

<b>Act Number:</b>	09-191	
<b>Bill Number:</b>	6025	
<b>Senate Pages:</b>	5675-5676, 5701-5703	<b>5</b>
<b>House Pages:</b>	8185-8261, 8384-8388	<b>82</b>
<b>Committee:</b>	Judiciary: 3926-3927, 3930, 4279, 4357-4358	<b>6</b>
	<b>Page Total:</b>	<b>93</b>

**S - 593**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 17  
5352 - 5682**

mhr  
SENATE

271  
June 2, 2009

SENATOR LOONEY:

-- 7?

THE CHAIR:

No, sir. All -- and through -- have -- you got  
704 through 708, sir.

SENATOR LOONEY:

Yes. We might skip that item, Mr. President.  
We'll --

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

-- return to that. Moving to Calendar Page 21.  
Mr. President, Calendar Page 21, Calendar 711, House  
Bill 5099. Mr. President, would move to place that  
item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Item 711 on the  
Consent Calendar. Seeing no objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Continuing  
Calendar Page 21, Calendar 712, House Bill 6025.  
Mr. President, move to place that item on the Consent  
Calendar.

THE CHAIR:

Motion to place Calendar Number 712 on the

mhr  
SENATE

272  
June 2, 2009

Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 22, Mr. President, Calendar 716, House Bill 5474. Mr. President, that item is marked go. And also on Calendar Page 22, Mr. President, Calendar 718, House Bill 5861. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar Number 718 on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Moving to Calendar Page 23, Calendar 719, House Bill 6676 is marked go. And also, Mr. President, on Calendar Page 23, Calendar 720, House Bill 5108. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion to place Calendar Number 720 on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, also continuing Calendar Page 23, Calendar 722, House

**S – 594**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 18  
5683 – 5943**

mhr  
SENATE

297  
June 2, 2009

Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call 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 Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

mhr  
SENATE

298  
June 2, 2009

for House Bill 5883; Calendar Page 9, Calendar 619,  
House Bill 6343; Calendar 626, House Bill 6476;  
Calendar 629, substitute for House Bill 6232; Calendar  
Page 10, Calendar 634, House Bill 6544; Calendar 636,  
substitute for House Bill 6483; Calendar Page 11,  
Calendar 649, substitute for House Bill 6466; Calendar  
Page 13, Calendar 663, substitute for House Bill 5254;  
Calendar Page 15, Calendar 680, substitute for House  
Bill 5821; Calendar Page 16, Calendar 684, House  
Bill 6231; Calendar Page 17, Calendar 689, substitute  
for House Bill 5421; Calendar Page 18, Calendar 695,  
substitute for House Bill 6419; Calendar Page 19,  
Calendar 699, substitute for House Bill 6284; Calendar  
Page 21, Calendar 711, House Bill 5099; Calendar 712,  
substitute for House Bill 6025; Calendar Page 22,  
Calendar 718, substitute for House Bill 5861; Calendar  
Page 23, Calendar 720, substitute for House Bill 5108;  
Calendar Page 32, Calendar 450, House Bill 6233;  
Calendar 467, substitute for Senate Bill 1031; and,  
Calendar Page 35, Calendar 205, substitute for Senate  
Bill 948. Mr. President, that completes the items  
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The  
machine will be open.

mhr  
SENATE

299  
June 2, 2009

THE CLERK:

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

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar  
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the



**H – 1062**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
PART 26  
8158 – 8495**

pat  
HOUSE OF REPRESENTATIVES

209  
May 29, 2009

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? If so, the machine will be locked. The Clerk will take a tally.

And Mr. Clerk, if you'd please announce the tally.

THE CLERK:

House Bill Number 6280.

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:

The Bill is passed.

Mr. Clerk, Number 510.

THE CLERK:

On Page 13, Calendar Number 510, Substitute for  
House Bill Number 6025 AN ACT INCREASING THE PENALTY

pat  
HOUSE OF REPRESENTATIVES

210  
May 29, 2009

FOR ENGAGING A POLICE OFFICER IN PURSUIT. Favorable  
Report of the Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Judiciary  
Committee, Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER GODFREY:

Good afternoon, sir.

REP. LAWLOR (99th):

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

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage.

Explain the Bill, please, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This Bill makes a  
relatively simple change, but an important change in  
existing law, which prohibits persons from attempting  
to evade police pursuit.

