

Legislative History for Connecticut Act

Act Number: 132	2002	(FAX!)
Bill Number: 5748		
Senate Pages: 2452-2453, 2487-2489	5	
House Pages: 3070-3084, 5019-5026	23	
Committee: Judiciary: 2889-2890, 3105, 3106, 3233-3234		6
Page Total:		34

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

Connecticut State Library

Compiled 2013

S-472

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2002

VOL. 45
PART 8
2445-2776

kmg

187

002452

Senate

Tuesday, May 7, 2002

Page 8, Calendar 444, I move to the Consent HB5753

Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 9, Calendar 451, I move for suspension of the
rules to take this item up. Move for suspension of the
rules actually to waive, to waive reference to HB5627
Legislative Management, and place this item on the
Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 10, Calendar 453 is Go.

Page 10, Calendar 455, I ask this item be marked Go
and be taken up first as an order of the evening.

I move for suspension of the rules to take up the
next four items. Calendars 460, 461, 462 and 463.

THE CHAIR:

Motion is for suspension of the rules. Without
objection, so ordered.

SEN. JEPSEN:

I would move Calendar 461, HB5748 to the Consent

Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

I move Calendar 463, HB5708 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

The other two items should be passed temporarily as all other items not marked.

Page 11, excuse me, Page 12, Calendar 85, SB185 I move recommittal.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 12, Calendar 95, SB373, I move recommittal.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 12, Calendar 122, should be marked Go.

Page 13, SB417, should be marked Go. And I would ask that this item be taken up second.

Page 13, Calendar 148, SB186, I move recommittal.

THE CHAIR:

Motion is to recommit this item. Without objection, so ordered.

And then from Page 11, Calendar 460. This item was previously passed temporarily, and I would move this item, Calendar 460, HB5715 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

If the Clerk would call the Consent Calendar at this time.

THE CHAIR:

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

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 5, Calendar 401, Substitute for HB5653.

Calendar 403, Substitute for HB5154.

Calendar Page 8, Calendar 439, Substitute for HB5527.

Calendar 441, Substitute for HB5735.

Calendar 444, Substitute for HB5153.

Calendar Page 9, Calendar 451, Substitute for

Senate

Tuesday, May 7, 2002

HB5627.Calendar Page 11, Calendar 460, Substitute forHB5715.Calendar 461, Substitute for HB5748.Calendar 463, Substitute for HB5708.Calendar Page 16, Calendar 92, Substitute forSB231.Calendar Page 17, Calendar 233, Substitute forSB334.Calendar 389, Substitute for HB5166.

Madam President, that completes those items previously placed on the first Consent Calendar.

THE CHAIR:

Thank you, sir. 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 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. Clerk, please announce the

Senate

Tuesday, May 7, 2002

tally. For the members voting, that is the Consent Calendar.

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:

Consent Calendar is adopted.

THE CLERK:

Turning to the Calendar. Calendar Page 5, Calendar 421, File No. 379 and 607, Substitute for HB5425, AN ACT CONCERNING BULLYING BEHAVIOR IN SCHOOLS AND CONCERNING THE PLEDGE OF ALLEGIANCE. As amended by House Amendment Schedules B, C, and D. Favorable report of the Committees on Children, Education, and Appropriations. Clerk is in possession of Senate 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 in concurrence with the House.

THE CHAIR:

H-873

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2002

VOL. 45
PART 10
2965-3297

CLERK:

On page 9, Calendar 304, Substitute for H.B. 5748,
AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION.
Favorable Report of the Committee on Judiciary.

SPEAKER LYONS:

Representative Lawlor, you have the floor, sir.

REP. LAWLOR: (99TH)

Thank you, 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. LAWLOR: (99TH)

Thank you, Madam Speaker. The bill itself is rather
lengthy. However, the content of it is rather technical.

The judicial branch requested this bill to re-word
and adjust phrasing in a variety of sections of the
statutes to comply with a variety of federal mandates
governing the court support function, which every state
is, in effect, mandated to do and compensated by the
federal government to do.

Again, let me emphasize, Madam Speaker, there's
nothing in here that really, in any significant or
substantive way, changes anyone's rights or obligations

House of Representatives

Tuesday, April 30, 2002

or procedures. It is, in essence, a series of technical changes to existing policy and existing law.

