

Legislative History for Connecticut Act

HB 5334	(PA170)	1998
House	1442-1444, 3989-3993	(8)
Senate	1919-1920, 2018-2028, 2035-2037	(16)
Public Safety	167	(1)
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1998

VOL. 41
PART 5
1416-1754

gmh

House of Representatives

Tuesday, April 21, 1998

come to the Well of the House. The machine will be opened.

CLERK:

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

SPEAKER RITTER:

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

Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

Senate Bill Number 572 in concurrence with the Senate

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

SPEAKER RITTER:

The bill passes.

Clerk, please call Calendar 296.

CLERK:

On page 7, Calendar 296, House Bill Number 5334,

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House of Representatives

Tuesday, April 21, 1998

AN ACT CONCERNING CRIMINAL HISTORY RECORD SEARCHES.

Favorable Report of the Committee on Finance.

SPEAKER RITTER:

The Honorable Representative from the 45th District, Representative Steve Mikutel. You have the floor, sir.

REP. MIKUTEL: (45TH)

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

SPEAKER RITTER:

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

REP. MIKUTEL: (45TH)

Mr. Speaker, this bill consolidates the existing fee that the State Police now charge the public for a criminal history record search. Instead of charging \$15 for a criminal record search and \$10 for a copy of the report, there would be one \$25 fee.

I urge passage of the bill.

SPEAKER RITTER:

Will you remark further? If not, staff and guests come to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll

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House of Representatives

Tuesday, April 21, 1998

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

SPEAKER RITTER:

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

Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

House Bill Number 5334

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

SPEAKER RITTER:

The bill passes.

Clerk, please call Calendar 437.

CLERK:

On page 22, Calendar 437, Substitute for Senate Bill Number 454, AN ACT DEFINING OPERATIONAL STANDARDS FOR AUTOMOTIVE DEALERS AND REPAIRERS. Favorable Report of the Committee on Judiciary.

SPEAKER RITTER:

The Honorable Chairwoman of the Transportation

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House of Representatives

Monday, May 4, 1998

Seeing no objection, so ordered.

The Clerk will then call Calendar 296.

CLERK:

On page 30, Calendar 296, House Bill Number 5334,
AN ACT CONCERNING CRIMINAL HISTORY RECORD SEARCHES, as
amended by Senate Amendment Schedule "A". Favorable
Report of the Committee on Finance. The Senate adopted
Senate Schedule "A" on April 30th.

SPEAKER RITTER:

Representative Dargan.

REP. DARGAN: (115TH)

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

SPEAKER RITTER:

The motion is on acceptance and passage. Please
proceed.

REP. DARGAN: (115TH)

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

SPEAKER RITTER:

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

REP. DARGAN: (115TH)

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House of Representatives

Monday, May 4, 1998

Mr. Speaker, just a brief history. On April 21st, the House passed it. It went up to the Senate and on the Senate Calendar on April 30th the Senate adopted Senate Amendment "A", LCO Number 4558. Will the Clerk please call and I be allowed to summarize?

SPEAKER RITTER:

The Clerk has LCO 4558. If he will call it and then Representative Dargan would like to summarize.

CLERK:

LCO Number 4558, Senate "A" offered by Senator Sullivan, et al.

SPEAKER RITTER:

Representative Dargan.

REP. DARGAN: (115TH)

Thank you, Mr. Speaker. Basically what this amendment does is incorporates the \$10 copy fee which was eliminated by the bill in search fees.

I move its adoption.

SPEAKER RITTER:

The question is on adoption of the amendment? Will you remark further? If not, I will try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

gmh

House of Representatives

Monday, May 4, 1998

SPEAKER RITTER:

Those opposed, no. The ayes have it.

Will you remark further? It should be recorded as Senate "A" on the roll call machine. Okay. It says House Amendment "A". It should be Senate "A". Okay?

Will you remark further? Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to Representative Dargan.

SPEAKER RITTER:

Please proceed.

REP. PRELLI: (63RD)

Representative Dargan, do you have a fiscal note on Senate "A" and if you do, could you please tell us what it says?

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Dargan.

REP. DARGAN: (115TH)

Thank you, Mr. Speaker. I do not have a fiscal note, but it will be in the positive for the State of Connecticut. Oh, I just do have it in front of me. There will be no state impact. The passage of the bill will result in no fiscal impact to the State.

SPEAKER RITTER:

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House of Representatives

Monday, May 4, 1998

You have the floor.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. It seems that adding \$10 to all these fees and there's no fiscal impact, it seems like maybe we don't have many of these fees.

SPEAKER RITTER:

It's a great country out there. Anybody else? If not, staff and guests, come to the Well of the House. The machine will be opened.

