

Legislative History for Connecticut Act

HB 6900 Fax copy PA 164 1997
Senate: 2700, 2759-2760 (3)
HOUSE: 1594-1596, 3482-3494 (16)
JUDICIARY: 1086, 1089, 1132-1136, (10)
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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S-410

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

VOL. 40
PART 8
2517-2846

Calendar 548, Substitute for HB6630. I move to
Committee on Appropriations.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 549, Substitute for HB6836. I move to
the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar numbers 550 and 551, are both to be
passed temporarily.

Page 19, Calendar 552, is PR. I'm sorry, it's
marked Go.

Calendar 553, is PR.

Calendar 554, Substitute for HB6900. I move to
the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 555, HB6797. I move to the Consent
Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 543, Substitute for HB6536.

Calendar Page 18, Calendar 549, Substitute for
HB6836.

Calendar Page 19, Calendar 554, Substitute for
HB6900.

Calendar 555, HB6797.

Calendar Page 22, Calendar 205, Substitute for
SB1309.

Calendar Page 27, Calendar 429, Substitute for
SB1176.

Calendar Page 28, Calendar 51, Substitute for
SB923.

Calendar Page 29, Calendar 174, Substitute for
SB926.

Calendar 176, Substitute for SB1092.

Calendar 183, Substitute for SB1148.

Madam President, that completes the second Consent
Calendar.

THE CHAIR:

Mr. Clerk, would you please return to Calendar
Page 486, I'm sorry, Calendar Page 11, on Page 11,
Calendar 486. Now repeat the House number and.

THE CLERK:

Repeating Calendar Page 11, Calendar 486, HB6585.
Correction HB6785.

THE CHAIR:

That is correct. Would the Clerk please once again announce a roll call vote, the machine will be open.

THE CLERK:

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

THE CHAIR:

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

THE CLERK:

Motion is on adoption of the second Consent Calendar.

Total Number Voting	36
Those Voting Yea	36
Those Voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar is adopted.

THE CLERK:

Returning to Calendar Page 20, Matters Returned

H-763

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

VOL. 40
PART 5
1567-1965

rlf

3

House of Representatives

April 22, 1997

Minority Leader is in the possession of the Clerk.

SPEAKER LYONS:

The Chair, once again, recognizes Representative Cardin.

REPRESENTATIVE CARDIN: (53rd)

Madam Speaker, I have a list of bills to be referred to committee. And if you will bare with me -- I would move the following bills under House Rule 20(e):

To the Committee on Judiciary HB6885, to the Committee on Judiciary HB6714, to the Committee on Judiciary HB6563, to the Committee on Judiciary HB6899, to the Committee on Public Health HB6949, to the Committee on Transportation HB6211, to the Committee on Public Health HB6944, to the Committee on Public Health HB6920, to the Committee on Judiciary HB6802, to the Committee on Planning and Development HB6749, to the Committee on Judiciary HB6577, to the Committee on Public Health HB6897, to the Committee on Judiciary HB6919, to the Committee on Planning and Development HB6818, to the Committee on Insurance and Real Estate HB6409, to the Committee on Insurance and Real Estate HB5647, to the Committee on Commerce HB5751, to the Committee Human Services HB6369, to the Committee on Legislative Management HB6368, to the Committee on

rlf

4

House of Representatives

April 22, 1997

Commerce HB6466, to the Committee on Judiciary HB6572,
to the Committee on Public Health HB6641, to the
Committee on Public Health HB6884, to the Committee on
Human Services HB6932, to the Committee on Public
Safety HB6797, to the Committee on Environment HB6754,
to the Committee on Public Health HB6798, to the
Committee on Insurance and Real Estate HB6940, to the
Committee on Legislative Management HB5863, to the
Committee on General Law HB6817, to the Committee on
Judiciary HB6947, to the Committee on Insurance and
Real Estate HB6839, to the Committee on Public Safety
HB5979, to the Committee on Environment HB6587, to the
Committee on Commerce HB6841, to the Committee on
Government Administration and Elections, to the
Committee on Planning and Development HB6744, to the
Committee on Human Services HB5151, to the Committee on
Insurance and Real Estate HB6936, to the Committee on
Legislative Management HB5792, to the Committee on
Legislative Management HB6579, to the Committee on
Judiciary HB6542, to the Committee on Insurance and
Real Estate HB6583, to the Committee on Judiciary
HB6630, to the Committee on Government Administration
and Elections HB6948, to the Committee on Government
Administration and Elections HB5525. And last, but not
least, to the Committee on Public Safety HB6900.

rlf

5

House of Representatives

April 22, 1997

SPEAKER LYONS:

Are there any objections? Hearing no objections, they will be referred to those appropriate committees.