It's important to clarify, Mr. Speaker, under the  
current law that you're only guilty of this offense  
if, when signaled to pull over, you increase your

pat  
HOUSE OF REPRESENTATIVES

211  
May 29, 2009

speed and attempt to evade or lose the police officer pursuing you.

It does not apply if there's a police officer behind you with the lights on and you're maintaining your current speed. And the reason for that is because there are some people who may not be 100 percent sure it actually is a police officer behind them and want to get to a safe place before they actually stop their car.

So the existing law penalizes people who not only fail to pull over, but accelerate and attempt to lose the police officer who is in pursuit.

The penalty for that is currently an A misdemeanor, and the Bill changes that to a D felony.

If during the course of a pursuit, if you're trying to evade the police officer you cause injury or death to another person, then the evading penalty under those circumstances is being elevated from a D felony to a C felony.

This increase in penalty, Mr. Speaker, is consistent with other statutes involving causing injury or attempting to cause injury to a police officer in the performance of his or her duty. It has been sought by a variety of police officers and

pat  
HOUSE OF REPRESENTATIVES

212  
May 29, 2009

organizations throughout the state for a number of years, and I give special thanks to Representative Labriola who brought this to the attention of the Committee this year, and who was one of the key proponents of the Bill, and more than anyone else responsible for its successful passage in the Judiciary Committee.

Mr. Speaker, the Clerk has an Amendment, LCO Number 8585. I'd ask the Clerk to call and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 8585, which will be designated House Amendment Schedule "A". Will the Clerk please call.

THE CLERK:

LCO Number 8585, House "A", offered by  
Representatives Lawlor, Guerrera and Fox.

DEPUTY SPEAKER GODFREY:

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

REP. LAWLOR (99th):

Thank you, Mr. Speaker. The Amendment adds public transit personnel to the existing criminal

pat  
HOUSE OF REPRESENTATIVES

213  
May 29, 2009

statute, which provides a special penalty for assault on a variety of public safety type personnel if they are assaulted in the performance of their duties in order to interfere with the performance of their duties.

The Amendment also contains a definition of who is a public transit worker. I won't read the entire definition, but in effect we're talking about bus drivers, conductors and engineers on trains, people who in the performance of their duty are responsible for the well being of the passengers who are being carried, and are from time to time called upon to exercise leadership or control in a situation in order to diffuse a situation.

And the effect of this Bill will add them to the list that currently includes police officers, firefighters, emergency medical technicians and others who perform a public safety task, and who if they're assaulted as they're performing those tasks with the intent to interfere with their performance, that carries currently a higher penalty, and so we're adding public transit workers to the list. I point out, quite a few other states do the same thing,

pat  
HOUSE OF REPRESENTATIVES

214  
May 29, 2009

and for those reasons I think it's an important addition to our statutes and I urge adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption of House Amendment Schedule "A". Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, I must tell you I rise with some real concern about this Amendment. I'm not sure why we need to protect a public, I understand why we need to protect a person who is a public transit individual, but I would be real concerned as to adding them in this category, especially since the statement was made that anyone that prevents a public transit person from performing their duties.

They're driving a bus. They're driving a train. If a person was preventing, standing in front of that bus preventing that bus driver from driving, would that be considered preventing a public transit person from doing their job and now would that person be arrested?

And I would just be real concerned as to, in a sense, why we sort of categorize in different occupations that they need a higher level of legal

pat  
HOUSE OF REPRESENTATIVES

215  
May 29, 2009

language to protect, when I could go through a list of individuals who I think are responsible for protecting passengers, students, other individuals and we don't give this sort of added protection in terms of if someone was to prevent them from doing their job.

So I guess I would be concerned on one, I'm always concerned when we add new crimes or we add new people to be included in current statute that we can't cause harm to.

I would think that regardless of anyone's occupation, if someone assaults them, if someone prevents them from moving about freely, if someone prevents them or violates their civil rights, it's possible that they could be arrested for that. So I would be very concerned.

A question, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. GREEN (1st):

Thank you. Could the proponent of this Amendment tell me whether or not this Amendment had a public hearing, when and where if it did, and what was the result?

DEPUTY SPEAKER GODFREY:



pat  
HOUSE OF REPRESENTATIVES

216  
May 29, 2009

Representative Lawlor, do you care to respond?

