

Legislative History for Connecticut Act

<u>HB 7063</u>	<u>PA 97-257</u>	<u>1997</u>
Judiciary 2780, 2784, 2785, 2794-2796, 2813-2815, 2871-2879, 2884, 2946, 2994-2999		(30)
Appropriations (2796-2798)		(3)
House 2334-2335, 3593-3652		(62)
Senate 3948-3960, 4037-4038		(15)
	TOTAL	<u>110</u>

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

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JOINT
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HEARINGS

JUDICIARY
PART 9
2762-2999

1997

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REP. LAWLOR: Okay. And secondly, you didn't mention in your testimony, but on the issue of victims' rights and we all -- I don't know how many people received it, but I received a copy of the loose leaf binder of all the rules and regulations that are governing your approach to dealing with victims of crime and I just wanted to commend you that you've taken that very seriously and I know the victims' groups appreciate all your efforts. There is still more to be done, but I think that's a great move and a great step in the right direction.

(HB 6571)
(HB 7063)

CMRS. JOHN ARMSTRONG: Thank you. We do have a number of things that we have for initiatives for next year and I will keep you informed.

REP. LAWLOR: Thank you. Are there other questions?
Representative Scalettar.

REP. SCALETTAR: Thank you. Good afternoon,
Commissioner.

CMRS. JOHN ARMSTRONG: Good afternoon.

REP. SCALETTAR: With respect to the use of the gun ranges, I know sometimes -- I am not sure where the DOC gun ranges are, but sometimes they are in communities where any increase in the amount of use might be detrimental or not looked upon favorably by the neighboring community. Is that a factor with respect to any of your gun ranges?

SB 1255

CMRS. JOHN ARMSTRONG: Actually we have been working with the host communities and that is sort of where this came out of. Particularly the range in Cheshire. We have been working with the Police Department and the Prison Advisory Committee both on the actual usage, the incorporation of the police training and the design of the range. We have re-worked it for safety as well as sound. There has been a number of years -- it is actually since the range has been there. There has been no overhead deflectors. We are installing overhead deflectors, side deflectors, noise suppression barriers and we certainly don't -- we aren't opening this up for use across the State. It is largely to allow the host communities to save some

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provides for now.

REP. SCALETTAR: And the person -- who would the person be?

COLLEEN MURPHY: Person is defined in the statute and it's usually children, wards. Under our proposal, we would also permit some confidentiality for those who report abuse to the agency as well.

REP. SCALETTAR: But if this bill passed, it would allow greater access to the information about how the agency operates, how it follows up on complaints or reports. Is that correct?

COLLEEN MURPHY: That's correct and the law that you have before you, there is a specific provision that says that the administrative -- the records of the administration of the Department shall be open to the public.

REP. SCALETTAR: But at the same time, still maintain the confidentiality necessary for any person who has been investigated or child whose situation is being investigated?

COLLEEN MURPHY: That's correct.

REP. SCALETTAR: Thank you.

SEN. WILLIAMS: Other questions? Thank you very much.

CMRS. ROSALIND BERMAN: Thank you.

SEN. WILLIAMS: Next is Chief Salvatore.

CHIEF ANTHONY SALVATORE: We'll do tag team. We know that you like it.

Senator Williams, members of the Judiciary, my name is Chief Anthony Salvatore from the Town of Cromwell, Legislative Co-Chair with the Connecticut Police Chiefs Association and I am here to speak on behalf of the association regarding several bills.

CPCA is in full support of raised SB1321, AN ACT CONCERNING DRUNKEN DRIVING and raised HB7056, AN

HB 7063

HB 7060

ACT CONCERNING PERSISTENT DRUNK DRIVING OFFENDERS.

I won't go into it, but we wholeheartedly agree with what Representative Prague had said and as always, our association supports legislation that will make the streets and roadways of Connecticut safer to drive upon, which both of the above mentioned bills, we believe will do.

In addition, the Connecticut Police Chiefs Association is in favor of raised HB7063, AN ACT CONCERNING CRIME VICTIMS. However, we propose the following additions. Under Section 2a, we would like to see one chief of police also be appointed by the President of our association so we ask that you consider that.

In addition, under section 2d, we feel that in addition to the State Police Forensic Science Laboratory and the Department of Health Toxicology Laboratory, that we have language to include the FBI laboratory or any other such laboratory that is approved to be determined by the investigating police agencies. We are a little bit in a quandary as to why we are being limited to those two laboratories at this time, but would ask that you consider our proposed legislation.

In addition, we are also in support of raised HB7060, AN ACT ESTABLISHING A TASK FORCE FOR RE-ARREST WARRANTS. We are not quite sure why the Sheriff's Department is in there, but we believe also that they should probably be removed and consider placing the State Police in that bill.

CHIEF JAMES STRILLACCI: Mr. Chairman, Senators and Representatives of the Judiciary, I am Jim Strillacci. I am the Chief of Police from West Hartford. I am here to speak in support of raised HB7061.

The first part of the bill concerns dangerous weapons and it was suggested by our association. It bans the carrying of weapons whose only purpose to kill and maim human beings. It abolishes permits for carrying such weapons, eliminating a process which is both inappropriate and difficult

are being called upon more and more to make very critical decisions that perhaps some would argue would go beyond the simple judging of one case at a time. And I am sure all of you can think of examples.

And while I do not want to indicate that in any way, any of those decisions have been altered or influenced by the fact that the budget process isn't what I would like to see it, I can see in the future there maybe a concern by future courts and I would think that this process, the one that we are suggesting be adopted, would go a long way in ensuring that that independence continue.

I again want to stress that we are talking about a very small percentage of the State budget. It is probably going to be just about 1.5% I do not believe that that would seriously limit the Governor with respect to his or her policies with regard to spending and/or taxation.

REP. LAWLOR: Are there further questions? Okay. I just would point out that in terms of --

JUDGE AARON MENT: I would like to --

REP. LAWLOR: I am just saying, whether or not it was recent, I can remember when I was first elected to the Legislature in '86, it used to be the Judicial Department and there was a great deal of time and energy expended in making it clear that it was the "Branch" and we had to amend all the statutes. So I don't think this is new for Judge Ment.

REP. FARR: Can I just comment? I can remember when this was the Supreme Court of Errors and they didn't like that and because we renamed it.

JUDGE AARON MENT: They are still not perfect, but they are making fewer errors.

I want to comment very briefly on raised HB7063, AN ACT CONCERNING CRIME VICTIMS. Part of that bill has additional judges authorized. I think it is five judges. I would simply say that that is very important especially in light of some of the

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discussion that was held here earlier today during your committee meeting. If, in fact, we are going to have community courts or other special courts, if in fact, we are going to address the problem of the juvenile courts and the increased work from DCF, it is necessary that those additional judges be authorized and funded. It is part of that bill and I just urge your serious consideration and approval.

Thank you.

REP. LAWLOR: Thank you, Judge. Unless there are no other questions, thank you very much.

Next is Paul Fitzgerald and --

JUDGE AARON MENT: Excuse me, Representative Lawlor. The first part of the team.

REP. LAWLOR: Oh, I am sorry. Ah, okay. I am sorry.

MELISSA FARLEY: We will try to be fast. I would like to testify on two bills, HB7063, AN ACT CONCERNING CRIME VICTIMS and raised SB1125, AN ACT CONCERNING APPEALS AND APPELLATE REVIEW.

Regarding raised HB7063, section 4a of the bill requires victim advocates to provide training and technical assistance to court personnel concerning victims' rights. Section 11 -- I am sorry, Section 13 of the bill appropriates an unidentified sum to the Office of Victim Services for a training program and the language is a little bit different. It says here, "it should be conducted by victim advocates to inform judges, prosecutors, police, probation and parole personnel and offices from the Department of Correction and special deputy sheriffs of victims' rights and available services".

We would like to request that the language of the two sections be altered to allow the Office of Victim Services to provide the training and technical assistance without specifies that the training be done by victim advocates.

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In addition, the committee might want to consider clarifying the meaning of "court personnel".

Also, Section 9a of the bill adds five additional judges to the Superior Court, while Section 16 appropriates \$500,000 to the Judicial Branch for four additional judges and staff and the committee may want to look at that discrepancy.

Finally, the committee may want to consider clarifying Section 4b of the bill. It requires the Office of Victim Services to contract with any public or private agency for victim advocate services in each geographical court. The language of the bill may make it mandatory that the Judicial Branch contract with any victim advocate agency located in a geographical area.

There is some more information in the written testimony and a fiscal note for your review.

Raised SB1125, AN ACT CONCERNING APPEALS AND APPELLATE REVIEW was submitted as part of Judicial's legislative package. It would provide an expedited review process to individuals adversely affected by a court order, sealing or limiting the disclosure of materials on file with the court.

In addition, the bill would eliminate most felonies for which the maximum sentence, which maybe imposed, exceeds 20 years from the category of cases which are directly appealed to the Supreme Court.

The change will increase efficiencies in the clerks' offices and it will also give counsel the ability to know how to argue their case in their briefs. It is not uncommon for counsel to write a brief one way for the Appellate Court and another for the Supreme Court.

HB 6566 SB1124 HB 7061 SB1189
DEBORAH FULLER: I will be quick. My name is Deborah Fuller. I am here to testify in support of two bills that were submitted as part of the Judicial Branch's legislative package.

today, again because of the number of tickets they are giving out in the State of Connecticut, the decrease in revenue, the fact that police officers are in fact giving out less tickets in the State of Connecticut, my idea was essentially to increase enforcement and in so doing, by making the fine a fairer amount, I felt that enforcement would increase. In no manner do I ever or will ever condone speeding. There is a fine line between reckless and responsibility when you are out there driving on the highway. I think the statute addresses that clearly by defining between misdemeanor speed and infraction speed. Not only that, but I feel it is a benefit to the State of Connecticut if we can get our police officers to feel as if they are able to give out a fine that is fair to the motorists and fair to the punishment.

Thank you, Mr. Chairman.

REP. LAWLOR: Thank you. Are there questions? If not, thanks very much.

Okay we are going to alternate now between the public and the agency heads because we are somewhat over our limit and first on the public sign-up sheet is Sharon Hunter. Sharon Hunter.

SHARON HUNTER: Good afternoon, Senator Williams, Representative Lawlor and members of the Judiciary Committee.

My name is Sharon Hunter and I am testifying on behalf of Gail Burns-Smith, the Executive Director of the Connecticut Sexual Assault Crisis Services on raised HB7063, AN ACT CONCERNING CRIME VICTIMS which we strongly support with additions.

Connecticut Sexual Assault Crisis Services is the association of all twelve rape crisis centers in Connecticut. Through our members we provide a broad range of comprehensive services to sexual assault victims and their families. We are very pleased to see this proposal and we want to thank the Judiciary Committee, especially the co-chairs for their work on this proposal.

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Passage of the victims' Constitutional amendment was an important step in assisting crime victims and we are pleased to see such a comprehensive legislative response to implement the amendment.

We do have some comments on specific portions of the proposal and would be pleased to work with the committee if there are any changes in language.

I will summarize our written testimony. Section 1 of this bill will actually support the work priorities of most criminal justice personnel. However, since sexual assault victims may or may not be seen as victims of physical violence, we would ask that sexual violence be specifically mentioned so there would be no confusion.

Section 2, as a current member of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations, I support the changes as they are outlined in this proposal. The changes outlined in this section are supported by commission members and primarily are needed to bring policy into line with current practice.

Part G of Section 2 is particularly important since the Commission strongly supports the creation of a sexual assault nurse examiner program and is currently working with the Appropriations Committee to secure funding for our pilot project.

Under Section 4, Section 4 is important since it provides for training of court personnel regarding the rights of crime victims. It is imperative that all court personnel be aware of the crime victim's rights in order to ensure that these rights are carried out appropriately.

Section 6 defines a victim of a crime in a definition which differs somewhat from the definition that was developed by the Connecticut Advisory Council for Victims of Crime. We are concerned about this definition for two reasons. One, sexual assault victims are not specifically listed and some criminal justice personnel may exclude them under this definition and two, immediate family members of a minor should exclude

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those accused of the offense. Without narrowing this definition, the perpetrator of incest could also potentially represent the victim's interest.

We also support the changes outlined in the remainder of the bill. We are particularly pleased to see that there will be monies appropriated to ensure that victims will receive the services that they need. Sexual assault victims are a very vulnerable population and it is essential that they receive support from specially trained advocates that can provide comprehensive services from the time they enter a hospital through police and court appearances and post trial for follow-up services, advocacy, and information.

CONSACTS has been advocating for one full-time advocate at each of the twelve rape crisis centers in Connecticut and we believe that the funding provided in Section 14 will support these efforts.

