Legislative History for Connecticut Act

Public Act:	01-83	
Bill Number:	7012	
Senate Pages:	2264, 2297-2298	3
House Pages:	2264-2269	6
Committee:	Judiciary: 3362-3371, 3443, 3444, 3627, 3628, 3632, 3876	16

Page Total: 25

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

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2001

VOL. 44
PART 8
2157-2486

Calendar 477 is PR.

478, H.B. 5916 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

479 is PR.

481, H.B. 7012 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 11, 482 is to be passed temporarily.

The balance of the page, Calendars 484, 487, 488 and 489 are to be PR.

Page 12, Calendar 490 is PR as are the next two items, 491 and 492.

495 is to be marked Go.

496 on top of Page 13, H.B. 6624 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Calendar 497, H.B. 6663 I move to the Committee on Finance.

THE CHAIR:

Motion is to refer this item to the Committee on

6656.

Calendar 478, Substitute for H.B. 5916.

Calendar 481, Substitute for H.B. 7012.

Calendar Page 12, Calendar 495, H.B. 6671.

Calendar Page 13, Calendar 496, Substitute for H.B. 6624.

Calendar 499, H.B. 6898.

Calendar Page 14, Calendar 502, Substitute for H.B. 6859.

Calendar 503, Substitute for H.B. 6983.

Calendar 504, Substitute for H.B. 7028.

Calendar 505, Substitute for H.B. 5399.

Calendar Page 15, Calendar 68, Substitute for S.B. 1048.

Calendar Page 23, Calendar 390, Substitute for S.B. 1420.

Calendar 392, Substitute for H.B. 6554.

Calendar Page 24, Calendar 113, S.B. 1040.

Calendar 193, Substitute for S.B. 1052.

Calendar 220, Substitute for S. B. 1057.

Calendar Page 25, Calendar 275, Substitute for S.B. 1094.

Calendar 377, Substitute for S.B. 1108.

Madam President, that completes the First Consent Calendar.

THE CHAIR:

Thank you, Sir. Would you then announce once again 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 adoption, 18. 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:

H-845

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2001

VOL. 44
PART 7
2026-2372

session a couple of days ago. She is still in Hartford Hospital but spoke to us, several of us already, and indicates that she is feeling very well. She is hoping to head home this afternoon and be able to spend a couple of days at home to rest. She is rather anxious to get back to work. So a lot of us are making sure that we tell her to take care of herself first.

But she wanted me to pass along the message that she is very thankful for all the messages and all of the good will that has come her way. And she is sure, because she is a very strong woman, and so she'll be back very soon. Thank you Madam Speaker.

SPEAKER LYONS:

Thank you, that's very good news, thank you. Are there other announcements or points of personal privilege? Would the Clerk please call Calendar 303.

CLERK:

On page eight of the State of Connecticut House of Representatives Calendar for Monday, May 9th, 2001, Calendar 303, Substitute for HB7012, AN ACT CONCERNING DISORDERLY CONDUCT AND BURGLARY. Favorable report of the Committee on Judiciary.

SPEAKER LYONS:

Representative Jarjura.

REP. JARJURA: (74th)

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

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage, will you remark?

REP. JARJURA: (74th)

Yes, Madam Speaker. Madam Speaker, this bill corrects two situations that were brought to the members of the Judiciary Committee. One situation is that it's extending the crime of disorderly conduct, which is commonly known to people as trespass, to individuals, to a situation that was brought to our attention by Representative Arthur O'Neill.

So that would then, make that, turn that from an infraction into a misdemeanor. The other situation that the bill corrects is that it extends the crime of second degree of burglary for those situations of burglary during the daylight hours when somebody is home. It was brought to the attention of a number of our committee members, as well as I'm sure people in the Chamber will realize, that a home invasion -- otherwise known as home invasion is on the rise -- where people are actually home and people will try to commit this crime of burglary while they're home.

