Legislative History for Connecticut Act

Public Act: 00-113
Bill Number: 473
Senate Pages: 1227-1230, 1243-1246
House Pages: 3539-3543
Committee: Judiciary: 1317, 1318, 1403-1404

Page Total: 17

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

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Wallingford.

THE CHAIR:

Will you remark further on the bill as amended?
Will you remark further? Senator McDermott.

SEN. MCDERMOTT:

Madam President, if there's no objection, I'd like to move this to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:


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:

The question is on passage. Will you remark?

SEN. WILLIAMS:

Yes, Madam President. This bill would carve out a narrow exception against allowing the seizing or
attaching of government employee pension payments.

It specifies that under this bill, such pensions could be attached for the state to recover the cost of incarceration or for a crime victim to collect court awarded damages.

Madam President, this bill comes before us in large part because of a case in eastern Connecticut. It was the case of Richard Straub who was a probation officer. He used his office or more specifically, misused his office to abuse and molest individuals who were under his jurisdiction as a probation officer. He received a sentence of 15 years in prison.

As a state employee who qualifies for a pension, he receives $4,000 a month. It makes little sense not to have some recourse for the state to pay the cost of his incarceration and also to allow the victims who were victimized by Mr. Straub to have some financial recovery.

And in that regard, Madam President, I would like to call amendment, LCO3612.

THE CLERK:

LCO3612 which will be Senate Amendment Schedule "A". It is offered by Senator Williams of the 29th District et al.

THE CHAIR:
Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I move adoption.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. WILLIAMS:

Yes, Madam President. This amendment clarifies that any qualified domestic relations order would not be jeopardized by this bill.

Thus, if there was an order for an individual who fit this criteria to pay child support or to pay alimony that this in no way would abrogate that responsibility and place the state ahead of such domestic relations orders.

THE CHAIR:

Thank you, Sir. 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".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. Senate "A" is adopted. Will you remark further on the bill? Senator Williams.
SEN. WILLIAMS:

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

THE CHAIR:

Without objection, so ordered.

THE CLERK:


THE CHAIR:

Senator LeBeau.

SEN. LEBEAU:

Thank you, Madam President. Good afternoon.

THE CHAIR:

Good afternoon.

SEN. LEBEAU:

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

THE CHAIR:

The question is on passage. Will you remark?

SEN. LEBEAU:

Yes, Madam President. The Clerk is in possession of an amendment, LC03469.
April 18, 2000

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

Senator Jepsen.

SEN. JEPSEN:

I would ask that the Clerk call the Consent Calendar at this time.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote on the Consent Calendar and before I open the machine, call that Consent Calendar please.

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.

Madam President, the First Consent Calendar begins on Calendar Page 1, Calendar 134, Substitute for SB377.

Calendar Page 2, Calendar 170, SB473.

Calendar 200, Substitute for SB32.

Calendar Page 4, Calendar 242, Substitute for SB541.

Calendar Page 5, Calendar 289, Substitute for SB156.
Calendar Page 6, Calendar 312, Substitute for SB593.
Calendar Page 7, Calendar 319, Substitute for SB563.
Calendar Page 8, Calendar 339, HB5676.
Calendar Page 10, Calendar 351, SB611.
Calendar Page 19, Calendar 404, HB5157.
Calendar 406, Substitute for HB5864.
Calendar Page 20, Calendar 407, Substitute for HB5051.
Calendar 411, Substitute for HB5589.
Calendar Page 21, Calendar 412, Substitute for HB5615.
Calendar 413, Substitute for HB5683.
Calendar 422, Substitute for HB5292.
Calendar 423, Substitute for HB5672.
Calendar 424, HB5678.
Calendar Page 22, Calendar 426, Substitute for HB5890.
Calendar 427, Substitute for HB5781.
Calendar Page 23, Calendar 432, Substitute for HB5782.
Calendar 433, HB5880.
Calendar 435, Substitute for HB5903.
Calendar 436, Substitute for HB5822.
Madam President, I believe that completes the First Consent Calendar.