Again, we thank the committee for their work and for your strong support of crime victims. Thank you.

REP. SCALETTAR: Thank you. Are there any question? Thank you very much.

Ronald Sullivan. Magistrate Sullivan will be followed by Linda Cimino followed by Harris Lifshitz.

Oh, are you together?

RONALD SULLIVAN: I thought you were encouraging that.

REP. SCALETTAR: Thank you.

RONALD SULLIVAN: Good afternoon, Honorable ladies and gentlemen of the Judiciary Committee.

My name is Ronald M. Sullivan and with me today is the Honorable Harris T. Lifshitz. Both Magistrate Lifshitz and myself have been Family Support Magistrates since the inception of the program in January of 1987.

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phase and suspension. If someone is convicted even of manslaughter with a motor vehicle while intoxicated, the suspension time is only one year which certainly appears to me and most reasonable people, it is certainly inadequate for a suspension for such a deadly deed.

REP. FARR: I agree, but let me just comment. I have never focused in on penalties after the fact, after somebody has killed somebody. It seems to me my concern has always been getting that person off the road before they kill somebody and taking a car away and you know, taking the plates away, whatever it takes to just getting them off the road because half of the statistics I have seen, half of all the people we arrest for drunk driving first time are defined as having alcohol problems. I mean it is not -- people view it and these are all social drinkers -- half of them have abuse problems.

Thank you.

REP. SCALETTAR: Are there any other questions? Thank you very much.

JANE ENGELKE: Thank you.

REP. SCALETTAR: There were some people signed up to speak on the CHRO bill. I think they have left, but if there are any people here, I just wanted to let you know, it's not on the agenda today, but if you stay to the end, we will be glad to meet with you after the public hearing to talk about it.

Reverend Henry Price followed by -- he's not here. Yvonne Duncan. Okay.

The next is a group from Survivors of Homicide. Sam Reiger, John Cluny, Dee Clinton, Susanne and William Clinton, Susan DelBono and Diane Moylan.

SAM REIGER: I apologize for my handwriting.

REP. SCALETTAR: I apologize for the way I read the names.

SAM REIGER: We do wish to thank those members of the

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committee that have hung in there with us this long.

My name is Doctor Samuel Reiger of Waterbury. I am President of Survivors of Homicide.

Clarence Darrow said many years ago, "the failure of justice is as damaging to society as the crime itself." Until our justice system recognizes the rights of victims of crime, our society will continue in a downward spiral.

As you approach the 21st century we must continue to improve the rights and services available to crime victims in the State of Connecticut. "Let Victims' Rights Ring Across America" is the theme for this year's National Crime Victims' Rights Week. Connecticut has moved in the right direction with the recent passage of the Victims' Rights Amendment to the State Constitution.

We cannot rest on our laurels. We must pass legislation to put teeth into this amendment. This should not be a political issue. While there are no politicians who will speak out against victims' rights, there are relatively few, although many from this legislative committee, who will stand up to speak for victims' rights and work to effect change in the system.

Several months ago at the State Capitol, during a press conference called by members of this distinguished committee, I spoke these same words.

Recently, I received a letter from Governor Rowland chastising me for hanging out with my democrat friends. After suffering the tragic murder of my 19 year old beautiful daughter, I should not be subject to this. If anything, people should be rushing to help the plight of victims and survivors.

Survivors of Homicide would be happy to work with anyone to improve the plight of victims and survivors in Connecticut. Neither I nor survivors of homicide has any political acts to grind. We support those who support us in our campaign for

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victims' rights.

Let's examine the score card as it stands now. Even with the passage of the Victims' Rights Amendment the score is still criminals 100 -- victims zero. Let's itemize. Criminals are entitled to virtually free and unlimited counselling. Victims have no representation at all in the criminal justice system.

Criminals appear well groomed with new clothing in court. The victim, in our case, the murder victim, was not represented whatsoever. It is like she didn't even exist.

Criminals have the right to speak at trial and sentencing. Victims, only at sentencing.

Criminals can reject plea bargains, victims cannot.

Criminals have virtually unlimited appeals paid by the State, victims have no appeals whatsoever.

Criminals have free and unlimited medical, dental and psychological counselling, victims have none and we get six counselling sessions paid by the State of Connecticut per family, not per member of the family.

It costs about \$32,000 a year to incarcerate a criminal, victims have an access to about \$25,000, one time payment. Most of us get \$2,400 for a funeral, if we are lucky to get the \$2,400.

Criminals have free access to transcripts, victims have to pay \$2 a page.

Lastly, would anyone deem it necessary to have the first statement in the Victims' Rights Amendment? Victims have the right to be treated with dignity and respect throughout the entire criminal justice system. Isn't it pathetic that victims are treated so badly by the system that this needs to be spelled out?

After we have suffered the ultimate tragedy, survivors of homicide are repeatedly victimized by

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the criminal justice system. From the time the prosecutor tells us that we have no legal standing in the case, victims of survivors find out they have no rights. Many cannot even speak to the police or the prosecutor involved in their case. Some even have the case plea bargained down to a menial sentence or the murderer let go based on a technicality. This victimization never ceases.

We are depending on you, members of the Judiciary Committee, to lead the fight for valid rights for crime victims and survivors of crime victims. You must propose and pass the legislation that will make the tenants of the Victims' Rights Amendment a reality for victims. Otherwise, our efforts will have been wasted and all those who campaigned against this amendment, unbelievably over 170,000 voters in this State will have won.

Thank you for your attention, your efforts on behalf of victims of crime to date and your efforts to come in the near future. Survivors of Homicide looks forward to working with you so that the rights of crime victims can be elevated to at least the same level as those currently enjoyed by those who commit these horrible crimes.

Thank you.

JOHN CLUNY: My name is John Cluny. I am Vice President of Survivors of Homicide. My wife and son, 14 year old son, were murdered on May 24, 1993 by a 15 year old kid who broke into my house, stayed there all day, ended up shooting my son in the back of the head in his bedroom with a 357 magnum that I owned. It had trigger locks on it. Found the keys and waited one-half hour and shot my wife of 25 years when she came home from school. She was a French and Spanish teacher. HB 7063

The ramifications from this, financially, it often amazes me how the Governor was allowed to put together, in a short period of time, \$147.8 million thing for a hockey stadium and eat a \$20 million loss while this thing is being constructed, yet there isn't one dollar in the budget for victims and restitution for victims and there aren't laws

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in place for restitution of victims.

In my particular case, my wife was a school teacher. I lost a \$50,000 income. I lost -- I work at Electric Boat. I was notified last week that I won't have a job by August. I am 54 years old come September. I stand to lose everything I own, that my house, my family, everything I own within the next year, all as the result of the action of a juvenile and I can't even sue a parent because the laws protect the liability that a parent isn't obligated for the behavior of their child for more than \$3,000 worth of damage.

So the victim is truly a victim in the sense that they lose their family, they suffer the economic ramifications, they can be plunged into bankruptcy and there isn't a single solitary thing to help them. I am almost in the same position as that gentleman earlier whose son was beaten and has a \$1 million medical bill.

And there is absolutely no laws to protect us. And so I want to say that I think that this bill needs to be funded and tools need to be put in place and we need to have some teeth into these measurements and these bills for people such as myself.

And basically, that is it.

REP. SCALETTAR: Thank you. I think there are some more people to testify.

WILLIAM CLINTON: Hello. My name is Bill Clinton, not the President.

Please pass HB7063 for victims and their survivors. Please add anything that can help my family. My big brother was murdered March 10, 1994. We need your help to be able to go to the court and see that justice is done.

Thank you for your time.

REP. LAWLOR: Thank you, Bill.

DEE CLINTON: Good afternoon. My name is Dee Clinton

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and thank you for your time.

I am here to support HB7063, for crime victims. This bill does quite a bit and it certainly is a start, but we have a little bit more to do. You heard Mr. Cluny say what he needs and you will hear what I need and probably more victims in the State of Connecticut.

At the time of my son's assassination, his body belonged to the State of Connecticut. Now this case belongs to the State of Connecticut. I was fully involved in his life for 28 years and I want that involvement to continue as it will be the last thing I am able to do for him. It is your job, an awesome responsibility, to make that happen.

As it stands now, I am not a victim as defined by law. When criminals are rewarded for bad behavior, there is something very wrong with the system. At present, they live better than most honest, hardworking people. Prisoners have full medical benefits, three squares a day, time for recreation and opportunity for an education, even a college degree. They play, we pay.

Being self-employed, how do I take the time to attend the trials? No work means no money, which equals extreme hardship. There is nothing set up for survivors of victims in my position to receive any financial compensation for lost wages. I had to close my kennel today to be able to come here to speak to you.

In today's economy when two adults must work to make ends meet, this is a financial sacrifice. I am such a small business, when I am not there, there is no business. We invest millions to house prisoners. Surely, there could be some tax dollars put aside for compensation for court time. There is no greater pain than the death of a child, yet no provisions in the law for parents. Something must be done to remedy this situation. If the murdered person is married, even for one day, the parents are entitled to nothing. In the event of a wrongful death claim, the spouse is entitled to 100% of the benefits. Again, no consideration for

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the parents.

At the very least, the parents would be granted financial help to go through a trial. In my case, several long trials.

The power of the pen is mightier than that of the sword. Use your pen to equalize the criminal justice system. Make it a justice system for all, especially for the victims and their survivors. Hear the voice of honest people who are scarred by the deeds of criminals. Working people deserve equal rights and benefits.

Invest a very small portion of our taxes to create the laws necessary to implement the working draft that Survivors of Homicide have put before you and include compensation for court time.

It is in your hands. You are the only ones that can make a difference.

Thank you for your time. That little boy was my son and the little girl coming is up is my daughter.

REP. LAWLOR: That's wonderful.

DEE CLINTON: Also victims and under the law, we are not victims.

REP. LAWLOR: Under the proposed bill you would be though, that's for sure.

DEE CLINTON: No, I don't think so. I would have to read it over very carefully. I am not sure.

SUZANNE CLINTON: Hi, my name is Suzanne Clinton. Thank you for giving me some time to address you to reiterate what -- not to reiterate what my Mom said, but to express my own feelings.

Many people believe that 14 year olds don't have many opinions, but I do. I read the newspaper and watch the news. My family helped my brother his whole life. My sister-in-law married my older brother 14 months before his death and I knew my

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brother for 10 years. I am fourteen now and have not seen my sister-in-law in over two years. She received everything my brother owned. My brother died when he was 28 and he didn't worry about writing a will because he was young. All families of victims need help in some way.

For me, I won't be able to see the trial because of school and I don't have a choice. Victims should receive a video tape or transcripts free of charge, just like the criminals.

Taxpayers pay for fancy buildings, but I know people of Connecticut should be more important than buildings where people work.

Please support victims' rights not to just help me, but people in the future that will need your help.

Thank you for your time.

SUSAN DELBONO: Life is only worth living if you have love in it. And the only way you can receive love is to earn it. Enjoy life and love while you have it because you never know when life will take an odd twist right into death.

This is one of my --

REP. LAWLOR: Could you just identify yourself because you know, they keep a transcript of what is testified here.

SUSAN DELBONO: This is poem written by my son, Jason (INAUDIBLE). I am his mother, Susan M. DelBono.

SB 1321
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HB 7056

REP. LAWLOR: Thank you.

SUSAN DELBONO: He didn't know when it wrote this poem that months later he would be standing by his girlfriend's car on a suburban road like a million other teenagers about to get into his girlfriend's car, laughing with his best friend because he had just goofed and put the wrong key in the car door, was looking for the right key when a car came by, hit him, broke his leg, sent his head into the windshield, threw him 15 feet in the air, stopped,

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put the brakes on, and then proceeded to leave the scene.

Because I have been thrown into this circumstance, I have become someone whose had a rude education in this system of justice and in what bills support justice and what it is like to be a victim's parent.

I am here to support SB1321, HB7056, and HB7063 as a result of my experiences.

I can't speak on the specifics because this is case that hasn't been adjudicated yet. I am support of SB1321 because strict laws do deter a lot of people from committing crimes. We need some teeth in our laws.

I heard earlier the Cafe and Bar Association was opposed to this law and I couldn't help but think that their interest is to make money and evade responsibility if someone is killed because they were drinking at a bar and left the bar and drove irresponsibly.

This law is created to prevent that. Which way do you want to go? What do you want to support? Do you want to have a phone call like I had? This is preventable crime and it's in your hands.

The repeat offender laws. The accused in my circumstance has at least three repeat offending drunk driving on his record. The accused, the alleged person that did this didn't have a license when my son was killed for drunk driving. Having looked at what the heck you can do to try to get through someone who is stuck in a cycle and keeps going round the same course over and over and over again, I have come to conclude that to stop it, literally you have to stop them in their tracks. You have to give them time. They have to pay.