There is a technical clean-up amendment defining the term dwelling, to make it clear that the people at home are not a participant in the crime. That's LCO 6137, if the Clerk could please call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 6137, which will be designated House "A." Will the Clerk please call, the gentleman has asked leave to summarize.

CLERK:

LCO 6137, House "A" offered by Representative Godfrey, etal.

SPEAKER LYONS:

Representative Jarjura, what is your pleasure sir?

REP. JARJURA: (74th)

Yes, thank you Madam Speaker. Madam Speaker again this is a technical amendment. It makes the term dwelling, which is defined in Section 53a-100, to make it clear that with regard to the burglary statute it is a person other than somebody who is participating in the burglary and I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption, will you remark? Will you remark further on the amendment that is before us? Representative O'Neill.

REP. O'NEILL: (69th)

Thank you Madam Speaker. I'd just like to thank Representative Jarjura and urge support of the bill. This was something that was brought to my attention by one of our prosecutors and I think it closes a loophole in Connecticut's criminal laws.

SPEAKER LYONS:

Thank you, Representative O'Neill. Currently for the information of the Chamber we're on the amendment, we just haven't adopted the amendment yet. So will you remark? Will you remark further on the amendment that is before us? If not let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES: Aye.

SPEAKER LYONS:

All those opposed, nay? The ayes have it, the amendment is adopted. Would you remark further on the bill as amended? Would you remark further? Representative D'Amelio.

REP. D'AMELIO: (71st)

Thank you Madam Speaker. I rise in support of this bill. We had constituents back in Waterbury that suffered through a home invasion. The Waterbury delegation brought this issue before the Judiciary Committee, I'd like to thank that Committee for bringing

this bill out and for us to vote on this. Home invasion is such a traumatic experience for people and I'm happy to rise in support of this bill to raise those penalties. Thank you Madam Speaker.

SPEAKER LYONS:

Thank you sir, will you remark? Will you remark on the bill as amended, will you remark further? Representative DelGobbo.

REP. DELGOBBO: (70th)

Thank you Madam Speaker. I also rise in support of this bill and commend particularly Representative Jarjura, Representative D'Amelio, and members of the Judiciary Committee for moving this along. This was brought to our attention some specific situations. In particular when we as individuals in our society cannot feel safe in our own homes, I think that is an extraordinary crime beyond any particular incident.

I feel that this legislation will take an important step toward helping to provide some better sense of security for all homeowners, for all residents. Thank you Madam Speaker.

SPEAKER LYONS:

Thank you sir, will you remark further on the bill as amended? If not, staff and guests come to well, members take your seats, the machine will be open.

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 LYONS:

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

CLERK:

HB7012 as amended by House "A."

Total Number Voting	137
Necessary for passage	69
Those voting Yea	137
Those voting Nay	0
Those absent and not voting	13

SPEAKER LYONS:

Bill as amended passes. Ladies and gentlemen of the General Assembly, if I could have your attention and your silence please. We have in the Well of the House, our colleague's family who have been kind enough to join us today to hear the remarks that many of the members would like to make about the wonderful remembrances and memories they have of Howard Scipio who was a dear

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 10
3186-3581

2001

Representative D'Amelio.

And again, for those who are not so familiar with the process of the committee, we do encourage affiliated individuals and/or organizations who are testifying on the same subject or bill, to testify jointly. You may want to keep that in mind as we proceed through the day. We do have a long list of individuals who have signed up to speak to us today.

SEN. HARTLEY: Good afternoon, Mr. Chairman and members of the Judiciary Committee. First of all, I am ever grateful to have this opportunity to appear before you.

For the record, I'm Joan Hartley, the Senator from the 15th district and I am here to testify in support of H.B. 7012, AN ACT CONCERNING DISORDERLY CONDUCT IN BURGLARY.