THE CLERK:

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

SPEAKER LYONS:

The Chair recognizes Representative Cardin.

REPRESENTATIVE CARDIN: (53rd)

Madam Speaker, for a point of personal privilege.

SPEAKER LYONS:

Sir, please proceed.

REPRESENTATIVE CARDIN: (53rd)

On your behalf and the rest of the General Assembly I'd like to welcome the students from Sacred Heart university today. And by the looks of them I think, from your standpoint, I might be a little concerned that maybe one of them -- hopefully, at some point, one them someday will be your successor.

SPEAKER LYONS:

Thank you. Thank you for that. We certainly appreciate, and I, also, as with Representative Cardin would like to extend to each and every one of you a welcome to the Capitol. I'm delighted that you were able to come here today.

H-768

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

VOL. 40
PART 10
3475-3848

gmh

8

House of Representatives

Thursday, May 22, 1997

able, on a regular basis, to do points of personal privilege.

And with that, are there any other announcements or points of personal privilege?

Clerk, please call Calendar 173.

CLERK:

On page 24, Calendar 173, Substitute for House Bill Number 6900, AN ACT CONCERNING THE REGULATION OF PAWNBROKERS. Favorable Report of the Committee on Public Safety.

SPEAKER RITTER:

The Honorable Chair of the Judiciary Committee, Representative Lawlor. You have the floor, sir.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Which microphone should I use?

SPEAKER RITTER:

Well knowing you, you would probably want to use Channel 12.

REP. LAWLOR: (99TH)

Thank you, 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

gmh

9

House of Representatives

Thursday, May 22, 1997

proceed, sir.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This bill is a long time in coming and it relates to a problem that has been festering in various places in our state for the last four or five years. It appears that there has been a burgeoning industry in what some people refer to as "pawnshops", but in some cases, at least, are essentially are fencing operations where burglars and other persons who are stealing property are bringing them in and fencing them, selling them for money.

Police officers have been frustrated by their inability to intervene in these situations and trace back the property which in many cases has been stolen from people's homes and brought to pawnshops.

On the other hand, there are many very legitimate pawnshops that have been well established and doing business for many years who are also frustrated at the lack of clarity and specifically in the rules which govern pawn operations in our state.

The bill we are considering today has this support both of the pawnshop association of the state and of the Police Chiefs throughout our state and I have to give special credit to Chief Sweeney in Bridgeport who has fought for many years to bring reasonable

House of Representatives

Thursday, May 22, 1997

regulation to this area.

Mr. Speaker, well first of all, this bill would for the first time require that everyone who seeks to pawn property in a pawnshop has to provide clear identification information related to themselves and to the property they are pawning. In a moment an amendment will extend that, not just to pawn property, but to any type of property which is being brought in and sold to a pawnshop.

Also this allows police officers at any time to come into the pawnshop and inspect the records of the pawn operation to attempt to trace back property which may have been stolen, property they are looking for in connection with, for example, a burglary investigation.

And for the first time, this bill establishes criminal penalties to people who violate these common sense rules.

And under this bill it would be a misdemeanor even for a first offense for anyone who elected not to comply with the common sense reasonable rules that are being considered by us today.

Mr. Speaker, the Clerk has LCO Number 9079. I would ask that the Clerk call and I be permitted to summarize.

SPEAKER RITTER:

gmh

11

House of Representatives

Thursday, May 22, 1997

The Clerk does have LCO 9079. If he may call it and Representative Lawlor would like to summarize.

CLERK:

LCO Number 9079, House "A" offered by
Representative Lawlor.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This amendment, as I said a moment ago, expands the type of property that is being covered by these regulations from not just the pawned property, but also to any property which is being sold in a pawnshop. Apparently the major part of the problem is that burglars and other criminals are bringing items into pawnshops and essentially selling them to the dealers, not pawning them. In other words, they are not doing it to get a loan and get their money back later. They are doing it just to get the cash up front. This amendment would require that even for those types of transactions, the pawnshop, the licensed pawnshop owner would be required to record each and every item, the identification number if any of that item together with identification of the person bringing it in. Obviously, that would allow the police to apprehend someone who in effect is fencing stolen

House of Representatives

Thursday, May 22, 1997

property.