CLERK:

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

SPEAKER RITTER:

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

Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

House Bill Number 5334, as amended by Senate
Amendment Schedule "A" in concurrence with the Senate

Total Number Voting	135
Necessary for Passage	68
Those voting Yea	135

House of Representatives

Monday, May 4, 1998

Those voting Nay	0
Those absent and not voting	16

SPEAKER RITTER:

The bill passes.

I will ask for points of personal privilege.

Representative Tymniak. Can you put Representative Tymniak's light on, please?

REP. TYMNIAK: (133RD)

Thank you, Mr. Speaker. This morning I have the distinct honor of presenting to the House a group of fine young student athletes from Fairfield Prep in Fairfield, Connecticut. They're entering now with their head coach, Bruce Jaffey who has been their coach for 31 years. This group of gentlemen are part of a long standing program that annually turns out one of the best swim teams in the State of Connecticut.

Over the years they have continually competed for the Class LL State Championship and because of not being able to beat, it seems, Greenwich High School on an annual basis, they always fall a bit short. This is the first year that they've been able to overcome that and they stand before you this morning as the 1998 State Class LL Champions and I'm not going to attempt to try and introduce them all, but before we ask the House to give them our usual warm welcome, I would ask

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SENATE

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Senate

April 30, 1998

Senator Smith.

SEN. SMITH:

Good answer. Thank you.

THE CHAIR:

Will you remark further on Senate Amendment "A"?
Will you remark further? If not, all those in favor
indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? Ayes have it. Senate "A" is
adopted. Will you remark further on the bill as
amended? Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. Madam President, the
bill establishes the registration of kegs of beer, they
have to mark them so that we can find out who they go
to and who they come from.

I would move this to Approps. I believe it's just
been brought up. It has to go to Approps.

THE CHAIR:

Motion is to refer this item to the Committee on
Appropriations. Without objection, so ordered.

THE CLERK:

Calendar 375, File 364, HB5334 An Act Concerning

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Senate

April 30, 1998

Criminal History Record Searches. Favorable Report of the Committee on Public Services, Public Safety, correction and Finance, Revenue and Bonding. The Clerk is in possession of one amendment.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I would ask that this bill be passed temporarily while waiting on an amendment.

THE CHAIR:

Motion is to pass this item temporarily. Without objection.

THE CLERK:

Calendar Page 9, Calendar 383, File 417 and 589, HB5740 An Act Concerning the Rights and Duties of Bicyclists, as amended by House Amendment Schedule "A". Favorable Report of the Committee on Judiciary and Transportation. The Clerk is in possession of three amendments.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I move adoption of the Committee's Favorable Report and passage of the

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SEN. JEPSEN:

Thank you, Madam President. We intend to do one more bill tonight, that is Page 8, Calendar 375, HB5334. If the Clerk could call that bill, we do expect this to be the last bill we will do tonight.

THE CLERK:

Calendar Page 8, Calendar 375, File 364, HB5334 An Act Concerning Criminal History Record Searches. Favorable Report of the Committee on Public Safety and Finance Revenue and Bonding. The Clerk is in possession of one amendment.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I had moved the bill before but I move acceptance of the Joint Committee's Favorable Report in concurrence with the House.

THE CHAIR:

The question is on passage of the bill. Will you remark?

SEN. PENN:

Yes, I'd like the Clerk to please call LC04558.

THE CLERK:

LC04558 which will be designated Senate Amendment Schedule "A". It is offered by Senator Penn of the

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Senate

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23rd District et al.

THE CHAIR:

Senator Penn, the amendment is in your possession, Sir. What is your pleasure?

SEN. PENN:

Thank you, Madam President. I move its adoption.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. PENN:

I ask that its reading be waived and permission to summarize.

THE CHAIR:

Please proceed.

SEN. PENN:

Basically what this amendment does is increase a certain amount of dollars in each of the --

THE CHAIR:

Senator Penn just a moment. (GAVEL) Ladies and gentlemen, it's difficult enough to hear. Senator Penn has the floor. Please proceed, Sir.

SEN. PENN:

Thank you, Madam President. What it actually does is increase in each category for various types of searches, \$10, which takes care of the revenue loss that would have been incurred in the underlying bill.

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For instance, name search would go to \$18. Fingerprinting would go to \$25. Letter of good conduct search would go to \$25. Bar Association search would go to \$25. Criminal history search would go to \$25 and personal record search would go to \$25.

There was a bifurcated fee structure which was very confusing to the general public and this is one of the ways of trying to consolidate those efforts and even though there was a fee increase, it would allow for people who want to use these searches to make as many searches and copies of each individual without an extra cost which was currently the case.

I move its adoption.

