This resolution would also entangle prosecutors and public defenders in claims collection litigation, further burdening a system that is struggling with excessive caseloads.

CONNECTICUT YOUTH SERVICES ASSOCIATION



TO: Judiciary Committee

FROM: David Melillo, M.S.
President, Connecticut Youth Services Association

DATE: April 10, 1995

SUBJ: H.B.7025

Good Evening. My name is David Melillo and I am the President of the Connecticut Youth Services Association and the Director of Madison Youth Services. I am here on behalf of our Association which represents the vast majority of Connecticut's 89 Youth Service Bureaus (which serve 116 of Connecticut's municipalities) and Connecticut's 10 Youth Shelter Programs (which serve the entire state). Our Association applauds the efforts of the Juvenile Justice Work Group and welcomes this effort to better systematize juvenile justice in our state.

We believe that young people are the casualties of today's patchwork and fragmented system. Both, as the victims of peer violence, and as the offenders who are not effectively served by our present system, young people bear the brunt of the inadequacies in our juvenile justice system. Therefore we endorse the intentions to improve this system put forward in this bill. Furthermore we would ask you to go beyond this bill and support the development of a wider array of services for juvenile offenders.

Toward this end we would ask that you adopt CYSA's language for the court diversion of sixteen and seventeen year old delinquents from the justice system to YSBs. This change would reinforce your proposals already included in H.B.7025 to avoid the utilization of Youthful Offender status, followed by Accelerated Rehabilitation, followed by a diversion to a YSB.

We also ask that you consider further support for local juvenile diversion programs. In FY93, YSBs diverted 2,928 juveniles from the juvenile justice system. With a relatively small financial investment these sometimes informal programs would become even more effective at reducing recidivism and serve even more of the juvenile justice population. Already, without direct support, juvenile review boards provide more services and in a more timely manner, than the court system can provide.

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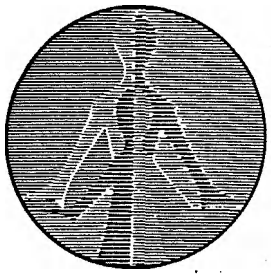
Connecticut's YSBs also believe we can help you in your mission through our coordination role in our communities. YSBs can serve the courts in helping to find local services, not only for those juveniles we divert, but for adjudicated juveniles including those returning from residential placements. As YSBs we keep track of all local services both traditional and non-traditional; professional and volunteer.

Connecticut's Youth Shelter programs also stand willing to help in this effort. Already these shelters house many juveniles awaiting decisions from the juvenile court system. They could better help to provide short-term and emergency housing to this population if the court system were not so backlogged or, alternatively, if they were funded for more beds. Presently shelters are overloaded as children and youth are placed for far longer periods than originally planned. The original intent of shelters to provide short-term services and the best interest of the child become forgotten as the log-jam worsens. These programs remain committed to being part of the solution for this population but do not wish to be misused as dumping grounds because appropriate services are not available.

Thank you for this opportunity to speak. Please feel free to contact me for further information at 245-5645.



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HB 7025

My name is Pamela Linder. I am a clinical social worker with a Master's Degree from the University of Connecticut. I am also the Coordinator of the Juvenile Offender Treatment (JOT) Program of the Clifford Beers Guidance Clinic in New Haven, which provides community-based treatment to juvenile sex offenders. I am here to speak regarding the Connecticut General Assembly's consideration of implementation of a version of New Jersey's "Megan Law," and its implications for juvenile sex offenders, given Governor Rowland's plan to require 14- and 15-year-olds, who commit violent crimes, to be tried as adults.

The Juvenile Offender Treatment Program works with pre-adolescent and adolescent males, ages 10 to 17, who have committed first-time sexual offenses. The backgrounds of juvenile sex offenders are typically chaotic and pervaded with emotional, physical and sexual abuse. In other words, these boys are themselves, victims. Characteristically, these youth have deficits in understanding their emotions, lack the skills to appropriately communicate feelings and needs, and commit the same acts and behaviors that they learned through their own victimization. The process that these youth engage in, through juvenile sex offender treatment, focuses on teaching them victim empathy, impulse control and relapse prevention skills. This treatment compels the boys and their families to confront the offending behavior and take responsibility for it. This typically enables the youth to also confront their own victimization, and the pain, anger and shame, which drives their perpetration of violent crimes.