I want to point out that this, the language here requires that to be done for every purchase, not at wholesale. In other words, if it is a corporation that the pawnshop or retail store is doing is business with, buying CD's or other items at wholesale, to in order for them to retail them, this doesn't apply to those transactions. It only applies to individuals bringing in individual items or groups of items to be sold to a pawnshop in order to get cash.

This would require the same record keeping for those items. And also this makes it very clear that the penalty for violation of this would be a misdemeanor.

This amendment would also require that pawnshops hold property that's been pawned for a minimum of two months so that if the person that pawned it wants to buy it back, they would have two months to do so.

I urge adoption of the amendment, Mr. Speaker.

SPEAKER RITTER:

The question is on adoption of House "A". Will you remark further on the adoption of House "A"? If not, I will try your minds. All in favor, signify by saying aye.

REPRESENTATIVES:

House of Representatives

Thursday, May 22, 1997

Aye.

SPEAKER RITTER:

Opposed, no. House "A" is adopted. Will you
remark on this bill as amended by House "A"?
Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, I would like
to thank Representative Lawlor for the fine explanation
of what this bill does and I understand what it is
trying to do. I just have one question for legislative
intent. And it's part of the underlying bill. It is
basically around line 57 and 58.

And what this is saying is that anybody who can
loan money for any personal property would now have to
fall under this. One of the chief things that an
investment trust bank would do is loan stocks to
somebody for an interest payment and they would buy
that back the next day or two days later. That's
personal property. It's not the intent of this or do
you think they would fall under this? Through you, Mr.
Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. No, this is only intended

gmh

14

House of Representatives

Thursday, May 22, 1997

to apply to licensed pawnbrokers which are locally licensed. And others who are engaged in pawn activities who ought to be licensed but who are not. But this only applies to them. It would not apply to a situation which you outlined.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker and thank you, Representative Lawlor. I understand the intent you are bringing up, and that was when I first read it that was the intent I also got. On a re-reading of it though, I just wanted to make sure that we at least bring it up for legislative intent because obviously those people - it says up above, "no pawnbroker or a person who loans money". Obviously, a bank loans money and so I don't want us to have them fall into that because earlier this session we just allowed them to do that. So I think for legislative intent it's very important to say that this really only applies to those operations which are accepting goods in the pawnbroker type of situation and I think as long as we clear that up we should be alright here.

Thank you, Mr. Speaker.

House of Representatives

Thursday, May 22, 1997

SPEAKER RITTER:

Representative Stone from the 134th.

REP. STONE: (134TH)

Thank you, Mr. Speaker. I rise to support this bill. I have been contacted by the prosecutor's office in Bridgeport as well as Chief Sweeney and other law enforcement officials who are strongly in favor of this and I would urge all of my colleagues to support it. It's a bill that is vitally needed to help in the recovery of stolen property and I think it's a good bill and I echo Representative Lawlor's words that we pushed for this for a long time and the time has come.

So I urge your support. Thank you.

SPEAKER RITTER:

Representative Tercyak.

REP. TERCYAK: (26TH)

Thank you, Mr. Speaker. Mr. Speaker, I noticed just this week that pawnshops are a new business to my community. I think that it's important for us to protect the legitimacy of this new kind of business.

So I think that this bill does it and I ask my fellow legislators to support it.

Thank you, Mr. Speaker.

SPEAKER RITTER:

Representative Orange from the 48th district. Good

gmh

16

003490

House of Representatives

Thursday, May 22, 1997

afternoon, Madam.

REP. ORANGE: (48TH)

Good afternoon.

SPEAKER RITTER:

You have the floor.

REP. ORANGE: (48TH)

Good afternoon, sir. Thank you. I also rise to support this bill. I, as a victim of crime in jewelry that was stolen and taken to a pawnshop would have benefitted from this particular bill and I urge my colleagues to support the bill.

Thank you.

SPEAKER RITTER:

Representative Capiello from the 138th.

REP. CAPIELLO: (138TH)

Thank you, Mr. Speaker. A question to Representative Lawlor for legislative intent.

SPEAKER RITTER:

Representative Lawlor, can you hear? Okay. Yes. Please proceed.