THE CHAIR:

The question is on adoption of Senate Amendment "A". Will you remark further? Senator Smith.

SEN. SMITH:

Thank you, Madam President. Through you, a couple of questions to the proponent of the amendment.

THE CHAIR:

Please proceed.

SEN. SMITH:

Thank you.

THE CHAIR:

Senator Smith, before you do, (GAVEL) ladies and

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April 30, 1998

gentlemen would you please take your conversations out into the hallway or into the respective caucus rooms.

Senator Smith.

SEN. SMITH:

Thank you, Madam President. Senator, this bill was referred to the Finance Committee to reflect on the revenue reports that you noted in your introductory remarks on the amendment. We both serve on the Finance Committee. It got out of the Finance Committee. We didn't have any difficulty with it. Why are we now increasing all these fees when we've already in the Finance Committee, decided to accept the losses that are noted in the underlying bill.

THE CHAIR:

Senator Penn.

SEN. PENN:

Through you, Madam President. Again, as I noted, there was some concerns about the revenue loss, the potential revenues that would be incurred by leaving it simply as it was and there was a decision made to amend it and not duplicate or bifurcate a structure and do the increase which will allow for as many copies as the person or individual would like to make without trying to charge them for each individual copy.

THE CHAIR:

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Senator Smith.

SEN. SMITH:

Thank you, Madam President. So you're saying now just a flat fee, you can go in and get as many copies as you want and before you had to charge per copy, you'd get charged a specific amount, a specific fee, through you, Madam President?

SEN. PENN:

Through you, Madam President, that's correct.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. So for any given individual it would be difficult to tell whether they would be charged more or less under this amendment, to save some for some people and might increase fees for others?

THE CHAIR:

Senator Penn.

SEN. PENN:

I'm sorry, Madam President, through you, I did not hear the first part.

THE CHAIR:

Senator Smith.

SEN. SMITH:

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Senate

April 30, 1998

Thank you, Madam President. So would it be accurate then, that for some people you would have an increase in the fee and for other people you would have a decrease in the fee. Some would pay more than they otherwise would have paid and some will pay less than they otherwise would have paid?

THE CHAIR:

Senator Penn.

SEN. PENN:

Through you, Madam President, I think that's one of the glass being half empty or half full. If somebody's paying, each increase as I stated would be \$10 increase all the way around.

So if a fee was already \$8, it now becomes \$18. If a fee was \$15 it now becomes \$25. So it depends on which individual type of search that the individual was looking for. And I already went through the fee structures versus the type of search they'd be looked for. That hasn't changed in the last ten minutes.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. But Senator, you have a fiscal note that indicates that there's going to be additional revenues gathered by the State of

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Senate

April 30, 1998

Connecticut here. I mean, the point is that the general public will be paying more under this system than they would have before and if you could share it with us, how much more is the general public going to be paying under your amendment according to the fiscal note?

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I don't see the fiscal note that Senator Smith has and I would like to be concurrent with his statement. But I think the numbers speak for itself as I spoke earlier.

It would also depend upon the amount of copies that an individual wants to have. So presumably if somebody wanted two or three copies, the amount of money that would be paid right now would be \$75. For \$25, somebody could run ten copies and pay less than the \$75, they would pay the one \$25 copy. So obviously, I think if somebody again wants more than one copy, it's at a reduced fee. Through you, Madam President.

THE CHAIR:

Senator Smith.

SEN. SMITH:

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Thank you, Madam President. Actually, Senator, I don't have a fiscal note, so the numbers can't speak to themselves to me. I was just wondering how much it was that the fiscal note for this bill will actually increase the fees.

But I think I frankly, probably heard it anyway. I mean, the Finance Committee didn't deem it necessary for us to increase these fees. These fees do generate more revenue. I don't really hear a reason why we need that. Okay, \$33,750 in 98-99 and more the following year.

SEN. PENN:

I have that now.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. Well, I think Senator Smith just read the revenue loss of \$33,750. We would not make any more than we will make now, but again, the structure, as I said before, this structure has always been a problem. But now again, they would be able to make as many copies as they choose to make at the same fee.

So again, it's in his hands. You see the 1998-99 state revenue loss of \$33,750. That will not change.

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Senate

April 30, 1998

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. I would just note that the fiscal note indicates there would be a revenue increase, not decrease and in the Finance Committee, this didn't come up.

Madam President, I would urge rejection of the amendment. I just don't, just raising revenue for the sake of raising revenue when it's already been through Finance and we decided it wasn't necessary to do, it's just, it's not appropriate so I would urge rejection of this amendment, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further on the amendment? Senator Penn.

