

## Legislative History for Connecticut Act

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**Act Number:** 07-98

**Bill Number:** 6060

**Senate Pages:** 3025-3051, 3098-3100

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**House Pages:** 3496-3514

**Committee:** Judiciary: 4283- 296, 350- 3.3, -----

**Page Total:**

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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Senate

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Calendar Page 7, Calendar 600, File 637 and 821,  
House Bill 6060, An Act Concerning Disruption of a  
Funeral, as amended by House Amendment Schedule "A",  
Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SEN. MCDONALD:

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

THE CHAIR:

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

SEN. MCDONALD:

I will, Mr. President. Mr. President, the  
Judiciary Committee had the opportunity this year to  
hear from a number of United States Veterans of the  
Armed Services, as well as a group called the Patriot  
Guard, relating to their activities, which are done on

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a volunteer basis, to help protect the solemnity of funerals for men and women who have given their lives in the service of their country.

Mr. President, it is a sad fact that sometimes, those who have given the greatest sacrifice to their country have their families be subjected to disruptions during their funerals.

At a time when our attention, our focus, and our prayer should be with those veterans and their families, some amongst us see it as an opportunity to protest.

And, frankly, Mr. President, most of those protesters come from out of state, from the Westborough Baptist Church, who utilize military funerals for advocating their political agenda.

And while we are fully cognizant of the rights of anybody to free speech, we are also cognizant to the rights of family members to lay to rest their loved ones in peace and solitude.

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So, Mr. President, this bill would prohibit demonstrations at a funeral service or memorial service, up to 60 minutes before or after a funeral. And it would also require that any demonstrations be at least 300 feet from the boundary of the ceremony or cemetery.

Mr. President, a violation of this bill would be subject to a Class A misdemeanor charge, which is punishable by up to one year in prison or a fine of up to \$2,000. And I urge adoption in accordance with the House, which, fortunately, passed this unanimously.

THE CHAIR:

Question is on passage in concurrence with the House of Representatives. Senator Kissel, you have the floor.

SEN. KISSEL:

Thank you very much, Mr. President. I stand in strong support of the bill. I'd like to thank Senator McDonald for bringing this bill forward this morning

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and working on the legislation, as well as Senator Fasano, who has been a champion regarding this issue, regarding this entire Legislative Session.

Unfortunately, I had an opportunity to have firsthand experience regarding the disruption of a military funeral in my hometown of Enfield, where I reside with my wife and my two little boys.

A young man, 19 years old, Philip Johnson, Marine, was killed in Iraq right around Labor Day. And I can tell you that I saw Philip growing up because Philip grew up four houses up the road from where we live.

A nice kid, always wanted to be a Marine, ever since he was a little boy. In fact, joined Young Marines up in Massachusetts and excelled there. I knew his parents. And one of the things that my family and I do is that we dress up at Halloween time and go door to door.

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And I can tell you, we've knocked on the Johnson's door, and so we all know each other on that street. And when Labor Day arrived, and we knew that Philip was killed in Iraq, it hurt not only the people in the neighborhood, on our street, but the whole Town of Enfield.

And the whole Town of Enfield came out for Phil Johnson's funeral. When the casket arrived at Bradley International Airport, there was a huge, huge amount of police cruisers that transported that coffin and Philip's remains to the appropriate funeral parlor.

The reason I talk about this is that this was a major event because this was the second Marine that Enfield had lost over in the Middle East since the war began, and certainly the youngest.

And so the whole town was very sad, and there were arrangements made to bring folks to the funeral and the mass or the service, Lutheran church, that was held for Philip Johnson.

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And I remember being in the shuttle bus with my wife, going to the church, and seeing, a short distance from the church, an individual dressed up in a clown costume. And for the life of me, I could not understand how anybody could dress up in a clown costume to protest the war at such a solemn occasion.

I hope to God that Philip's parents did not see that. I actually know them to be tough enough that if they did, they would probably just let it go.

But it struck me as completely inappropriate that when our young men and women are out there, fighting for our nation, no matter where that might be, that people use their funerals as an opportunity to protest in extraordinarily strange ways.

Senator McDonald is actually kind in talking about the public hearing, where we learned that there's certain groups out there that utilize these situations to protest.

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There's one in particular, and, you know, they have a right, First Amendment Freedom of Speech, but they tend to look very down on the military.

And I believe that part of what we learned was that they feel that homosexuals, homosexual males and lesbian women, are sinful individuals and that these problems that have affected our nation with terrorists and that the loss of our men and women around the globe is somehow some kind of just retribution.

I can't fathom that. It's their right to say that. It's their right to protest. But I guess when you think that way, it's appropriate to dress up like a clown at a funeral for a soldier, or a Marine, or to hold up placards and banners at that occasion.

What this law does is it strikes a balance between constitutionally protected rights to free speech, which we all cherish, and, indeed, I believe walking into the Capitol this morning, I saw folks at

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the Supreme Court steps both in favor of same sex marriage and in opposition to same sex marriage.

And you know what, I got a little thrilled because that's what this country is all about, appropriate protest and articulating of one's views. But the funeral for a soldier, a Marine, sailor, pilot? No, no, no.

Let the parents grieve. Let the family members grieve. Let the friends grieve. Let the community grieve and pay homage to these great warriors that we owe so much to, our freedoms.

It is those folks that allow people to protest, and we at least owe them that dignity in their final moments. Mr. President, at this point, I'd like to yield to Senator Fasano if he would accept the yield.

THE CHAIR:

Senator Fasano, do you accept the yield, Sir?

SEN. FASANO:

Thank you, Mr. President. Yes, I do.

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THE CHAIR:

Please proceed.

SEN. FASANO:

Thank you. Thank you, Senator Kissel, for the yield and the kind words. And, Senator McDonald, thank you for bringing out this bill.

And I'd also like to thank Senator Maynard, who is the Chairman of our Select Committee on Veterans Affairs, and I will say that Senator Maynard and I had a public hearing on this matter, with respect to military funerals.

And at this public hearing, we became more aware of the group that Senator Kissel talked about, and Senator McDonald talked about, and the signs that they held, that were only purpose were to be hurtful, not to send a message regarding the Iraq War, but to send a message regarding the belief in gay rights that they did not share.

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And because they believe United States shared a belief in gay rights, they should be punished by soldiers being killed by what they consider the act of God in the Iraq War. How obscene a statement could you get? How obscene?

Now it has touched, as Senator Kissel said, the funeral in Connecticut. It also was threatened against another funeral in Connecticut. And then we had a soldier who lived in East Haven, and the soldier had moved out to the western part of the United States.

The parents were heading out there, and they contacted me while this bill was going through public hearing. And they indicated to me that they were going to be barraged by the same hateful signs that we were trying to stop here at the Legislature.

And the mother was crying on the phone, indicating that she didn't know how she was going to do this. The Patriot Guard was going to show up.

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Thank God, it rained, a very heavy rain, and the protest didn't take place.

But not only were they mourning their son, but they had to worry about these signs. I can't even imagine the torture this family went through. It's not even fathomable.

So I support this bill. There is a time for protest. We respect that. And that's what soldiers died for, to give us that right and our freedom, but there's a time, place, and manner for it.

And this bill put out by the Judiciary has now established how we're going to proceed civilly. So I know this Circle is going to do the right thing, and I thank you, Mr. President.

THE CHAIR:

Thank you, Senator Fasano. Senator Gomes.

SEN. GOMES:

Yes, thank you. It's very ironic that people who go to war to preserve your rights have such violations

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at a funeral, the same people who protected your rights out there.

This thing of don't say anything, don't tell that they have about gays in the military is ridiculous. I served in the military a long time ago, and some of the best soldier you will ever find, we knew were gay, and we didn't have a problem with them.

And some of them will tell you, when you get into combat, nobody asks what denomination you are, according to your religion, and nobody asks anything about whether or not you will be gay or heterosexual or anything.

And I think it's entirely disrespectful of people to come to somebody's funeral and demonstrate because of the war, or because of some antiquated idea that this is God's punishment, that this war is God punishment towards homosexuality.

When you have served in the military, there are different people, come from all different walks of

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life, different religions, different stages of life. And when you're in there, all you do is you rely on each other for whatever you have to do.

I would venture to say those people that are out there demonstrating never served in the military. And I would also venture to say that some of their people who are in the military, that they are supposed to be sort of demonstrating for or against, have no idea at all, back here in the states, that people are doing this sort of thing.