THE CHAIR:
April 18, 2000

Thank you, Mr. Clerk. Would you once again announce a 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. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Senator Sullivan. Have all members voted? If all members have voted, the machine will be locked. The 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:

The Consent Calendar is adopted. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. One change marking. Page 27, Calendar 124 previously marked go I would at this time move this item which is SB9 to the Consent Calendar.
The bill, as amended passes.
Clerk, please call Calendar 503.

On page 17, Calendar 503, Senate Bill Number 473, AN ACT CONCERNING ATTACHMENT OF GOVERNMENT PENSION PAYMENTS, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Judiciary.

Representative Doyle.

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

The question is on acceptance and passage in accordance with the Senate.

Will you remark further?

Thank you, Mr. Speaker. Yes, this bill is a proposal by Attorney General Richard Blumenthal. It should give the State of Connecticut authority -- actually the State of Connecticut and other parties -- first of all, to attach federal pensions and other pensions. The two exemptions that we're carving here
would be to give the State of Connecticut the ability to recover costs of incarceration from the prisoner state, federal or municipal pension funds. It also would enable crime victims to collect court awarded damages from such similar pension plans.

So it's basically limited to simply cost of incarceration and victims who went through the full court process and got a judgment with damages against a person in prison who did have a pension coming in.

This bill also preserves all the other protections against the pensions as are in current law except for these two carve outs.

Mr. Speaker, the Senate had an amendment and would the Clerk please call LCO Number 3612? The Clerk please call and I be allowed to summarize and it is previously designated Senate "A".

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 3612, previously designated Senate Amendment "A" and the Representative has asked leave to summarize.

CLERK:

LCO Number 3612, Senate "A" offered by Senator Sullivan, et al.

DEPUTY SPEAKER HYSLOP:

Representative Doyle.
Thank you, Mr. Speaker. This amendment, the real thrust of the amendment it basically puts in priority to these two exemptions that the underlying file, as I mentioned, deals with giving the State the right for cost of incarceration and crime victims of court awarded damages.

This puts in preference the priority to those two, any person that receives benefits for domestic relations orders and I believe that relates to, for instance, child support or any alimony in a divorce decree.

I move its adoption, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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

Will you remark further on the bill, as amended?

REP. DOYLE: (28TH)

I move its adoption, Mr. Speaker.
DEPUTY SPEAKER HYSLOP:

The question is will you remark 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.

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:

Senate Bill Number 473, as amended by Senate Amendment Schedule "A" in concurrence with the Senate.

Total Number Voting 148
Necessary for Passage 75
Those voting Yea 129
Those voting Nay 19
Those absent and not Voting 3

DEPUTY SPEAKER HYSLOP:

The bill passes, as amended in concurrence with
Clerk, please call Calendar 503. Excuse me, Katie messed up. Clerk, please call Calendar 465.

CLERK:

On page 29, Calendar 465, Senate Bill Number 365, AN ACT CONCERNING TELEPHONE SOLICITATION, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Legislative Management.

DEPUTY SPEAKER HYSLOP:

Representative Fox.

REP. FOX: (144TH)

Thank you, Mr. Speaker. Mr. Speaker, I move for 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. FOX: (144TH)

Yes, I will. Thank you, Mr. Speaker. Mr. Speaker, this is a concept that has been before this body over the last several years. It's been an issue which has been of some concern to, I think, the general public. It's an issue which has been debated within the General Law Committee through numerous vehicles through numerous years.
BEVERLY BRAKEMAN-COLBATH: Good afternoon, Senator Williams, Representative Lawlor, and members of the Judiciary Committee.

My name is Beverly Brakeman-Colbath and I'm with the Connecticut Sexual Assault Crisis Service which is an association of eleven rape crisis centers around the State.

I'm here to testify on several bills and I will keep it short. I have submitted written testimony.

First, with regards to raised HB5710, the intimidation based on bigotry and bias. We support this bill with the recommendation that any diversion program be designed and implemented with input from community based advocates who work with those most likely to be targeted by hate crimes.