REP. CAPIELLO: (138TH)

Thank you. Through you, Mr. Speaker. Representative Lawlor, would this, in any way, effect a jeweler if someone had brought in an estate piece to be sold at that jewelry store to be paid at a later date?

House of Representatives

Thursday, May 22, 1997

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I am sorry, I didn't hear the actual question.

REP. CAPPIELLO: (138TH)

I'm sorry. Would this effect a jeweler who takes in estate pieces and then sells them to later pay the individual who owned that piece? So the jeweler takes in the piece of jewelry, he holds it, then tries to sell it and then pays the individual. Would this effect them in any way?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Through you, no that would be a consignment shop-type operation and that would not be affected. Although I think in the future we should try and figure out a way to have some reasonable regulations for consignment shops because they apparently are part of the problem today although this bill would not affect them because they are not currently required to be licensed or registered in any way.

But this bill doesn't affect that.

REP. CAPPIELLO: (138TH)

Thank you very much. Thank you.

House of Representatives

Thursday, May 22, 1997

SPEAKER RITTER:

Representative Varese.

REP. VARESE: (112TH)

Good morning, Mr. Speaker or good afternoon, Mr. Speaker. State's Attorney Donald Brown has talked to me for at least two years as it relates to this particular bill and he really has tried to encourage this thing to move along and on his behalf I would ask the Chamber also to please support this legislation.

SPEAKER RITTER:

Representative Farr.

REP. FARR: (19TH)

Thank you, Mr. Speaker. Just to add another voice in behalf of this. I just wanted to share with the Chamber some of the testimony that we had and information we got from the police in Bridgeport where they described pawnshops where there tractor trailers on the back, hoards of people bringing in merchandise, obviously people that would be quite suspicious when you see teenage kids carrying in stereos and electronic equipment and nothing ever coming out the front door and the tractor trailer is taking the stolen merchandise that's been pawned out the back for a sale somewhere else. It wasn't clear where they were re-selling it, but that appears to be what's going on in,

gmh

19

House of Representatives

Thursday, May 22, 1997

certainly in the Bridgeport area. I think this is a long overdue bill and I support passage of the bill.

Thank you.

SPEAKER RITTER:

Will you remark further on this bill, as amended by House "A"? If not, staff and guests come to the well of the House. The machine will be opened.

CLERK:

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

SPEAKER RITTER:

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

Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

House Bill 6900, as amended by House "A"

Total Number Voting	139
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0
Those absent and not Voting	12

SPEAKER RITTER:

House of Representatives

Thursday, May 22, 1997

The bill passes.

Clerk, please call Calendar 605.

CLERK:

On page 1, Calendar 605, House Resolution Number 40, RESOLUTION CONFIRMING THE NOMINATION OF MICHAEL L. MULLEN OF RIDGEFIELD, TO BE A MEMBER AND CHAIRMAN OF THE BOARD OF PAROLE. Favorable Report of the Committee on Executive and Legislative Nominations.

SPEAKER RITTER:

The Honorable Chair of the Executive and Legislative Nominations, Representative Graziani. You have the floor, sir.

REP. GRAZIANI: (57TH)

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

SPEAKER RITTER:

The motion is on acceptance and passage. Please proceed, sir.

REP. GRAZIANI: (57TH)

Yes, Mr. Speaker. Mr. Speaker, Mr. Mullen has received a Bachelor of Science Degree in education from Niagara University. He has been a Captain in the United States Army, being in the Military Intelligence Department, an intelligence analyst with the National

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 4
1079-1455

1997

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JUDICIARY COMMITTEE

March 10, 1997
2:00 p.m.

PRESIDING CHAIRMAN: Representative Lawlor
Senator Williams

MEMBERS PRESENT:

SENATORS: Upson, Fonfara, Looney, Somma

REPRESENTATIVES: Scalettar, Farr, Amann,
Bernhard, Cappiello, Dandrow,
DeMarinis, Doyle, Feltman, Fox,
Green, Hamzy, Martinez,
Mazzoccoli, O'Neill, Roraback,
Sauer, Varese, Winkler

REPRESENTATIVE LAWLOR: Ladies and gentlemen, if you could take a seat. Close the doors. The committee staff will close the doors. Thank you, ladies and gentlemen. I assume the microphone is working okay. Is it not? No, it's not.