Madam Speaker, the Clerk has LCO 4083. I would ask that the Clerk call and I be permitted to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 4083. Would the Clerk please call. The gentleman has asked leave to summarize.

CLERK:

LCO 4083, House "A" offered by Representatives Lawlor and Farr.

SPEAKER LYONS:

Please proceed, Representative Lawlor. Oh, Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, this side of the aisle does not seem to be in possession of the amendment.

SPEAKER LYONS:

We will stand at ease for a moment while you get the amendment.

(Chamber at ease.)

SPEAKER LYONS:

Would the House please come back to order? I believe at the last time we were speaking, folks had

House of Representatives

Tuesday, April 30, 2002

asked for a moment to read the amendment, but that Representative Lawlor did have the floor.

So, Representative Lawlor, if you would like to proceed, sir.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. The Clerk has LCO number 4082. I would ask that the Clerk call and I be permitted to summarize.

SPEAKER LYONS:

I believe we had called the amendment, sir. So if you would just move adoption, which you might have done, but just to help the Chamber.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I did move adoption before, but I will now.

SPEAKER LYONS:

Thank you, sir. And if you would care to remark.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. The entirety of this amendment was the subject of a public hearing before the Judiciary Committee as a separate bill known as the "Court Operations Bill". As far as I know, there was nothing in that bill during the public hearing that was controversial, but I would like to explain the contents.

First of all, in the first several sections, it's

House of Representatives

Tuesday, April 30, 2002

inserting reference to what is, in essence, a newly established part of the judicial branch, the Court Support Services Division.

Many of the changes in the first part of this amendment, together with the underlying bill, are referred to the relatively recent reorganization of the judicial branch with different responsibilities being transferred to different parts of the branch.

So, the underlying bill, together with this, reflects changes and organization of the statutes, new names, that type of thing, which resulted from that reorganization, but nothing substantive.

However, there are substantive changes in this particular amendment and let me just explain what they are.

First of all, in Sections - where it says Section 53, in the amendment, which begins on line 93, it's adding a new amendment, a new section to the bill. This section, the ones that follow establish a new long overdue centralized system for retaining information about protective orders and restraining orders issued by the court.

In essence, the old system which relied on transfers of paper and faxes, things of that nature, is being replaced with a statewide computerized data base

House of Representatives

Tuesday, April 30, 2002

which will contain all of this information and all of this information will be instantly available to everyone authorized to view it in the criminal justice system in a real time basis. In other words, all of these orders will be obtainable instantly by police officers in their cars. If their cars are properly equipped. By prosecutors in courthouses. By probation officers, parole officers, the Department of Correction, etcetera so that they will all have instant access to these particular documents as soon as they're issued by the court. This will be in an electronic format similar as is the case in many other states and I think we're all well aware of the importance of making sure this information is instantly available to everyone who needs to have it in order to provide appropriate protection.

Following that, Madam Speaker, is a relatively technical change, but substantive nonetheless, which is change we made last year allowing mediation to be an option in appeals of zoning board decisions is being extended to appeals from inland/wetland commission decisions.

In other words, mediation will be an option, not an obligation, but it's proven to be very successful in the zoning context. Now it will be allowed for decisions made by inland/wetland commissions.

And finally, Madam Speaker, last year, the Legislature authorized judge referees to hear -- judges and referees to hear condemnation proceedings. For some reason, under the old rule, only referees, I believe, were allowed to hear it. Now judges are allowed to do it, as well, the regular judges who haven't reached a certain age.

Last year we made that change. There's language in here which conforms, throughout the statute, the procedures which are necessary to give full effect to that particular statute.

So, Madam Speaker, I think these are all appropriate. I don't believe any of these are controversial. In one case, at least, with the centralized data base for restraining orders, protective orders and the like. I think it's an extremely important addition to our criminal justice system and I would urge adoption of the amendment.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the amendment that is before us? Will you remark further?

If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

House of Representatives

Tuesday, April 30, 2002

Aye.

SPEAKER LYONS:

Those opposed, nay. The ayes have it. The
amendment is adopted.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. A quick question, through
you, to the proponent of the bill, as amended.

SPEAKER LYONS:

Please frame your question, Madam.