Specifically, Mr. Chairman and members of the committee, I am here in support of Section 2 of that bill which speaks to a change in statute for home invasions, a change from a Class D felony to a Class C felony.

I would suggest one change to the language that is presently before the committee with respect to the fact that the language talks about the change for such instances that happen at night. I would suggest that this is such a heinous situation that it be a situation 24 hours, 7 days a week so as to change the qualifier of the words, "at night".

Mr. Chairmen and members of the committee, with me today is the Representative from the 71st district, Tony D'Amelio who I will defer to momentarily and I should just like to say to the committee that with respect to the substance of the change, anything that I could say would pale in comparison to one who has been, unfortunately, the victim of this situation regarding the terror that one experiences in a situation that is a home invasion, the feeling of the incredible violation of the sanctity of one's home. And so due to that fact, with us here today are Mr. and Mrs. Lezotte who, unfortunately,

003363

have been the victims of such situation and will be able to speak to you most directly and certainly more constructively than I could ever pretend to.

And I thank you.

REP. D'AMELIO: Thank you, Mr. Chairman. For the record, I'm Anthony D'Amelio. I represent the 71st district in the City of Waterbury.

I concur wholeheartedly with my Senator Hartley and with us, as Joan has mentioned, we have Mr. and Mrs. Lezotte who are victims of this horrendous crime and I think their testimony will be enough to convince this committee to pass this out of committee.

Thank you.

NORMAN LEZOTTE: Good afternoon. My name is Norman Lezotte. This is my wife, Patricia.

HB 7012

We were both victims of a home invasion and it's not a pretty sight. And I read the bill. It was originally put in on home invasion and changed to concerning disorderly conduct in burglary. And I can support this bill if there's a couple of changes made. The one that Senator Hartley just spoke of where that type of a thing can happen day and night.

The other thing is the penalties going from a D to a C. I can support it. And the Class D it's a five year penalty with one year if a weapon is used. I think if it's brought to a Class C, it should be ten years and two years served because it's doubled the five.

A home invasion - I'm only going to take a few minutes of your time, it won't be long - is not a pretty situation when it happens at anyone's home. I hope it never happens to you or any or your relatives.

When a person comes into your home, threatens to kill you and there was no doubt in my mind that he meant it or to kill your wife if you won't comply

with their demands, it's a horrendous thing.

It says here in one of the articles in the paper a simple home invasion. A simple home invasion where no one has been hurt -- psychologically the victims are hurt. And if it wasn't for Connolly's office in Waterbury, and the Victims Services, we would probably have been a lot worse shape. They both worked through this system with us for over eight months.

The penalty for a burglary when there's a weapon involved -- now, how can you tell if there's a weapon involved if somebody comes in with a heavy coat on and a jacket and a mask? You don't know if he has a weapon in that coat and when the police pick him up, he's picked up without a weapon. I have to assume that night that he had a weapon and he never once mentioned that he would hurt us. If my wife didn't comply and give him the money, he would have killed me. If I got up off the floor after fighting with him to protect my wife, he would have killed her. It wasn't a pretty night and it's still in my memory. It's just like it happened yesterday.

The person that did this crime was sentenced to 28 years in jail. The judge, when he sentenced him, he said, "You have scarred these people for life." At that time I didn't really know what he was talking about. I know what it is now. When there's a bad night, when the thunder is out, my wife won't answer the door without me being there. That's how much that scarred and that's two years ago.

So I could support this raised bill, H.B. 7012, if those two changes were made, the one that Senator Hartley just spoke of and also the one where it says that if it's a ten year penalty that it's only going to be one year that he has to serve if he has a weapon, I think that should be increased.

Ten years - we could have been killed that night. We would never have had ten years. So I think anybody that commits this type of an atrocity should be sentenced where he will never get out again.

Thank you.

Now my wife.