Research (Ryan 1991, Steen & Monnette 1989, Knopp 1990), has shown that early therapeutic intervention with adolescent sex offenders is justified in that deviant patterns are less deeply ingrained and easier to change; distorted thinking patterns are less deeply entrenched and can be redirected; youth are good candidates for learning new and acceptable social skills; and public safety is improved by reducing further victimization. To treat these youthful victim/offenders as "hard-core" adult criminals, subjects these youth to further victimization, hostility, and isolation; and thereby makes their rehabilitation increasingly difficult.

Research and empirical data speak to the fact that sex offender treatment is effective in reducing recidivism. Further, this community-based treatment represents an approach that reduces both the fiscal and human costs of confronting and reducing adolescent sexual offending. At a time in which fiscal austerity is primary in everyone's mind, community-based treatment is an even

more responsible choice. It is much less costly to have youth who are first-time sexual offenders, remain in the community and receive outpatient sex offender treatment, than it is to remove them from society and maintain them in correctional facilities for months and years, which currently costs taxpayers $35,000 per youth annually; and subsequently, incur the additional costs for the after-care that they will require to re-enter their communities, once released. Furthermore, correctional settings, give insufficient attention given to sex offender treatment, and after a period of incarceration, youth are typically released to resume their former offending behaviors. The Juvenile Offender Treatment Program, formerly known as, the Alternative Program for Adjudicated Youth (APAY), has been treating 8 to 10 youthful sex offenders per year, for the past eight years and has had only one case of known recidivism for sexual offending.

I want to be clear that I am not suggesting that community-based sex offender treatment is for all sex-offending youth. A thorough evaluation is done to determine which youth present the least risk of re-offending to the community. Those youth who present a greater risk, are referred to more restrictive residential facilities which offer highly structured settings, that reinforce accountability for behavior, with appropriate consequences, paralleling family and legal systems. If the residential facility is located near juvenile sex offender treatment program, such as the JOT Program of the Clifford Beers Guidance Clinic, these youth may receive treatment at the Clinic, while residing at the residential facility. Unfortunately, few programs like the JOT Program exist in Connecticut, which means that options for rehabilitation are limited.

Therefore, I ask the legislature to consider increasing mandated, specialized community-based treatment for juvenile sex offenders to periods of two to three years, reinforced with suspended sentences to mandate compliance. Extended treatment mandates not only allow treatment to be more effective, but also extend the length of program supervision. Currently mandates are only six to nine months in length. I ask this as an alternative to legislating longer dispositions in penal institutions for juvenile sex offenders, who are appropriate for community-based treatment. Further, I request additional funding for the creation of additional community-based treatment for juvenile sex offenders, in order to meet the needs of juveniles that require this type of treatment. The ultimate benefit to sex offender treatment to society is reducing the risk of sexual offending behaviors against children like Megan.

Thank you for your time and consideration.

Respectfully submitted by

Pamela Katherine Linder

Pamela K. Linder, MSW
Coordinator, JOT Program

004036

Sex Offender Treatment: Does It Work?

by Robert J. McGrath, M.A., Director of Sex Offender Treatment, Counseling Service of Addison County, Vermont

A young man was walking beside a river when he noticed a child struggling half-submerged in a series of rapids. He quickly jumped into the water and rescued the child. As he was administering first aid to the child, he looked upstream and saw several other children and a few adults who were also struggling in the swift current. Fortunately, many passersby noticed what was happening and joined his rescue efforts. As the young man surveyed the suffering that surrounded him, the focus of his attention shifted and he began running upstream. A rescuer, seeing the young man pass several victims in need, shouted over to him, "Where are you going. These people need your help!" The young man shouted back, "I'm running up-stream to do something about the person who's throwing all these people in the river." (Unknown)

Probation and parole officers who supervise sex offenders face the critical and challenging task of protecting past and potential victims of sexual violence. This responsibility is more important now than ever before. The number of sex offenders on the case loads of community corrections professionals continues to increase and there can be no question as to the severe consequences of sexual violence to victims and the community.

