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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1999

VOL. 42
PART 8
2553-2861

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Senate

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Are there other announcements? Seeing none, would the Clerk please begin with the call of the Calendar.

THE CLERK:

Madam President, I'll yield to the -- correction. Senate Calendar for Wednesday, June 2nd 1999. Calendar page 3. Calendar No. 410, File No. 65 and 603.

Substitute for HB6648, AN ACT CONCERNING APPLICATIONS FOR PAROLE. As amended by House Amendment Schedule A, Favorable Report of the Committees on Judiciary, and Finance Revenue and Bonding. Clerk is in possession of amendments.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

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

THE CHAIR:

Question is on passage. Will you remark?

SEN. WILLIAMS:

Yes, thank you, Madam President. I'd like to call LCO-9744.

THE CLERK:

LCO-9744, which will be designated Senate Amendment Schedule A. It is offered by Senator Williams of the

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29th district, et al.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Madam President, I move adoption.

THE CHAIR:

Question is on adoption. Will you remark?

SEN. WILLIAMS:

Thank you, Madam President. This bill, or this amendment strikes the underlying bill and does two things. It provides for greater accountability through the granting of probation and parole to someone who has served their maximum sentence and they have six months left in their term.

It would allow for them to be released on parole, provided that they agreed to the subject to parole for one year. And that if they violated parole, that they would be returned to jail to finish their term.

The problem that we have right now is that we have criminals who have served almost their entire term, and they're ready to leave prison, and we have absolutely no follow up. They will leave prison, and from that moment forward there will be no communication between our system of probation or parole.

No touching base, following up, making sure that

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(a) they're staying out of trouble. And, (b) that we know their whereabouts and can ease their transition back into our communities.

I would like to point out that this has been championed among others by Representative Farr, and is a bipartisan effort. Senator Upson has been involved as well. And I would like to thank them for bringing this to our attention and moving this forward.

Secondly, what the amendment would do would be to correct something that I believe is unintentional in our statutes. In Section 54-125a of our statutes, Section B3 of that statute, actually would permit a person who has been convicted of an offense for which there is a minimum mandatory sentence, to get out earlier than someone who is convicted of a sentence that did not contain a mandatory minimum sentence.

And I can't believe that that would have been the intent of the legislature. And this would correct that.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Smith.

SEN. SMITH:

Thank you, Madam President. On that last part, Senator, could you just describe to me how it would be that under B3 someone could actually serve for the less

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time if they, they went that parole route there?

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. Yes, through you to Senator Smith. If you'll see in Section 3, the current language is, that no person convicted of any other offense for which there is a mandatory minimum sentence, which may not be suspended or reduced, shall be eligible for parole, until such person has served mandatory minimum sentence, or fifty percent of the definite sentence which is imposed.

So, for example, if someone were guilty of a Class D felony that included a one-year minimum mandatory sentence, the -- and was given the maximum sentence under the Class D felony, five years in jail, then under this section they could be eligible for parole after serving just fifty percent of that entire five-year sentence, or two-and-a-half years.

Whereas if you back up to the previous section where we have moved well beyond the fifty percent mark, and are now looking at more of an eighty-five percent time served for crimes of this nature.

And again, this -- I don't believe was by design. I believe this language, when it was incorporated, was

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inadvertent.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. So the effect then would be we would require them to at least serve out their eighty-five percent, or until they're within the six months of the end of their sentence. And then they could elect the additional year of oversight?

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Through you, Madam President. That's correct.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. And then if they had that six months left, you said they would, something went wrong during their parole period they would then serve out the balance of their term.

If they served seven months of parole, would that mean they would then go back and serve their six months?

Or, do they get credit against their time for parole?
Through you, Madam President. How's that work?

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Senator Williams.

SEN. WILLIAMS:

Through you, Madam President. It would be a period equal to the unexpired portion of the term of sentence.

So if they, let's assume it's six months. They would return to jail and serve the six months.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. So even if they had served eleven months of the parole, then they had a violation, they'd go back and serve the other six?

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Through you, Madam President. That's the way we've constructed this in the amendment before us.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. That answers my questions.

THE CHAIR:

Will you remark further on Senate Amendment A?
Will you remark further? If not, I will try your minds.