PATRICIA LEZOTTE: Good afternoon. My name is Patricia Lezotte from Waterbury. Victim. I really feel I'm still a victim from this crime. HB 7012

It was perpetuated against my husband and I on a very rainy Sunday night in Waterbury. This man broke down our door. We thought it was the thunder or maybe the wind had blown a branch or trash can had blown over. But it was him breaking down our door.

Now, we lived on the third floor. I have to tell you because I believe it was all premeditated. We live on the third floor in an apartment or we did at that time. He broke down -- he had to come up three flights of stairs and he unlocked a door up there, it had three locks on it. But he couldn't get that off and he had to jump over the - this is a over a staircase. Jumped over there. And then he jumped onto the porch where he cut a hole in the screen. We had a screen in the door even in March so that we could open it if it was cool because the porch was hot if the porch - if it got warm in the house.

So he broke that door. Smashed it. It had a dead bolt, but he broke the frame and everything. So he was intent on doing damage.

He came in and we heard the noise. My husband went out to check on it and he jumped from behind our refrigerator and knocked him to the floor. The house was dark now. This is a one o'clock in the morning. And it was in March, March 22nd, two years ago.

He knocked my husband down and I heard my husband saying, "Stop it, you're hurting me." So I went out to the kitchen then. I was in the bedroom. And I said to him, - and he's - he was kicking him in kidneys. We found this out afterwards when we went to the emergency room. But he was trying to

strangle him. And he told me that he would kill my husband if I didn't give him the money. All the money.

But we had saved for a trip to go to Ireland. I have relatives there. And I went into the room where we -- we had gotten our rebate from the State and our rebate from the federal government from our taxes and we were planning on going to the bank to deposit it on Monday. This was Sunday night - really Monday morning, early.

And I gave him the envelope with everything in it. And then he asked me - he told me to take the phone off. We had a jack. And he told me to take the phone off the wall because he was taking the phone. And then I had to open the door which was broken and let him out and then I had to bring him to the stairs. There were three locks on that door at the stairs and I had to open those. Now, I was petrified. I only went because I wanted him to stop hurting my husband.

And I was afraid he was going to push me down the stairs. I was really frightened for my life. But I did it because I didn't want him to hurt Norman any more. Then I had to go back into the house. I had to go down to the second floor and wake those people up so that I could use their phone because I had none.

I feel this is important for you to know every detail of this because it was - I don't think it was any spur of the moment or anything. But when we went - then the good part begins. When we got the Waterbury Police Department and they were wonderful. They were compassionate, professional, very, very good treatment. And they took us to the police department and we gave our statements to the detectives. They came up to our house first and then we went to the police department where we gave our statements.

Now, after that my husband had to go to the hospital and they found -- the doctor there - the hospital, again, they were wonderful. They treated us very kindly with compassion and they were very,

very good.

And they took x-rays of him and the doctor, the head of the emergency room, Dr. Jacobe said that the injuries were - the bruises were all on his - by his kidneys. That's where he kicked him, in the kidneys. And he said that he had to do x-rays on that. They could have inflicted serious damage. So the intent to hurt or to not hurt, but to kill was there because he had threatened my husband and he had threatened me.

Now, when we went to court we were followed through with such kindness and compassion and the Judicial Department, John Connolly's office, the Victim Service person that we were assigned was wonderful, followed us right through it all. Saw to it that I was never alone when he was testifying and I didn't have to be out with the perpetrator's family or anyone else, that I had privacy and I was treated like a human being which was quite a change from that evening in March.

I certainly hope and pray that you will increase the sentences. Please, I don't want to see anyone, anyone else go through what we did.

And thank you for your time.

SEN. COLEMAN: Thank you. Are there questions for Mr. and Mrs. Lezotte? Representative Conway.

REP. CONWAY: Thank you very much. Mr. and Mrs. Lezotte, I applaud you for coming up here today and testifying before our committee.

Norman, I have a few questions for you, if you don't mind. How many charges was this perpetrator charged with?