The criminal justice system's response to sex offenders typically involves punishment and incapacitation. These strategies, when they include incarceration, eliminate offenders' access to potential victims and thereby prevent re-offenses. Yet, almost all sex offenders eventually return to the community. To address this reality, community corrections programs increasingly require sex offenders to undergo treatment. This article analyzes the effectiveness of these treatment efforts. Case examples from model programs in Vermont are used for illustration. The following three questions concerning sex offender treatment effectiveness are addressed:

1. Is treatment effective in reducing re-offenses?
2. Is treatment cost effective?
3. Is treatment effective in addressing the needs of victims?

Is Treatment Effective in Reducing Re-Offenses?

Considerable public attention has focused on the question of whether sex offender treatment reduces recidivism rates. Professional debate has also concentrated on this question (e.g., Furby, Weinrott, and Blackshaw, 1989). Fortunately, a careful analysis of the sex offender treatment literature, especially recent outcome studies, leads to very optimistic conclusions about the efficacy of treatment.

Over the last fifteen years, at least seven research groups have analyzed sex offender treatment studies and all but one (Furby et al., 1989) have found overall positive treatment effects. Alexander (1993) has conducted the most recent and largest study of sex offender treatment outcomes. Her findings are worth examining in some detail.

Figure 1 illustrates Alexander's (1993) analysis of sex offender outcome studies which examined up to 68 studies in each of the following comparisons. She found that the recidivism rate of treated offenders was 10.9% vs. 18.5% for untreated offenders. Offenders who were mandated into treatment had slightly lower recidivism rates than offenders who entered treatment voluntarily (10.5% vs. 12.4%). Not surprisingly, offenders who completed treatment re-offended at a much lower rate than those who dropped out of treatment (10.4% vs. 18.4%). Two findings lend support to the notion that recent improvements in treatment techniques are resulting in better treatment outcomes. The recidivism rate of offenders who participated in treatment studies conducted before 1980 was 12.8%, whereas the recidivism rate among offenders treated in studies after 1980 was 7.4%. In addition, offenders treated with recently developed relapse prevention interventions in combination with behavioral or group treatment had significantly lower recidivism rates than offenders who received a combination of behavioral and group therapy (5.9% vs. 13.4%).

Treatment outcome also seems to be related to the type of offense that an individual commits. Alexander's (1993) and other recent studies suggest that, as a group, men who molest children tend to be fairly responsive to treatment. The efficacy of treatment for men who rape is still equivocal. Other types of sex offenders who tend to be resistant to the effects of treatment include those who have multiple sexual offense convictions, fixated deviant sexual arousal patterns, or severe psychopathic personality traits (McGrath, 1991).

Because not all treatment is equally effective, nor are all sex offenders equally responsive to therapy, community corrections professionals should choose treatment programs carefully. Fortunately, the types of programs that seem most effective are the types of programs that are most common. Almost 60% of the 1500 adult and juvenile sex offender treatment programs recently identified by Knopp, Freeman-Longo, and Stevenson (1992) use a cognitive-behavioral or relapse prevention treatment model. In addition, group therapy is the preferred primary method of treatment in 98% of these programs.

Successful treatment programs also have similar treatment goals. These typically include accepting responsibility for offenses, developing victim empathy, controlling deviant sexual arousal, improving social competence, and developing relapse prevention skills.

Is Treatment Cost Effective?

Although reducing human suffering is the primary goal of sex offender treatment, fiscal realities cannot be ignored. The financial impact of sexual aggression on society is enormous. Table 1 estimates the average cost of one re-offense based on current approximate costs in Vermont. Offender-related re-offense expenses include pretrial investigation, court costs, incarceration, incarcerated treatment, and parole supervision. Victim-related expenses involve the department of social services, hospital and medical expenses, and victim evaluation and treatment services. Because not all victims require out of home placements or medical services, or seek mental health treatment, victim related expenses were averaged.

The other important fiscal variable is the cost of treatment services designed to prevent sex offender re-offense. Although the focus here is on outpatient treatment, other researchers have analyzed the cost-effectiveness of incarcerated sex offender programs (e.g., Prentky & Burgess, 1990). In Vermont, probation and parole officers refer all sex offenders to specialized outpatient sex offender treatment programs. Probation and parole pays contracted treatment providers, on average, $346 per offender per year to conduct this treatment. In addition, each offender contributes to the cost of his treatment based on his ability to pay and billing of available third party insurance. Given that each offender receives on average about three years of weekly group treatment, the total cost of treatment to the state is about $1,038.