HB 7056

The record on this person says he slipped through the cracks repeatedly, over and over and over. He never faced charges on the crime committed previous to my son's death. This is something that is preventable. It's in your hands. I implore you to

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Klass. People talked about Meagan's Law. We have Maureen Kanka and a lot of other people will be there. We are doing our share to try to educate the public about violence and its affects.

REP. LAWLOR: And that includes domestic violence, in that particular case. I know that --

SAM REIGER: Yeah, but all kinds of violence are tackled in this conference. So anybody that needs information, please feel free to give me a call.

REP. LAWLOR: Alright.

SAM REIGER: And thank you very much.

REP. LAWLOR: Are there any other questions? If not, thanks.

SAM REIGER: Thank you.

REP. LAWLOR: Next is, I believe Kristin Hoffman has left, is that right? Kristin Hoffman? And Connie Frontis. Do you want to testify together?

UNIDENTIFIED SPEAKER: Yes.

REP. LAWLOR: Yeah. Okay. Connie and Gail Strosberg and Mildred Doudy.

CONNIE FRONTIS: Good afternoon, Representative Lawlor and members of the Committee.

I am here to speak in opposition to HB7061, and I hope and trust that you've gotten in your packet the written testimony submitted by Mildred Doudy and myself.

I have been representing domestic violence victims, working as a lawyer at New Haven Legal Assistance since 1983 and it is fair to say that service has always been an issue in restraining order cases.

This bill would provide that a hearing would be held not later than five court days after obtaining an ex-parte order with service on the respondent not less than 24 hours in advance of the hearing.



002946
CONNECTICUT POLICE CHIEFS ASSOCIATION

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**Testimony to the Judiciary Committee
Given by Chief Anthony J. Salvatore
Connecticut Police Chiefs Association**

April 7, 1997

Senator Williams, Representative Lawlor, members of the Judiciary Committee, I am Anthony J. Salvatore, Chief of Police of the Town of Cromwell, Legislative Co-Chairman for the Connecticut Police Chiefs Association.

I am here before you, on behalf of the Connecticut Police Chiefs Association (CPCA), to speak on several Bills.

CPCA is in full support of Raised Bill 1321, AN ACT CONCERNING DRUNKEN DRIVING and Raised Bill 7056, AN ACT CONCERNING PERSISTENT DRUNKEN DRIVING OFFENDERS.

As always, CPCA supports legislation that will make the streets and roadways of Connecticut safer to drive upon, which both of the above mentioned bills will cause to happen.

In addition, CPCA is in favor of Raised Bill 7063, AN ACT CONCERNING CRIME VICTIMS. However, we propose the following additions:

Under Section 2(a) include the following:

ONE CHIEF OF POLICE TO BE APPOINTED BY THE PRESIDENT OF THE CONNECTICUT POLICE CHIEFS ASSOCIATION.

Under Section 2(d), that in addition to the State Police Forensic Science Laboratory or the Department of Health Toxicology Laboratory, add language to include the **FBI LABORATORY OR ANY OTHER SUCH LABORATORY TO BE DETERMINED BY THE INVESTIGATING POLICE DEPARTMENT.**

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State of Connecticut
JUDICIAL BRANCH
OFFICE OF THE CHIEF COURT ADMINISTRATOR
231 Capitol Avenue
Hartford, Connecticut 06106

EXTERNAL AFFAIRS DIVISION
Fax: (860) 566-3308

Director of External Affairs, (860) 566-8210
Manager of Communications, (860) 566-8219
Staff Attorney, (860) 566-8210

Testimony of Melissa A. Farley
Judiciary Committee Public Hearing
April 7, 1997

Raised Bill No. 7063, "An Act Concerning Crime Victims"

Thank you for the opportunity to provide you with comments, on behalf of the Judicial Branch, regarding Raised Bill No. 7063, "An Act Concerning Crime Victims."

I have attached an analysis detailing the Judicial Branch's estimate of the costs of implementing various provisions of this bill, for your review.

Section 4 (a) requires victim advocates to provide training and technical assistance to court personnel concerning victims' rights. Section 13 of the bill appropriates an unidentified sum of money to the Office of Victim Services for a training program conducted by victim advocates to inform judges, prosecutors, police, probation and parole personnel and officers from the Department of Correction and special deputy sheriffs of "victims' rights and available services." The Judicial Branch respectfully requests that the language of these sections be altered to allow the Office of Victim Services (OVS) to provide the training and technical assistance, without specifying that the training be done by victim advocates. As there are only eleven victim advocates for all of the courts and these advocates report directly to OVS, the more generic term would allow the Judicial Branch to most efficiently use resources by determining who should provide the training. In addition, the Committee may want to consider clarifying the meaning of "court personnel" and the particular type of training required.

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Also, section 9(a) of the bill adds five additional judges to the Superior Court, while, Section 16 appropriates \$500,000 to the Judicial Branch for four additional judges and staff. The Committee may want to address this discrepancy.

Finally, the Committee may want to consider clarifying section 4(b) of this bill, which requires the Office of Victim Services to "contract with any public or private agency for victim advocate services in each geographical area court." The language of this bill could make it mandatory that the Judicial Branch contract with any victim advocate agency located in a geographical area.

For your information, the Judicial Branch, through OVS, employs eleven victim advocates who provide services to any crime victim who needs it regardless of the type of crime experienced. These OVS advocates do not cover all geographic areas. In fact, two judicial districts, namely, Stamford and Milford, do not receive the services of an OVS victim advocate. These advocates prioritize which victims receive services based primarily on the seriousness of the charges and the severity of the injuries. In addition, OVS, in fiscal year 1996-1997, spent \$908,531 for contracts to public or private agencies to fund advocates. These community based advocates work directly with crime victims providing crisis intervention, assessing needs and assisting in accessing shelter, medical care and social services. Most of these advocates spend limited time working with the criminal justice and judicial systems.

Thank you for the opportunity to comment on this legislation.

Bill 7063 LCO 7089

	FY 98	FY 99	FY 98	FY 99	EXPLANATION
Personal Services	salary	salary	cost	cost	
5 Judges	\$100,411	\$100,411		\$502,055.0	Sec 16 States \$500,000 funding for 4 judges and staff, This is inconsistent with Sect 9(a) which increases the # of judges by 5.1 presume the 500k represents 1/2 yr funding for 5 judges plus the associated staff
5 Assistant Clerks*	\$46,638	\$49,926		\$249,631.0	
5 Court Recording Monitors	\$28,733	\$31,984		\$159,920.0	
15			\$500,000		
22 Victim Advocates	\$40,429	\$43,275	\$889,438	\$952,057.8	Sec 18 20 additional VA staff to cover GAs and the larger Ju nile locations, plus two to be dedicated to fulltime training of the world
*salaries reflect 38.75 hour workweek in FY 98 and 40 hour workweek in FY 99					
Other Expenses					
			\$50,000	\$50,000	Secs 15 and 17 Essentially already in place, expansion of existing efforts
			\$1,500,000	\$1,500,000	Sec 14
			\$50,000	\$50,000	Sec 13
			\$35,600	\$0	
			\$10,000	\$10,000	
			\$29,600	\$0	
			\$175,200	\$110,000	Sec 19 note: we are in the midst of contracting with the Natl Center for State Courts to conduct a study, with fed funds, which essentially addresses the task of using CJIS for this purpose Part of what we're paying for is to see what doing all this would cost. Therefore the cost should be considered indeterminate but substantial
Equipment			\$15,600	\$0	
12 Printers			\$94,500	\$0	
27 Personal computers			\$24,300	\$0	
Wiring			\$21,000	\$0	
5 Court recording equip.			\$22,500	\$0	
5 Laptop computer			\$177,900	\$0	
Total Cost			\$3,292,538	\$3,523,664	

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Connecticut Sexual Assault
Crisis Services, Inc.

CONNSACS
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East Hartford, CT 06108
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(203) 291-9335 Fax

TO: Senator Williams, Representative Lawlor and Members
of The Judiciary Committee
From: Gail Burns-Smith, Executive Director
Connecticut Sexual Assault Crisis Services, Inc.

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(203) 235-4444 Hotline
Middletown Office:
(203) 344-1474 Office
(203) 635-4424 Hotline

Women's Center of
Greater Danbury-SACS
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Rape Crisis Center
of Milford
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Lower Middlesex Co.:
(800) 628-8685 Hotline

Susan B. Anthony Project
(serving Northwestern CT)
(203) 489-3798 Office
(203) 482-7133 Hotline

Waterbury YWCA-SACS
(203) 753-3613 Office/Hotline

Re: R.B. 7063, AAC Crime Victims

Position: Strongly Support with Additions

My name is Gail Burns-Smith. I am the executive director of the Connecticut Sexual Assault Crisis Services, Inc. which is the association of all 12 rape crisis services in our state. Through our members, we provide a broad range of comprehensive services to sexual assault victims and their families.

We are very pleased to see this proposal and we want to thank the Judiciary Committee, and especially the co-chairs for their work on this proposal. Passage of the Victims' Constitutional Amendment was an important step in assisting crime victims and we are pleased to see such a comprehensive legislative response to implement the amendment.

We do have some comments on specific portions of the proposal, and we would be pleased to work with the committee if there are any changes in language.

Section 1.

We believe that this section will actually support the work priorities of most criminal justice personnel, however, since sexual assault victims may or may be seen as being victims of "physical violence", we would ask that sexual violence be specifically mentioned. In this way, there will be no confusion that they are included in this section for prioritization.

Section 2.

As a current member of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations, I support the changes as they are outlined in the proposal. This Commission has worked well, and after a great deal of work by all of the members, has developed an updated kit for forensic evidence collection, and provided extensive training for all hospital personnel. The changes outlined in this section are supported by Commission members, and are primarily needed to bring policy into line with current practice.



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Part (g) of Section 2 is particularly important since the Commission strongly supports the creation of a Sexual Assault Nurse Examiner Program and is currently working with the Appropriation's Committee to secure funding for a pilot project.

Section 3.

This section is extremely important for the implementation of the Victims' Constitutional Amendment. Part 8, will establish a Victims' Assistance Center which will provide victims with important information regarding their rights and services available to them, and it is an important adjunct to the Crime Victims' Information Clearinghouse concept which is outlined in part 16 of this proposal.

Crime victims are usually unfamiliar with the criminal justice system, and it is essential that they have access to this important information. Additionally, notification about release of an inmate, a request for a reduction or review of sentence, and information regarding modification or termination of criminal orders of protection are critical pieces of information that victims need to have, especially those that have safety concerns.

Section 4.

This section of the proposal is important to support since it provides for training of court personnel regarding the rights of victims. It is imperative that all court personnel be aware of the crime victims' rights in order to ensure that these rights are carried out appropriately.

Section 5.

This section is extremely important since it will allow the Office of Victim Services to order payment or compensation for crime victims who have exhausted or do not have medical insurance. The wording of this section is not clear, however, and we would encourage the committee to clarify the language so that this section can be implemented without problems.

Section 6.

This is the section which provides a definition of a victim of crime. It does differ somewhat from the definition that was developed by the Connecticut Advisory Council for Victims of Crime. We are concerned about the definition in the proposal for two reasons:

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1. Sexual Assault victims are not specifically listed and some criminal justice personnel may exclude them under this definition, and

2. " Immediate family members of a minor" should including exclusion for those accused of the offense. Without this narrowing of the definition, the perpetrator of incest could also potentially represent the victim's interests. We do have language that we will share with the committee that was developed by the Advisory Committee.

Section 7.

We strongly support the formation of a task force to implement Article 29 of State Constitution. We are well aware of the difficulties which may arise in implementing the section on notification of court proceedings, and we would be pleased to work with this Task Force to develop policies and practices to ensure that appropriate notification is carried out.

We also support the changes outlined in the remainder of the bill. We are particularly pleased to see that there will be monies appropriated to ensure that victims will receive the services that they need. Sexual assault victims are a very vulnerable population and it is essential that they receive support from specially trained advocates that can provide comprehensive services from the time they enter a hospital, through police and court appearances, and post trial for followup services, advocacy and information with corrections, probation and parole.

CONN SACS has been advocating for 1 full time advocate at each of the 12 rape crisis centers in Connecticut, and we believe that funding provided in Section 14 will support these efforts so that one of the most vulnerable of victims can be provided necessary support and advocacy.

Again, we thank the committee for their work and for their strong support of crime victims.

Thank you.

JOINT
STANDING
COMMITTEE
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abuse, be placed in the Social Services block grant. I thank you in advance for your positive consideration of my request. Without the services of the Prudence Crandall Center, victims of domestic violence, primarily women and children, will be forced to remain in situations where their personal safety is at risk. Thank you.