NORMAN LEZOTTE: Representative Conway, he was charged with four counts. He was charged with two counts of second degree assault on a victim 60 years of age and older, first degree robbery with a dangerous instrument, and first degree burglary.

REP. CONWAY: Now, were you satisfied with the penalty,

28 years?

NORMAN LEZOTTE: What I wasn't satisfied with was the plea bargain situation which he didn't take. No, I thought he should have gotten more than 28 years. I'll tell you why. Our lives could have ended that night. And by the way, I forgot to say that he had targeted us. In his confession to the police, he had said that he had picked on my wife and myself because we were elderly people and that we would be easy victims and I'm not only a victim, but I'm also the Commissioner on Aging for the seniors in Waterbury and I certainly wouldn't want to see anyone go through anything like this. Your mothers, your fathers, your aunts or your uncles and you. Please, God, don't let it happen to any of you because it's not that type of a night. I was in the service. This is a night that I'll remember for a long time. When somebody says I'm going to kill your wife, and I have no doubt in my mind he meant it when he had her by the throat, she didn't mention that. If he had kicked her like he kicked me, she would have been dead. You think then well this guy is nuts or he means it and he deserves to go away.

And he even told the police that he had planned this. So this is premeditated. I think anyone that breaks into your home has done this and it's premeditated. It really is because they thought about it before they did it.

REP. CONWAY: Now, Mr. Lezotte, I have another question. How many years does he have to serve?

NORMAN LEZOTTE: He has to serve 85% of the sentence. That's the judge. The judge made sure that when he gets sentenced he told him he would have to serve 85% of that sentence.

REP. CONWAY: Then he would be on probation?

NORMAN LEZOTTE: Well, my wife and I won't be alive at that time, but I hope that he serves the full sentence.

REP. CONWAY: Right. Okay. And I agree with you that the

home invasion should be changed to 24 hours, 7 days a week, 365 days a year. And I also agree with you from Class D to a Class C. But I just want to say thank you very much for coming up today and you two are my greatest constituents for the past 15 years that I have served here.

NORMAN LEZOTTE: Well, thank you, Tom and I want to say thank you to the whole Judiciary Committee. Please, this is a serious matter. Until it happens to somebody in your family you won't know how serious it is.

Thank you kindly.

SEN. COLEMAN: Thank you Mr. and Mrs. Lezotte. Representative Berger.

REP. BERGER: Thank you, Mr. Chairman. Thank you, Mr. and Mrs. Lezotte for coming here today to tell your story.

A couple of questions that I have. The person that was involved in this, the perpetrator of this crime that was eventually plea bargained. Do you know if he had committed previous crimes of this nature of violent crimes prior to his plea bargain?

NORMAN LEZOTTE: No, I can't say that I am because we weren't privileged to that information. We weren't allowed in the courtroom while he was testifying or testimony was given on his behalf. So I never did get into it. It would cost $1,700 to get the transcript and I couldn't afford it.

REP. BERGER: Okay. Did they approach you, did the prosecutors ask you - it's a victim of a crime. Were you approached or were you told of your rights as far as a victim that you would have in the prosecution or plea bargain with this individual assaulted you in your home?

NORMAN LEZOTTE: Absolutely. The prosecution, they did a terrific job. They informed us of the plea bargaining and asked us if we would go along with a 12 year sentence. And we depended on what the prosecutor had in John Connolly's department. It

was the perpetrator that wouldn't go along with the plea bargaining and that's why he's serving his 28 years today.

REP. BERGER: Now, the way this bill is drafted, it would change the burglary and the committing of this crime in this dwelling with intent to commit a crime or harm an individual, it would change it from a second degree to a Class C felony.

Do you feel that that is an appropriate felony, Class C or do you feel that that should be a more stringent charge?