A cost-benefit model, based on these figures, examining savings for 100 treated versus 100 untreated sex offenders is shown in Figure 2. The current 6% re-offense rate of treated sex offenders in Vermont (Vermont Treatment Program for Sexual Aggressors, 1992) is used in this model. When there is no difference in the recidivism rate between treated and untreated offenders, the cost to the state is the $103,800 of treatment funds ($1,038 x 100 offenders) allocated to the treatment group. In this example, treatment neither reduces recidivism nor is it cost effective. However, when the recidivism rate of the 100 untreated offenders is 7%, expenditures are $138,828 for each of the seven re-offenses, for a total cost of $971,796. Expenditures to the treated group are again $103,800 in treatment funds plus $138,828 for each of six re-offenses, for a total cost of $936,768. Thus, a 1% decrease in recidivism among treated sex offenders results in a cost savings of $35,028 to the state. When the recidivism rate between treated and untreated offenders is 8% or greater, cost savings in excess of $1,000,000 are realized.

Clearly, outpatient treatment that is even minimally effective at reducing recidivism rates can be cost-effective. Fortunately, specialized sex offender treatment as practiced today generally meets and exceeds this low threshold for cost effective practice. In fact, differences in recidivism rates between treated and untreated offenders of over 10% are achievable and result in enormous cost savings to the state.

Is Treatment Effective in Addressing the Needs of Victims?

Sex offender treatment providers should not ignore the present day struggles of past victims. Financial restitution paid by offenders to victims is an important step. Offenders can also provide emotional restitution to their victims as illustrated in the following adapted case study.

As Sam progressed in treatment, he began to accept full responsibility for raping his ten year old niece. When treatment staff consulted the victim's mother to ask if an apology from Sam might be helpful to her daughter, she said that any communication with the abuser would be harmful. But she volunteered, "You know, my husband (who divorced her before the abuse) used to visit her (the victim) about once a week. He hasn't seen her since this happened. She misses her dad. He thinks that it's her fault. I don't suppose there's anything you can do about that?" In response, Sam and his counselor met with Sam's brother, the father of the victim. In an emotional meeting, Sam apologized to his brother for what he had done. More importantly, however, Sam described how he tricked and frightened his niece into intercourse and convinced her that she would get in trouble if she told. Within days of this meeting, the victim's father contacted his daughter, apologized for his absence, told her that he knew the abuse was not her fault, and began visiting her regularly.

Others had tried unsuccessfully to convince the father of this victim that the abuse was not her fault. Although nothing can undo the damage that this offender had already caused his brother and niece, through treatment he helped facilitate their important reconciliation.

Perpetrators can help their victims in a variety of ways. Some victims want to express anger or other feelings directly to a perpetrator. Other victims want to ask offenders questions about the abuse, such as, "Why did you do it?", "Was it my fault?", and "Will you do it again?" Some victims want to meet with offenders face-to-face and others want to communicate through letter, audio-tape, or video tape. Many victims do not want to have any contact with their perpetrator. These wishes need to

Table 1: Financial Cost of a Re-offense

Offender Related Expenses	
Pretrial Investigation	1,200
Trial Costs	4,010
Incarceration (5 years)	111,235
Incarcerated Treatment (3 years)	12,813
Parole (2 years)	1,170
Total Offender Expenses	130,428
Victim Related Expenses	
Department of Social Services	5,000
Hospital/Medical	325
Victim Evaluation	825
Treatment (1 year)	2,250
Total Victim Expenses	8,400
Total	138,828