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This, the concept had a public hearing before the Transportation Committee. The original version of the Bill was an elaborate, much more elaborate than necessary, I think, creation of a new crime, and after some discussions with the Chair of the Transportation Committee, Representative Guerrero, it was concluded that this would more appropriately fit in, in an existing state law that punishes assaults on a variety of personnel as I explained earlier, police officers, firefighters, ambulance drivers, that type of thing.

So it did have a public hearing, and it did get referred to the Judiciary Committee. It was not acted on in the Judiciary Committee because they got caught up in the time crunch at the end of our JF deadline, but the discussions have been ongoing since that time.

I do feel, however, it's important to correct one thing that was just mentioned. This would not make it a crime to interfere with a bus driver. It provides an enhanced penalty if there's an assault on a transit worker, if the purpose of the assault itself is to interfere with the performance of duty.

pat  
HOUSE OF REPRESENTATIVES

217  
May 29, 2009

So standing in front of a bus wouldn't count here, for example. It might be another crime, breach of peace, disorderly conduct, that type of thing, but this particularly penalty is someone who deliberately assaults a public transit worker with the intent to interfere with their performance of their duty.

So just the assault is not good enough. Just the interference is not good enough. Both of those two things together would constitute this particular crime.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, after hearing that explanation, could the proponent of the Amendment tell me that, do we have a charge of assault of an individual or do we have charges of assault on particular individuals?

Do we have a charge of an assault on a person?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

pat  
HOUSE OF REPRESENTATIVES

218  
May 29, 2009

Thank you, Mr. Speaker, through you. Yes, we have existing assault statutes, assault third, second and first degree. We have a breach of peace statute that includes assaultive behavior, and then we have a whole assortment of statutes that have specific penalties for assaults on specific people, depending on the circumstances.

So, as is the case with the statute we're amending, we have an enhanced penalty for assault on public safety type workers, and there's a very lengthy list you can see in the statute here.

We have other assault on an elderly person, assault on a child, assault on a pregnant woman. I think there's a special statute, assault on Members of the General Assembly, so there's a lot of examples of enhanced penalties, depending on the type of victim.

We have the hate crime statute that has special penalties if the victim is selected because of their race, religion, national origin, sexual orientation, that type of thing, so it's not uncommon to have enhanced penalties under certain circumstances, and this is another example of that. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

pat  
HOUSE OF REPRESENTATIVES

219  
May 29, 2009

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. And I want to thank the gentleman for his answer.

Now, I understand that we do have a list of individuals that we have enhanced and added penalties because we sometimes feel the nature of their job or other kinds of circumstances.

And even though I understand that, I think that we should be careful because we really should understand that all individuals have, need the protection of the law equally, and that even though I may feel that because of my occupation and employment I put myself at some kind of risk and I need to be more protected, and I recognize that.

I think, I would be very concerned when we continue to point out how there's a higher level of enhanced penalty for your occupation. Assault is assault and I don't want it on a child, on elderly, a public transit individual, or someone who's unemployed hanging out on the corner. Assault is assault.

And I think that's what we have to have those individuals whom I consider violating any law to understand. You do not assault anyone, and I don't

pat  
HOUSE OF REPRESENTATIVES

220  
May 29, 2009

care what the law says. The circumstances of the assault is why we have degrees of assault, one, two, three.

I just, and then also, there was a statement made that this Amendment was a part of a larger Bill that went through Transportation. That Bill came through Judiciary. Judiciary didn't have enough time. It was referred, I'm a Member of Judiciary. I think if it was critical, there would have been time. There would have been those of us who were not on Transportation to analyze the Bill and maybe have these kinds of comments.

I would be very concerned about what I consider to be, and I'm not sure of exactly what we're trying, I have a sense of what we're trying to get at, but I don't think it's this way where we continue to add individuals to have enhanced penalties if they're assaulted upon and unfortunately, I'm going to have to vote no on this Amendment.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Green. The gentleman from Hartford's 7th District, Representative McCrory.

REP. MCCRORY (7th):

pat  
HOUSE OF REPRESENTATIVES

221  
May 29, 2009

Thank you, Mr. Speaker. Mr. Speaker, I'm sorry, I didn't hear the beginning of this debate in regard to this Amendment, but I do have a couple of questions for the proponent of the Amendment.

DEPUTY SPEAKER GODFREY:

Please frame your question, sir.

REP. MCCRORY (7th):

I just want to have a question with regard to the public transit individuals. I'm assuming we're referring to bus drivers and those who conduct a train. Is there any other public transit individuals that we can, I can consider that this Bill would affect?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Basically, we're talking about train and bus personnel for sure. We're talking about people who are employed by state and local government and the federal government for that matter, I believe.