NORMAN LEZOTTE: I think it should be more stringent. The judge did too because you had one of the counts was a first degree burglary. I don't know what that would be in a sentencing because I'm not a legal person. But we're going from a D to a C here and he was convicted on a first degree burglary which might have been a B or an A, I don't know. I'm not a legal person.

REP. BERGER: I think you'd have to agree that any time -- if you're in the privacy of your home, someone kicks your door in and involves an assault, be it a person 60 years of age or older, I mean the invasion of the privacy in your home certainly is a most egregious violation and it should wield the most strongest of charge that the law would require.

NORMAN LEZOTTE: I agree with you. The only reason I mention this is because when you're dealing with seniors, many of them have heart problems or different physical problems and when somebody comes into a house like that, if they have heart problem, there's no saying that he wouldn't or she wouldn't drop dead of a heart attack with that kind of a shock. That's why I don't see that it could ever be a simple home invasion. I can't see that as part of the terminology.

REP. BERGER: Do you feel that the sentencing of the 28 years and the plea bargain, 60 years or older, obviously, came into play in this instance and that's an important component of it, but I believe

where I'm going with this is that an invasion, a home invasion of a person in their home and a burglary, again it should be looked at in equal amount of danger of a person 60 years or older.

NORMAN LEZOTTE: Absolutely, I agree with you. I really do. It's a horrendous thing. I hope no one has to go through with it and I appreciate your time.

Thank you kindly.

SEN. COLEMAN: Mr. and Mrs. Lezotte, on behalf of the committee, we want to say that we are very sorry about the experience that you had to endure and we do very much appreciate your appearance here before the committee.

Thank you much.

NORMAN LEZOTTE: I appreciate your condolence and I really do want to take this as a very serious matter because it could happen to anyone. It's not a pretty sight.

Thank you. We're lucky we're here to testify.

PATRICIA LEZOTTE: That's right.

NORMAN LEZOTTE: Thank you.

SEN. COLEMAN: Our next speaker is Representative Malone.

HB6802

REP. MALONE: Thank you, Mr. Chairman. I'd much rather prefer testifying after Commissioner Armstrong than testifying after that couple. I do believe that the gentleman who perpetrated that crime on them certainly deserves the 28 years that he got.

Mr. Chairman, thank you for the opportunity to testify here today. My name is Jack Malone. I'm the Chairman of the Program Review and Investigations Committee. The prison overcrowding issue has certainly originated with the Program Review and Investigation Committee and as my role as the chairman of that committee, I've become very familiar with the topic.

support of that idea.

DEPUTY CHIEF BOSTON: Yes.

REP. BERGER: I mean I think it substantiates that.

DEPUTY CHIEF BOSTON: Yes.

REP. BERGER: Thank you.

SEN. COLEMAN: Thank you.

Any further questions?

Seeing none --

BARBARA MASSARO: Thank you for your time.

SEN. COLEMAN: Thank you.

DEPUTY CHIEF BOSTON: Thank you very much.

SEN. COLEMAN: Jack Bailey?

JUDITH ROSSI: Good afternoon, Senator Coleman, Representative Lawlor, members of the committee. Obviously, I'm not Jack Bailey. I'm Judith Rossi. I'm an Executive Assistant State's Attorney to Mr. Bailey. He was unable to stay this afternoon. He's got the allegations of nursing home sabotage going on this afternoon.

With me is Ceil Wiederhold. She is the supervisor State's Attorney -- Assistant State's Attorney in New Haven in G.A. 6.

CECILIA WIEDERHOLD: Good afternoon.

JUDITH ROSSI: Mr. Bailey has submitted written testimony. I will comment briefly on several bills. HB 7012 HB 6653 HB 6039

The Division of Criminal Justice recommends the modifications to Raised Bill No. 1358, AN ACT CONCERNING THE ELIGIBILITY FOR BAIL, and Raised Bill No. 1428, AN ACT CONCERNING PRISON OVERCROWDING.