REP. POWERS: (151ST)

Thank you, Madam Speaker. In Section 79, through
you, in lines 925, 926, we're adding things that the
Office of Victim Services can do with an award that has
not been claimed, ordering payments to help care
providers and victim service providers.

Through you, Madam Speaker. Did somebody else do
this before or is this something new?

Through you, Madam Speaker.

SPEAKER LYONS:

Please frame your question, Madam.

REP. POWERS: (151ST)

I did.

House of Representatives

Tuesday, April 30, 2002

SPEAKER LYONS:

Oh. Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This relates to an attempt we made in the past to deal with a very specific situation. This is the situation.

Under our existing crime victim services procedures, there is compensation available to crime victims for innocent victims of violent crime for out-of-pocket costs incurred by the victim in connection with the crime. Typically, this would be doctor's bills.

Apparently there was a variety of problems in ensuring that when the victim's comp commission actually authorized payment for a particular individual bill, it turned out that, in many cases, the doctors were never actually paid for that bill.

This language is intended to ensure that those payments are made to the person who provided the service. And it's to give - to make sure that the change we made a year or two ago, I forget which it was, is actually followed through on.

So, in other words, this is a request from the Victims Services Office within the judicial branch, language which will make it easier for them to follow

House of Representatives

Tuesday, April 30, 2002

through on the public policy change we made a few years back.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. And I thank the gentleman for his answer.

So, in other words, this is to make the process work more smoothly and efficiently?

Through you.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Yes, the Victims' Comp Fund only pays out-of-pocket costs incurred by innocent victims of violent crimes. They have an elaborate procedure to determine whose an innocent victim and whose not an innocent victim and ensure that it's a legitimate expenditure, etcetera. There's no sort of pain and suffering award made out of the Victims' Comp Fund. Maybe we should consider that some day, but that's not the case at the moment.

And it's only for doctors' bill, basically, and this just makes sure that the doctor's bill actually

gmh

115

House of Representatives

Tuesday, April 30, 2002

gets paid.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. I would like to turn to Section 53 and in sub (b), starting on line 108, we're talking about - we formed a new registry, which is automated. And in sub (b) we're talking about disclosure under FOI.

Through you, Madam Speaker. Is this a new disclosure requirement or is it new disclosure on the information or is it a new disclosure on this registry?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This registry, which is, in essence, a computer data base, is only accessible by certain authorized officials. In general, criminal justice agencies. The language that you see in subsection (b) is identical to the existing law which governs access to what they call the "collect system". That's access to people's pending charges, criminal records, other criminal justice information that's

House of Representatives

Tuesday, April 30, 2002

available to police officers in a day-to-day doing of their jobs.

That information is not directly subject to FOI. However, much of the information - like for example, a person's conviction record is, in fact, public information, but the collect system itself contains a lot of additional information beyond that and this language is identical to the language the governs the existing collect system.

In effect, this data base, this registry is being added as a new feature within the collect system and this language is consistent with that change.

SPEAKER LYONS:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. So if I understand the gentleman correctly, we are expanding the collect system to include the registry and by doing that, we are expanding the FOI exemption to this new automated registry.

Through you, Madam Speaker, is that correct?

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think it's important to

point out that much of the information, including restraining orders, is already public information. You can access that directly at the courthouse.

The collect system, however, is a much broader system that includes a variety of information, some of which is public, some of which is not. It's police information, for example. And so the entire collect system itself is, in effect, exempt from direct FOI inquiries.

And since this data base is being added -- is becoming a part of the collect system, the same language is being used. But the individual restraining orders, for example, are subject to FOI, but not -- you can't get it by writing a letter to the collect system saying we want access -- in other words, a journalist, for example, can't simply get direct access to the collect system because it contains a lot of information, some of which is confidential, some of which is public. Medical information, for example, under certain circumstances, psychiatric history, may or may not be part of the collect system.

So you can't get access directly into the collect system, but you could find out about an individual restraining order by asking just about that restraining order.

House of Representatives

Tuesday, April 30, 2002

But the collect system is a data base. So obviously, the concern is that if someone other than the criminal justice agency had direct access to the entire data base, they would theoretically be able to find out ahead of time what the police are up to, for example.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. So, we are moving the automated registry, the new automated registry underneath the collect system which makes it exempt from FOI. However, the individual restraining orders and protective orders are subject to FOI individually.