And for any reason that you would go to a funeral and disrupt a funeral because you have something to say about something that is entirely not associated with this person who is being honored that day, or his family is looking to give him a decent burial, it's just ludicrous that people would have the ideas that this has anything to do with politics, to bury a person on the day of his death. So I also rise to support this piece of literature.

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THE CHAIR:

Thank you, Senator Gomes. The question is on passage of the bill in concurrence with the House.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Rising in support of the bill. Wanted to commend Senator McDonald and the Judiciary Committee for bringing this bill forward. As we know, restrictions on speech are often subject to very strict scrutiny.

But the courts have consistently upheld reasonable time, place, and manner restrictions, even on the exercise of First Amendment rights.

And I think that, Mr. President, there is nothing more reasonable than the restrictions and limitations contained in this bill, regarding something that I think all of us have seen as a terrible scandal and an affront to true heroism when it happens. And I think

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this bill is a necessary response to that. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Looney. Senator Stillman.

SEN. STILLMAN:

Thank you, Mr. President. I rise also in support of this very important legislation. First of all, in terms of the fact that it's the right thing to do, the sad part is that we have to do it because people are not understanding of the emotionalism behind funerals, especially in terms of those young men and women who have been killed in the line of duty.

I experienced a protest in East Lyme. He was a very fine young man, Army Captain Jason Hamill, from the 4<sup>th</sup> Infantry, who was killed by a roadside bomb in Iraq. He grew up in Salem and attended East Lyme High School.

And he left behind family, of course. And it was, as I greeted the family, it was so interesting as

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to how much strength they gave the rest of us, in terms of making us feel comforted in their loss.

But I met them after we all passed the protesters, and it was the first time I had ever encountered that. And I must say the public safety community in East Lyme did a wonderful job making sure that the family was not impacted dramatically, although they knew what was going on.

But as I drove by this organization, I think from Kansas, who was there to protest for all the reasons Senator Kissel mentioned and several others, which was abhorrent in itself, and there they were, holding up their signs, chanting.

I was glad I had the windows closed in my car because I really didn't need to hear it. But what was remarkable was that on the other side of the street, at the entrance to the long driveway to the church, was a group of Waterford High School students who stood in silence with their signs, with comments about

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discrimination and, obviously, the fact that it was inappropriate and some others.

I don't remember every sign. But here was a group of high school students who took it upon themselves to come out and let people know that not everyone feels the way that these protesters did, who came from another state to do this.

And accompanied by the high school students, unbeknownst to them, was actually a huge group of local bikers, motorcycle club, who came to counteract those protesters, who were there trying to make a scene.

So you had such a juxtaposition of people and ideas that, in itself, it made all of us understand even more what the family was feeling and appreciate what Captain Hamill did for all of us in protecting probably his fellow soldiers and certainly paying the ultimate sacrifice.

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So I just wanted to share with you my story about what I witnessed and the fact that, as disrespectful as the protesters were, from out of state, how respectful the students were, the motorcycle club, and all the other people who were there at the funeral, and there were thousands.

And again, it is just unfortunate that we have to pass legislation to remind people what's appropriate behavior. And I certainly urge adoption of this bill. Thank you.

THE CHAIR:

Thank you, Senator. Senator DeBicella.

SEN. DEBICELLA:

Thank you, Mr. President. I too rise in support of this bill, and it's with great sadness that we even need to pass a law like this in what should be common sense.

You know, up to learning about this, Mr. President, I was actually very proud of how we've

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grown as a society over the course of the last 30 years.

If you look back to the Vietnam War, where returning soldiers were regularly not only discarded but were regularly looked down upon by many people in society, we have come such a long way from that.

Because whether you agree with the war or disagree with the war now, everybody respects the heroism of the men and women who are serving in Iraq and Afghanistan.

And the fact that a very small number of people choose to disgrace themselves by coming to soldiers' funerals to protest is a very, very sad thing. I am glad we are passing this legislation to take care of these very few people who have chosen to disgrace themselves by protesting at these funerals.

But we should know, Mr. President, the advance that most of us have made as a society to say whether we support or don't support the war, that we do

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support our men and women in uniform, who are putting their lives at risk for others. Thank you, Mr. President.

THE CHAIR:

Thank you, Sir. Will you remark further on the bill? Senator Maynard.

SEN. MAYNARD:

Thank you, Mr. President. I too want to join in support of this legislation. And just to make a few very brief remarks, I want to associate myself with everything that's been said. I think it's exactly the reason why this legislation came forward.

There were concerns expressed about limitation of First Amendment rights, and we understand, and no one, I think, in this room or in this building cares more deeply about defending our First Amendment rights.

This is a bill that's regrettable required to simply afford decency in the public ceremonies of burying our war dead, or any dead for that manner.

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And I just want to thank, particularly, Senator Fasano for bringing this forward through the Veterans Committee, for Senator McDonald at the Judiciary, and for all of my colleagues who supported this.

I also want to thank the Attorney General for his strong support at the public hearing and just tell one brief anecdote about the public hearing.

The head of the Funeral Directors Association of Connecticut was one of the people who testified in favor of this. And that gentleman, after testifying at our public hearing, received two death threats from the very group responsible for the disruption of so many funerals around the country.

This is a group of people who represent a religious church. I won't even give them the dignity of mentioning their name for the public record because I think it's unworthy of this Circle.

But these are the kinds of people that travel the country to promote a narrow and bigoted agenda that

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has nothing to do with protesting the war. It has everything to do with their own narrow views.

And I just want to say, you know, it's amazing that we are confronted with people of such hatred and bigotry that they would go to these depths and then actually offer threats against people appearing at a public hearing in support of legislation.

I'm delighted that we have institutions that protect our democracy, that do it in a careful and deliberative manner, and so I thank my colleagues for their support of this measure today. Thank you.

THE CHAIR:

Thank you for those remarks, Sir. Senator Slossberg.

SEN. SLOSSBERG:

Thank you, Mr. President, and good afternoon. I rise in support of this measure, and I'd like to just thank Senator McDonald, Senator Fasano, Senator Maynard for all their hard work on this.

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You know, regardless of how anybody feels about the war in this country, and there is a raging debate about that, and rightly so. When a soldier goes to war, they go at behest of our country. And the family and the soldier, they carry with us our hopes and our prayers.

And the family basically gives us that soldier to go forth and stand for the things that our country is fighting for. When a soldier is then killed, it is the family and that soldier that make that ultimate sacrifice.

And again, it is the family giving something to us as a country. When that soldier comes back and has to be buried, and we have to go to a funeral, that's our chance, as a country, to give back to the family and to say, this is our opportunity to say to you, the family, this is your time.

We will protect you. We will make sure that you have the time and the space and the peace that you

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need to grieve in this most difficult of circumstances. This is the least that we can do for the families under these circumstances.

And I'm very proud that this Circle is supporting this. I've been very moved by the stories that we've heard and the support that we've heard. And again, regardless about how anyone feels about the war, we need to be supporting those people who go and stand on the front lines for us.

Because without them and their sacrifices, we all would not be able to be here to have the discussions that we have. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further?  
Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, I just want to briefly comment again. You know, Members of the Circle have spoken very eloquently about some of

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the issues that have been raised with respect to armed services individuals who have given their life for the country, as did I.

But I, for the record, I do want to make it very clear that while the bill comes to us because of some particular circumstances that were brought to our attention, that is not the only motivation for this bill, that the bill is not specifically targeted to individuals who might protest the war.

It's not specifically targeted to individuals who may have been killed because of their sexual orientation. This is content neutral. We are not making any judgment about any of the political speech, or any speech for that matter, that might be involved in demonstrating a funeral.

In fact, Mr. President, I could conjure up any number of other scenarios where anybody would reasonably believe that speech should be limited in a particular circumstance, under confined circumstances.

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And that could involve the death of a prominent political figure. It could involve the death of a violent criminal that was abhorred by the population as a whole.

This bill is not intended, in any manner, to restrict unduly the free expression and free speech rights of any individual.

In fact, I just want to be very clear that it was the opinion of the Judiciary Committee, which I have the privilege of serving on an Chairing, that this was a reasonable and appropriate limitation on free speech, under confined circumstances, that it was narrowly tailored to achieve a particular goal without unduly burdening the free speech rights of anybody.

So having said that, Mr. President, I, and with the consent of the Circle, I would move that this item be placed on the Consent Calendar.