REP. DYSON: Thank you. Representative Diamantis.

REP. DIAMANTIS: Thank you for remember, Mr. Dyson.

REP. DYSON: Any time.

REP. DIAMANTIS: Total budget, Prudence Crandall.

LINDA BLOZIE: About \$450,000.

REP. DIAMANTIS: About \$450,000?

LINDA BLOZIE: Yeah.

REP. DIAMANTIS: Of which, how much do you receive in state grant?

LINDA BLOZIE: Right now, \$125,000.

REP. DIAMANTIS: \$125,000.

LINDA BLOZIE: So, a couple of years ago we got a 25% cut.

REP. DIAMANTIS: And the remainder of the funds are received from?

LINDA BLOZIE: They're received from United Way, City of New Britain, City of Bristol, HUD, private contributions, and wherever I can get it.

REP. DIAMANTIS: Okay. The next question is, you may be aware that there is a bill floating around some place to do, to require or suggest that we staff the courts with victim advocates, dealing specifically with the abuse of women and/or children. (HB 7063)

LINDA BLOZIE: Right.

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REP. DIAMANTIS: Do you (a) know of the bill, and (b) do you know if there is a coordinated effort for a change, when we put legislation together.

LINDA BLOZIE: Yeah, my understanding, I'll tell you, I'm not 100% aware of it, but my understanding is, is that this would be victims advocates that were coming out of the Office of Victims Services. But I also should say that presently, in every court in Connecticut, there is a family violence victim advocate in place already.

That funding comes down from Judicial. Where we see, in our case, we'll see anywhere from twelve to 1,500 individuals within any one given year, per court.

REP. DIAMANTIS: My point exactly. And as a former member of the Youth Commission that, under Project Aware, funded...

LINDA BLOZIE: Right.

REP. DIAMANTIS: ...to some degree, Prudence Crandall. I think you do an outstanding job.

LINDA BLOZIE: Thank you.

REP. DIAMANTIS: I'm only hopeful that when folks, cause there are other groups here who do similar work.

LINDA BLOZIE: Right.

REP. DIAMANTIS: That maybe you may gather together, band together. Because in fact, there are services in place. Yours is quite unique, so people don't assume that they're duplicative. And that we don't create another system to divert funds from organizations that are doing the job well now, to create a new one.

LINDA BLOZIE: Yeah, and I guess as a side note, what I would say is, I can't stress the importance enough of having family violence victim advocate programs remain within domestic violence programs. Because there really is a direct link from when we see people in the court to when they come into our

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other services. So, thank you.

REP. CLEARY: Thank you very much. Lynn Bryant, followed by John King. Hello.

LYNN BRYANT: Hello, my name is Lynn Bryant. I'm an HIV counselor for the State of Connecticut, working in a health care facility for over eight years. I spent a couple of years working at a local shelter for persons who were indigent, for men who were indigent.

And I'm also a single mom living with AIDS at this point, and infected with HIV for many years. I'm not here for myself. I'm in a very lucky position. I have very good insurance. I go home to a house where I can eat out of my refrigerator, and cook on my stove.

And I get medicines. I take about fourteen pills a day at this point. And what's happening is, that right now my viral load has dropped from very high to undetectable levels, and my immune system is trying to make a comeback, little by little.

Most people in Connecticut are not in my position, who are living with HIV and AIDS. I'm asking you to think long and hard before we take any more supports away from people living in Connecticut with HIV and AIDS.

The majority are under-employed, un-, or under-insured, and are often under-skilled in the labor market. In the past, those who were ill but unemployed could at least count on GA, AFDC, Social Security, or Social Security or SSI is an economic and medical safety net.

Those on unemployment or with low wages and no insurance, at least could, you know, had access to CADAP and, for HIV related medicines. Now people on GA are extreme, get extremely low financial assistance.

And what we're seeing is that they're on, they're off. They're bounced off. They're capped off. And they're being quickly interrupted and removed

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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House of Representatives

May 8, 1997

CLERK:

On page nineteen, Calendar 489, substitute for HB6925. AN ACT CONCERNING BOUNTY HUNTERS. Favorable report of the Committee on Judiciary.

SPEAKER RITTER:

Good bill, huh Representative Stillman?

REP. STILLMAN: (38th)

Thank you Mr. Speaker. I move that this item be referred to the Committee on Public Safety.

SPEAKER RITTER:

It will be so ordered. Clerk please call Calendar 492.

CLERK:

On page twenty, Calendar 492, substitute for HB7050. AN ACT CONCERNING LANDLORD AND TENANT. Favorable report of the Committee on Judiciary.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Mr. Speaker. I move that this item be referred to the Committee on Planning and Development.

SPEAKER RITTER:

So ordered. Clerk please call Calendar 493.

CLERK:

Also on page twenty, Calendar 493, substitute for

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House of Representatives

May 8, 1997

HB7063. AN ACT CONCERNING CRIME VICTIMS. Favorable
report of the Committee on Judiciary.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Mr. Speaker. I move that this item be
referred to the Committee on Appropriations.

SPEAKER RITTER:

It will be so ordered. Clerk please call Calendar
494.

CLERK:

On page twenty, Calendar 494, substitute for
HB6967. AN ACT CONCERNING CHILD ABUSE. Favorable
report of the Committee on Judiciary.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Mr. Speaker. I move that this item be
referred to the Committee on Appropriations.

SPEAKER RITTER:

It will be so ordered. Clerk please call Calendar
497.

CLERK:

On page twenty-one, Calendar 497, substitute for
HB5794. AN ACT CONCERNING BACKGROUND CHECKS FOR CHILD

H-768

CONNECTICUT
GEN. ASSEMBLY
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House of Representatives

Thursday, May 22, 1997

DEPUTY SPEAKER PUDLIN:

The bill passes.

Mr. Clerk, please call 493.

CLERK:

On page 35, Calendar 493, Substitute for House
Bill Number 7063, AN ACT CONCERNING CRIME VICTIMS.

Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor. You are looking well this evening, sir.

REP. LAWLOR: (99TH)

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

DEPUTY SPEAKER PUDLIN:

On acceptance and passage, will you remark?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I am sure every member of the Chamber including those who were not a member a year ago, know that last fall the voters of the State of Connecticut overwhelmingly enacted a constitutional amendment providing certain rights to victims of crime. In that amendment it calls for the General Assembly to enact by statute the provisions of that amendment. For example, the definition of crime victim and specific

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Thursday, May 22, 1997

procedures for implementing the rights. For example, the method by which victims of crime will be notified, when they request notification from courts about pending court cases and the like. This bill attempts to enact into statute the provisions of that constitutional amendment and it contains other suggestions which the Judiciary Committee received from the various organized groups representing victims of crime in our State and those groups include the Survivors of Homicide Group which probably had been the most steadfast in advocating for victim rights before the Legislature, Mothers Against Drunk Driving, Connecticut Coalition Against Domestic Violence, and the Connecticut Sexual Assault Crisis Centers. Each of those groups have detailed over and over again before the Judiciary Committee in particular the frustrations they have with our current system. And it is to honor their request that the constitutional amendment was enacted and this bill is offered.

First of all, Mr. Speaker, this bill would make some relatively technical changes in the current statutes governing services provided to victims of crime, definitions and the like. For the first time, this bill enacts a comprehensive definition of who a victim of crime is, not limited only to persons who are

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victims of violent crime, but also people whose cars are broken into or whose homes are sprayed with graffiti and the like.

Those people ought to have, of course, the same right to address a court or influence a plea bargain or whatever it happens to be.

Also the bill provides a requirement that for the benefit of victims who may not be around when the person who victimized them comes up for parole, it requires that whatever their comments are at the sentencing of the defendant, whether it is a result of a trial or a plea bargain, it requires that the transcript of those remarks be forwarded to the parole board so the parole board will know exactly what the victims and the prosecutor and the sentencing judge had to say at a time an inmate is applying for early release through the parole board.

And I think that's very important.

This also requires the Office of Victim Services which is our currently established office within the Judicial Branch to do its best to provide more extensive victim advocacy services throughout the State and an amendment will be offered in a moment with greater specificity on that.

Mr. Speaker, I think that this is an obligation

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which we have as legislators to make sure that victims feel they are full part of the criminal justice process, not to interfere with what the prosecutors do, but to have every opportunity to address the court, express their point of view, and their frustrations.

And finally, Mr. Speaker, for the first time, this bill would require the type of training for all of the players within the criminal justice system, corrections officers, prosecutors, police officers, judicial officials, so that they understand what their obligations are under the new constitutional victims' rights amendment.

Mr. Speaker, I urge passage. I understand there is an amendment.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill?

Representative Scalettar.

REP. SCALETTAR: (114TH)

Thank you, Mr. Speaker. The Clerk has LCO 4755. Will he call and I be permitted to summarize?

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 4755, designated as House "A". And the Representative has asked leave to summarize.

CLERK:

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House of Representatives

Thursday, May 22, 1997

LCO Number 4755, House "A" offered by
Representative Lawlor, et al.

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Thank you, Mr. Speaker. This amendment includes bail commissioners in the persons who will be part of the training program relating to victims' rights. We think this is very important because of the role bail commissioners play particularly under a bill we did this year which allows them to impose non-financial conditions of release and this will be a very important addition to the bill.

Also, Mr. Speaker, it will require the Department of Social Services in consultation with the Office of Victim Services to develop a plan for implementation of the provision of the bill that will compensate victims of crime for medical costs when their insurance runs out or if they are not covered by Medicaid. This again, is one of the most critical parts of the bill, Mr. Speaker, and I would like to thank Representative Truglia for bringing this to our attention. There was a situation in her town where a child was severely beaten and his medical coverage is running out and it's very important that we be sure that people like this

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House of Representatives

Thursday, May 22, 1997

are covered through our victim compensation program or otherwise and we will be working with the Department of Social Services to be sure that this is implemented.

There is also a change, Mr. Speaker, in the number of additional judges. We will have three additional judges under the current form of the budget and this will comport with that change and we have also added here that the Office of Victims Services will develop and implement a plan based on a report it has already done entitled, "Serving the Crime Victims of Connecticut" to implement the recommendations of that plan.

Mr. Speaker, this bill, as amended will implement the constitutional amendment for victims' rights and give the victims the rights in which I believe we could have enacted previously by statute and will be doing now so that we have some meaningful rights for victims in Connecticut.

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

DEPUTY SPEAKER HYSLOP:

The question is on adoption. Will you remark further on House "A"? Representative Farr.

REP. FARR: (19TH)

Yes, Mr. Speaker, through you, to Representative

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Scalettar. I wonder is there a fiscal note on the amendment and could you share the fiscal note with the body?

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Yes, Mr. Speaker. The fiscal note -- I would have to read the several pieces, it eliminates the potential significant cost in the bill related to establishing a training program for various criminal justice personnel. It eliminates the cost beyond that provided in a separate bill for contracted victim advocates in each GA court. It alters the level of uncertain impact associated with the definition of crime victim. It delays until July 1, 1998 the uncertainty related to the cost of medical care for those who do not have insurance coverage which we are requiring be provided to the Criminal Injuries Compensation Fund. It eliminates the minimal cost associated with the task force on victims' rights. It reduces the cost in the original bill for new judges because it has reduced the number of judges, and it results in an unknown impact by requiring the Office of Victim Services to develop and implement the recommendations of a report entitled, "Servicing Crime

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Victims of Connecticut".

Overall, the amendment reduces the fiscal impact of the bill itself and many of the things in the bill are already covered in the budget. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Farr.

REP. FARR: (19TH)

Through you, Mr. Speaker. Just one final question to Representative Scalettar. Am I correct then with my understanding that with the amendment this will not have any fiscal impact over and above the budget that was reported out by the Appropriations Committee? Through you, Mr. Speaker to Representative Scalettar.

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Through you, Mr. Speaker. I believe that's correct. Certainly not in the first fiscal year of the biennium. We will await the report of the Department of Social Services on how to implement the piece with respect to compensating victims of crime, but that would not occur in the first fiscal year.

Through you, Mr. Speaker.

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Representative Farr.

REP. FARR: (19TH)

Thank you very much, Representative Scalettar. I would support the passage of the amendment. Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Truglia.

REP. TRUGLIA: (145TH)

Thank you, Mr. Speaker. I rise in support of this bill and I would like to thank Representative Mike Lawlor and Representative Ellen Scalettar for including this as part of the victims' rights bill to include health care for victims of crime.