SEN. PENN:

Madam President, yes, thank you. I do think that I'm just as concerned as Senator Smith when there's an increase to the public as far as a fee. But I see the potential use particularly when you have multiple copies of somebody who wants to make more than one, two, three or four copies and not have to pay \$75 or \$100 for five or four copies, or \$125 for five copies. I think that's where the problem would come as far as

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Senate

April 30, 1998

being a personal insult to somebody who just wanted a couple of copies of a criminal check.

I concur with him about raising the fees. I had the same problem with doing the amendment but the potential, again, of allowing people to make as many copies as they possibly can make is why I agreed to do the amendment.

With that, I urge its adoption. Thank you, Madam President.

THE CHAIR:

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

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? Ayes have it. Senate "A" is adopted. Will you remark further on the bill as amended? Will you remark further? Senator Penn.

SEN. PENN:

Thank you, Madam President. The amendment becomes the bill. Madam President, if there's no objection, I'd like to put it on the Consent Calendar.

THE CHAIR:

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Senate

April 30, 1998

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

Senator Jepsen.

SEN. JEPSEN:

I made a false and misleading statement earlier.

THE CHAIR:

I'm surprised.

SEN. JEPSEN:

We're going to do one more bill. And this will
be, trust me, the last bill. Page 7, Calendar 345,
Substitute for SB500 previously marked PT. I'd ask
that it be marked Go and we take it up at this time.

THE CLERK:

Calendar Page 7, Calendar 345, File 541,
Substitute for SB500 An Act Concerning Job Training.
Favorable Report of the Committee on Labor, Human
Services and Appropriations.

THE CHAIR:

Senator Prague.

SEN. PRAGUE:

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

THE CHAIR:

The question is on passage. Will you remark?

SEN. PRAGUE:

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Senate

April 30, 1998

Thank you, Sir. The motion before us is to move this item to the Consent Calendar. Without objection, so ordered.

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. This concludes our business for the day. At this time, I would ask that the Clerk call the Consent Calendar. For those who are going to be leaving immediately after the vote, we expect to be in tomorrow. I do not know at this time whether we will be voting on a budget and tax package. If we do, we could be here quite late. If we do not, I would not expect to be very late, though we will be in to run normal business.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote on the Consent Calendar and then we will read the Consent Calendar before I open the machine.

THE CLERK:

An immediate roll call has been ordered in the Senate 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.

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Senate

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April 30, 1998

Madam President, the Second Consent Calendar begins on Calendar Page 7, Calendar 345, Substitute for SB500.

Calendar Page 8, Calendar 353, Substitute for HB5621.

Calendar 375, HB3334. HB5334

Calendar Page 10, Calendar 390, Substitute for HB5590.

Calendar 397, Substitute for HB5528.

Calendar Page 16, Calendar 90, Substitute for SB313.

Calendar 118, Substitute for SB498.

Calendar 129, Substitute for SB476.

Calendar Page 17, Calendar 169, Substitute for SB567.

Calendar 173, Substitute for SB380.

Calendar Page 18, Calendar 280, Substitute for SB,
correction, Calendar 208, Substitute for SB73.

Calendar Page 20, Calendar 264, Substitute for SB426.

Calendar 287, Substitute for SB268.

Calendar Page 21, Calendar 325, Substitute for SB337.

Madam President, I believe that that completes the Second Consent Calendar.

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Senate

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THE CHAIR:

Thank you, Mr. Clerk. Would you once again announce the roll call vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate 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? If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 2.

Total number voting, 35; necessary for adoption, 18; those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted. Are there announcements or points of personal privilege at this time? Senator Jepsen.

SEN. JEPSEN:

JOINT
STANDING
COMMITTEE
HEARINGS

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1998
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE POLICE

February 24, 1998

Senator Alvin E. Penn
Representative Stephen Dargan
Co-Chairmen, Public Safety Committee
Legislative Office Building - Room 3600
Hartford, CT 06106

Re: House Bill #5334 - An Act Concerning Criminal History Record Searches

THE DEPARTMENT OF PUBLIC SAFETY SUPPORTS PASSAGE OF THIS BILL

The passage of this bill consolidates the fees the State Police Bureau of Identification charges the public for a criminal history search. Presently, there are two fee charges, a \$15.00 fee to make the search and a \$10.00 fee to provide a copy. This change to Section 29-11 of the CGS would establish one fee of \$25.00.

This legislation will eliminate the confusion to the public who send in the \$15.00 fee for the search, but are unaware of the additional \$10.00 for a copy. This will also reduce the amount of time and correspondence the SPBI will devote addressing this separate fee issue. Now anyone who requests a criminal history record search will automatically receive a copy of the results.

Very truly yours,

A handwritten signature in cursive script that reads "John A. Connelly".
John A. Connelly
COMMISSIONER

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