THE CHAIR:

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Seeing no objection, the item is placed on the  
Consent Calendar. If I would beg the indulgence of  
the Circle, I am pleased to have State Representative  
Cathy Abercrombie here in the Senate with us, who has  
brought to us someone I'd like to introduce to you and  
have you give our usual warm Senate welcome.

She is someone I go back to grade school with and  
has served as a teacher in the City of Meriden and  
then a principal and now has been the City of Meriden  
school superintendent for the last couple of years.

She bid on an auction for Representative  
Abercrombie to give her a tour of the Capitol, to  
benefit our local Boys and Girls Club, so would the  
Senate please rise and welcome Mary Noonan Cortright,  
the superintendent of schools in the City of Meriden,  
Connecticut.

[APPLAUSE]

THE CHAIR:

Senator Looney.

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THE CHAIR:

Thank you, Senator Looney. Mr. Clerk, would you please call for a vote on the Consent Calendar.

THE CLERK:

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

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

Mr. President, those items placed on the first Consent Calendar begin on Calendar Page 4, Calendar 493, Substitute for House Bill 7160.

Calendar Page 6, Calendar 588, Substitute for House Bill 6646.

Calendar Page 7, Calendar 600, House Bill 6060.

Calendar Page 9, Calendar 617 Substitute for House Bill 7155.

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And Calendar Page 19, Calendar 442, Substitute  
for Senate Bill 1074.

THE CHAIR:

Thank you, Mr. Clerk. The machine will be open.

THE CLERK:

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

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

THE CHAIR:

All Members have voted? The machine will be  
closed. Mr. Clerk, 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 or not voting, 1.

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THE CHAIR:

Thank you, Sir. Consent Calendar passes.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, would ask for suspension of our rules at this time for immediate transmittal to the House of Representatives of items that we have acted upon today, requiring additional action by the House.

THE CHAIR:

Seeing no objection, suspension is so ordered.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, that concludes the items we have marked at this time, and I would yield the floor for any Members who might have announcements or points of personal privilege and will then be calling for a recess for caucuses.

THE CHAIR:

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Those voting Yea	142
Those voting Nay	5
Those absent and not voting	4

SPEAKER AMANN:

The Bill passes as amended. Will the Clerk please call Calendar Number 513.

CLERK:

On Page 10, Calendar Number 513, House Bill Number 6060, AN ACT CONCERNING DISRUPTION OF A FUNERAL, Favorable Report of the Committee on Judiciary.

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99<sup>th</sup>)

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

SPEAKER AMANN:

The question is acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark, Sir?

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REP. LAWLOR: (99<sup>th</sup>)

Thank you, Mr. Speaker. This Bill would establish a new crime, a Class "A" misdemeanor, which is narrowly tailored to deal with a particular situation, which I'll describe in a moment.

I'd like to point out however, that this is very similar to two existing crimes, breach of peace and disorderly conduct.

However, those crimes do not cover the particular activity that is described in this criminal statute. I should also point out, Mr. Speaker, that in crafting a criminal statute of this type, it's our obligation to be particularly careful not to violate the Constitutional rights of citizens of our state, and in particular not to constrain individual's rights of free speech.

And in order to accomplish that goal and enact a criminal statute, which will in fact be constitutional, we have attempted to narrowly tailor this statute consistent with statutes enacted by the federal government and of the state governments and

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modeling this upon those, which have so far withstood scrutiny by appellate courts around the country.

Mr. Speaker, this particular Bill defines a funeral. It describes the boundary lines, the boundaries of the location because it's important to be very particular about the area in which such a disruption would not be allowed to take place. It also describes the nature of the disruption.

And it's this that's different from breach of peace and disorderly conduct in a couple of important respects. The activity which this would prohibit could in fact consist of making noise, which would be covered by the breach of peace and disorderly conduct statutes.

But also another form of expression, for example, the holding up of signs or physically blocking the way which would not necessarily be covered by the disorderly conduct or breach of peace statutes. The type of disruption, the non-verbal disruption, could in theory be a sign, if it was specifically intended to disrupt the funeral.

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Now we wouldn't be considering such a statute were it not the case that around the country there have been incidents of this type and I think many of us may have seen these reported in the press.

And I think all of us would probably agree that if there is a way to prohibit this consistent with our Constitution, we have an obligation to do it.

This Bill is not limited to military funerals. It applies to all funerals. And it does not otherwise zero in on a particular type of speech. In other words, it's not the content of the speech that's at issue here. It's the specific intent to disrupt the funeral itself.

Mr. Speaker, there is an amendment. The Clerk has an amendment. It's LCO Number 7099. I'd ask that the Clerk call and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 7099, which will be designated House Amendment Schedule "A". Would the Clerk please call?

CLERK:

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LCO Number 7099, House "A", offered by  
Representative Lawlor.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to summarize? Is there objection? Hearing none, please proceed, Representative Lawlor.

REP. LAWLOR: (99<sup>th</sup>)

Thank you, Mr. Speaker. In the file copy, one of the prohibitions would be that it would be a prohibition on blocking access to a place where a funeral is going to be conducted.

It might be a cemetery, it might be a mortuary, it might be some type of church or other religious facility, or another similar location.

The Bill prohibits blocking access anywhere within a 500-foot zone. In the other states where these statutes have been upheld, it is clear that 500 may be too great a distance and that 300 is, in fact, an acceptable distance.

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And so it's in the interest of conforming our statute to the requirements of the United States and our State Constitution that this Amendment is offered.

It is my belief that this change would in fact ensure that this statute would not be struck down on the basis that it's overbroad and goes beyond a reasonable zone of protection. And I would urge adoption of the Amendment.

DEPUTY SPEAKER GODFREY:

The question is on adoption of House Amendment Schedule "A". Will you remark on the Amendment? Representative O'Neill of the 69<sup>th</sup>.

REP. O'NEILL: (69<sup>th</sup>)

Yes. Thank you, Mr. Speaker. I would also urge adoption of the Amendment. I think it's a reasonable effort to make sure that this Statute will pass constitutional muster, and I concur with the remarks of the Chair of the Committee in that regard and urge everyone to vote yes.

DEPUTY SPEAKER GODFREY:

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Thank you, Sir. Will you remark further on House Amendment Schedule "A"? Will you remark further? If not, let me try your minds. All those in favor, signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

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? The gentleman from the 141<sup>st</sup>, Representative John Ryan.

REP. RYAN: (141<sup>st</sup>)

Thank you, Mr. Speaker. And I thank the Judiciary Committee for moving this matter forward which as the Distinguished Chair probably mentioned, came out of Committee unanimously. I just wanted to remark that sometimes the best ideas come from not us elected officials, but come from constituents.

And I have to confess I was rather taken aback when a constituent mentioned to me one, of these

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people who does escorts at various funerals. The sorts of things that happened that he reported to me, which I was frankly sheltered soul that I am, shocked to hear.

And so I guess it's maybe a bit of an unfortunate commentary that in this day and age we have to worry about attempting to protect the decorum of people who've lost a loved one and are just trying to get, you know, from the funeral home or to the cemetery or from the church or whatever religious event that they're having.

But this is clearly an idea that has achieved some support in other places and I hope you'll support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Back to the gentleman from Southbury, Representative O'Neill.

REP. O'NEILL: (69<sup>th</sup>)

Yes. Thank you, Mr. Speaker. I will urge the Chamber to adopt this. I think it's unfortunately a sad commentary on the times in which we live that in

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the 360 plus years of the existence of the State of Connecticut with all the wars and all the funerals and all the other conflicts and struggles that our society has gone through, that we have not until now needed to pass such a piece of legislation.

But it does appear that we do need to pass this piece of law and to protect the families of those who have lost someone, who in a moment of extreme grief should be protected from others who seek to disrupt the funeral for whatever purpose they have in mind. So I would urge the Chamber to pass the Bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Gentlewoman from the 38<sup>th</sup>, Representative Ritter.

REP. RITTER: (38<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, I also want to thank the Chair of the Judiciary Committee. Quite a bit of the impetus from this Bill, Mr. Speaker, came from an incident that happened in the Town of East Lyme, immediately adjacent to my town. We had a

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military funeral involving a resident of the Town of Salem.

It became widely known that people would be coming to that funeral to protest actions unrelated to the military service and very upsetting to the families involved with the funeral.