A terrible crime occurred in Stamford during the summer of 1995 which left a 15 year old boy, Matthew Kosbob, hospitalized for the last 22 months. He is not expected to live. He is at Mount Sinai Hospital here in Hartford. Part of this legislation is especially intended to protect minors and their families who are victims of a crime from being victimized a second time by existing Medicaid rules. Under Medicaid a minor is not eligible for Medicaid coverage until his parents have exhausted all their family finances. That would mean in Matthew's case that the Kosbob family would have to sell their home and car, use up all their savings, including any money they have saved to put

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their other children through college in order for Matthew to be Medicaid eligible.

Fortunately, Matthew Kosbob has medical insurance, but last fall the insurance company threatened to discontinue coverage. If this had occurred, Matthew would have had to get on Medicaid.

Is it fair that the parents of this crime victim would have to become impoverished in order to continue medical treatment? The Constitution protects criminals from double jeopardy. Well, I do not think a family who has a child hospitalized as a result of a crime should be repeatedly victimized. They should be protected by our laws.

I ask my colleagues to support this bill and amendment. Thank you very much.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?
Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Mr. Speaker. A quick question for Representative Scalettar, a point of clarification.

DEPUTY SPEAKER HYSLOP:

Please frame your question.

REP. SAWYER: (55TH)

On line 21 of the amendment, it says after line

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326 insert the following and it goes on to list the people that should be trained and she said it includes bail commissioners and I was looking at the bill and my question to her is, because it lists all of these personnel from line 326, should it also be included on line 342 of the bill?

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Thank you. Through you, Mr. Speaker. What the amendment does is move that entire paragraph. It moves the whole paragraph in its entirety to a different part of the bill. I didn't mention that. It also changes it by adding bail commissioners, but we are simply inserting lines what are now 342 to 347 we are moving it up to a different section. And we have also changed it to add bail commissioners. It is that same language moved.

DEPUTY SPEAKER HYSLOP:

Representative Sawyer.

REP. SAWYER: (55TH)

Then may I ask again for a point of clarification at this time in the afternoon perhaps I am missing it. Then you are wishing to remove the language from 342 to 347?

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DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Thank you. Through you, Mr. Speaker. Yes, that's done in the amendment where it says strike section four in its entirety and insert the following in lieu thereof. So the existing section four is out and it's moved to a different section.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you for the clarification.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, I realize the file copy had five judges. The amendment, as I am led to understand reduces that to three judges which in fact would evidently put the funding in line with the budget that is not in fact law, but is currently under considerable negotiations.

I guess I will ask the question in my usual fashion, Mr. Speaker and that is, we still have three

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million population we've had for the last 30 years. Every year I stand here, we add judges, we add family magistrates, we add referees, we add all kinds of things. I think that's because we keep adding laws and laws and laws.

Through you, Mr. Speaker to the lady, perhaps she could enlighten me as to what would happen if we didn't have these three judges? Would the world come to an end because it is very expensive. We are not just talking three judges. We are talking space. We are talking staff. We are talking the whole bit. So through you, Mr. Speaker, if she could just give me an idea of where the compelling need is for this additional manpower.

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Thank you, Mr. Speaker. Maybe the brief answer is yes, the world would come to an end, but I don't think that's actually correct.

One of the rights that was included in the constitutional amendment is a right to timely disposition of a case. Right now, we have serious backlog in our cases and I think it's very important that we increase the capacity of our court system. I

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think that Representative Belden is correct about increasing the capacity of the Judicial Department and that's been done over the past years and certainly since I have been here I've seen the increase in the number of crimes which we have created. There has been a great effort to increase the amount of participation of the Judicial system in many different aspects of our criminal justice system, not just in having the cases go through, but for example, we have the drug courts where a court is more involved in the ongoing procedures of the case and I think with respect to crime victims, it's critically important that we have a judicial system that's able to handle the caseload that comes through. One of the particular areas that I'm interested in is cases where orders of temporary custody with respect to children are at stake and there's a question of removing children from unsafe homes and getting them permanently placed in new homes. And there are cases where there is supposed to be a disposition and a hearing disposition within ten days and in one case it took eight months before the court got to it. So I think while it is an exaggeration to say the world would come to an end, I think it's very, very important that we have additional resources in our courts.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

I thank the lady, Mr. Speaker. I'm not sure where I am going to end up on this. You know, it's only in the last 20 years that this whole arm of the law came into being. I remember the night Representative Tulisano put forth a very, very simple amendment on victims' compensation and said, "well we need to do just a little something" and that continues to grow every year as do many, many things that we do for the people of the State of Connecticut.

With that comes the requirement of having to pay for those services. I am not quite sure how I am going to vote on this bill and I thought that since the judges was an issue in the amendment I would discuss it at this point.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Winkler.

REP. WINKLER: (41ST)

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

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DEPUTY SPEAKER HYSLOP:

Proceed.

REP. WINKLER: (41ST)

Yes, Representative Scalettar, who is going to be developing the training program for all these various groups?

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Through you, Mr. Speaker. The Office of Victim Services. The existing Office of Victim Services.

DEPUTY SPEAKER HYSLOP:

Representative Winkler.

REP. WINKLER: (41ST)

Thank you. In looking at the file copy of section 12, the Chief State's Attorney was the one that was going to be developing the program for the prosecutors and are you saying that he no longer will be developing that program?

DEPUTY SPEAKER HYSLOP:

Representative Scalettar.

REP. SCALETTAR: (114TH)

Through you, Mr. Speaker. That is actually a different training program. The Office of Victim Services will provide training with respect to victims'

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rights, things relating to specific victims' rights. This is to require that the Chief State's Attorney have training for all prosecutors not simply on victims' rights. What we are finding is that today the Public Defender's Office trains all of its new attorneys and has ongoing training like continuing education, but the Chief State's Attorney's Office does not train its prosecutors. And we think that it's very important that they be trained in the law and in the procedures and changes in the law each year. So section 12 actually goes beyond what the Office of Victim Services would be training although it's limited to the prosecutors.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Winkler.

REP. WINKLER: (41ST)

Thank you, Mr. Speaker. So through you, Representative Scalett are you saying that according to this amendment, section 12 is deleted and the State's Attorney will not be developing that program?

DEPUTY SPEAKER HYSLOP:

Representative Scalett.

REP. SCALETTAR: (114TH)

No, Mr. Speaker. Section 12 remains in the bill.

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Section 12 is not deleted. That exists just the way it is in the bill, that the Chief State's Attorney will provide training for its attorneys and the Office of Victims' Services will train many different people, including prosecutors on victims' rights. That's not to say that the Chief State's Attorney can't include that in the training, but that's separate and distinct from training as a prosecutor.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Winkler.

REP. WINKLER: (41ST)

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Tercyak.

REP. TERCYAK: (26TH)

Thank you, Mr. Speaker. Mr. Speaker, this is a commendable and worthy addition to victim rights. As one who joins survivors of victims in a rally on a Sunday, not too long ago, I witnessed their hurt, and I share their hurt. This amendment will help them. It is a good amendment. I ask my colleagues for support.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you

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remark further on House "A"? If not, we will try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. The ayes have it. House "A" is adopted.

Will you remark further on the bill, as amended?

Will you remark? Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Mr. Speaker. A question, through you, to the proponent of the bill, as amended.

DEPUTY SPEAKER HYSLOP:

Representative Scalettar, prepare yourself for the question. Please frame your question. Excuse me, Representative Lawlor, please. Please frame your question.

REP. HAMZY: (78TH)

Representative Lawlor, in section one of the bill it seems -- I just had a question about section one of the bill. How do prosecutors make their decisions about what crimes to prosecute currently?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

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REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The prosecutors don't have any guidance as to which cases to give priority to and that's been a frustration in many victims in the system and you and I had a conversation a few moments ago and since that conversation, re-running the reasons why this language is in here, it was, I think, two or three years ago there was bill proposed -- I know, I think Representative Mikutel and Representative Winkler and others were very concerned about a situation in New London where the prosecutors were taking an inordinate amount of time to bring rape cases to trial and there was a bill that was proposed to actually set a time deadline to bring those sexual assault cases to trial because the victims in those cases and many cases were children were having a tremendous, as you can imagine, psychological problem dealing with the possibility they would have to testify and being constantly prepared for trial and it seemed, at least in those cases, that the court system or the prosecutors were being insensitive to the concerns of the victims of, in this case, a violent crime by letting the process drag out so long.

So I think this language provides guidance to prosecutors and judges, that it's the public policy of the State of Connecticut that if you have to choose

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between a case involving physical violence against someone and a case involving, let's say, a property crime, we would like you to give first priority to cases involving physical violence. Those are the complaints we get. The undue delay in murder trials or rape trials, the more complicated trials, those are the victims' groups that come to the Legislature that complain about how long it takes and keep in mind, the longer it takes, the more likely there is to be a plea bargain. In fact, one of our colleagues, just a moment ago, approached me to discuss a case where the case had dragged on for so long that a very unacceptable plea bargain is being offered right now. I think that's wrong. I think that prosecutors and judges ought to know that the first priority in terms of serious cases is cases involving actual physical violence and it's based on the legislation a couple of years ago and all the complaints we receive from the organized crime victims groups that this language is included in the legislation.

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Mr. Speaker. So are you saying that currently, under our system currently that there are

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instances where jay-walkers are prosecuted ahead of murderers?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. In fact, yes. It happens all the time. The average time for a trial is very short for the less complicated cases. And as we all know, the GA courts are overwhelmed by this huge volume of relatively minor cases. Now, it's -- I used to be a prosecutor. I think several other people in here were prosecutors as well. We know the frustration of having two or three hundred cases a day and having to decide which cases to pay attention to. All this legislation would say is we would like you to pay attention to the cases involving physical violence first.

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

As the -- Thank you, Mr. Speaker. As section one is currently written though, doesn't it or is it your opinion that it might leave the State open to some unnecessary litigation? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

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REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Keep in mind we are already open to that litigation given the language of the constitutional amendment which requires in cases like this -- I don't have the -- the right to timely disposition of the case following the arrest of the accused provided no right of the accused is abridged and the right to be reasonably protected from the accused throughout the criminal justice process, which is dependency of the charges.

We are already exposed by virtue of the constitutional amendment language to litigation if something were to happen to a crime victim who was a victim of physical violence. This says to be reasonably protected from the accused while the charges are pending. The quicker we resolve those charges, the less likely we are to be exposed to liability because of our obligation under the constitution that reasonably protect people from the accused.

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Mr. Speaker. Mr. Speaker, I think section one would open the door to some unnecessary lawsuits and I think it would open a door to some

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unnecessary exposure on the part of the State and for that reason and that reason only, the Clerk has an amendment, LCO Number 2398. Would he please call and I be allowed to summarize?

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 2398, designated House "B" and the Representative has asked leave to summarize.

CLERK:

LCO Number 2398, House "B" offered by Representative Hamzy.

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Mr. Speaker. Mr. Speaker, the only thing the amendment does is deletes the language found in section one which would mandate that the prosecutors do what I believe that they do right now. And Mr. Speaker, I would like to move adoption.

DEPUTY SPEAKER PUDLIN:

On the adoption of "B" will you remark? Will you remark? Representative Lawlor.

REP. LAWLOR: (99TH)

Mr. Speaker, I would ask that when the vote is taken it be taken by roll.

DEPUTY SPEAKER PUDLIN:

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The gentleman has asked that the vote be taken by roll. I will try your minds.

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER PUDLIN:

Twenty percent has been met. The vote will be taken by roll.

Will you remark? Representative Farr.

REP. FARR: (19TH)

Thank you, Mr. Speaker. Mr. Speaker, I have a question, I guess to Representative Lawlor concerning section one.

DEPUTY SPEAKER PUDLIN:

Ready yourself, Representative Lawlor. Proceed, sir.

REP. FARR: (19TH)

As I understood your response to the question of the impact of that earlier, you said that the intent here is that clearly the State's Attorney has got put resources out on the crimes of violence over any other types of crimes. Earlier in this session the House passed a bill calling for the creation of a community court. Now as I understood the legislation in the

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community court, the community court bill calls for a creation of a docket or a separate court and it was going to deal with those crimes which were essentially misdemeanor, non-violent crimes. Am I to understand that with the passage of this bill we are giving a clear instruction to the State's Attorney not to staff the community court that we passed earlier this session? Through you, Mr. Speaker to Representative Lawlor.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Exactly the opposite. What we have been endeavoring to do in this legislature for ten years is to take as many of the less serious non-violent cases out of the way of the prosecutor so that they can focus on the more serious violent cases, whether it is through the Alternative Sanctions Program or the Community Court or the Drug Court get the cases that don't involve violence out of the way so the prosecutors can bring to trial the cases involving physical violence.

No plea bargaining for cases involving violence. Do those cases first. Bring those cases to trial, whether it's murder or assault or domestic violence or

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drunk driving where people are injured. Let's take care of those cases first. That is the first priority of our court system. That's what my constituents say to me when we talk about crime that they are concerned about we are talking about violent crimes. Let's make that the first priority.