It would also apply to someone, I think we do, do we still have, Mr. Speaker, I'm not sure if you know, but if we have, I think there's a ferry between Rocky

pat  
HOUSE OF REPRESENTATIVES

222  
May 29, 2009

Hill and the other side of the Connecticut River.

That would be covered by the person operating that.

So, and then there may be some of the small, the minivans who transport persons with disabilities, I think might fall into this category. They're not technically a bus but if they work for the government and their job is to transport and they fall into any of the provisions explained in the Amendment, they would be covered.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, would that also include judicial marshals?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Judicial marshals are already included under the current law.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

The reality in the State of Connecticut and most states that many times we set public policy because of something that happened out in our communities or society.

My question to the proponent of the Bill is, was there something that happened that required us to go back and enhance this penalty for these particular individuals?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I don't know of a specific incident, no.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. MCCRORY (7th):

So the rationale for this particular Amendment is just to enhance penalties on a certain class of individuals.

Is that correct?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):



pat  
HOUSE OF REPRESENTATIVES

224  
May 29, 2009

Thank you, Mr. Speaker. Through you, the, it's not a certain class of individuals who are going to be subject to the enhanced penalty. It's a certain class of individuals who would be protected under the Bill, and those individuals would be transit workers pursuant to the definition. Basically, bus drivers, train personnel and so being added to the current list, which is quite lengthy.

If one were to review the Amendment you'd see the very lengthy list of various type of positions that have this protection. There's at least 30 or 40 categories in the existing assault statute. That's where this enhanced penalty kicks in.

As a general public safety, people who as part of their job have to have an obligation to keep order under certain circumstances, and if anyone were to assault them or throw something at them, that type of thing, in order to interfere with their performance of their duties, they would be subject to this enhanced penalty.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

pat  
HOUSE OF REPRESENTATIVES

225  
May 29, 2009

Thank you for that. And when I said protected, I'm sorry, I was referring to the individuals that were currently being protected.

Whatever that assault may be, whether it's throwing a rock or maybe an assault, I mean, not assault but maybe some harsh words, would that automatically be considered a felony?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I think I heard part of the question harsh words, and under no circumstances would harsh words be a form of assault. It's protected free speech.

But having said that, this does elevate the penalty to a felony, which, I mean depending what they did. If you throw a brick at somebody that's already a felony, regardless of who you're throwing the brick at.

If you throw a punch at somebody, that potentially could be a misdemeanor. It could be an assault third degree. Under this statute, that would be a felony.

So many of the things covered here are already felonies, but potentially it could be a misdemeanor, which is being elevated to a felony, if we're basically talking about a punch or something along those lines.

Under current law, if you hit somebody with any kind of an instrument, a dangerous instrument, deadly weapon, a gavel, that would be an assault second degree, which is in fact, a felony.

So all of those would already be felonies anyway, so we're basically, the penalty that's being enhanced here is the assault third degree, breach of peace type situation, which typically would be a punch.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

So does the idea of verbal assault, is that included in regard to enhanced felonies, like you just stated that those offenses are already felonies, by someone verbally assault, and individual as they physically assault them. Would that be considered an enhanced penalty also?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

pat  
HOUSE OF REPRESENTATIVES

227  
May 29, 2009

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Under the criminal assault are physical assaults. It's verbal assaults, you and I might know what those are, Mr. Speaker. We might be offended by them, but they're not a crime. It's protected free speech to verbally assault people.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. Just one more question. The protected class individual, has anyone thought of also including teachers in that class, Mr. Speaker, through you?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. They're not in this statute. You know, that's a good question. I don't know if there's a separate statute for assault on a teacher. There may be. I just don't know.

This statute is reserved for public safety personnel. For example, DCF employees, Judicial

pat  
HOUSE OF REPRESENTATIVES

228  
May 29, 2009

Branch employees, firefighters, EMTs, volunteer  
canine, search and rescue teams, that type of thing.

There may actually be an enhanced penalty for  
assaulting a teacher. I can't remember off the top of  
my head. I know it's been proposed, but it's not in  
this specific statute. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. And my last question is,  
and again, in regard to the enhancement of penalties.

Currently if something of this magnitude was done  
to one of these public servants, in current law right  
now it's considered a misdemeanor. Is that correct?

And right now, with this piece of legislation  
we'll be moving it toward a class C felony?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This, I think the  
question is, what is currently a misdemeanor being  
elevated to a C felony. In some cases, yes.