In respect to that, a group of high school students from the Town of Waterford chose on their own volition to attend that funeral as a silent shield from the actions of this group from out of state whom they found particularly offensive.

Mr. Speaker, I would like to take this moment to again thank the Chair of the Judiciary Committee because in crafting this Bill he has taken considerable time and attention to do two things.

To enable and to respect the actions of a group like these students from our drama club, and at the same time protect the constitutional rights that many of us were also concerned with.

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And it is in that spirit, Mr. Speaker, again I want to thank him and I want to urge this Chamber, please, to pass this Bill. Thank you very much.

DEPUTY SPEAKER GODFREY:

Thank you, Madam. Gentleman from Woodstock, Representative Alberts of the 50<sup>th</sup>.

REP. ALBERTS: (50<sup>th</sup>)

Thank you, Mr. Speaker. I, too, rise in strong support of this Bill. We did have a similar measure that we reported out of the Veteran's Committee. Unfortunately, that did not proceed as we would have liked.

As the proponent has brought forward, this measure would not be solely limited to veterans, but it certainly would be inclusive of them. And for that I'm very thankful that it's been brought forward today. So I urge that we vote this out today. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Gentleman from Bristol, Representative Nicastro.

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REP. NICASTRO: (79<sup>th</sup>)

Thank you, Mr. Speaker. You were looking the other way. I rise in support of this Bill. Mr. Speaker, I would like to thank the Chairs of the Judiciary, but I would also thank the Select Veterans Chairs.

This goes back, as far as I'm concerned, back to 1955 when I played my first military funeral as a young high school student.

Since 1995, I've had the privilege, and of course it's sad privilege, to have to play Taps at over 3,000 military funerals, 3,000 military funerals. This past year alone, Mr. Speaker, I performed Taps at 258 military funerals in the State of Connecticut.

And to think that our young men and our young women can put their lives on the line in Iraq and Afghanistan and then have their funeral degraded by people.

That somehow turns my stomach and I'm sure it has to turn other people's stomachs. Through the years, I've seen my colleagues place their lives on the line.

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Seventeen of them from Bristol that I had the opportunity to know and to play Taps at their funerals, and Iraq, two over the past year. It's unbelievable that somebody at a time like this, when parents are suffering like this at the loss of a son or a daughter, or at the loss of a husband or a brother, would come and desecrate a funeral and take the time to do that.

That's a shame. Yes, we have freedom of speech in this country, but there's a time and place for everything. This Bill puts it in order. I would urge all my colleagues to strongly support this Bill.

Our men and women of our armed forces deserve no less than to have this opportunity if when they're laid to rest, that their funeral is not disrupted by people who go on and say that this is our God's punishment because of this.

Our men and women of our armed forces are out there every day of the week, and I realize this Bill takes more than military funerals into being, but just to stop and think about it. We owe them that.

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That's the least we can do for the men and women of this country that are out there every day. Thank you, Mr. Speaker. I ask that my colleagues support this Bill. Thank you very much.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Gentleman from Griswold,  
Representative Mikutel.

REP. MIKUTEL: (45<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, it's a sad commentary in our society when a Bill like this has to come before this Chamber. It just showcases the lack of civility that we have in our society today.

Mr. Speaker, those who willfully disrupt a private funeral service are targeting a captive audience with hate speech calculated just to inflict psychological distress.

No grieving family should be faced with such disrespect, Mr. Speaker. As I see it, this issue is about family privacy, civility and common decency, and I would urge strong support for this Bill. Thank you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Thank you, Sir. The Distinguished Chairman of the Select Committee on Veterans' Affairs, Representative Graziani.

REP. GRAZIANI: (57<sup>th</sup>)

Thank you very much, Mr. Speaker. Members of the Chamber, I first of all want to thank Representative Lawlor for tackling this issue. There was concern. This whole thing started out in the Veteran's Affairs Committee, as was pointed out by Representative Alberts.

But, you know what, when people gave their testimony, they brought pictures of actually what was happening at the military funerals. When they use our children as propaganda tools saying that you died in vain. That's the worst sin of all.

To utilize children to get what the adults really wanted to protest against. But anyone who's been to a military funeral, you can see the hurt and you can see the pain. The last thing anyone needs to worry about

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is whether or not there's going to be protesters at their family's funeral.

So, Representative Lawlor, thank you very much for tackling this delicate issue and, Members of the Chamber, thank you very much for supporting this.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on the Bill as amended? The gentleman from Hartford, Representative Feltman.

REP. FELTMAN: (6<sup>th</sup>)

Thank you, Mr. Speaker. I, too, want to speak in favor of the Bill, and I want to give a slightly different context, but it's also in accord with those of previous speakers. We may remember about five or six years ago, the tragic death in Wyoming of a young man, a college student named Matthew Shepard.

He was entirely innocent, was doing nothing, absolutely nothing wrong, and a group of young men who were hostile to him because of Matthew Shepard's sexual orientation, came upon him on a road and beat

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him and whipped him to death on a fence because they hated him because he was a homosexual.

And at the funeral for Matthew Shepard, his family having already experienced the degradation and the loss of their son for this act of hatred, Reverend Fred Phelps and his followers from Kansas came to Wyoming and protested and said that all gays should die. Gays should die of AIDS and what happened to Matthew Shepard should happen to others.

And they protested and they had their placards at Matthew Shepard's funeral. I wish a Bill like this and a law like this would have applied in the State of Wyoming at that time.

I thank the Members of this Chamber and urge support in the memory, not only of our soldiers in Iraq and other places of danger around the world, but also in memory of Matthew Shepard. Thank you very much.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on the Bill as amended? Will you remark further? If not,

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staff and guests please come to the Well of the House.  
Members, take your seats. 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.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members  
voted? Have all the Members voted? If so, the  
machine will be locked. The Clerk will take a tally.  
And the Clerk will announce the tally.

CLERK:

House Bill Number 6060, as amended by House  
Amendment Schedule "A".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER GODFREY:

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The Bill as amended is passed. Are there any announcements? Are there any announcements? The gentlewoman from the 22<sup>nd</sup>, Representative Boukus.

REP. BOUKUS: (22<sup>nd</sup>)

Thank you, Mr. Speaker. Mr. Speaker, for the Journal and transcript notations, please. May the Journal report that Representative Kirkley-Bey was involved in family business, may have missed votes. Representative Ryan was ill.

The transcript should reflect that Representative Feltman, Green, Candelaria, Moukawsher, Keeley and Reynolds having legislative business in the District.

And Representative Christ, Berger, McCluskey, McCrory, Mushinsky, Morris and Villano, legislative business outside the Chamber. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Madam. My classmate, Representative Piscopo.

REP. PISCOPO: (76<sup>th</sup>)

Thank you, Mr. Speaker. For a Journal notation.

DEPUTY SPEAKER GODFREY:

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HEARINGS

JUDICIARY

PART 13

3999-4322

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1:00 p.m.

PRESIDING CHAIRMAN: Senator McDonald  
Representative Lawlor

COMMITTEE MEMBERS PRESENT:

SENATORS: Kissel, Cappiello

REPRESENTATIVES: Fox, O'Neill, Adinolfi,  
Aman, Dillon, Fritz,  
Geragosian, Giegler,  
Godfrey, Gonzalez, Hamzy,  
Hurlburt, McCluskey,  
McMahon, Morris, O'Brien,  
Olson, Serra, Spallone,  
Staples, Stone, Tong,  
Wright

SENATOR MCDONALD: The public hearing will come to order, and I want to apologize for the delay in getting started. Thank you for your patience.

The first hour of the public hearing, although I don't think it will take that long, is for State Agency Heads or Chief Elected Officials to testify, although we only have two people signed up under that category.

The first is Senator Len Fasano.

SENATOR FASANO: Thank you, Mr. Chairmen, Chairman McDonald, Chairman Lawlor, Representative O'Neill, Senator Kissel. How are all you doing today?

HB6060SB319

I've come to talk about, sort of, two bills if you would. The first one is AN ACT CONCERNING DISRUPTION OF A FUNERAL. I fully endorse this bill. Prior to this bill being heard by Judiciary, I had submitted a concept of an act concerning disruption of a military funeral.

SB 319

As some of you may know that in Connecticut this has happened once, and it has been threatened on a few occasions. And thanks to various organizations that have shown their support, some of these protests have not happened.

It is a result of those issues that I submitted to the Veteran's Committee, for which I'm a ranking member, the issue of the disruption of military funeral, which had its public hearing.