DEPUTY SPEAKER PUDLIN:

Representative Farr.

REP. FARR: (19TH)

Through you, Mr. Speaker to Representative Lawlor. The thing that concerns me in Section One is that Section One says in the investigation and prosecution. Clearly that does not include simply prosecution. Clearly when you say that this is an intent to say that you are going to try those cases that involve crime, that this goes beyond that and talks about investigation. I don't know how a State's attorney, how we are going to run community courts without having any investigative services available to the community courts. And I just wonder, through you, Mr. Speaker to Representative Lawlor, how we can reconcile the terms in the investigation of crimes with the creation of the community court. Through you, Mr. Speaker to Representative Lawlor.

DEPUTY SPEAKER PUDLIN:

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Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Well, earlier this year, Representative Martinez and I and I think Representative Kirkley-Bey and a few others visited the community court in Manhattan and Representative Keeley visited the community court in Manhattan. And that court is designed to do exactly this. The prosecutors hardly even see the cases in New York. The graffiti cases or the Jay-walking cases, the what do they call them -- the public order offenses or whatever. Those are the kinds of cases that are immediately sent to the community court and the prosecutors spend very little time dealing with them. They are diverted out, I think, in 80% of the cases, they have people out doing their community service on the same day they are arrested. And that's exactly what we mean. Get those cases out of the system, find an appropriate punishment, save your resources for the violent stuff and in New York, if you are sent to the community court that means your case will be over that day. If you are not sent, principally the violent offenses are kept in the regular court, I think it's called the Supreme Court in New York, those are the cases that are brought to trial and they are able to bring those cases to trial very

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quickly because they've gotten the so-called junk cases out of the system very quickly.

DEPUTY SPEAKER PUDLIN:

Representative Farr.

REP. FARR: (19TH)

Yes. Thank you. Let me just comment then, generally, on the issue that's before us. I think unfortunately this is another example of a clear schizophrenic message that the legislature is attempting to send.

Earlier in the session when we brought out the community courts I think Representative Lawlor made a great presentation about the need for us, as a society, to begin to prosecute what are called the quality of life crimes. And traditionally what happens in Connecticut is that if you have a graffiti case or if you have a shoplifting case or have some other type of case, those cases that we attempt to get rid of those cases without prosecution. In fact, we attempt, the police generally tend not even to investigate those cases because the ultimate result if they are investigated is the court doesn't want to deal with them. And the argument that Representative Lawlor made when we were debating that is an argument that I completely agree with and that is what New York has

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done is New York City has decided, has adopted what's been called the "broken window theory" that if you have a small crime and you prosecute the small crimes, you prevent the larger crimes. If you have a building that's abandoned and somebody breaks one window, if you take care of it when one window is broken, you then avoid having that building totally trashed and burned down.

And so the intent I thought earlier in the session of creating the community court was to say that we as a society were no longer going to take a buy on those small crimes, that we, as a society, were going to say that quality of life crimes matter, that we're simply not going to turn our back on the issue of quality life crimes.

Now I understand Representative Lawlor's response here is that well this isn't about the investigation or the dealing. We are still going to deal with them, but somehow we are not going to do it without the investigation of prosecution. I don't understand how we reconcile the two. I think we've got some real language problems here in terms of the intent. But I just want to state for the record and for the purposes so my district understands where I am coming from it is not my intent to say that we as a society are going to

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wait for criminals to escalate their criminal activities to the point where somebody gets hurt before we take it seriously.

I had a situation in my community where we had two young men who were involved with drugs and all they were doing was burglaries and all they were doing was burglaries. No crimes of violence. Nobody got hurt. In fact, there was a warrant outstanding for them for the burglaries. And all they were doing was involved with drugs and burglaries and we didn't take it very seriously until they came into a house and unfortunately somebody was home and a prominent doctor and his wife were home in that house and the prominent doctor and his wife are now deceased.

Now we will prosecute them. Well, I would suggest to you if we had taken care of that case before it escalated to that, maybe two more people would be alive in my community.

Thank you.

DEPUTY SPEAKER PUDLIN:

And thank you, sir. Will you remark further on "B"? Representative Nystrom.

REP. NYSTROM: (46TH)

Thank you, Mr. Speaker. I rise to oppose House "B". My first tenure here in this Chamber was during

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the time of Michael Ross and six young girls lost their lives and he was soon followed by a number of other people who have now joined him on death row and quite frankly, as a taxpayer, if the language in Section One was stricken from this bill I would probably vote against it because if I'm going to put my resources, if I am going to have my resources in essence paid to the State, I want them invested here. Those families have already paid a price that you will never quantify and quite frankly, I think it took too darned long for this legislative body to take this measure and put it forth for a vote. Too long.

I urge rejection of this amendment.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Will you remark further? Will you remark further on "B"? Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Mr. Speaker. For the second time. I strongly support this bill and I don't want anyone to get the impression that I don't. The only problem that I have or the only question that I have involves Section One and the problems are stated in the fiscal note which says the criminal justice system currently appears to adhere to the bill's priorities, but we could be opening ourselves up to increased litigation

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because we have this in our statutes.

I agree with mostly everything Representative Lawlor said. I supported the community court system taking care of the minor crimes and taking them out of the GA's that we have now. I am just concerned with the fact that we are now legislating, we are now telling prosecutors to do what they already do. And that's the only reason for the amendment.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Mr. Speaker. I'm urging the adoption of this amendment. It's my concern that too often we, up in Hartford, decide to micro-manage the affairs of this State and I think this is an example of it. I know very much that prosecutors endeavor to do the best jobs they can and to prosecute the crimes that they are able to prosecute and take to trial. For us in Hartford to micro-manage the priorities that they are going to have to give to the cases that they prosecute, we are putting them in a real dilemma. We are going to find that they are going to focus on and pay more attention to by our direction if this bill passes on crimes involving violence. Now that sounds like a good idea, but there are severe crimes that don't involve

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violence and are they then as a new violent crime comes into the office, have to give that a priority and if they do, it maybe that the non-violent crimes will never get prosecuted. And we are undermining our criminal justice system.

I understand that this is a warm and fuzzy proposal that makes us feel good, that we are somehow doing something for our citizens, but I seriously think we are undermining the ability of the prosecutors to make the judgment calls that we hire them for, that we pay them for. Let's let the prosecutors put the priorities where they have to. They are not ignoring the violent crimes. They are paying attention to them. And I think that if we try to make decisions for them up in Hartford we will be making a serious mistake in undermining our criminal justice system and not supporting it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Mr. Speaker. I certainly heard the last comments and I would agree with those comments, but it seems as though here in the Legislature we pass a great many of those kinds of bills and taking and

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removing discretion. We do it in mandated sentencing the judges, whether allowing a judge and a prosecutor to determine what an appropriate sentence might be. We, in fact, create mandates upon them to include a minimum mandatory sentence. With respect to prolonging cases, we do that as well when we require the prosecutors to remove discretion from them to be able to facilitate and prosecute and terminate a case. Now they must do so after informing a victim of certain cases. I mean, the smallest of cases, prosecutors are holding up in courtrooms increasing their dockets because they need to inform a victim based on some of the legislation we passed in the past, we've passed.

There are a great many pieces of legislation we've passed placing mandates on courts delaying dockets, creating increased size in dockets and one thing we do not do, unfortunately, is often time give them the resources necessary to facilitate the caseload, move court cases along and have appropriate staffing to do that and I will take the opportunity to suggest one of those places is in the juvenile court sector. I heard Representative Scalettar earlier talk about OTC hearings taking so long.

Well it isn't that an OTC hearing doesn't get to within 180 days, it is in fact it begins in ten days,

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but never ends. There isn't any ending period to it. Usually because a shortage of clerks or other mandates that we have placed on the court. I would concur with Representative Hamzy in fact that prosecutors do prioritize in the crimes against persons, violent crimes especially and most of our violent crimes find their ways in Part A courts. I don't think for one moment that prosecutors would shy away from doing the vandalism type cases as Representative Farr suggested and I agree with him that in fact they do go forward with those types of cases so that they can prevent future ones from occurring and allowing a building to be damaged all the more.

I don't think that section one by striking that is going to solve these problems or for one minute think that it's going to prevent those other cases from happening. I think it's a statement of the Legislature consistent with other bills that we've passed. Certainly the fiscal note suggests that there maybe legislation, there could be -- I am sorry, litigation in the future as a result of passing this. OFA, as good as they are, I am not sure that they are merely giving us a caution sign. I can't see too many people adjudicating this type of problem in the future or coming to court with it, but I do think it sends a

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clear message that is consistent with other mandates that we passed on the court system and that is prosecute crimes against persons first and I would oppose the amendment, as well.

DEPUTY SPEAKER PUDLIN:

Will you remark further on "B"? Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, if I might, some inquiries to the proponent of the bill.

DEPUTY SPEAKER PUDLIN:

You will have to wait for a moment.

REP. BELDEN: (113TH)

Mr. Speaker, through you to the gentleman.

DEPUTY SPEAKER PUDLIN:

Your question now, sir.

REP. BELDEN: (113TH)

If the prosecutor, for some reason, doesn't perhaps prioritize according to the legislation, is that a crime? Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. No, it's not a crime. There's no criminal penalty, obviously provided for and

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I just would point out that you know, this bill is all about sending a message to the court system and the prosecutors, training and other things and what we are saying as a matter of public policy, do the violent crimes first. That's the point.

DEPUTY SPEAKER PUDLIN:

Representative Belden.

REP. BELDEN: (113TH)

I just get -- I am getting some things into the record here because I want to make sure that everybody understands exactly where we are at if this language stays in.

So we are trying to get a message. Through you, Mr. Speaker. Under this particular section one, where would stalking be in the case of prioritization?

Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. That would be a violent crime. A violent crime. The normal definition of violent crimes in our statutes is that either the use or threatened use of physical violence and stalking would certainly be in the threatened use of physical violence category.

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DEPUTY SPEAKER PUDLIN:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. I am not sure exactly what physical violence there is in stalking, but I think a prosecutor might have a problem with determining what might be the best or the worst. Can I assume, through you, Mr. Speaker, to the gentleman that when we say assigned priority, we are talking in a very generalized fashion rather than absolute specific?

Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Through you, Mr. Speaker. Yes, a statement of public policy. That's correct.

DEPUTY SPEAKER PUDLIN:

Representative Belden.

REP. BELDEN: (113TH)

So, through you, Mr. Speaker, if a prosecutor in one particular jurisdiction feels he has another case that is significant -- if he deviates from the "policy" he's not in jeopardy of being dismissed for failing to follow the law, etc.? Would that be the case? Through you, Mr. Speaker.

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DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. No, no more than he would if he reduced a charge carrying a minimum mandatory to a lesser offense. I mean, this is a matter of prosecutorial discretion, but as has been said many times in the Legislature, we are sending a loud and clear message in that case through a minimum mandatory or in this case, through focusing on violent crimes. This is what we would like them to do. We assume they will abide by the public policy stated by the General Assembly. And this -- it's proposed, at least, is our public policy. Violent crimes first.

REP. BELDEN: (113TH)

Mr. Speaker, through you, if we didn't have this Section One, do you feel currently that the prosecution that is going on in Connecticut right now is not following the criteria that is called out in Section One?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Through you, according to the victims of crime that testified before the Judiciary Committee and with whom I and other members of the committee have met with extensively, they all

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report great frustration that other cases not involving physical violence seem to have taken priority over cases involving them or their loved ones, survivors of homicide, sexual assault victims, groups, all report this phenomenon and have asked us to enact this legislation and it's for that reason that it appears in this proposed statute.

REP. BELDEN: (113TH)

Through you, Mr. Speaker to the gentleman, would it be correct to assume that many of these cases which seem to take priority are extensively less complex and complicated in terms of developing the information necessary to proceed? Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Through you, yes that's true. That's the problem. Prosecutors are, in some courts, take the easier cases first. We would like them to take the more serious cases first and that's the public policy intent behind this. When I point out -- another example I think of as we were talking was the gun court proposal we had a few years ago which specifically said, give first priority to cases involving firearms and that was a bipartisan

initiative. It had wide support here. It died because of the normal interchange of battling, but this is not unusual in this Chamber and it has had bipartisan support when it's been proposed in the past for specific crimes.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Just in summary and for the record, I just want to get into the record here, that we are essentially establishing a general public policy. We are not mandating that the prosecutors of the State have an absolute priority system that could, in fact, perhaps bring about litigation later on by those who feel that the priority system was not in fact implemented and in place.