With regard to Raised Bill No. 1358, the Division supports modification of the existing law which is overbroad and which has created some confusion. One of the areas of confusion has been whether the law applies retroactively. In other words, can it be used to revoke the appeal bonds of offenders who are convicted prior to the effective date of the law and who are awaiting appeal?

Further, in addition to the offenses now covered by Raised Bill 1358, we support extending the bill to further include the crimes of robbery, kidnapping, assault in the first degree and assault in the second degree, obvious crimes against persons that are omitted from the present version of the raised bill.

Apparently, there's also a typo on Line 5 of the bill. I believe the appropriate reference is 53a-70a instead of 7a.

With regard to Raised Bill No. 1428, we recognize the need for expanded drug treatment to attack the demand side of the drug equation. Our concern is that we create an effective alternative so that drug treatment does not become a revolving door back into and out of the criminal justice system.

As it's now written, the bill provides no safeguard to prevent an offender who is arrested in one judicial district from being sent to treatment and then being arrested in another district and allowed the treatment option again.

We strongly urge that some sort of registry or other tracking mechanism be incorporated into the bill to address this need.

We support Raised Bill No. 7012, AN ACT CONCERNING DISORDERLY CONDUCT AND BURGLARY. I won't further comment on that. But we concur with the testimony that's already been given on that issue.

The Division of Criminal Justice opposes Raised Bill No. 6653, AN ACT CONCERNING THE COMMUNITY SERVICE LABOR PROGRAM. We fully recognize the need

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 11
3582-3876

2001

James F. Papillo, J.D.
Victim Advocate

STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Testimony of James F. Papillo, Victim Advocate
Submitted to the Judiciary Committee
April 2, 2001

My name is James Papillo and I am the Victim Advocate for the State of Connecticut. I am writing to oppose **Raised Bill No. 1358, An Act Concerning Eligibility for Bail,** and to support **Section 17 of Raised Bill No. 1428, An Act Concerning Prison Overcrowding,** with certain modifications. I write also to support **Raised Bill No. 7012, An Act Concerning Disorderly Conduct and Burglary**

Just last session, the General Assembly passed Public Act 00-200, An Act Concerning Victim's Rights. Pursuant to Section 5 of that Act, criminals convicted of murder and any offense involving the use, attempted use or threatened use of physical force against another person (violent criminals) are ineligible for bail pending appeal. By enacting Public Act 00-200, the General Assembly recognized that, in order to ensure public safety, violent criminals should not be released on bail while their convictions are on appeal.

As proposed, Raised Bill 1358 limits the prohibition against bail pending appeal only to defendants convicted of murder, manslaughter in the first degree and certain sex offenses. Thus, a defendant convicted of a gunpoint robbery that resulted in injury to the victim would be entitled to bail pending appeal. On the other hand, Section 17 of Raised Bill 1428 prohibits defendants convicted of murder from being released on bail pending appeal and provides that there shall be a presumption that a person convicted of any offense involving the use, attempted use or threatened use of physical force against another person shall not be released on bail pending appeal. Thus, criminals convicted of violent crimes other than murder would be presumptively ineligible for bail pending appeal unless the court finds: (1) That the conditions imposed on such person's release will reasonably protect any victim of the offense from such person during such person's release, (2) that the conditions imposed on such person's release will reasonably assure such person's appearance in court when called, (3) that the victim of the offense has been notified, or reasonable efforts have been made to locate and notify the victim, and the victim has been given an opportunity to make or submit a statement concerning whether the person should be released, and the court has considered any such statement made by the victim, and (4) that it is in the interests of justice that such person should be released.