Ladies and gentlemen, what we are going to do is -- if we could have your attention, please. Chief Stillarci. Would we just - as Chairman Williams announced earlier on in fairness to the members of the general public we are going to alternate back and forth between state officials who normally testify in the first hour of the public hearing and members of the public who normally testify following that first hour.

So first will be Chief Salvatore and Chief Stillarci who are testifying together. They will be followed by Gian-Carl Casa who will be followed by Eric Turner and then Bill Collins.

SB 1169 SB 1168 HB 5073 HB 6780 SB 1191 SB 649 SB 652
CHIEF SALVATORE: Good afternoon Senator Williams and HB 6925
Representative Lawlor and committee members. HB 6900

My name is Chief Salvatore. I am the Chief of SB 1167
Police in the Town of Cromwell and legislative co-HB 6926
chair for the Connecticut Chiefs of Police
Association.

We have a number of bills to address today. I would beg your indulgence as we run through them quickly.

CHIEF SALVATORE: Would you beg our indulgence and we will go down the list, yea or nay, of the ones that we would like to support?

SEN. WILLIAMS: Sure. If you could just summarize briefly, that would be fine.

CHIEF SALVATORE: Thank you. We are in favor of HB6780, separating criminal impersonation of a police officer. We think it's long overdue plus the penalty would be more severe for a police officer.

We are opposed to SB1191 regarding video and audio confessions for obvious reasons, malfunctions, one police department doing it one (INAUDIBLE) We don't believe that it's necessary.

SEN. UPSON: Is that a manpower malfunction?

CHIEF SALVATORE: Excuse me? Manpower? Yes. We are in favor of SB659 and SB652, sexual offenders. The Connecticut Chiefs, contrary to articles that were written last year, fully support any measure in this area. We believe that it is our responsibility on the local level to disseminate this information to our citizens. We want to disseminate to our citizens. The only thing that we ask that is when we do decide and in most cases we are going hear probably with the dissemination that we would be held harmless when we do disseminate. SB649

We are in favor of HB6925, AN ACT CONCERNING BOUNTY HUNTERS. Conceptionally, we are in favor of HB6900, pawn shops. Chief Sweeney has submitted language in this area and is willing to work with the committee on this.

Two others, please. Go ahead.

CHIEF STRILLACCI: One is SB1167 on civilian oversight boards. We oppose this bill. We agree to the need to oversee police conduct. We don't think setting up a new bureaucracy to take care of it is the way to do it. We think you get more bang for the buck out of reforming the State Board of Mediation and Arbitration so that when we fire a cop he stays

CAPTAIN TIMOTHY BARRY: That's true, Representative. That has been a change, but also I think that a jury would draw negative inference from that charge to the jury, don't you think -- in a sense that until now listen to the fact that the police didn't take that, you could draw a negative inference from that, i.e. the police lied or they covered something up or they beat him before they did it or something, that's why he signed the statement.

The other thing too is that video taping doesn't always solve the problems. For example, some of the most unreliable statements I have ever seen are on video tapes and for example, the war we had several years ago with Iraq and we all envisioned the picture of those American servicemen, those pilots who gave video tape confessions to the Iraqi soldiers. What we will do now with the video tape is we now are going to change the attack on the police so we have a video tape which appears to have been the defendant confessing, we will not change the tact - well you did that because you beat him beforehand, you placed a gun to his head, you shot him with a stun gun, you did something. All this is really going to do is change the tactics. It is not going to resolve any problems.

It's tough to make a blanket rule one way or the other, in our opinion.

REP. LAWLOR: Other questions? If not, thank you very much.

CAPTAIN TIMOTHY BARRY: Thank you very much.

REP. LAWLOR: Hubert Pototchnig.

HUBERT POTOTCHNIG: Good afternoon, Representative Lawlor, members of the committee.

My name is Hubert Pototchnig. I am the President of the Connecticut Association of Pawn Brokers. I am here with Alex DeLucia, he is the Vice President of our association.

We testify in support of HB6900 and as you know, we have had discussions now for over three years on

this bill. We are grateful that the bill was raised again. We want to thank you for that. And we, in our discussions with the Chief State's Attorney's office and with lawmakers and as well as the Chiefs' Association, we are, I believe, received common grounds with regard to the licensing requirements, the record keeping system, the identification requirements, just to name a few.