How would someone know there was a protective or restraining order if they are in the collect system, which is not FOI'able? How would they know that and where would they go?

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Well, through you, Madam Speaker, you could go -- I mean, like all court records, you could go to the courthouse and like any court case, you could get the information.

Generally speaking, the most important - the people that need to know about the restraining order are the people who are protected by it and they know because they applied for it. The people who are subject to it and they know because they get served with it by a marshal. And the law enforcement agencies need to know because they're the ones who are going to enforce it and they'll have access to it through this data base.

But anyone else who would like to know about restraining orders can go to a courthouse, for example, and inquiry about any case, including a restraining order application and read the affidavit that underlies it, all that type of stuff.

So, that's how you would find out.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. And I thank the gentleman for his answers.

I think this is probably a little more than just the bill that we looked at in Judiciary. And so we felt it was appropriate to ask some questions about the changes.

Thank you, Madam Speaker.

gmh

120

House of Representatives

Tuesday, April 30, 2002

REP. LAWLOR: (99TH)

Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

I just want to clarify. It's my understanding is this is identical word-for-word the same bill that was before the Judiciary Committee.

And I just want to emphasize that just so everybody understands.

Through you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir, for your remarks.

Will you remark further?

Representative Godfrey.

REP. GODFREY: (110TH)

With the passage of that amendment, Madam Speaker, I move that this item be referred to the Committee on Government Administration and Elections.

SPEAKER LYONS:

Hearing no objection, so ordered.

Will the Clerk please call Calendar 251.

CLERK:

On page 7, Calendar 251, Substitute for H.B. 5573,
AN ACT REPEALING OBSOLETE STATUTES. Favorable Report of

H-879

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2002

VOL. 45

PART 16

4840-5218

pat

180

House of Representatives

Monday, May 6, 2002

Those absent and not voting 6

DEPUTY SPEAKER CURREY:

The bill as amended passes. Will the Clerk please call Calendar 304.

CLERK:

On Page 27, Calendar 304, Substitute for H.B. 5748
AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION as amended by House "A". Favorable Report of the Committee on Government Administration and Elections.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I move acceptance of the Joint Committee's 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 was previously before the House. It was referred to the GAE Committee in light of an exemption which was contained in the amended bill to the Freedom of Information statutes.

After deliberations in the GAE Committee and discussions between both the judicial branch and the

House of Representatives

Monday, May 6, 2002

Freedom of Information Commission, language was agreed to which would deal with the exemption from the FOI statute.

Madam Speaker, the Clerk has LCO4687. I'd ask the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO4687 designated House "B".

CLERK:

LCO4687, House "B", offered by Representative Lawlor.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH).

Thank you, Madam Speaker. This amendment does two separate things. First of all, it makes it clear that the information contained in this on-line registry is, the public information portions of that registry may be disclosed pursuant to FOI.

However, the COLLECT system, the Connecticut On Line Law Enforcement Communications Teleprocessing System itself is not directly accessible by FOI. This strikes a balance between law enforcement's legitimate interest in keeping their actual system confidential.

However, it makes it possible for someone to access

pat

182

House of Representatives

Monday, May 6, 2002

the public information that is contained in the data registry, assuming they follow the appropriate procedures.

The second part of the amendment, Madam Speaker, makes a rather slight amendment to the mandate for the transmission of the portions of an ex parte order referring to the, ex-parte order for a restraining or protective order and instead of sending it by certified mail, it allows it to be faxed or transmitted in other means, for example, data transmission over a computer system or the Internet.

I urge adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption of the amendment. Would you care to remark further? Would you care to remark further on the amendment before us? If not, I'll try your minds. All those in favor please signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, "nay"? The amendment is
adopted. Representative Lawlor, would you care to comment further on the bill before us? Representative Sayers of the 60th.

pat

183

House of Representatives

Monday, May 6, 2002

REP. SAYERS: (60TH)

Thank you, Madam Speaker. The Clerk has in his possession an amendment LCO3706. I would ask that the Clerk please call the amendment and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO3706 designated House "C".

CLERK:

LCO3706, House "C", offered by Representative Sayers and Stone.

DEPUTY SPEAKER CURREY:

Representative Sayers.