I respectfully request that this committee consider the modifications to Section 17 of Raised Bill 1428 that I have submitted with my written testimony. As proposed, Section 17(b) creates a presumption against release on bail pending appeal for defendants convicted of "any offense involving the use, attempted use or threatened use of physical force against another person." My concern is that a court may narrowly construe the term "physical force" to mean actual bodily contact between the defendant and the victim. Thus, a court could determine that a drunk driver who crashes his automobile into another vehicle killing or injuring the occupants did not commit a crime involving "physical force" and, therefore, is not subject to the

presumption against eligibility for bail pending appeal. My proposed language would provide that a defendant who is convicted of an offense that results in physical injury, serious physical injury or the death of another person would also be presumptively ineligible for bail pending appeal. This proposed language would remove any possible ambiguity in the term "physical force" and would ensure that all defendants who commit violent crimes other than murder are presumptively ineligible for bail pending appeal.

Further, as proposed, Subsection (b)(1) requires that the court consider whether the conditions to be imposed on the defendant's release would reasonably protect the victim from the defendant while the defendant was out on bail. In addition to considering the victim's safety, the court should be required to consider the public's safety before releasing a violent criminal on post-conviction bail.

Finally, the Office of the Victim Advocate supports **Raised Bill No. 7012, An Act Concerning Disorderly Conduct and Burglary.** Thank you for considering my thoughts regarding these Bills.

Sincerely,

James F. Papillo, Esq.
Victim Advocate

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

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The Division of Criminal Justice supports Raised Bill No. 7012, An Act Concerning Disorderly Conduct and Burglary. The first section of the bill would expand upon the voyeurism legislation enacted by this General Assembly. Essentially, this section addresses what could be described as "voyeurism without a camera." The second section of the bill addresses the issue of home invasions.

The Division of Criminal Justice supports the concept of Committee Bill No. 6039, *An Act Concerning a Community Court in New Haven*, provided that sufficient additional resources are available to implement the legislation. Given the many pressures on the criminal justice system, we simply do not have the means to carry out this bill within existing resources. We would further note that a separate facility would be necessary in New Haven given the current G.A. court facility. The location of the Hartford Community Court is one of the most important factors contributing to its success.

The Division of Criminal Justice opposes Raised Bill No. 6653, *An Act Concerning the Community Service Labor Program*. Let me reiterate that the Division of Criminal Justice fully recognizes the need to expand alternatives to incarceration for drug offenders, but only where appropriate. We do not believe that individuals who make a living or who are attempting to make their living selling drugs should be eligible for the community service labor program. I would like to share with the Members of the Committee a newspaper clipping from Bridgeport. Drugs, and those who deal them, continue to tear at the very heart of our society in many communities. While we must do all that we can to reduce the demand side of the drug equation, we cannot ignore the supply side, and the violence that all too often surrounds it.

That concludes my testimony on the bills before the Committee today. As always, I would be happy to answer any questions that you might have, and the Division of Criminal Justice stands ready to assist the Committee in any way that we can.

Thank you.

State of Connecticut

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Testimony of
Representative Anthony J. D'Amelio
On Raised Bill 7012
An Act Concerning Disorderly Conduct and Burglary
April 2, 2001

Chairman Lawlor, Chairman Coleman, and members of the Judiciary Committee, my name is Representative Anthony J. D'Amelio, and I am here to speak in favor of Raised Bill 7012, An Act Concerning Disorderly Conduct and Burglary.

In particular, I am in favor of provisions of this bill which will make it a class C felony to enter or remain in a dwelling unlawfully, while a person is actually present in such dwelling, with intent to commit a crime therein.

This provision is similar to legislation I introduced this session which was intended to increase the penalty for home invasion. The legislation I introduced was because of a horrible event that took place in Waterbury recently. Norman Lezotte, whom you will hear from today, as well as his wife, were both victims of home invasion and burglary. You will hear from Norman and his wife with regards to the experiences they endured, and the harrowing events of that unfortunate evening.

I would like this committee to vote favorably on this bill and stiffen the penalties for these kinds of egregious acts. When the sanctity and security of a person's home is compromised, the law must react swiftly and firmly. I believe this legislation provides for a more appropriate apportionment of punishment.

Thank you.

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