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All those in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

THE CHAIR:

Opposed nay? The aye's have it. Senate A is adopted. Will you remark further? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. Since the amendment becomes the bill, if there's no objection, I would move this to the Consent Calendar.

THE CHAIR:

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

THE CLERK:

Calendar 441, File No. 632. Substitute for SB1160, AN ACT PROVIDING COVERAGE FOR SMOKING CESSATION UNDER THE MEDICAID PROGRAM. Favorable Report of the Committees on Human Services, and Appropriations.

THE CHAIR:

Senator Handley.

SEN. HANDLEY:

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

THE CHAIR:

Question is on passage. Will you remark?

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please call the Consent Calendar.

THE CHAIR:

Mr. Clerk, would you first announce a roll call vote on the Consent Calendar, and then call the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, first Consent Calendar begins on Calendar page 1, Calendar No. 558, SJR52.

Calendar page 3, Calendar No. 410, Substitute for HB6648.

Calendar page 4, Calendar No. 523, Substitute for HB6975.

Calendar page 6, Calendar No. 543, Substitute for HB7016.

Calendar No. 544, Substitute for HB7091.

Calendar page 7, Calendar No. 545, Substitute for HB6592.

Calendar page 9, Calendar No. 124, SB1156.

Calendar page 12, Calendar No. 300, Substitute for

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SB672.

Calendar page 13, Calendar No. 381, Substitute for SB1370.

And, Calendar page 15, Calendar No. 250, SB1148.

Madam President, that completes the Consent Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Would you once again announce a roll call vote. The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Consent Calendar.

THE CHAIR:

If all members have voted, the machine will be locked. Clerk, please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.

Total Number Voting 36

Those voting Yea 36

Those voting Nay 0

Those absent and not voting 0

THE CHAIR:

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The Consent Calendar is adopted. Senator Jepsen.

SEN. JEPSEN:

At this point I'd request that you seek points of personal privilege.

THE CHAIR:

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

SEN. DELUCA:

Thank you, Madam President. Just an announcement that there will be a Senate Republican caucus tomorrow morning at 11 a.m. in the caucus room. Thank you.

THE CHAIR:

Thank you, sir. Are there other announcements or points of personal privilege? Seeing none, Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. At this time I would report to all of you that we expect to be in session again tomorrow, 12:00 caucus with Democrats. Two o'clock session. The likelihood is we will repeat the same on Friday.

This weekend is anybody's guess. It depends on budget negotiations. I do not expect, except for the possibility of running the budget, I would not expect to be late any night this week.

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that is, in fact, the original intent of this legislation.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Merrill.

REP. MERRILL: (54TH)

Thank you, Mr. Speaker. I would move that we would pass this bill temporarily.

DEPUTY SPEAKER HYSLOP:

The motion is to PT this bill. Any objection? Seeing none, so ordered.

Clerk, please call Calendar 126.

CLERK:

On page 25, Calendar 126, Substitute for House Bill Number 6648, AN ACT CONCERNING APPLICATION FOR PAROLE.

Favorable Report of the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

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

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will you

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remark?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This bill simply will require the Chairman of the Board of Parole to establish a fee schedule by which inmates can be charged for part or all of the cost of their application for parole process.

I point out this is consistent with existing procedures within the Department of Correction and the Office of Adult Probation where probationers and inmates are charged for a variety of services even though the fees may be nominal, it sends an important accountability message.

Mr. Speaker, the Clerk has LCO Number 7025. I would ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 7025, designated House "A" and the Representative has asked leave to summarize.

CLERK:

LCO Number 7025, offered by Representative Godfrey, designated House "A".

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This amendment would

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simply require that the fee schedule be adopted pursuant to the regulatory process. The regulation setting process and again this is similar to the procedures used by the Department of Correction in charging fees for health services and things of the like.

I urge adoption.

DEPUTY SPEAKER HYSLOP:

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

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to the distinguished Chairman of the Judiciary Committee.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. PRELLI: (63RD)

Representative Lawlor, could you just explain a little bit of how the fee structure works in the other case you brought up and if this would sort of mirror that?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Certainly. For example,

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the Department of Correction has a system of fees and charges it, assesses. In certain circumstances inmates can actually be billed after the fact for the cost of their incarceration itself if it turns out that they have resources sufficient to pay such an assessment and by regulation the Department of Correction has established a separate charge based on the facility and the type of care one is receiving.