Now, there is just one addition which we would recommend and we would suggest if perhaps this could still be considered and that concerns Section 8 of the existing bill. That section refers to the seizure of property from pawn brokers. Our suggestion would be that whenever an officer comes to a pawn shop and sees his property that in this case the officer signs a receipt, provides a case number, provides his name and the law enforcement agency and also name and address of the person who claims the rights to the property so that when the pawn broker who would have to, right under the existing bill now, to file a claim of ownership so that that pawn broker indeed would be able to file that claim.

That would be our suggestion. Maybe my colleague, Alex DeLucia could elaborate a little bit more on that, on the reasons why we would like to have that.

ALEX DELUCIA: The basic reasons that we would seek that bill or that additional information from the police officer confiscating goods would be in a case where you might have an individual who has committed a crime in several jurisdictions and that have multiple robberies and you might have competing police departments looking for items and if you didn't have certain items, it would be useful to be able to identify which police department had taken those items.

Obviously, the other case in which you would want that information is if you are going to file a claim to the goods and raise your issue in court. You would obviously benefit from having that information as to who took it and what the case

number was.

REP. LAWLOR: Thank you. Are there questions?
Representative Cappiello.

REP. CAPPIELLO: I am sorry, I didn't get a chance to
look through the bill totally.

My first question is in the first section when it
talks about a corporation taking property and for
the purpose of re-selling it at a certain
stipulated price. Would that include jewelry
stores? Would they have to be a pawn broker for
estate jewelry, if a jewelry store buys estate
jewelry to re-sell it? Would they be -- would that
have to fit into this proposal?

HUBERT POTOTCHNIG: Well anybody who acquires, buys
personal property would really have to have a pawn
broker's license.

REP. CAPPIELLO: So jewelry stores who sell estate
jewelry also -- they would have to have a --

HUBERT POTOTCHNIG: No. No. Not jewelry stores who sell
jewelry, but if jewelry stores would buy it under
the condition to re-sell the property, they would
have to have a pawn broker's license.

ALEX DELUCIA: We could actually buy it currently under
the Precious Metal License for resale. It is only
if they were going to return it to the original
individual. So if somebody wanted to settle their
estate and have a jeweler sell their merchandise,
they would be able to see it to that jeweler under
the Precious Metal License laws. That would
continue to be allowed.

REP. CAPPIELLO: And if someone wanted to -- say someone
bought an engagement ring and then they wanted to
have their jeweler because it didn't work out, re-
sell that piece of jewelry and they held it for
them and tried to sell it for them, would they have
to have a pawn broker's license or could they --

ALEX DELUCIA: No, they would not need a pawn broker's
license. They would be operating under the

50
gmh

JUDICIARY COMMITTEE

March 10, 1997

Precious Mental License.

REP. CAPPIELLO: Okay. Thank you.

HUBERT POTOTCHNIG: But that's already the existing law. So they would already be the existing law to have to do that.

REP. CAPPIELLO: Okay. Thank you.

REP. LAWLOR: Representative Farr.

REP. FARR: Yeah, just to clarify one question here. If the pawn broker wants to just buy something under this, without taking it as a pledge for money advanced, he still has to do the -- get the identification. Is that correct?

HUBERT POTOTCHNIG: Yes.

REP. FARR: Because he is a pawn broker?

ALEX DELUCIA: That was a loop hole that had previously existed because the (INAUDIBLE - MICROPHONE NOT ON) asked us to close and we felt it was reasonable to close it.

REP. FARR: And do you know under the precious metal regulations, do they have to get identification?

ALEX DELUCIA: Yes, they do.

REP. FARR: They have to get identification too?

HUBERT POTOTCHNIG: That has always been the case under the precious metal law that I.D. requirements have to be fulfilled.

ALEX DELUCIA: What became an issue for pawn brokers is if you were buying somebody's t.v. and upgraded their t.v. and they wanted to sell their old one. That could be (INAUDIBLE) fall between the cracks. The police chief in Bridgeport had that and noted some problems with that. So this is why --

REP. FARR: Now, the language here says you now are going to require a photograph and the name and an

51
gmh

JUDICIARY COMMITTEE

March 10, 1997

I.D. number. Is that correct?

HUBERT POTOTCHNIG: Yes.

REP. FARR: So one assumes then that what you are talking about is a driver's license?

ALEX DELUCIA: That would your most likely.

HUBERT POTOTCHNIG: Yes.

REP. FARR: And would then the pawn broker then take a copy of the driver's license? Is that what's envisioned? How would you know that the pawn broker has seen a license?