However, if you read the language of this, the  
types of assaults which are described, like for

pat  
HOUSE OF REPRESENTATIVES

229  
May 29, 2009

example throwing a brick or a hazardous substance at somebody, that would already be a felony, in some cases a C felony.

So depending on the exact situation, it, in the absence of this statute it might be a misdemeanor. It might be a felony. It might be a D felony, a C felony, depending upon the situation.

But if this were, if transit workers were to be added to the existing statute, all of that would be a C felony.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

So the reality, thank you, Mr. Speaker. Through you, Mr. Speaker, so the reality and what we are basically doing is including another class of people to the protected class and all the penalties that are currently in law will stay in law and those penalties to these new group of individuals will just be enhanced through the magnitude of what we're saying, which is a class D felony. Is that correct?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

pat  
HOUSE OF REPRESENTATIVES

230  
May 29, 2009

REP. LAWLOR (99th):

Through you, Mr. Speaker, yes, that's correct.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker. And unfortunately, Mr. Speaker, as stated earlier by some of my colleagues, I'm not quite sure this is the way we should go, and including enhancing the penalties to those individuals who are already protected by current law.

I think one of the things we should do is try to find ways to solve problems in a different manner, and because of that, Mr. Speaker, I will not be supporting the Amendment. Thank you.

DEPUTY SPEAKER GODFREY:

The distinguished Deputy Speaker from West Hartford, Representative McCluskey.

REP. McCLUSKEY (20th):

Thank you, through you, Mr. Speaker. I stand in support of this Amendment. I've met on several occasions with representatives from the Amalgamated Transit Workers about specific incidents of assault in both Hartford and Bridgeport, specifically that I'm aware of.

pat  
HOUSE OF REPRESENTATIVES

231  
May 29, 2009

I did sit through the public hearing and had members of that union who have testified that their members are feeling at risk on the job, and they are providing a public service.

I think it's entirely appropriate that we are adding this group of individuals to an existing statute that affects public service workers, Mr. Speaker, and really, the bus drivers who provide this essential public service to our state are just wanting the opportunity to have something posted on their buses that say that there's an enhanced penalty if one of the people on their bus decides to do something physically violent to them.

And there's no mechanism in this Bill for enforcement or stuff, but I believe having this in place will provide a sense of security to these workers who face, on occasion, some very serious physical violence on their job providing an essential service to people in our city.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Representative McCluskey.

Representative Hetherington.

REP. HETHERINGTON (125th):



pat  
HOUSE OF REPRESENTATIVES

232  
May 29, 2009

Thank you, Mr. Speaker. A question to the  
proponent.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. HETHERINGTON (125th):

The reference in the proposed legislation to  
carriers with a contract with the Department, with the  
Commissioner of Transportation, I assume that would  
bring in Metro North. Is that correct? Through you,  
Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Yes, that's correct.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I'm sorry. I didn't hear the reply.

DEPUTY SPEAKER GODFREY:

Yes.

REP. HETHERINGTON (125th):

Okay, thank you. I would ask the same question  
about Amtrak. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

pat  
HOUSE OF REPRESENTATIVES

233  
May 29, 2009

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Yes, that's correct.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

This, however, would not, would not affect  
airline personnel, because they're, of the employees  
not being employees of a political subdivision and so  
forth?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. There's a federal law  
that deals with that rather severely.

Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Thank you.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

And I thank the proponent.

DEPUTY SPEAKER GODFREY:

pat  
HOUSE OF REPRESENTATIVES

234  
May 29, 2009

The gentleman from Canton, Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I rise to ask a question of the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. LEGEYT (17th):

As I'm looking through the language of the Amendment here, I'm seeing at Line 26, I guess for the first time, reference to such person causes physical injury to the named categories of worker, and I'm wondering if in the interest of trying to include every possible scenario, whether there was any consideration to including phrases that would reference causing physical injury or attempting to cause physical injury such that the work of such employee, special policemen, motor vehicle inspector, and so forth was compromised and the people that they work for, or care for put in danger.

I don't know if that would drop the level of the penalty below a class C felony or not, but I wondered if there was discussion about including language for attempting to cause physical injury?