In other circumstances, inmates are assessed a sort of a co-payment or minimal fee for certain types of health services, their medication just like you and I would be assessed by our insurance companies.

The fees in those cases are nominal, comparable to the small fees that you or I would pay if we went to see our health care provider under the state insurance plan.

The concept is, on the one hand, to teach responsibility to inmates and other persons that abuse overuse of the medical system as a bad thing. And also to offset some of the costs, obviously. Inmates have access to money. They have separate accounts which are funded in part from gifts from their relatives, for example, and they are also able to earn money in the prison through working in a variety of prison jobs relatively low pay, but nonetheless, it gives them access to some money which they can otherwise use to buy

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personal items, candy, that type of thing.

And those fees are established by regulation and it took a couple of years, but ultimately got approved and are now up and running.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. And thank you, Representative Lawlor. Just one other quick question, through you then to the proponent. Would these also be a sliding scale depending on a person's income?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The bill refers to paying some or all of the costs of the application process. I can -- of course, whatever they suggest would have to be approved through the Regulations Review process, but I'm assuming a minimal fee. For example, \$10 or something to apply for parole. If, in fact, an inmate had no access to any cash whatsoever, then obviously I think they would have to waive the fee on account of indigency.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

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REP. PRELLI: (63RD)

Thank you, Mr. Speaker. And Mr. Speaker, I thank the gentleman for answering the questions. I just thought the amendment needed a little explanation.

Thank you.

DEPUTY SPEAKER HYSLOP:

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

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

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

Will you remark further on the bill, as amended?

Representative Tulisano.

REP. TULISANO: (29TH)

Mr. Speaker, I rise in opposition to the bill. As a member of the Regulations Review Committee, it was because of a bill like this that we passed a few years back that the agency was able to come to the Regulation Review Committee and establish a fee for medical services. And we're always concerned about abuse, but someone who is, in fact, in the care and custody of the

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government and our obligation is, in fact, to provide medical care. And our failure is sometimes something we should -- we are responsible for when these people, for whatever reason they're in our care and in this particular case, prisoners. We've seen our failure to care and be concerned about prisoners with the now number of suicides that have recently occurred.

And so what they did do for those who could not afford medical care, what they did do was they just said we're going to bill you when you come out of jail. So that those who do not have the opportunity to earn, those who do not have resources and there are plenty of those, are forced by our own actions and we have a recidivism problem as it is, to go back to where they came from in order to get funds to pay for what we're pressing them for.

I think it is short sided to do that. Now in the issue of parole the bill before us immediately, I think it's another short sided piece of legislation. Every day one of those prisoners stays in jail costs us a lot more than the \$10, \$15, or \$50 cost and by the way, I can't imagine any agency telling me it only costs \$10 to cover the costs of processing anything in Connecticut. You know it's going to be more and if I had my drothers and I was a prison organizer, everybody whose eligible

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doesn't apply for a week it's going to cost you more than the application fee by just being there.

We set up parole as a way of dealing with part of it knowing that we're going to have a prison overcrowding problem as we do now. We say parole is a release mechanism, but we're making sure that we have control over the individual so they don't offend again. That's one of our checks on behalf of society.

And to say that someone has got to pay for the privilege of going on parole, I don't know whether we're biting off our noses to spite ourselves or what, but it seems to me, look, parole is something that's part of the sentencing process. We make people eligible for it and we shouldn't be creating a means to ask for it.

So I'm going to vote in the negative. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended?
Will you remark further on the bill, as amended?

If not, staff and guests to the Well. 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.

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DEPUTY SPEAKER HYSLOP:

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

The Clerk will announce the tally.

CLERK:

House Bill Number 6648, as amended by House
Amendment Schedule "A"

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	124
Those voting Nay	23
Those absent and not Voting	4

DEPUTY SPEAKER HYSLOP:

The bill, as amended passes.

Clerk, please call Calendar 133.

CLERK:

On page 25, Calendar 133, Substitute for House Bill
Number 6636, AN ACT CONCERNING POWERS AND DUTIES OF THE
BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT OF CONSUMER
PROTECTION. Favorable Report of the Committee on
Government Administration and Elections.

DEPUTY SPEAKER HYSLOP:

Representative Fox.