Through you, Mr. Speaker. That's not a question. That's just a -- I just wanted to wrap it up. The amendment, I think, takes out all of that potential and if the executive branch of the State, the Judicial branch of the State, I believe they have enough sense on their own to determine where their resources are, where they can move forward and many of these criminal cases, because of investigations, evidence gathering, etc., and many other things, they are not really ready to move forward at the same speed.

So I think, Mr. Speaker, to do away with Section

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One does not create serious harm and does leave some flexibility within our prosecution system and I am going to support the amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

And thank you, sir. Representative Farr.

REP. FARR: (19TH)

Yes, again, through you, Mr. Speaker to Representative Lawlor. I am sorry, Representative Lawlor, could you repeat your definition of violent crime and could you explain to us whether that is in the statute or not?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I would have to look for a moment, but violent crime is generally defined as crimes involving actual violence or threatened violence. For example, under our -- any of our threatening or robbery statutes or our forcible sexual assault statutes, each and every one of those crimes involve either the actual use of force or the threatened use of force. So I think armed robbery is definitely a violent crime.

REP. FARR: (19TH)

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Is risk of injury.

REP. LAWLOR: (99TH)

Mr. Speaker, I think I have --

DEPUTY SPEAKER PUDLIN:

You do, sir. Representative Lawlor, proceed.

REP. LAWLOR: (99TH)

Armed robbery is a violent crime. Now in many robberies there is no actual violence employed. In other words if you point a gun at somebody and say, I will shoot you unless you give me your wallet and someone turns over their wallet, even though there was no actual violence, that is, in fact, a violent crime. So when we are talking about the use of force or the threatened use of force, that's what we mean by violent crime.

DEPUTY SPEAKER PUDLIN:

Representative Farr.

REP. FARR: (19TH)

Yes. Thank you, Mr. Speaker. Through you again to Representative Lawlor. From that definition am I to assume that risk of injury is not a violent crime?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Risk of injury, assuming

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it involves sexual assault against a minor is, in fact, a violent crime. There's two -- under our new statute there's two sections. One is -- involves for example, if you're speeding in a car and you have a child in the car with you, theoretically that's risk of injury. In that type of case, it would be a violent crime. Risk of injury because you swear or something in front of a child or something along those lines, might not be, but that will be up to the prosecutor to determine which is a violent crime or not.

DEPUTY SPEAKER PUDLIN:

Representative Farr.

REP. FARR: (19TH)

And through you, is driving under the influence a violent crime?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Through you, Mr. Speaker. Yes, in fact driving under the influence is definitely a violent crime.

DEPUTY SPEAKER PUDLIN:

Representative Farr.

REP. FARR: (19TH)

And is election fraud a violent crime?

REP. LAWLOR: (99TH)

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Through you, Mr. Speaker. Assuming it doesn't involve intimidation of voters, etc., it is not a violent crime.

DEPUTY SPEAKER PUDLIN:

Representative Farr.

REP. FARR: (19TH)

Thank you, Mr. Speaker. Thank you, Representative Lawlor. I think the problem here is when you start defining and saying what is a violent crime and what is not, it's easy for Representative Lawlor to say that these are the most important things in our society. I'm not sure I can agree with him at all that risk of injury is a violent crime. It seems clear to me that risk of injury is not. This seems to say that risk of injury then gets a lower priority than a simple breach of the peace when somebody has a scuffle in a bar. This seems to say that the scuffle in the bar that's a breach of the peace or a simple assault gets a higher priority than election fraud or embezzlement.

These are not easy issues and I just suggest that while general intent, obviously, priority goes to those cases that involve violence, creating them in statute this mandate, I don't believe is a good thing to do and I think it's counter to what we have been attempting to say which is that we are going to take cases seriously

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before they escalate to violence.

Thank you.

DEPUTY SPEAKER PUDLIN:

Thank you, sir. Will you remark further?

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Mr. Speaker. You know, Mr. Speaker, I've been sitting here listening to the debate and it sounds as if we are comparing apples to oranges and if we are going to get tough on crime I think we should compare apples to apples and oranges to oranges and I hope my colleagues will join me in defeating this amendment.

DEPUTY SPEAKER PUDLIN:

Will you remark further on this amendment? Will you remark? If not, staff and guests to the well of the House. Members, please be seated. The machine is open.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "B" by roll call. Members to the Chamber.

DEPUTY SPEAKER PUDLIN:

If all the members have voted and if your votes

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are properly recorded, the machine will be locked.

The Clerk will please take the tally.

The Clerk will please announce the tally.

CLERK:

House Amendment Schedule "B" to House Bill Number

7063

Total Number Voting	146
Necessary for Adoption	74
Those voting Yea	50
Those voting Nay	96
Those absent and not Voting	5

DEPUTY SPEAKER PUDLIN:

The amendment is defeated. Will you remark further on the bill? Representative Winkler.

REP. WINKLER: (41ST)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO Number 6184. Would the Clerk please call and read?

DEPUTY SPEAKER PUDLIN:

Will the Clerk please call LCO 6184, House "C" and please read.

CLERK:

LCO Number 6184, House "C" offered by
Representative Winkler, et al.

In line 467, strike "consisting". In line 468

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strike "of not less than five days". In line 469
strike "consisting". In line 470 strike "of not less
than two days each year" and insert "yearly" in lieu
thereof.

DEPUTY SPEAKER PUDLIN:

Representative Winkler.

REP. WINKLER: (41ST)

Thank you, Mr. Speaker. I move adoption.

DEPUTY SPEAKER PUDLIN:

On the adoption of "C", will you remark?

REP. WINKLER: (41ST)

Yes. Thank you. I support the training program,
but I don't believe we should put the length of time in
statute. It leaves the flexibility with the Chief
State's Attorney. If he feels that the five days should
be four, we will not have to come back and make
changes. And I urge the Chamber's support. Thank you.

DEPUTY SPEAKER PUDLIN:

Thank you. Will you remark further on House "C"?

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I reluctantly rise to
oppose the amendment. I know Representative Winkler
and I have worked together on many issues, but I just -
- I thought perhaps it would be important to explain

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how these numbers were arri

In reviewing this aspe
problem, in other words, tr
system, we asked all the va
agencies to explain to us w
have for new and existing e
for judges, probation offic
prosecutors, bail commissio
analogy, of course, is publ
defenders have an extensive
appointed public defenders.

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The only agency that does not have such a routine ongoing training program is the Division of Criminal Justice. When I started as a prosecutor in 1983 on the first day I was working I was in the courtroom and they handed me a bucket and they said talk to the other guys and figure out how it works. In three years there was no training whatsoever. That is still the case today. There is no actual initiation --

DEPUTY SPEAKER PUDLIN:

Excuse me, Representative Lawlor. The Chamber will please come to order. The Chamber will please quiet down a bit. Thank you very much.

Proceed, Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The current situation in Connecticut today is that for prosecutors only, all the other agencies have routine training programs, new prosecutors receive zero actual training on how to be a prosecutor. And ongoing prosecutors are not required to attend any regularly scheduled training programs.

Now in fairness, the Division of Criminal Justice has a few programs to which they will send individual prosecutors from time to time. Generally speaking it's only a few prosecutors every year. There's a DWI prosecution program, I think, in Chicago or something

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like that where five or six a year attend that, but that's pretty much it in terms of formal training. So the reason the file copy contains the minimum of five days for new prosecutors and two days per year for all existing prosecutors is that's the minimum standard accepted by all the other agencies in the criminal justice system.

One of the great frustrations that people have with the system is that there is great variation of practices from courthouse to courthouse. Prosecutors don't seem to know about the laws we pass here. For example, very few if any know anything at all about the truth in sentencing laws we enacted four years ago. So this seems to be a good step. Fortunately the Division of Criminal Justice supported this when we had the public hearing and concept and there's been a great deal of training undertaken over the last few months. We would like this to continue and have this minimum standard and keep in mind that the constitutional amendment on crime victims' rights requires many more responsibilities for all officials in the criminal justice system and another part of this bill requires those rights to be a topic of training throughout. So I think this is the minimum. There is money appropriated, \$58,000 a year for training purposes. I

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think it's more than adequate and again, reluctantly, I would urge rejection of the amendment and Mr. Speaker, I would ask that when the vote is taken it be taken by roll.

DEPUTY SPEAKER PUDLIN:

The gentleman has asked that the vote be taken by roll. Let me try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER PUDLIN:

The vote will be taken by roll.

Representative Winkler.

REP. WINKLER: (41ST)

Thank you, Mr. Speaker. In response to Representative Lawlor, this amendment does not eliminate what is being proposed. If the State's Attorney still wants a five day training program for new prosecutors, he can do so. But I don't believe we should put in statute a time specific for a training program and I have a question, through you, sir to Representative Lawlor.

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. WINKLER: (41ST)

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Yes, Representative Lawlor, you mentioned a number of formal training programs that are in place. Are any of those in statute with time specifics?

DEPUTY SPEAKER PUDLIN:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Through you, no they are not and unfortunately, many times, at least since I have been in the Legislature we've attempted to get the Division of Criminal Justice to undertake a formal program and it's never come to fruition. I think there is a good deal of frustration about that among those of us who feel strongly about it. The only recourse, obviously, is to put it into statute. And there is certainly a lot of precedent for that.

I think one of the problems is that although the Division of Criminal Justice in theory is a unified entity, as a practical matter it is still divided up by judicial district jurisdiction. I think many of us remember the good old days where each State's Attorney had a great deal of autonomy and I think that is really what's getting in the way of this formal statewide training program.

So if it would help to overcome that resistance, we've included it in this legislation. We certainly

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think it's a reasonable request and sometimes it's a last resort and that's what this is.

Through you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Representative Winkler.

REP. WINKLER: (41ST)

Thank you, Mr. Speaker. I appreciate those comments, however, I believe this is going to be very precedent setting to put in statute the length of time that a training program must be held, minimum standards. I support the program, but I think if for some reason our prosecutors are so well trained that the State's Attorney thinks that a yearly training program of one day would be sufficient instead of two, we are going to have to come back and change the statutes to allow them to do this. I think it's wrong. I would urge the Chamber to support the amendment and this way we have the best of both worlds.

Thank you, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Thank you, Madam. Will you remark?

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Just to add one thing. Our statutes are replete with minimum training

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requirements for a whole variety of things. I just conferred with one of our colleagues with regard to some of the public health requirements, nurses aids, etc., have a minimum training requirement. Under our pistol permit statute there is a minimum of six hours of training required, etc. So I think there is plenty of precedent for us setting minimum standards of training and I would rejection of the amendment, Mr. Speaker.

DEPUTY SPEAKER PUDLIN:

Will you remark further? If not, staff and guests to the well of the House. Members, please be seated. The machine is open.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "C" by roll call. Members to the Chamber, please.

DEPUTY SPEAKER PUDLIN:

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

Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

On House Amendment "C" to House Bill 7063

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Total Number Voting	144
Necessary for Passage	73
Those voting Yea	56
Those voting Nay	88
Those absent and not Voting	7

DEPUTY SPEAKER PUDLIN:

The amendment fails.

Will you remark further on the bill?

Representative Farr.

REP. FARR: (19TH)

Yes. Thank you, Mr. Speaker. Members of the Chamber, I think the language in the bill that's before us is a good bill with the one exception of that one paragraph. But I would point out that the problem in Connecticut is not in terms of criminal victims. The primary problem is the delay in getting trials. It's fine to say we are going to provide services to a victim, but if you are victimized and it takes two years before the case ever comes up to trial, it seems to me you become a victim again.

This bill doesn't address delays. We put in here three new judges. If we want to deal with the issues of delays of trials in Connecticut, we have to do far more to assist them than simply adding more resources.

Connecticut is unique in the world in the way in

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which we select juries. We spend more resources on the selection of juries than any other jurisdiction in the world. We spend -- we grant greater rights to defendants to jury trials than any jurisdiction. As a result, we have a system in which it takes longer to select the jury -- twice as long to select a jury trial in the Kelly case as it did in the Oklahoma bombing case. It takes in Connecticut if you get arrested for shoplifting you can ask for a jury trial. You have the right to have your attorney voir dire individual jury members and spend days selecting a jury. Most jurisdictions of the world with have a trial to the court.

If we are going to be serious about the issue of giving -- dealing with criminal victims' rights, the greatest right we could give them is the right to see the accused brought to trial in a timely fashion. I think this bill does far less than do that. I would support the bill, but I think we have to address those issues at some later date.

Thank you.

DEPUTY SPEAKER PUDLIN:

And thank you, sir. Will you remark? Will you remark? Representative Mantilla.