HUBERT POTOTCHNIG: No. The pawn broker would not necessarily take a copy of the license, but the pawn broker would take the information from the license and enter it into his computer system.

ALEX DELUCIA: You would have your license number. If you had a case where a pawn broker was regularly turning in license numbers that didn't match with the individual's names, they were certainly in their shop, you would clearly have a problem and you would want to close down.

REP. FARR: Okay. Thank you.

REP. LAWLOR: Are there further questions? If not, thank you very much.

HUBERT POTOTCHNIG: Thank you.

REP. LAWLOR: Next is Lieutenant Colonel McGuire. And Lieutenant Colonel McGuire will be followed by Trooper McGuire -- a proud day for the Irish and then followed by the combined testimony of the high sheriffs and Trooper McGuire is testifying as a citizen, not -- that's why he is on the public list.

LT. COLONEL WILLIAM MCGUIRE: Representative Lawlor, SB 1169
committee members. Good afternoon.

I am Lieutenant Colonel William T. McGuire from the

known as a constitutional state. I would suggest that if this is passed it will known as the defendants' bill of rights state because this will do more to harm serious criminal investigations than anything else coming before this Legislature this session.

SEN. WILLIAMS: Are you all set?

JACK CRONIN: I was going to move onto the other bills.

SEN. WILLIAMS: Okay. Go ahead.

JACK CRONIN: Thank you. I am Assistant State's Attorney Jack Cronin.

I have done extensive research at Tunxis Community Technical College on many of these issues. I would be happy to share with you if you would like. I will give you a (INAUDIBLE - MICROPHONE NOT ON)

On SB649, SB652 which deals with the Meagan's Law, we have some things we have to do to get in line with the federal requirements in the (INAUDIBLE - MICROPHONE NOT ON) and while this is a start, there are three other things that we have to -- the State would have to do to get in line with the federal requirements. So possibly with these two bills we can work on a third bill and satisfy the Congress.

The Act Concerning Pawn Shops. This has been before the General Assembly several times over the last couple of years and probably the biggest requirement that isn't there right now is registering the sale of goods. So someone brings in something and sells, but does not pawn it, he does not have to identify himself and this really is the source of many problems with tracing stolen goods with the pawn shops. So that is -- State's Attorney Brown has been behind this bill. It is a big problem in Bridgeport. They have something like 37 to 38 pawn shops, maybe 39 by this time in the afternoon and it really needs to be addressed. It is a serious problem.

The bounty hunters is becoming a serious problem in Bridgeport and in a few other places with these

HB 6900

HB 6925

001232



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

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TO: Judiciary Committee

FROM: John M. Bailey *JMB.*
Chief State's Attorney

DATE: March 10, 1997

RE: Proposed Bills

HB 6900
HB 6925
HB 6926

I would like to comment on the following proposals:

- S.B. 649 A.A.C. Registration of Sexual Offenders
- S.B. 652 A.A.C. Notification of Release of Sexual Offenders

I would recommend that these proposals be amended to include the Federally mandated Megan's Law language which specifically requires a statewide registry and a classification system of offenders. This language has been drafted by the Governor's Office and the Office of Policy and Management.

- S.B. 1169 A.A.C. Police Powers

While, in theory, this expansion of police powers has merit in increasing police presence in the state, I must point out a jurisdictional problem in that State's Attorneys have authority over the police within their Judicial Districts, but if a police officer from Danbury makes an arrest in Middletown, it may be difficult for the Middlesex State's Attorney's Office to gain access to this officer for pre-trial or trial matters. Most State's Attorneys develop policies and procedures for Departments within their jurisdictions that police officers from other areas of the state may not be aware of.

H.B. 6900 A.A.C. Regulation of Pawnbrokers

While this has been a problem specific to Bridgeport, the Division of Criminal Justice strongly recommends passage of this proposal. Pawn Shop laws are badly in need of revision in an effort to control the flow of stolen goods.

H.B. 6925 A.A.C. Bounty Hunters

This Division of Criminal Justice endorses this proposal. The common law authority of bounty hunters must be revised and regulated. Failure to do so would allow the continuation of a dangerous practice that will one day lead to harm to innocent persons.

H.B. 6926 A.A.C. Falsely Reporting An Incident

This language would be helpful for certain situations, but I would ask the committee to look at the entire Hindering Prosecution statute which is based on the Model Penal Code and has led to enforcement problems when challenged.