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Figure 1

Sex Offender Recidivism Rates:
Alexander's (1993) Analysis of Outcome Studies

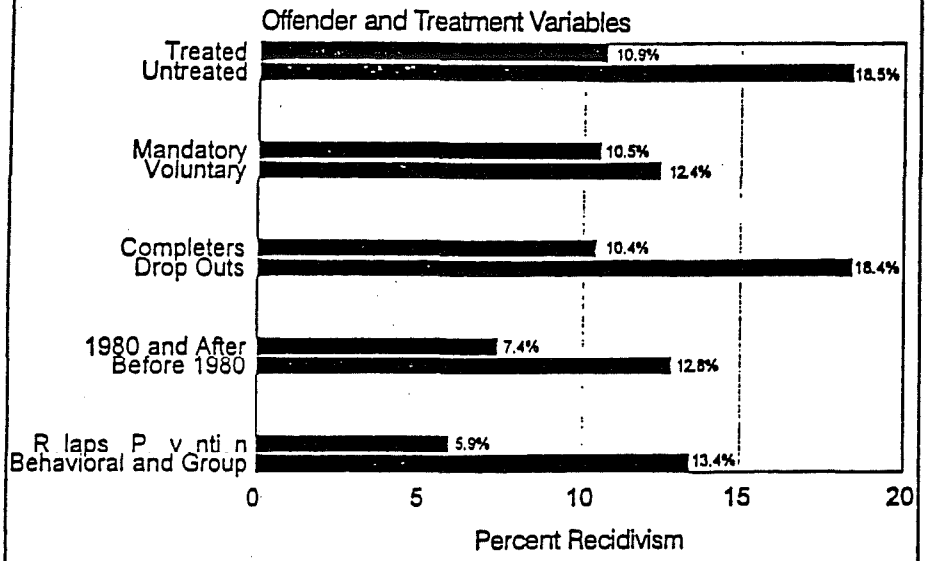
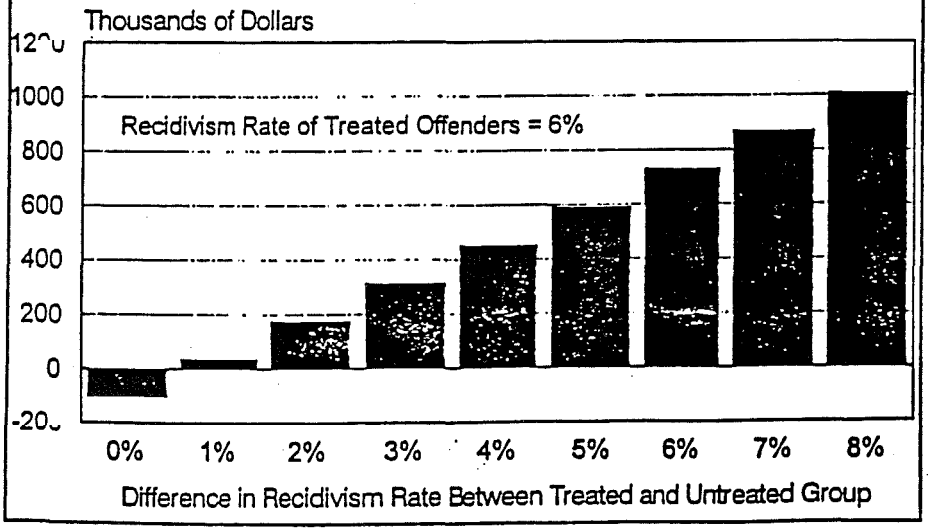


Figure 2

Estimated Cost Savings of Treatment:
100 Treated vs. 100 Untreated Sex Offenders



be respected. Unwanted contact generally does more harm than good. Nevertheless, offenders, treatment specialists, and community corrections specialists should make themselves available to victims when appropriate.

Conclusion

Treatment works. It does not work with all offenders, and all treatments do not work equally well, but treatment does work. Treatment can reduce recidivism rates, especially cognitive-behavioral and relapse prevention based treatments with child molesters. The efficacy of rehabilitation efforts with rapists is more uncertain. Treatment can be cost effective, especially when it is community based. Even small reductions in recidivism rates can generate large financial savings. Finally, sex offenders can assist victims. Under the right conditions, treated sex offenders can help victims and others appropriately place blame for sexual violence where it belongs, on the offender.

Community corrections professionals are pivotal change agents in society's struggle to combat sexual victimization. They have the power to prioritize this problem, the power to allocate financial resources, and the power to select and shape treatment services. The beneficiaries of their important work are not only offenders, but victims and society as well.

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