And from there it came out of Committee and has been referred to your Committee for further action, and I hope you'll support that bill. But I'm also here with respect to House Bill 6060, which is AN ACT CONCERNING DISRUPTION OF FUNERAL.

It, in this particular act, it is all funerals irrespective of military or not. After you get past that first line, the two bills are identical.

I, frankly, leave it up to you. I'd like to see both bills leave Committee and see which one makes its way through our lengthy process, but I think it is important.

You know this group. I will tell you that comes to these military funerals to protest. It's not necessarily about the military funeral. It is the ability where there's cameras. And there's the ability that there's media.

And then they stand up there and say awful things that people who are respecting the loved ones who have sacrificed so much should not have to hear and should not have to see. And it's despicable.

And I will also tell you that there was a person who testified at our hearing for the funeral association who then called me a day or two later and told me he received death threats for daring to testify against this group and being supportive of my bill.

So there's a lot of hatred, a lot of animosity. So I'd like to see these two bills make it out. I'd like to see these two bills become law. One will supersede the other, and I leave that up to the legislative process at the end.

But I want to tell you how much I appreciate the fact that you're raising this bill. And I hope it continues along this process and thank you for your time.

SEN. MCDONALD: Thank you, Senator, and thanks for your testimony. And, you know, I've seen these types of disruptions and on the news in other parts of the country. And I've read about them here in Connecticut. And I have to concur with you.

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It's pretty outrageous if you think about it. But one of the competing interests here is the extent to which we as a Legislature can address the first amendment rights of others to protest or not protest and reasonable time, place, and manner restrictions.

In your work in the Veterans' Committee, did you look at any of that, and if you did, could you tell us how it came out?

SEN. FASANO: Sure, there is a, there are a number of cases. Actually, like Superior Court cases are the issue. However, I think the Kansas City case is the spin court case where they found that it was unconstitutional.

And what they found was actually very interesting. What they said was we believed in the sanctity of a funeral, and we believe in a legitimate state interest of protecting those during the time of grief.

But when they got down to the aspects, they didn't think that it was narrowed enough. And it was too broad such that it trampled the rights of free speech. It is from that bill that we tailored our bill that dealt with those issues.

And I would be happy to give to this Committee later on today, to the two Chairs and the two Ranking Members, the Supreme Court case as well as why this bill is different. And we'd be supportive at a level.

And what we did was, the issue as you're well aware is the fact that you have to narrow it in time and place. The other law did not narrow it in time and place. This has. This takes about an hour, I believe, before, an hour and one-half before and an hour and one-half after.

The other bill did not discuss that issue. The other bill talked about earshot, things like that. So we looked at those components, and I believe we carefully and more narrowly addressed the issue.

Sort of did a brief on the issue, and I'd be happy to share it with you later on today and drop it off at your office.

SEN. MCDONALD: Thank you very much. Senator Kissel.

SEN. KISSEL: Thank you very much, Chairman McDonald. Senator Fasano, I really appreciate you coming here this afternoon to speak on this.

I know that this occurs because we had a tragic loss right around Labor Day in 2006, where a young marine, Phil Johnson, who grew up probably four houses up the street from where Cindy and I and my two boys, Nathaniel and Tristan, live.

I mean, I remember seeing him out there, hung out in the neighborhood, did fun things, made crazy videos on his front lawn, just an all-around nice kid.

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Got killed in Iraq, and again, young marine, and I remember the day of the funeral. My wife and I went. And it just, I have to say this, it just blew my mind, because we picked up a town.

This was such a huge event that at the Senior Center the town arranged for minibuses and vans to bring people to the church.

And as we were in there, pulling, you know, just about to go off the road into the driveway for the church, there was someone dressed up like clown protesting outside this extraordinarily solemn occasion.

I mean, when they brought Phil Johnson's body to the cemetery after the funeral services. It was in a horse drawn caisson.

I mean this was, and like hundreds and hundreds, if not over a thousand people were following between the church, because it was a walking distance from there to the graveyard.

But my wife and I look at each other prior to the service, and go what the heck, you know. So there's a time and place for everything. I mean the loss that that family suffered, and the pride that our town felt that this young man.

I think he was, you know, I think he was around 19 years old. And just like a year ago was in high school. You know, you can have your opinions on the War, but there really is a time and place for protests.

And so I think 500 feet, an hour before to an hour afterwards, is not asking too much. I think people can get their messages out there. They can be as outrageous as they want, because, clearly, first amendment rights are protected.

I was reading House Bill 6060. There might be other ones that have different feet requirements. Regarding what you had stated that somebody testified in your public hearing in favor of a similar proposal.

And you said that they had received death threats. So are you saying that someone received death threats from people allegedly protesting the War? I mean, did I hear that correctly?

SEN. FASANO: Yes, and I understand he made a complaint to the police department and with a copy of the, I think there was two occasions after he testified that he received these threats. And he made the appropriate referrals.

SEN. KISSEL: Well, clearly people feel very strongly about the War in Iraq and Afghanistan and American public policy and probably any other issue.

Any other issue on any given day, there's somebody that feels very strongly. But all I can say is, I've been to, since the War in Afghanistan, I've been to four different services, memorial services.

So in my Senate District, we're up to four lost lives either in Afghanistan or Iraq. And I think that, actually, my District, we had the first Connecticut person killed in Afghanistan, and the first Connecticut individual killed in Iraq.

And as much as people may disagree with that policy, they should steer clear because this is the final goodbye. This has, you know, whether it has religious overtones or not. Just think of someone that you love very, very dearly and saying goodbye.

So hear you. If there's anyway that we can do it and still run afoul of violating either the federal or the state Constitution, I think it's well worth our time and effort to do. Thank you for testifying.

SEN. FASANO: And if I can, Mr. Chairman, just quickly to comment on that. First of all in going back to Senator McDonald's issue, you know, in the other law for Kansas City was that you could not do it within earshot.

And the Court had a big problem with that. This is not within earshot. This talks about distances of 150 feet and 500 feet. So that was a big issue, because the Court did not like the term earshot not knowing what that meant.

And that could be any distance. And they were very concerned about that. Number two, you know, these protestors are not necessarily protesting the War.

They're protesting a right, and they're saying that because the United States, they believe is on the wrong side of an issue. Soldiers are dying, because we're not holding up what they consider moral values. And that's just sad.

The reason why they're protesting is sad and despicable. The fact they're protesting is sad and despicable. And the signs that they hold up, IEDs are made for your child. God wanted your child dead.

That's just absolutely beyond the realm of humanity. Thank you.

SEN. MCDONALD: Representative Geragosian.

REP. GERAGOSIAN: Good afternoon, Senator.

SEN. FASANO: Good afternoon.

REP. GERAGOSIAN: House Bill 6060 is not your bill as I understand it, or is it?

SEN. FASANO: No, has been 6060 is not my bill. My bill has been referred to this Committee, which is exactly like has been 6060, except it deals with AN ACT CONCERNING DISRUPTION OF MILITARY FUNERALS.

It's Committee Bill 319, that's been referred to your Committee. It's identical, except that one deals strictly with military funerals. This one deals with all funerals.

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REP. GERAGOSIAN: Well, just to the extent that what constitutes a disruption?

SEN. FASANO: I have to go back and, I think we defined it. Oh, I should look at, which one you want me to do, House Bill 6060 that actually--

REP. GERAGOSIAN: That's the one on our agenda, I guess.

SEN. FASANO: Basically, it would be defined as a willful act and assisting in making noise or diversion that is not part of the funeral that disrupts or intends to disrupt the peace or good order of a funeral with the intent of disturbing the peace or good order of that funeral.

REP. GERAGOSIAN: Okay, because my concern is I have a very urban district, as you may know. And I have two cemeteries right next to each other. One is a private cemetery, and one is a public cemetery.

SEN. FASANO: Yes.

REP. GERAGOSIAN: So for the purposes of this bill, would a public cemetery, where the public has access to, be treated any differently for this bill?

SEN. FASANO: I mean it would not stop people from that time from visiting the public cemetery. It would stop people from that time from acting in a way to disturb the funeral.

REP. GERAGOSIAN: And there's a standard of intent too. If there were two cars going. These cemeteries are lined by a street.

SEN. FASANO: Yeah.

REP. GERAGOSIAN: It's one of the main streets in New Britain, and if two cars were beeping horns at one another not knowing that the funeral was going on necessarily. Or my concern is people, you know, unwittingly being caught under this.