REP. MANTILLA: (4TH)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this bill. I would like to share with the rest of the Chamber that I have been a rape crisis counselor for over 12 years and in that capacity I have worked with a tremendous amount of crime victims, obviously crimes that include - that entail sexual assault. And I am particularly supportive of section one of this bill, Mr. Speaker, because there has been nothing more frustrating in the experience that I have had as a rape crisis counselor than to see -- to be there with my client, to go to the court, and have them watch the proceedings as they go for non-violent crimes when it takes them months and years sometimes to get a resolution for their own crime, for the crimes that they have been victims of and for that reason, Mr. Speaker, I do urge the entire chamber to support this bill. Thank you very much.

DEPUTY SPEAKER PUDLIN:

Thank you, Madam. Will you remark? Staff and guests to the well of the House. Members, please be seated. The machine is opened.

CLERK:

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

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DEPUTY SPEAKER PUDLIN:

If all the members have voted and if your vote is properly recorded, the machine will be locked.

The Clerk will take a tally.

The Clerk will announce that tally.

CLERK:

House Bill 7063, as amended by House "A"

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not Voting	5

DEPUTY SPEAKER PUDLIN:

The bill passes.

Clerk, return to the call of the Calendar, Calendar 113.

CLERK:

On page 22, Calendar 113, Substitute for House
HB 6356
Bill Number 6356, AN ACT CONCERNING SCHOOL-BASED HEALTH
CENTER CERTIFICATE OF NEED EXEMPTIONS. Favorable
Report of the Committee on Education.

DEPUTY SPEAKER PUDLIN:

Representative Nardello.

REP. NARDELLO: (89TH)

Thank you, Mr. Speaker. I move acceptance of the

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

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PART 12
3900-4250

kmg

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Senate

Tuesday, June 3, 1997 003948

THE CHAIR:

Question is on passage of the bill as amended.
Will you remark further? Will you remark further?
Senator Coleman.

SEN. COLEMAN:

Madam President, if there's no objection, I would
move that this item be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar 541, Files 604 and 833, Substitute for
HB7063. AN ACT CONCERNING CRIME VICTIMS. As amended
by House Amendment Schedule A, LCO-4755. Favorable
Report of the Committee on Judiciary and
Appropriations. Clerk is in possession of two Senate
Amendments.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you Madam President. Madam President, I
move adoption of the Joint Committee's Favorable Report
and passage of the bill in concurrence with the House.

THE CHAIR:

Question is on passage. Will you remark?

SEN. WILLIAMS:

Thank you Madam President. Madam President, this bill defines a crime victim as a person, including the immediate family of a minor incompetent person, or homicide victim who suffers direct or threatened physical or emotional, or financial harm as a result of a crime.

It requires the Office of Victim Services to provide crime victim information within available appropriations. And requires the clearinghouse to provide criminal justice system information to victims. And also requires the setting up of a toll free telephone number for victims.

In addition, it provides that the Office of Victim Services provide for the cost of medical care and treatment of any crime victim who either has no medical insurance, or has exhausted their coverage.

Further, the bill requires the Office of Victim Services to provide a victim's rights and services training program for judges, prosecutors, police, probation and parole personnel, bail commissioners, correction officers, and special deputy sheriffs.

In addition, the bill requires criminal prosecutors to provide any crime victim who makes a request with a copy of any sentencing transcript of a criminal proceeding.

It also provides technical changes to the evidence collection, standardization committee. And when sexual assault evidence is collected, the bill requires certain protocols.

Finally, it provides that the Chief State's Attorney establish prosecutor training programs. Newly appointed prosecutors would receive at least five days of training. And all prosecutors would then receive on going training of at least two days a year.

Madam President, it wasn't that long ago that the Victim's Rights Amendment enjoyed broad bipartisan support. Not only in this Chamber, but across the State of Connecticut. What this bill does is to take a first step in the direction of honoring the commitment of those new rights that we have enacted into our constitution.

And I think it's an excellent first step. We have the support of all of the victims' advocate groups that have come to the capitol, that testified in favor of this. And while there may be other steps in the future that we should take a look at, I think it is time that we honor what the victims have gone through. Recognize that they too deserve some fairness in the criminal justice system. And I think this bill is a good first step in that endeavor, and I would urge passage.

THE CHAIR:

Thank you sir. Question is on passage in concurrence with the House. Will you remark? Senator Upson.

SEN. UPSON:

Yes, I'd like to call an Amendment.

THE CHAIR:

Please proceed.

SEN. UPSON:

There's two of them, either one, it makes no difference.

THE CLERK:

LCO-9208, which will be designated Senate Amendment Schedule A. It's offered by Senator Upson of the 15th District.

THE CHAIR:

Senator Upson.

SEN. UPSON:

Yes, I move adoption of the Amendment.

THE CHAIR:

Question is on adoption. Will you remark?

SEN. UPSON:

And permission to summarize. Yes, Madam President, first of all, I'm in favor of the underlying bill. In it, however, it states that the prosecutors

must receive, new prosecutors must receive five days of training, newly appointed.

And we've asked that this, as far as the requiring exact five days, it be unspecified. So that there be training for newly appointed prosecutors without saying it has to be five days.

And as far as the on going training session for all prosecutors, in that case it says, must be two days each year. Again, unspecified so that we can have flexibility within the prosecutors department, the State's Attorney's department. Through you Madam President.

THE CHAIR:

Question is on adoption of Senate Amendment A. Will you remark further? Senator Williams.

SEN. WILLIAMS:

Thank you Madam President. While I believe that the proponent of the Amendment is making a reasoned case, in that the Amendment is not altogether unreasonable, I also believe at the same time that for a new prosecutor, five days of training in this regard, is also not unreasonable. And I am also mindful of the lateness of the session. And I would prefer not to adopt Amendments which could send it back, which would obviously send it back to the House and could kill the

bill. And, therefore, I would oppose the Amendment.

THE CHAIR:

Will you remark further on Senate Amendment A?
Will you remark further? If not, I will try your
minds. All those in favor indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed nay.

SENATORS:

No.

THE CHAIR:

The nay's have it. Senate Amendment A is
defeated. Will you remark further on the bill?

Senator Genuario.

SEN. GENUARIO:

Thank you Madam President.

THE CHAIR:

Excuse me, I'm sorry. Senator Upson did have the
floor, he indicated he had a second Amendment.

THE CLERK:

LCO-8877, which will be designated Senate
Amendment Schedule B. It's offered by Senator Upson of
the 15th District.

THE CHAIR:

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Senator Upson.

SEN. UPSON:

Yes, I move adoption of the Amendment.

THE CHAIR:

Question is on adoption. Will you remark?

SEN. UPSON:

Yes, thank you. If I may summarize. Also a technical Amendment. Within this, it states the transcripts must be ordered for anyone that's been, where a defendant's, a sentence is a period of more than two years.

And we're asking in this case that after the word "parole" insert the following, that the cost of the copy of any such transcript shall be paid by the Board of Parole.

THE CHAIR:

Question is on adoption of Senate Amendment B. Will you remark? Senator Williams.

SEN. WILLIAMS:

Yes, Madam President, very briefly. I would oppose the Amendment for the same reasons as stated before. Madam President, it's my understanding that the cost will be borne by the Division of Criminal Justice. And the fiscal note says it's anticipated the cost would not, appear not to be significant. Although

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the exact magnitude is uncertain. I would oppose the Amendment.

THE CHAIR:

Question is on adoption of Senate Amendment B. Will you remark further? Will you remark further? If not, I will try your minds. All those in favor indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed nay.

SENATORS:

Nay.

THE CHAIR:

Nay's have it. Senate B is rejected. Will you remark further on the bill? Senator Upson.

SEN. UPSON:

I just, I rise in support of this bill. I feel it's necessary since 85% of the people voted for a constitutional Amendment last year. And this gives some teeth to the Amendment. Provides training, and a host of other programs. So I rise in support of it. And I think it's a necessary adjunct to the constitutional Amendment. Thank you.

THE CHAIR:

Thank you sir. Will you remark further? Senator Genuario.

SEN. GENUARIO:

Thank you Madam President. Madam President, a question through you to the proponent.

THE CHAIR:

Please proceed.

SEN. GENUARIO:

Madam President, the bill, I'm just looking at the fiscal note on the bill and it indicates significant costs. And in the more detailed analysis of the fiscal note, at least a portion of those costs were not included in Substitute HB6702, which is the budget.

There was an Amendment to HB6702, which is House Amendment A. And I'm looking at the fiscal note on that and I don't see the cost included in that. I'm just wondering if the proponent can tell me what the specific additional cost will be. And if they have or have not been included in the budget that we just voted on? Through you Madam President.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Through you Madam President, I would want to do my best to do that. But not knowing which items are the

items that are not covered in the budget, I would only be speculating.

I note that the most significant items are the coverage of medical costs for which there is already an appropriation of \$1.5 million in state funds. And an additional \$600 from the federal government.

I think the next most significant expenditure would be for three new judges. And I do know that there is funding in the budget for that, Madam President, through you.

THE CHAIR:

Senator Genuario.

SEN. GENUARIO:

Madam President, through you. Section, under the fiscal note, Section 3, indicates that there will be a cost for the victim assistance senator, I'm sorry, the Victim Assistance Center. There's a lot of cost for victim assistance senators, of course, but they're paid for.

It is unclear to what extent, if any, the existing services would have to be expanded. It should be noted that SB6702 does not contain funds for this purpose. So particularly with regard to the Victim Assistance Center, could the proponent tell us what the anticipated cost of funding that would be. And whether

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or not those are included in House Amendment A.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you Madam President, through you to Senator Genuario. I would just direct your attention to line 243 of the bill, which does state directly that, and I'm quoting: "within available appropriations to establish a Victims Assistance Center."

THE CHAIR:

Senator Genuario.

SEN. GENUARIO:

Thank you Madam President. Then we can assume that to the extent there are no available appropriations, the Judicial Department will have no obligation to provide the center?

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Through you Madam President. That would be the case by statute here, because it certainly is very clear that within available appropriations, it would obviously be our hope that those resources could be found within the Judicial Department.

THE CHAIR:

Senator Genuario.

SEN. GENUARIO:

To the proponent, thank you for the answers to the questions. Thank you Madam President.

THE CHAIR:

You're very welcome sir. Will you remark further on the bill? Will you remark further? Senator Prague.

SEN. PRAGUE:

Thank you Madam President. I just stand to offer my support to this legislation. I can tell you that time after time victims have said that criminals are treated with much more consideration than they have been.

It's really long over due that we finally implement some legislation that considers the victim, that offers them some rights. And I am very happy that this issue is before this Chamber. Thank you.

THE CHAIR:

You're very welcome Madam. Will you remark further? Will you remark further? Senator Williams.

SEN. WILLIAMS:

If there's no objection, I would move this to the Consent Calendar, Madam President.

THE CHAIR:

Motion is to refer this item to the Consent

Calendar. Without objection, so ordered.

THE CLERK:

Calendar Page 6, Calendar 568, Files 63 and 851,
Substitute for HB6657. AN ACT CONCERNING THE DELIVERY
OF HUMAN SERVICES IN NORTHEASTERN CONNECTICUT. As
amended by House Amendment Schedule A. LCO-9525.
Favorable Report of the Committees on Planning and
Development, Government Administration and Elections,
Appropriations, Human Services, and Legislative
Management.

THE CHAIR:

Senator Coleman.

SEN. COLEMAN:

Madam President. Thank you Madam President. I
move acceptance of the Joint Committee's Favorable
Report and passage of the bill in concurrence with the
House.

THE CHAIR:

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

SEN. COLEMAN:

Yes, Madam President, this bill seeks to establish
a pilot program to address the delivery of human
services needs of the northeast planning region. The
program must address these needs through a negotiated

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THE CLERK:

Mr. President, the first Consent Calendar begins on Calendar Page 3. Calendar 450, Substitute for HB5813. Correction, HB6813.

Calendar Page 5, Calendar 539, Substitute for HB6796.

Calendar 541, Substitute for HB7063.

Calendar Page 6, Calendar 568, Substitute for HB6657.

Calendar 574, Substitute for HB6644.

Calendar Page 9, Calendar 273, Substitute for SB445.

Calendar Page 11, Calendar 395, Substitute for SB1055.

Calendar 396, Substitute for SB1056.

Calendar 408, Substitute for SB1267.

Mr. President, I believe that completes the first Consent Calendar.

THE CHAIR:

Members should be prepared to vote on the Consent Calendar. Those items on the Consent Calendar have just been identified by the Clerk. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate

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

THE CLERK:

The motion is on adoption of Consent Calendar #1.

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. Senator Peters.

SEN. PETERS:

Thank you Mr. President. I would move at this time to transmit items needing further action to the House.

THE CHAIR:

The motion is to transmit those items needing further action by the House, to the House. Is there objection? Seeing none, so ordered.

SEN. PETERS: