

Legislative History for Connecticut Act

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| Public Act: 01-13 | | 4 |
| Bill Number: 1383 | | |
| Senate Pages: 1164, 1186-1188 | | |
| House Pages: 1989-1992 | | |
| Committee: Judiciary: 2839-2840, 2917-2919, (3447-3448) | | 7 |

Page Total: 15

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

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S-453

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2001

VOL. 44
PART 4
874-1215

193 is PR.

Calendar 195, S.B. 1055 I move to the Committee on Appropriations.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 9, 196 is PR.

197, S.B. 1383 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

198, S.B. 438 I move to the Committee on Education.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 200, S.B. 1150 is to be marked Gø and I ask that it be made the order of the day and taken up first.

THE CHAIR:

Without objection.

SEN. JEPSEN:

202 is PR.

204 is PR.

Page 10, 205 is PR.

208, S.B. 1058 I move to the Committee on

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Senate

Wednesday, April 25, 2001

Mr. Clerk, would you first announce a roll call vote on the Consent Calendar and then call those items, 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 229, H.J. 119.

Calendar 230, H.J. 120.

Calendar Page 2, Calendar 231, H.J. 121.

Calendar No. 232, H.J. 122.

Calendar 233, H.J. 123.

Calendar 234, H.J. 124.

Calendar 235, H.J. 125.

Calendar Page 3, Calendar 236, H.J. 126.

Calendar 62, Substitute for S.B. 289.

Calendar 69, Substitute for S.B. 1112.

Calendar Page 8, Calendar 188, S.B. 1194.

Calendar 192, Substitute for S.B. 1050.

Calendar Page 9, Calendar 197, S.B. 1383.

Calendar Page 12, Calendar 237, Substitute for H.B.

6605.

Calendar 239, H.B. 6556.

Calendar Page 15, Calendar 260, S.B. 1026.

Calendar Page 16, Calendar 266, S.B. 1365.

Calendar 268, S.B. 1396.

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

THE CHAIR:

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

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 Chamber.

THE CHAIR:

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 35; necessary for passage, 18.

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39

Senate

Wednesday, April 25, 2001

Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted. Senator Jepsen.

SEN. JEPSEN:

Madam President, I would move for immediate transmittal of Calendar 62, S.B. 289 to the House of Representatives.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Madam President, at this time we're going to take a brief break, hopefully not more than 15 minutes or half an hour so that the Democratic Senators might caucus. And I would ask that all Democratic Senators caucus immediately. Republicans are excused from the Democratic Caucus.

THE CHAIR:

Thank you, Senator. At this time the Chamber will stand at ease subject to the Call of the Chair.

On motion of Senator Jepsen of the 27th, the Senate at 2:44 p.m. recessed.

The Senate reconvened at 3:06 p.m., the President

H-844

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2001

VOL. 44

PART 6

1726-2025

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249

House of Representatives

Wednesday, May 2, 2001

The passes, as amended.

Will the Clerk please call Calendar 363.

CLERK:

On page 13, Calendar 363, S.B. 1383, AN ACT CONCERNING A PLEA OF NOLO CONTENDERE CONDITIONAL ON THE RIGHT TO TAKE AN APPEAL. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER CURREY:

Representative Lawlor of the 99th.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I move acceptance of the committee's joint favorable report and passage of the bill.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and passage. Please proceed, sir.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This bill both narrows and expands an option available to defendants in criminal courts under certain circumstances.

It narrows their ability to take an appeal after a plea of no contest by inserting language that says they may only do so if the trial court determines that the ruling on a motion to suppress or a ruling on a motion to dismiss would be dispositive of the case.

House of Representatives

Wednesday, May 2, 2001

But it expands the ability to do this by eliminated the limiting language which currently exists in the statute limiting this option to situations where the motion to suppress dealt with evidence which was going to be offered during the trial where there may have been an unreasonable search or seizure or a motion to suppress statements or evidence based on involuntariness of the statement.

So those are two forms of evidence where motions to dismiss are routinely filed in criminal cases and under those cases where the pretrial motion is, in effect, denied by the judge, the current law gives the defendant the ability to waive their right to go to trial, but instead, take the issue of the judge's ruling on a motion to suppress up through the Appellate Court system.

The no contest plea is different from a guilty plea inasmuch as it's not a formal admission of guilt. Instead, it's basically a waiving of the right to contest the charges during a trial.

Madam Speaker, although it seems like the vast majority of cases in this category would deal with either a search and seizure motion or a statement, a confession-type motion, there actually are other motions to suppress which are taken up prior to trial and in the

case that one of those might actually be dispositive of the case, the thinking is that by allowing the option to waive the trial and go directly to the appeal, might free up some court time so that the court time can be expended on other cases.

I think it's a sensible change to the existing statute, Madam Speaker, and I'd urge passage of the bill.

DEPUTY SPEAKER CURREY:

Thank you, sir. Would you care to remark further on the bill before us? Would you care to remark further on the bill before us?

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

The Clerk will announce the tally.

CLERK:

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252

House of Representatives

Wednesday, May 2, 2001

S.B. 1383, in concurrence with the Senate

| | |
|-----------------------------|-----|
| Total Number Voting | 139 |
| Necessary for Passage | 70 |
| Those voting Yea | 138 |
| Those voting Nay | 1 |
| Those absent and not Voting | 11 |

DEPUTY SPEAKER HYSLOP:

The bill passes.

Clerk, please call Calendar 353.

CLERK:

On page 12, Calendar 353, Substitute for S.B. 122,
 AN ACT CONCERNING THE RETURN OF REGISTRATION OR DEPOSIT
 FEES BY DAY CARE CENTERS. Favorable Report of the
 Committee on Public Health.

DEPUTY SPEAKER HYSLOP:

Representative Eberle.

REP. EBERLE: (15TH)

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

DEPUTY SPEAKER HYSLOP:

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

REP. EBERLE: (15TH)

Thank you, Mr. Speaker. This would allow parents

JOINT
STANDING
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HEARINGS

JUDICIARY
PART 9
2814-3185

2001