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Necessary for Passage	74
Those voting Yea	107
Those voting Nay	39
Those absent and not Voting	5

DEPUTY SPEAKER HYSLOP:

The bill passes.

Clerk, please call Calendar 126.

CLERK:

On page 30, Calendar 126, Substitute for House Bill
Number 6648, AN ACT CONCERNING APPLICATION FOR PAROLE,
as amended by House Amendment Schedule "A". Favorable
Report of the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

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

DEPUTY SPEAKER HYSLOP:

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

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The Senate passed Senate
Amendment "A" which is a strike all amendment. The Clerk
has LCO 9744. I would ask that the Clerk call and I be

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permitted to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 9744, Senate Amendment "A" and the Representative has asked leave to summarize.

CLERK:

LCO Number 9744, Senate "A" offered by Senator Williams, et al.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This amendment does two fundamental things.

First of all, it clarifies that all offenders subject to the existing truth and sentencing rules regardless of the type of offense they were sentenced under. For violent crimes, an absolute minimum of 85% served before eligibility for parole and for non-violent crimes, an absolute minimum of 50% before eligibility for parole.

In addition, Mr. Speaker, this incorporates a recommendation that Representative Farr made in conjunction with the Parole Board that makes a lot of sense and this is that to ensure that in every case it's possible to have an extended period of parole following release from incarceration if the offender agrees to, in

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essence, stay the last six months of his or her sentence and voluntarily subject themselves to parole for an additional two years, I believe it is and if there was a violation of that parole that it would allow the imposition of that suspended six month sentence.

I think it's an appropriate way to safeguard -- to allow our Parole Board to supervise people following their release to ensure that people are not released directly to the community when at all possible to avoid.

I urge adoption of Senate Amendment "A", Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of Senate Amendment "A". Will you remark on Senate Amendment "A"? Will you remark on Senate Amendment "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. Senate Amendment "A" is adopted.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Farr.

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REP. FARR: (19TH)

Thank you, Mr. Speaker. Briefly on the amendment or on the bill, as amended.

It's important to understand that what happens now in Connecticut when somebody is released from jail and he doesn't get parole, it's not like the movies where you get \$100 and a new suit. What you get is a pair of pants and a bus ticket back home and we don't even get a forwarding address from those people. So you will have somebody who is doing a ten or fifteen or twenty year sentence and they get out and we don't even know where they are.

If they get paroled the conditions are that they have to have a sponsor. They have to line up housing. They have to line up job interviews. And when they get out they have supervision and they have conditions they have to meet.

If they violate the conditions of the parole, they immediately are placed back in jail. So supervision under parole gives us a lot of safeguards that we don't presently have. Under our present laws if someone was doing a 10 year sentence and we gave him parole for the last six months of the sentence, his parole would expire at the end of his ten years. You can't keep somebody - bring somebody back in to be incarcerated beyond the

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period of their sentence.

What this bill does though is it gives a new tool to the Parole Board so it can say to somebody who has six months left of their sentence or five percent of the sentence, if you agree to suspend that sentence and be under parole for a year, thereby extending the period of supervision well beyond the period of the sentence, we will allow you out on parole. But by the way, if you violate the conditions, you come back and complete the entire sentence.

So this is a very important tool that we're giving the Parole Board in terms of supervision. And it sort of goes along with a couple of other bills we've had. Like last year we allowed courts to actually sentence someone to parole because it's important if we're going to have public safety in Connecticut to make sure that people that are released back into society have strict supervision. And this tool would be valuable to do that.

I urge adoption of the bill. Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Boughton.

REP. BOUGHTON: (138TH)

Thank you, Mr. Speaker. A question for the

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proponent.

DEPUTY SPEAKER HYSLOP:

Please frame your question.

REP. BOUGHTON: (138TH)

Thank you, Mr. Speaker. Through you, Mr. Speaker. On lines 23 through 26 it discusses a criminal who commits a major felony, for lack of a better term, within 1,000 feet of a school yard. They would be eligible for parole? Is that correct?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. No, that language -- that's the existing law. That doesn't change at all with this amendment.

DEPUTY SPEAKER HYSLOP:

Representative Boughton.

REP. BOUGHTON: (138TH)

Through you, Mr. Speaker. I'm sorry, could you repeat that, please, Representative Lawlor?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I think you said the first few lines in -- you said 23 through -- through you, Mr.