SEN. FASANO: Well, you know, it's not unlike we have breach of peace under our books for arrest of a misdemeanor. Technically, me standing on a sidewalk screaming your name could be considered breach of peace, but I don't expect to be arrested for that.

REP. GERAGOSIAN: Right.

SEN. FASANO: On the other hand, if you and I were in a disturbance, and I was screaming at you and such, maybe not vulgar terms, but maybe not such nice terms. That could definitely be a breach of peace.

So no matter what laws we have, there's a certain amount of discretion that we give our police enforcement and those who look at our rules some sort of understanding of what we're trying to do, because it'd be impossible to enact a statute that covered every principle.

REP. GERAGOSIAN: Let me say. This is a cemetery, for instance, that has about 1,000-foot gate

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that has a public sidewalk along that and a very busy public street there.

SEN. FASANO: Right.

REP. GERAGOSIAN: And my concern is people that just, you know, two people having an argument in the street or not knowing necessarily that this thing is going on, the funeral is going on and being caught up in this. So there has to be some intent there.

SEN. FASANO: There has to be some intent to disturb, yes.

REP. GERAGOSIAN: Thank you. Thank you, Mr. Chairman.

SEN. FASANO: Thank you. Thank you for your question.

SEN. MCDONALD: Anything further? Representative O'Neill.

REP. O'NEILL: Yes, thank you. First, before I ask a couple questions, I'd like to make a comment that Representative Ryan, whose House Bill 6060 is, has submitted written testimony.

But unfortunately, he's pinned down in another Committee and isn't going to be able to get up here to testify about it. So I'm taking some of your time to let everybody know that whose bill it is and that still supports it, and I as say has submitted some written testimony.

But going back to Representative Geragosian's point, what this bill as I read it requires, and I assume yours in the same way, is a specific intent to disrupt the funeral.

So that two people having an argument who have no intent, they're, they may be arguing over baseball or politics or something else. But if they're not intending to disrupt the funeral, then they wouldn't be covered by this.

Is that my, your understanding?

SEN. FASANO: That's correct, and Representative Ryan is tied up. In fact, I was just with him about 10 or 15 minutes ago talking to him about these bills.

REP. O'NEILL: And the other thing is with respect to a disruption, would that include the holding up of the sign?

I think that's making noise. I think we focused on making noise, but sometimes silent protests or people in, someone dressed up in a clown costume or something like that would.

Is it your understanding that that would also be covered by this?

SEN. FASANO: Speaking for myself, I would say, yes. That would be for myself. I would say, yes. I think that's a diversion, an intent to disturb the peace or good order of a funeral. So the answer would be yes.

I think within that 150 feet and an hour before and an hour afterwards. They can do it any other time. And I think that's what this Supreme Court case talks about, state Supreme Court case Kansas City talks about is narrowing the time and narrowing the area.

And that's where the other statute ran afoul because of the word earshot, and there was something else. I can't remember, but I'll be happy to give you the case law so you can look at.

Because it's the only, other than the Superior Court case is old which held this law valid. This one didn't. And it's a higher authority. That's why I thought it was important, and it's very detailed. It's a long case, but very, very detailed.

REP. O'NEILL: So, okay, because that was my last question was that. Have courts held more narrowly tailored versions of that Kansas City type statute or a statute more along the lines of this to be a valid restriction on time and place and manner?

SEN. FASANO: And I would even, yes, lower courts have. And I would even say in this court, you know, sometimes courts will give you the roadmap to making it the right thing. That's what this court did.

REP. O'NEILL: Thank you, Mr. Chairman.

SEN. MCDONALD: Anything further? If not, thank you very much, Senator.

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STANDING  
COMMITTEE  
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PART 14

4323-4607

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REP. GERAGOSIAN: Okay, thank you.

SCOTT SANDLER: Thank you.

SEN. MCDONALD: Anything further? If not, thank you very much.

SCOTT SANDLER: Thank you for your time.

SEN. MCDONALD: Next is Sarah Ward, followed by Bob Stone. Good afternoon.

SARAH WARD GAER: Good afternoon. My name is Sarah HB6060 Ward Gaer, and I'm here on behalf of the Patriot Guard Riders. The Patriot Guard Riders is a diverse combination of riders from across the nation.

We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their lives for America's freedom and security.

The Patriot Guard has been referred to as the largest grass roots movement of patriotism in American history, having gained nearly 83,000 members in under a year and a half.

Our main mission is to attend the funerals and services of fallen American heroes as invited guests of the families. Our mission statement also says, to those of you who are currently and fighting for the freedom of others at home and abroad, please know that we are backing you.

We honor and support you with every mission we carry out, and we are praying for a safe return home for all. So I believe it is clear why we, the Patriot Guard Riders, would come here today and ask that House Bill 6060 is supported.

Although truth be told as bikers, we need little reason to put on our gear, rev up our engines and throw our faces in the sun and the wind.

We have a reason, a reason that strikes to the very core of our hearts. It was just a few short months ago that I and more than a hundred Patriot Guard riders pulled our bikes out of garages and traveled from all over New England.

Unfortunately, it wasn't for one of our favorite barbeques or a bike show. It was to honor a young man who lost his life for our country and to attempt to shield his family from the abuses of the protestors.

Unfortunately, our ability to shield the family was limited, and they were still exposed to signs that read, thank God for dead soldiers.

And God laughs at your tears. I know the pain that their songs and poems and signs struck in my own heart. And I wasn't even mourning my son, my husband, or my friend.

But I was still standing proudly amongst many veterans, veterans who in all of their toughness, stood silently fighting their anger and their hurt.

Many of my brothers and sisters in the Patriot Guard are painfully reminded of how they were treated when they came home from Vietnam.

Please send the message, not only to these protestors, but to our troops abroad and at home that we will not allow them to be abused and disrespected, that we as a country and as a state honor what they have sacrificed.

Tell them that if, God forbid, they do not return to their homes, we as a society will protect their families during times of unbearable pain.

Connecticut would not be alone in sending this message. In fact, we would join the majority of states in the country who have already done so.

The list goes as follows, Alabama, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

These state bans do differ in specifics, but hopefully they send the same message. No matter how we as Americans feel about the war, I believe that all but a very few Americans are outraged by the protests that have been occurring at our soldier's services.

If you have not experienced these protests yourself, I ask that you trust in the 83,000

Patriot Guard Riders and countless other organizations that support and join us on these missions and take a stance with us.

Thank you for your time, consideration, and hopefully your support.

SEN. MCDONALD: Well, let me just say, Sarah, thank you for being here and providing us with your testimony. And I have to say I don't know a great deal about the Patriot Guard Riders other than what I've read in the newspapers.

And it's truly very heartwarming to see people give up so much of their own time, and frankly I'm glad it's at the invitation of the families to come and pay such a worthy silent tribute to our fallen heroes.

I got to tell you I don't, just as a personal aside, I can't fathom why somebody would go and protest at a funeral. It just, it, at least of a funeral of a fallen soldier, it really defies comprehension.

But in your experience or from what you've heard, are the protests organized in any way? Are they coming from--

SARAH WARD GAER: Very much so.

SEN. MCDONALD: Are they coming from one central place? So tell me a little bit more about what's going on.

SARAH WARD GAER: Very specifically, what the Patriot Guard started to address, what created

us is the Westboro Baptist Church out of Topeka, Kansas run by Fred Phelps.

SEN. MCDONALD: Oh.

SARAH WARD GAER: And originally, several years ago--

SEN. MCDONALD: I got it. Oh, okay, keep going. I got it.

SARAH WARD GAER: Well, Fred, you know, this group also used to protest at funerals of AIDS victims. And his message--

SEN. MCDONALD: This is the guy who protested at Ryan White's funeral.

SARAH WARD GAER: Probably.

SEN. MCDONALD: And the guy in Wyoming. I can't remember his name.

SARAH WARD GAER: Well, the church claims that America deserves September 11<sup>th</sup> and the Iraq War because of our tolerance of homosexuality.

And so they have extremely graphic signs and songs and cheers that they bring and stand alongside the road during these services that are really, they're horrific.

And actually, I look around, and the majority of the fellows standing behind me were in East Lyme, Connecticut, at Captain Hamill's services where they were present, and it was really devastating.

It was really devastating. These are not antiwar protestors.

SEN. MCDONALD: No, they're just weird.