REP. SAYERS: (60TH)

Thank you, Madam Speaker. This amendment does two things. The first part allows that when a divorcing couple completes the mandatory consultation to explore the possibility of reconciliation or resolving emotional problems which might lead to conflicts that the counselor can recommend additional counseling sessions.

The second part expands the parent education program to include a separate program for children.

I move adoption of the amendment.

DEPUTY SPEAKER CURREY:

The question before us is on adoption of the

pat

184

House of Representatives

Monday, May 6, 2002

amendment. Please proceed, Madam. Would you care to comment further?

REP. SAYERS: (60TH)

Thank you, Madam Speaker. This really helps families when they're divorcing. The first part which is when, it helps the parents in that when there is counseling or there is a possible reconciliation or to help the two spouses to work together better with each other and to have a more workable divorce and resolve some conflicts that may be part of the divorce.

The second part, when children are part of the divorce they need some help to cope more effectively with the problems that result from the divorce and it would prevent children's anxiety aggression, depression and behavioral problems and increase in social competencies which are critical to children's post-divorce adjustment.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, Madam. Representative Stone of the 9th.

REP. STONE: (9TH)

Thank you, Madam Speaker. I rise in support of the amendment sponsored by myself and Representative Sayers.

I'd like to associate myself with her remarks on

pat

185

House of Representatives

Monday, May 6, 2002

how that portion of the bill relating to the parenting education and the assistance to children during that process.

I also rise to urge my colleagues to support Sections, or lines 15 through 18 of the bill which are parts of a bill that I had originally submitted to the Judiciary Committee.

What this provides is that in addition to the two mandatory consultation sessions that are presently required upon motion by either party under Connecticut General Statutes 46b-53, it provides for the court to order additional sessions upon the recommendation of the conciliator and upon motion of either one of the parties.

So if the conciliator deems it's necessary and appropriate for additional sessions, and one of the parties to the divorce so moves, the court now has the authority to order such additional sessions.

Under the present law as it reads now, there's some issue as to whether the court has the authority to mandate additional sessions beyond the two presently provided by statute.

I urge adoption. Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, Sir. Would you care to comment further

pat

186

House of Representatives

Monday, May 6, 2002

on the amendment before us? Representative Lawlor of the 99th.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I'm familiar with the concept as well. I would also urge adoption.

DEPUTY SPEAKER CURREY:

Thank you, Sir. Would you care to comment further on the amendment before us? Would you care to comment further on the amendment before us? If not, I'll try your minds. All those in favor please signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, "nay"? The amendment is adopted. Would you care to comment further on the bill before us as amended? Would you care to comment further on the bill before us 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.

pat

187

House of Representatives

Monday, May 6, 2002

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted?
Please check the board to be sure your vote is properly
cast. If all members have voted -- Representative
Widlitz -- the machine is still open. Have all members
voted? Please check the board again. If all the
members have voted, the machine will be locked. The
Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

H.B. 5748 as amended by House Schedules "A", "B"
and "C".

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting nay	0
Those absent and not voting	6

DEPUTY SPEAKER CURREY:

The bill as amended passes.

Will the Clerk please call Calendar 446.

CLERK:

On Page 15, Calendar 446, S.B. 275 AN ACT
CONCERNING THE MOTOR VEHICLE EMISSIONS INSPECTION
PROGRAM. Favorable Report of the Committee on
Transportation.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 10
2850-3199

2002

State Police to be primary safety over the UConn stadium in East Hartford is only the first step.

REP. STONE: I understand, Commissioner. And I appreciate the dialogue and I know it's a little off the bill we have in front of us, but I was watching you on t.v. and I always enjoy speaking with you. I haven't had the opportunity to speak with the Deputy Commissioner, but it's a pleasure and I look forward to constructively working to make sure that really what the ultimate goal is to make sure that venue is safe. And I think there's a way to do that with all players involved.

CMSR. ARTHUR SPADA: Absolutely.

REP. STONE: Thank you very much. Thank you, Mr. Chairman.

SEN. COLEMAN: Are there questions from other members of the committee? Seeing none, thank you, Commissioner and Deputy Commissioner.

CMSR. ARTHUR SPADA: Thank you.

DEPUTY CMSR. VINCENT DeROSA: Thank you.

SEN. COLEMAN: Next is Debbie Fuller and Melissa Farley.