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Speaker, which lines was the Representative referring to?

DEPUTY SPEAKER HYSLOP:

Representative Boughton.

REP. BOUGHTON: (138TH)

On line 23 through line 26, I believe.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This bill would not change the rules for those persons at all. That's the existing language. That's not being changed at all.

DEPUTY SPEAKER HYSLOP:

Representative Boughton.

REP. BOUGHTON: (138TH)

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

If not, staff and guests to the Well of the House.

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.

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DEPUTY SPEAKER HYSLOP:

Have all members voted? If all members have voted, please check the machine to make sure your vote is properly recorded.

The machine will be locked and the Clerk will take a tally.

Representative Flaherty. How do you wish to be recorded?

REP. FLAHERTY: (8TH)

In the affirmative, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Flaherty in the affirmative.

Representative Ward.

REP. WARD: (86TH)

Mr. Speaker, just an indication, I believe that the gentleman whose vote you announced has the same name as another member of the Chamber. So naming the voting district might also be helpful.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

That was Representative Flaherty of the 8th district. Thank you, Representative Ward.

The Clerk will announce the tally.

CLERK:

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Amendment Schedule "A" and Senate Amendment Schedule "A"

in concurrence with the Senate

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	149
Those voting Nay	0
Those absent and not Voting	2

DEPUTY SPEAKER HYSLOP:

The bill, as amended passes.

Clerk, please call Calendar 552.

CLERK:

On page 31, Calendar 552, Substitute for Senate Bill Number 400, AN ACT CONCERNING LICENSURE OF ACUPUNCTURISTS, ALCOHOL AND DRUG COUNSELORS AND RETIRED NURSES, as amended by House Amendment Schedules "A" and "B". Favorable Report of the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER HYSLOP:

Representative Eberle.

REP. EBERLE: (15TH)

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

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will you

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The RFRA bill, when passed in 1983 was a mirror reflection of the federal law which was supported by over 70 churches and the need at that time, the need in this state was because the courts never gave the same -- never gave the legitimate and proper recognition of religious freedom that the Constitution guaranteed and therefore they asked for this law in order that the burden would be shifted from the individual to the State to prove that they had a compelling reason for burdening the free exercise of religion.

And this bill, when passed, not only shifted the burden from the individual to the state to prove that it had a compelling need to burden the free exercise, but it also required the State to prove that it was using the least restrictive method in doing so.

So, there are always going to be costs involved in assuring these freedoms, whether it be freedom of the press, or freedom of religion, or freedom of speech. There are always people who are going to be abusing it. It's always going to cost the State money to resist these abuses, but I feel the price of weakening this law, of setting the precedent of weakening this law, is not in the best interest of any of us.

That's all I have if you have any questions.

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

HB 6628 HB 6651 HB 6648 HB 6646 HB 6647
DEBORAH DELPRETE SULLIVAN: Good afternoon. My name is Deborah DelPrete Sullivan. I'm legal counsel to the Office of the Chief Public Defender.

I have six bills that I have submitted written testimony on. I'm not going to read that testimony, but instead, address a couple of things that were said earlier in the testimony from Criminal Justice and then take questions, as well.

In regard to HB6645 which is the juvenile court

bill would provide is defense having the ability to make a motion and go forward. It would be the burden of going forward on that issue of non-drug dependency. We would then have that burden to present evidence at the court level as to whether or not our client was drug dependent. Then it would be on the State to have to disprove that.

So I don't see -- there's not really a shifting here and I may have incorrectly said that that burden is actually on the prosecution. We advocate that it would be in looking at it in that sense, but it actually allows us to go forward on the motion, present evidence, and then they would have to disprove it.

And the last two I just want to comment on, I've given suggestions as to language. This comes from the Chief Public Defender regarding HB6648, AN ACT CONCERNING APPLICATION FOR PAROLE. We're just asking for language to be added that any application fee, which from what I understand, has not been determined yet. Then any application for parole would -- that not everyone would have to pay it if they were found to be indigent by the parole board and that's pretty consistent. The language I've used from several statutes as to hospital costs, attorneys, etc., if someone is unable to pay or is found to be indigent.