SARAH WARD GAER: Something else.

SEN. MCDONALD: They're just weird. Okay, are there any questions? Senator Kissel.

SEN. KISSEL: Hi, thank you very much, Mr. Chairman. I just want to thank you and all the folks associated with your organization. As I had indicated to Senator Fasano, I don't know when you began.

But I know that we've lost four in north central Connecticut. John Chapman was killed in Afghanistan from [inaudible], Phillip Jordan, first person killed in Iraq from Connecticut from Enfield.

Stephen Bixler, Suffield, killed in Iraq. And just this last, around Labor Day, Philip Johnson from Frew Terrace, the street that I live on, killed in Iraq.

And I don't know if that clown that I saw, and there may have been other folks out there, it just blew my mind to see someone dressed up. I don't even know. I think they were, like, holding balloons or something.

I mean, clearly, it was to be outrageously out of sync with everything else that was going on there. And I turned to my, like I said, we

were in, like, a dial-a-ride van or a minibus, and just go, what is this?

And now, to hear that there's a kind of crazy link between some organization in the Midwest and their intolerance of individuals that are clearly exercising their constitutional rights to pursue happiness in a way that they see fit.

But even if it was protesting the war, there is a time and a place for everything. And just as a human being, I cannot fathom any moment that would be more crushing than at the time where you formally say goodbye to someone you love.

I mean, hopefully, individuals have faith, but it doesn't have to center around a church service. But quite often funerals do.

But, I mean, it's set up very formalistically, and it's been that way for thousands and thousands of years, because there is a passing that's going on. And it's the formal chance one has to sort of say goodbye before that individual's in turn somewhere.

And the situations that I've been in where it's been a young serviceperson, not all of them, Mr. Jordan was older and Mr. Chapman, but Stephen Bixler, I think, was, like, 21 or 22.

And Philip Johnson was, I believe, 19. I mean, he was just at Enfield High School a year and a half ago. So you have this great tragedy.

And one can call these young men and women heroes and heroines, but for the loved ones at

home, if someone's in an area of danger, and then they get this devastating news that they've lost their loved one.

That's a traumatic, and it's not even a fast timeframe. If you have a loved one that's in a car accident, well, you're going to recover the remains of that individual within about a week.

I, what a lot of folks don't realize is when a young serviceperson's killed in Iraq it can be a matter of many, many days before that body is brought back to the States.

And I think that you guys, you folks, have accompanied the bodies from airports.

SARAH WARD GAER: Sure have.

SEN. KISSEL: And also, and so all of that is so important to the family and friends [Gap in testimony. Changing from Tape 1B to Tape 2A.]

--those folks. They would say we're putting our lives on the line, in part, to protect American values and freedoms. And one of those is the right to protest.

So, and they want people in the rest of the world to exercise those rights. That's part of the, sort of, fighting for freedom.

So none of these folks would disagree with an, someone's ability to speak and to speak in opposition to the war or to speak in opposition to individuals that they may disagree with their lifestyle choices, whatever.

But there is a time and a place. And to me, doing it at that time, and at these places is so disturbing.

I just have to believe that we should be able to put together a bill that comports with the national, the United States Constitution, State of Connecticut Constitution, which is respectful of people's rights to protest for whatever reason.

But also has implicit in it a respect for the fathers, the mothers, the sisters, the brothers, the daughters, the sons of these fallen young people in most instances, our fighting men and women.

And if they can do it New Jersey and in Wisconsin and all those other states, we can do it in Connecticut. So I really appreciate what you do.

I didn't know it was as widespread as it is, and I really appreciate you taking the time this afternoon to come and testify on this proposal. Thank you, Mr. Chair.

SARAH WARD GAER: Thank you for the time to speak.

SEN. MCDONALD: Thank you, are there any other questions? Representative Adinolfi.

REP. ADINOLFI: As a veteran myself, I'd like to thank you for the support you're giving our veterans. I think times like this we really need it.

And in my own opinion, I attribute a lot of the deaths among military men and the innocent people over there in Iraq and in Afghanistan directly to these protestors who are encouraging our enemies and these terrorists to do the inhumane things that they're doing.

So I can't thank you enough for supporting us veterans. Thank you.

SEN. MCDONALD: Thank you. If there's nothing further, let me just ask you. You rattled off a bunch of states--

SARAH WARD GAER: Sure.

SEN. MCDONALD: --that have all passed some version.

SARAH WARD GAER: Some version, yeah.

SEN. MCDONALD: Right, and I think the worst thing we could do is pass a bill that ultimately gets challenged in court and fails. So in your experience, and if you don't know that's fine. We've got lawyers to do this stuff.

Have any of those statutes in those other jurisdictions been challenged in court and found to be permissible or constitutional?

SARAH WARD GAER: I know that a few of them are currently being challenged. I don't know of any outcomes in either direction at this point.

SEN. MCDONALD: Okay, that's fine. We, our legislative research staff will help us dig

that stuff up. And forgive me, did you submit--

SARAH WARD GAER: I did.

SEN. MCDONALD: --your testimony?

SARAH WARD GAER: Yes, I did.

SEN. MCDONALD: Okay, great. Thank you very much.

SARAH WARD GAER: Thank you.

SEN. MCDONALD: Next is Bob Stone, followed by Anthony Perrelli.

BOB STONE: Good afternoon.

SEN. MCDONALD: Good afternoon.

BOB STONE: My name is Bob Stone, and I'm the Connecticut State Captain for the Patriot Guard Riders as well as a United States Army Veteran.

We're here today to support House Bill 6060 AN ACT CONCERNING DISRUPTION OF A FUNERAL. Some of you may have heard of the Patriot Guard Riders.

For those of you who have not, the Patriot Guard is an organization 83,000 strong across America who solemnly come together to show respect and support for the young men and women who gave the ultimate sacrifice in defense of their country.

The Patriot Guard would still exist even if there were no protestors, but our inception was in direct response to the Westboro Baptist Church who chose to utilize military funerals as a platform to move their radical religious agenda.

For the record, the Patriot Guard does not believe that we need to suppress freedom of speech. In fact, many of us here today have fought for that freedom.

We do, however, believe that there is a more appreciate forum for this constitutional right to be exercised rather than that of a military funeral.

The passing of a loved one is difficult for any family to endure, but for a military family it can be even more painful because of the abrupt and often graphic nature of the loss.

A funeral of this nature should be treated with the highest respect for loved ones and be remembered as a lasting tribute for the deceased. It should not be a media event to promote political or religious agendas.

I don't believe that it's too much to ask that after we send our sons and daughters off to war, or husbands and wives, or brothers and sisters.

And they do not return home to their families alive, that we provide some assured comfort prior to laying them to rest in the land that they gave their life for.

These soldiers went off to war so their families and others would not have to. I ask you to support their sacrifice and in doing so you will help provide the peace that these soldiers deserve.

On behalf of all Americans, the Patriot Guard riders, and the citizens of the great State of Connecticut, who chose to stand for their country, I implore you to support this bill. Thank you for your time.

SEN. MCDONALD: Thank you, and as I said with Sarah before your testimony, thank you for being here and lending such a powerful voice to such a great cause.

And, you know, frankly, it's not just what the Patriot Riders do at those funerals, but it's coming here and advocating on behalf of legislation like this that's very important.

And I appreciate your testimony. And I think you probably heard me ask Sarah about whether, to your knowledge, any of the other states that have passed legislation in this area, have they, those statutes been challenged in court?

So I don't know if you have any other information you might be able to lend us in that regard.

BOB STONE: I do not. I am aware that--

SEN. MCDONALD: Okay.

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BOB STONE: --they have been challenged in some, but I am not aware of the outcomes.

SEN. MCDONALD: Okay.

BOB STONE: Or if there are any yet.

SEN. MCDONALD: All right. Thank you. Are there any other, any questions or comments? Thank you very much, Sir.

BOB STONE: Thank you.

SEN. MCDONALD: Anthony Perrelli, followed by Erica Edwards.

ANTHONY PERRELLI: Thank you for allowing me to speak today. My name is Anthony Perrelli. I'm registered with the Department of Consumer Protection as a community association manager.

I'm here to speak in favor of two bills, Raised House Bill 7288 an act concerning community association managers, and Committee Bill 590 AN ACT CONCERNING THE MANAGEMENT OF COMMON INTEREST COMMUNITIES.