DEBORAH FULLER: Good afternoon. My name is Deborah Fuller and I'm here today on behalf of the judicial branch to speak on two bills.

The first one is H.B. 5748, AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION. This bill is part of our legislative package and we are speaking in support of it.

What the bill does is amend a number of statutes to conform with the establishment of the Court Support Services Division that occurred in 1999.

The purpose of establishing the Court Support Services Division was to enhance the quality of the services that are provided by allowing the related functions to be coordinated. We believe that division is accomplishing those purposes and that

it is now time to conform the statutes to the current administrative structure.

The changes that appear in the proposal eliminate statutory references to offices, divisions, and job categories that were rendered obsolete when Public Act 99-215 became effective.

The bill is not intended to do anything beyond that. While we have eliminated specific references to specific supervisory titles, we have preserved the titles of Family Relations Counselors, Probation Officers, and Bail Commissioners so as not to create confusion among those who utilize their services.

I've attached to my testimony an amendment that would make some corrections to the language of the bill. As we re-read it, we found that there were a few corrections needed and I would urge the committee to act favorably on this bill.

The next bill I'd like to address is S.B. 604, AN ACT CONCERNING THE PROTECTION OF MEDICAL, PHARMACY AND OTHER CONFIDENTIAL INFORMATION. We are concerned with this bill.

It would make employees who accidentally disclose confidential information subject to criminal prosecution. We request that should the committee consider this proposal favorably, it consider raising the standard from negligence to perhaps recklessness or it could be intentional or recklessness.

The judicial branch has numerous employees who handle information that would be defined as confidential under this proposal, such as erased records and some other confidential information. While the branch trains employees who handle this information and procedures that are designed to preserved statutory protections, people can make mistakes and I think just having the simple negligence standard for something that people are doing in the course of their employment, making them subject to criminal prosecution for that, just seems a little harsh. And if the standard was at



James F. Papillo, J.D.
Victim Advocate

STATE OF CONNECTICUT

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

Testimony of James Papillo, Victim Advocate
Submitted to the Judiciary Committee
Wednesday, March 20, 2002

Good Afternoon Senator Coleman, Representative Lawlor, and members of the Judiciary Committee. My name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of several bills:

- (1) **Raised Senate Bill No. 629**, *An Act Concerning Mandatory Testing of Drivers*
- (2) **Raised House Bill No. 5720**, *An Act Concerning the Issuance of Restraining Orders for the Removal of an Abusive Party in Cases of Child Abuse or Endangerment*
- (3) **Raised House Bill No. 5722**, *An Act Concerning Sexual Assault by a Coach or Instructor*
- (4) **Raised House Bill No. 5748**, *An Act Concerning the Court Support Services Division*

I am also providing testimony in **OPPOSITION** to:

- (1) **Raised House Bill No. 5723**, *An Act Concerning a Sexual Offender Risk Assessment Board*
- (2) **Raised House Bill No. 5753**, *An Act Establishing the Connecticut Innocence Commission*

With respect to **Raised Bill No. 629**, *An Act Concerning Mandatory Testing of Drivers*. The Office of the Victim Advocate fully supports requiring motor vehicle operators involved in serious or fatal accidents to be tested for drugs and alcohol. This bill will enable police officers, having probable cause that an operator is intoxicated, to obtain information needed to maximally protect public safety.

Regarding **Raised Bill No. 5720**, *An Act Concerning the Issuance of Restraining Orders for the Removal of an Abusive Party in Cases of Child Abuse or Endangerment*. The Office of the Victim Advocate fully supports arming the child protection system with those tools needed to protect children in abusive or otherwise dangerous situations. This bill would serve to protect child placements, especially in cases where a child that has been removed from his or her home is placed with a relative.

Next, regarding Raised Bill No. 5748, An Act Concerning the Court Support Services Division. Section 11 of this bill once again delineates the membership of the Commission on Prison and Jail Overcrowding. The Office of the Victim Advocate strongly urges this committee to consider including the Victim Advocate or his designee as a member of the Commission. The Commission should have adequate representation from the victim community before developing and recommending policies that impact victim and public safety.