And the last bill is HB6646 concerning seized property. This now sets up a new subsection for any currency and my first question is whether or not currency would fall under the stolen property subsection of this current language in our statute. It's not really clear as to whether (b)3 applies to all seized currency including stolen.

And lastly, I suggest that language be added to (b)3 for seized currency that would permit access by the defense counsel to look at that in case there's evidentiary value and also that except for good cause shown, the court could then order retention just as you have for any other stolen property.

So, in case there's perhaps blood or some other

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Quite frankly, if you go to trial as a defense attorney on that issue, you will lose. It's just no question about it, not in this day and age.

Finally, the nuisance abatement statute. Again, this is a personal opinion. This is one that we have discussed briefly with CCDLA. They have not come up with a position on it.

In the immortal words of T. Clark Hull, who once sat before this committee and said the same thing, "let's not overdue it, guys." There's an awful lot that can be done with that nuisance abatement law that I think is beyond the scope of what the -- specifically what the Judiciary Committee thought they were doing when it was passed some time under our belts to see just what it is that's done with that act I think would be better advised rather than attempting to expand it as was urged upon the committee earlier.

I thank you very much for your attention. If there are any questions, I'll be happy to answer them.

REP. LAWLOR: Are there questions? If not -- well, you got us attentive, but we're not full of questions at this time of the day.

PETER SOULSBY: I thank you very much. Good evening.

REP. LAWLOR: Last, but not least, our friends from the Parole Board.

BRYAN ANDERSON: Good evening, Senator Williams, Representative Lawlor, members of the committee.

My name is Bryan Anderson. I'm a parole supervisor with the Connecticut Board of Parole. And I'm here to voice our support of four bills that are under consideration for today.

HB 6629
HB 6648
SB 982

The first of which would be SB1011 which is AN ACT RESTRICTING OR LIMITING THE DISCLOSURE OF THE RESIDENTIAL ADDRESSES OF EMPLOYEES AND OFFICIALS OF THE BOARD OF PAROLE. We believe that this particular proposed bill is important to protect the families and the employees and the families.

Other persons involved in criminal justice have similar protection under the current statute and we would like very much to be included.

HB6629 will allow us to expand and more fully utilize the zero tolerance drug supervision program pilot currently underway. We support that bill very much, as well.

HB6648, AN ACT CONCERNING APPLICATION FOR PAROLE. We're supporting that bill.

SB982 concerning the assault of law enforcement, public safety or EMS personnel with bodily fluids. The Board of Parole supports this concept and we appreciate any protections that the Board of Paroles' officials and employees could be offered by the Legislature under these provisions.

Since that is all I have, since there are any questions of me, I'd be happy to answer them.

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

BRYAN ANDERSON: Thank you very much.

REP. LAWLOR: Is there anyone else who would like to testify? If not, we will call -- oh, Raphie. Just because the guy mentioned the word "eviction", I figured you would be over here.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman. I'm Raphael Podolsky with the Legal Assistance Resource Center. I did not actually intend to be here this late, but since I am, I will be real quick.

I submitted written testimony on two bills and I just want to summarize it quickly.

HB 6632

On the nuisance abatement bill, HB6653, I would ask that the committee make a technical change that I tried to get made last year which is to make clear that the language in the existing bill that says, "the only person who can bring a nuisance abatement action is the state" be clarified that that means under this act and not in regard to nuisance

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OUTLINE OF TESTIMONY OF DEBORAH Del PRETE SULLIVAN, LEGAL COUNSEL TO THE OFFICE OF THE CHIEF PUBLIC DEFENDER CONCERNING PROPOSED LEGISLATION (H.B. NO. 6648)

February 8, 1999

The Office of the Chief Public Defender would suggest that language be added to *H.B. 6648, An Act Concerning Application for Parole* in regard to an inmate who is indigent. The current proposal would require all inmates to "pay all or a portion of the costs associated with" the processing of an inmate's parole application. Many inmates are indigent and do not have the financial resources to pay the application fee.

A suggestion would be to add the following capitalized language at the end of the italicized language contained in this proposed bill as follows:

- 23 *for parole to pay all or a portion of the costs associated with processing*
24 *their application* EXCEPT FOR THOSE PERSONS WHO ARE INDIGENT
25 OR OTHERWISE UNABLE TO PAY FOR SAID COSTS.

This additional language would assure that an inmate not be excluded from the parole application process due to being indigent.