I'd just like to point out that back in 1990 we had House Bill 5833. And that was an act concerning the licensing of managers. And what it did, basically, was exactly what House Bill 7288 is doing.

It's creating a commission where people are assigned by the Governor to serve on this panel, and they're going to test managers for licensing.

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What you're looking to protect, with this, is that an individual owns a right to their own image and their own words. Does that summarize it?

ATTY. STEPHEN NEVAAS: That's well said.

REP. BYE: Okay, and one other point. Mr. Naughton, on your website, you forgot to cite your performances in *South Pacific* and *Carousel* at Conard High School. So we'll look for you to add those. I represent, Conard High is in my district, and we're happy to have you here, and we're very proud of you.

JAMES NAUGHTON: I don't really have a website.

REP. BYE: Oh, somebody else does it?

JAMES NAUGHTON: Yeah. There are some fans that have put some stuff together, but I haven't really looked at it.

REP. BYE: You've lost control of your images on the web.

JAMES NAUGHTON: I certainly have, and not just my images, by the way.

SEN. MCDONALD: If there's nothing else, I, just quickly, Attorney Nevaas, there is no statute of limitations contained in this bill. Do you propose one?

ATTY. STEPHEN NEVAAS: I think the statute of limitations for civil torts would be appropriate, to incorporate it under that.

SEN. MCDONALD: So two years from when the cause of action accrued, or when you knew or should have known?

ATTY. STEPHEN NEVAAS: Correct.

SEN. MCDONALD: And finally, well, no, I'm sorry. I have two questions. When you're talking about the attribution of damages under this, especially when you're talking about disgorgement of profits, would a litigant be asking for damages attributable to the dissemination of the product within Connecticut or for disgorgement of nationwide or international profits?

ATTY. STEPHEN NEVAAS: That's an interesting question, Senator, and if I may, I'd like to get back to you with some further detail on that.

SEN. MCDONALD: Okay. Senator Kissel brought up something that got my head thinking about this issue of damages. When you've got something like Howard Stern on Sirius satellite, I don't know how you could allocate profits from something that's attributable to subscription fees.

So when you go back and start ruminating on that stuff, maybe you could think about subscription fees as well. There are no direct

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profits that are attributable to any one work, at least, I would think.

And when you're creating this cause of action, it doesn't really make clear who might be liable, in this bill, in terms of a production company, a distributor, the networks.

Would you be creating the right of action against anybody in the chain of distribution, from origin through distribution?

And frankly, are you eventually creating duplicate or triplicate recoveries for potential damages in that, and how would you allocate those damages between and among those various distribution networks?

ATTY. STEPHEN NEVAAS: Well, I don't think any court would allow duplicate or triplicate damages.

SEN. MCDONALD: I agree, but when you're talking about disgorgement of profits, are you talking about disgorgement for each of those, from the production company, from the distributor, and from the network, if it's on a network broadcast? You don't need to answer it now.

ATTY. STEPHEN NEVAAS: Right. It's an interesting question.

SEN. MCDONALD: Add it to your list. I thank you all for being here. I suspect we would like to get something done, but we try to do it in a manner that's going to be a good work product, so that our product, which has our names on it, is worthy of people's recognition and not their

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derision. But I thank you very much for your time and attention today, and I thank you for being here.

ATTY. STEPHEN NEVAAS: Thank you.

SEN. MCDONALD: Next is Susan Giacalone. Thank you for your resilience. If you could just turn on the mic. There you go.

SUSAN GIACALONE: For the record, my name is Susan Giacalone. I'm here on behalf of the Insurance Association of Connecticut. I have submitted written testimony and will keep my comments very brief. This is a bill that you have seen in the past--

SEN. MCDONALD: Excuse me, Susan. If we could please have the attention to the witness who is testifying before the Committee. Maybe Senator Freedman could help us. Thank you very much. I'm sorry. Please, start again.

SUSAN GIACALONE: I'll keep my comments very brief. I'm testifying in support of Senate Bill 1445, AN ACT CONCERNING COLLATERAL SOURCE BENEFITS IN CIVIL ACTIONS.

What this bill simply seeks to do is to enforce what the purpose of the collateral offset rules were, and to make sure that no one gains in undue windfall.

It just wants the information that's going to a trier of fact to be limited to those bills that have been actually paid or are actually due. Oftentimes, medical providers will compromise

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their bills, bills will be discharged in bankruptcy, but yet, the full bill goes to the jury to make their decision or to the trier of fact as to what the damages are going to be awarded upon.

We're just seeking that it's actually that the damages are being based on what the actual incurred costs are, not what they're being billed out as.

Additionally, this seeks to limit the offsets to the benefits that are paid on behalf of the individual for the individual's length of care. Right now, if there's an insurance offset, they're taking for the full family.

For four years, they're taking the full amount as opposed to for the time period that's covered for that individual for that injury in question. I told you I'd be brief. I'm done, and I'll answer any questions. Thank you.

SEN. MCDONALD: Are there any questions?  
Representative Stone.

REP. STONE: Sue, I want to thank you for adding a little star power to the public hearing this afternoon.

SUSAN GIACALONE: I do my best. I do my best.

SEN. MCDONALD: If there's nothing else, you're helping us bring down our average. Thank you very much. Joseph Marrione.

ATTY. JOSEPH MARRIONE: Marrione, thank you very much.

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SEN. MCDONALD: Marrione.

ATTY. JOSEPH MARRIONE: Good afternoon, Mr. McDonald, Members of the Committee. My name is Joe Marrione. I'm here on behalf of the Connecticut Trial Lawyers Association.

SB1445

And we're here to oppose this bill. And what seems to be three simple words, which are really the basis of this bill, to reduce, forgive, or discharge should be further abilities for the defendant to escape liability.

And there's a quick backdrop to this. For about 133 years, this state followed common law that said if a wrongdoer harmed somebody, he should not benefit by the fact that the plaintiff was fortunate enough to have insurance.

So under that scenario, if we were to have a jury award of \$10,000 for medical bills, and now, that \$10,000, all of it was paid by insurance, before 1987, the defendant would still be obligated to pay \$10,000, no offset.

And the concept was that it promoted a deterrent for liability. There was the benefit of the plaintiff that had the foresight to get insurance coverage, and that was our law.

And at the height of tort reform, in 1987, we changed that. We changed it by saying now, if the plaintiff had insurance coverage, that

there should be an offset for that insurance coverage.

Let's take that same \$10,000 case, and if a jury awards \$10,000, as it is now, in our practice, you put in the actual bills. It is a hearing that happens after the trial.

It's called a collateral source hearing that the judge will hear evidence about what was paid by insurance and shall reduce the verdict by the amount that was paid by insurance.

So if we have a \$10,000 case again, and we find that now, the insurance has paid \$8,000, the award is reduced, and the liability to the defendant is reduced by that \$8,000.

And there is still \$2,000 left out there, that the defendant would be liable for, under the scenario of the law as it is now. What they're proposing, on the altar of let's make sure the plaintiff gets no windfall, it also now gives all the windfall to the defendant.

That gray area of \$2,000, by my example, is the setoff, it is the forgiveness, or it is the discharge, meaning this, of that \$8,000 worth of medical bills, the reason why, in part, it might be \$8,000 and not \$10,000 is because the HMO has made a deal with the doctor for volume.

In exchange for that volume, we'll give you a lesser amount, but you'll get more business. So the doctor, in effect, forgives some of what his actual costs might be. That's a third-party arrangement.

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This bill says now, that little window, that little forgiveness of a bill, or discharge, or a reduction should now go to the benefit of the defendant.

And we believe that that is not right. It interferes with the finding of a jury. It interferes with the purpose of awarding damages and makes collateral source even a worse statute to deal with than it is now.

SEN. MCDONALD: Thank you very much. Are there any questions? If not, thank you for your testimony, and thanks for being patient this afternoon.

ATTY. JOSEPH MARRIONE: Thank you very much.

SEN. MCDONALD: Next is Vans Stevenson and Jared Jessim. As Paul Harvey would say, now, for the rest of the story.

VANS STEVENSON: I think so, Mr. Chairman. Thank you. If it's okay, we'd like to have our other colleagues come up to the table, if that's all right with you.

SEN. MCDONALD: Is that Henry Hoberman?

VANS STEVENSON: Yes.

SEN. MCDONALD: Gillian Lusins?

VANS STEVENSON: Yes.

SEN. MCDONALD: And Alex Calvo?