Additionally, we recommend that in Section 9 the grants to municipalities be required to include collaborations with community based non-profits who work with those groups most likely to be targeted by hate crimes.

Raised HB5698, investigations of alleged child abuse by certified public school employees. We do not support this bill. It appears that this bill would allow records of a child abuse investigation conducted by the Commissioner of Children and Families to be given to the superintendent of a school district and the public school employee being investigated regardless of whether there's a finding of reasonable cause to believe a child was abused.

Many children will disclose sexual abuse at great risk to themselves and possibly others. We cannot support and ask you not to support a bill that would effectively jeopardize children's safety and create another barrier to disclosure.

Raised HB5132, AN ACT CONCERNING DISCLOSURE OF INFORMATION. We do not support this bill because it appears to blur criminal and mental health matters. The Department of Mental Health and Addiction Services should not be providing services
to active criminals unless they have been sent to an institute such as Whiting Forensic. We believe that an individual convicted of a crime and in custody of DOC, should receive services for their diagnosed mental health disorder within that system.

Additionally, pre-sentencing investigation reports for sex offenders, in particular, contain confidential victim information that we would not want compromised.

Raised HB5614, AN ACT CONCERNING COMMUNITY-BASED SERVICE PROGRAMS. We don't support this bill allowing the Department of Correction to contract with for-profit entities for services currently being provided by non-profits. It may jeopardize many non-profit agencies currently providing these services.

Finally, raised SB473, AN ACT CONCERNING ATTACHMENT OF GOVERNMENT PENSION PAYMENTS. We would support this bill. It provides another avenue for recourse for victims of crime.

And raised SB477, AN ACT PROTECTING SENSITIVE PATIENT MEDICAL INFORMATION. We would support this bill. Sexual assault victims often seek medical attention and/or counseling for both immediate and long term health care issues. The information they share is particularly sensitive. We support any efforts to provide sexual assault victims with privacy. If we don't do this, we will deter them from seeking medical attention or force them into a situation where they feel they must pay for their care out-of-pocket in order to protect their privacy.

If you have any questions, I'd be glad to answer them.

SEN. WILLIAMS: Thank you. Are there questions?

BEVERLY BRAKEMAN-COLBATH: Thank you.

SEN. WILLIAMS: Thanks. Next is Commissioner Kristine Ragaglia and Tom Gilman of DCF.
I appreciate the opportunity to speak in support of Senate Bill 473, An Act Concerning Attachment of Government Pension Payments.

Current law prevents the state or a convicted felon's victims from attaching public employee pension payments for the purposes of recovering a court judgment and prevents any prejudgment attachment of such pension payments.

The case of Richard Straub demonstrates starkly why this statute must be changed. The criminal trial of Richard Straub revealed a pattern of abuse and molestation of boys who were placed under his authority during their period of probation. He was sentenced to 15 years in prison.

As a state employee, Mr. Straub qualifies for a $4,000 per month pension. My office is pursuing civil action to recover the costs of incarceration. In addition, the many victims of Mr. Straub are contemplating civil action as well.

While the basic policy of protecting pensions from attachment is sound, it should not be used to shield a criminal from compensating victims of crime, or reimbursing the state for the costs of incarceration. This proposal creates a very narrow exception to the overall pension protection policy to require convicted criminals to pay their due.

I urge your support for Senate Bill 473.
February 28, 2000

To: Senator William, Representative Lawlor and Member of the Judiciary Committee

From: Beverley Brakeman Colbath
Connecticut Sexual Assault Crisis Services

Re: R.B. 473 An Act Concerning Attachment of Government Pension Payments

Position: Support

My name is Beverley Brakeman Colbath and I am the Associate Director for the Connecticut Sexual Assault Crisis Service, Inc. which is an association of 11 rape crisis centers located around the State. Through our community based member centers we provide confidential, free and 24 hour crisis intervention counseling, medical, legal advocacy, information, referrals and risk reduction education.

I am here to testify in favor of Raised Bill 473.

Victims of sexual assault often encounter numerous difficulties when trying to receive compensation for damages they have incurred. This proposal would create another avenue of recourse for some of these victims.