In addition, Section 22 of Raised Bill No. 5748 refers to specific agencies that have access to records of cases of juvenile matters involving delinquency proceedings. Again, I respectfully request that this committee consider including the Office of the Victim Advocate among those agencies. The existing language of subsection (c) of section 46b-124 of the general statutes provides that a court based advocate have access to such information. We strongly believe that the Office of the Victim Advocate also needs to have access to this information to assist crime victims when they contact our office for assistance.

The Office of the Victim Advocate strongly opposes Raised Bill No. 5723, An Act Concerning a Sexual Offender Risk Assessment Board. The Sexual Offender Policy Advisory Committee (SOPAC), which the Victim Advocate was a member, worked extensively to establish standards for the assessment, evaluation, treatment and monitoring of all persons with sexual offending behavior who receive services from state agencies or agents acting on behalf of the state. These standards would ensure that the state uses properly qualified professionals to develop a plan for the appropriate placement and level of supervision of persons with problem sexual behavior in order to protect the community and past or potential future victims. This bill as proposed is not consistent with the recommendations made by SOPAC. I strongly urge this committee to support the efforts of state agencies to implement the SOPAC recommendations and reject Raised Bill No. 5723.

With regards to Raised Bill No. 5753, An Act Establishing the Connecticut Innocence Commission, the Office of the Victim Advocate is not entirely opposed to the concept, however, would respectfully request that the Victim Advocate, or his designee, be included as a member of the Commission. The Commission would conduct an investigation into the cause of an erroneous detention, prosecution or conviction of a person and submit a report with recommendations. Therefore, the Commission should have adequate representation from the victim community.

The Office of the Victim Advocate would like to, for the record, strongly support this committee's attempt to address the penalties for acts of terrorism. There have been several proposals in response to the events of September 11th and I strongly urge this committee to carefully consider each proposal before acting on one. I am very proud in the way that Connecticut has responded and continues to respond to the needs of the victims and surviving members of families who lost a loved one. I am confident that the General Assembly will enact legislation to address acts of terrorism, whether threatened or actual and consider those affected by such acts.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 11
3200-3547

2002



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
March 20, 2002**

House Bill 5748, An Act Concerning the Court Support Services Division

Good morning. My name is Deborah Fuller and I appear before you today on behalf of the Judicial Branch in support of House Bill 5748, An Act Concerning the Court Support Services Division.

This bill, which is part of the Judicial Branch's legislative package, amends a number of statutes to conform with the establishment of the Court Support Services Division that occurred in 1999. The Court Support Services Division was established pursuant to the recommendation of consultants who had performed an extensive study of the Branch's functions, operations and organization. Its purpose was to enhance the efficiency of the functions it encompassed, as well as to enhance the quality of the services provided, by allowing related functions to be coordinated. We believe that it is accomplishing those purposes and that it is time to conform the statutes to the current administrative structure.

The changes that appear in this proposal eliminate statutory references to offices, divisions and job categories that were rendered obsolete when Public Act 99-215 (C.G.S. § 1-1d) became effective on June 29, 1999. The bill is not intended to do anything more than that. While we have eliminated specific references to specific supervisory titles, we have preserved the titles of family relations counselors, probation officers and bail commissioners so as not to create confusion among those who utilize their services.

I have attached to my testimony an amendment for the Committee's consideration that would make minor corrections to the language of the proposal.

Passage of this proposal will clarify the Branch's statutory framework by eliminating inconsistencies that currently exist in the statutes. I urge the committee to give it favorable consideration. Thank you for the opportunity to testify.



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Proposed Amendment
House Bill 5748, An Act Concerning the Court Support Services Division

1. In line 324, insert brackets around “, bail commissioners”.
2. In line 409, move the closing bracket to after “division” and insert thereafter “Court Support Services Division”.
3. In line 1223, delete the opening bracket before “based”, insert “the following” after “upon”, and insert a colon and an opening bracket before “established”.
4. In line 1212, after the closing bracket, insert “(A) the nature and circumstances of the offense insofar as they are relevant to the risk of nonappearance, (B) the defendant’s record of previous convictions, (C) the defendant’s past record of appearance in court after being admitted to bail, (D) the defendant’s family ties, (E) the defendant’s employment record, (F) the defendant’s financial resources, character and mental condition, and (G) the defendant’s community ties, and”.
5. In line 1380, delete the closing bracket.
6. In line 1381, delete “the Judicial Department shall”.
7. In line 1384, insert a closing bracket after “service.”