Through you, Mr. Speaker.

pat  
HOUSE OF REPRESENTATIVES

235  
May 29, 2009

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. That's covered under the existing criminal attempt statute, which provides that if a person acting with the requisite intent to commit a crime takes a substantial step toward actually committing that crime, that's attempt to commit, pick any crime including this one, and the penalty for that is identical to the actual paring out of the crime had it been, so like shooting a, firing a gun at someone's head and missing is attempted murder. It's the same penalty as murder.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from New Britain, the distinguished Deputy Majority Leader, Representative Tercyak.

REP. TERCYAK (26th)

pat  
HOUSE OF REPRESENTATIVES

236  
May 29, 2009

Thank you very much, Mr. Speaker. Through you, some questions to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Please frame your question, Sir.

REP. TERCYAK (26th):

Thank you very much. Earlier somebody mentioned that this would be helpful for public transit workers because then they could have a sign posted about the enhanced penalties. I was wondering if the proponent of the Bill knows if we already have signs posted what the penalties are currently for public transit workers?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. To my knowledge, we don't. And it's certainly not required under the Bill. The Bill would, you know, as is the case with everyone else on the list would establish the penalty.

There's no requirement to have a sign. It's probably a good idea because an ounce of prevention is worth a pound of cure.

And you know, one thing I want to add here, Mr. Speaker, before I respond to the question, I think a

pat  
HOUSE OF REPRESENTATIVES

237  
May 29, 2009

very important concept that may be lost here a little bit is that as a general rule, none of us have an obligation to intervene to break up a fight, or restore order or anything like that.

But certain professions actually have an obligation to help, to get involved, a police officer, a firefighter, and also transit workers have a duty, a legal duty, to maintain order on whatever mode of transportation they happen to be operating.

So a bus driver has a duty to protect the other passengers by intervening in a fight. And so with that in mind, we are affording them the protection that is also afforded to police officers, EMTs and firefighters when they carry out the duty that they have as well.

So private citizens like you and me, Mr. Speaker, have the option of helping out or not. Transit workers don't.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

pat  
HOUSE OF REPRESENTATIVES

238  
May 29, 2009

Thank you very much, Mr. Speaker. Through you, the proponent of the Bill earlier mentioned the level of these crimes is now some sort--

DEPUTY SPEAKER GODFREY:

Representative Tercyak, if you could hold the microphone a little closer to your mouth.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. People seldom complain that they don't hear enough of me. It's refreshing. I appreciate the criticism.

The proponent of the Bill mentioned earlier that these assaults are presently misdemeanors of some type, or another. I'm wondering what the current level of punishment is for those misdemeanors at the present time?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Well, it depends. What I said actually was there are different kinds of assaults. There's assault for a second and third degree. Assault third degree is a misdemeanor. Assault second and first degree are felonies.

There's breach of peace, which is also a misdemeanor, which involves some assaults. So depending on the situation, what might otherwise be a misdemeanor assault, for example, if you throw a punch at a bus driver, that would be a misdemeanor, typically. That if this were to become law that would become a felony.

However, if you threw a brick, if you hit a bus driver with a brick or a tool or a knife, that would be a felony already, because it would be an assault with a dangerous instrument or a deadly weapon.

So this would treat all assaults, it would give them the class C felony status, except if it were, you know, it could be another crime, too.

It could be assault first degree if you stab the bus driver. It would certainly be this. It would also be assault in the first degree if you stabbed the bus driver and he or she died it would be murder, which has a higher penalty, so it would depend on the situation.

But all assaults on a transit worker would be a class C felony if this were to pass. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:



pat  
HOUSE OF REPRESENTATIVES

240  
May 29, 2009

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. Through you, so if this Bill becomes law and somebody were to object to, if during a protest by PETA, the People for the Ethical Treatment of Animals, they objected to the fur collar on a bus driver's thing and somebody threw dye at that bus driver in their tote.

Under this law, would the section that already applies on a person throwing or hurling or causing to be thrown or hurled any paint dye or other like, or similar staining, discoloring or coloring agent, that would now become a felony? Through you, Mr. Speaker.  
DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. No, in that situation it wouldn't be a violation of this law because based on the fact situation, there was no intent to prevent the transit worker from performing his or her duty.

It would certainly be an assault, but it wouldn't be an assault with the intent to interfere with the

pat  
HOUSE OF REPRESENTATIVES

241

May 29, 2009

performance of the duty. It would have a different motivation, so it wouldn't qualify under the statute.

You have to have both, you have to have two parts, the assault plus the intent to interfere, to prevent the person from performing their duty, which in that case would be driving the bus.

So if you threw something on their collar because you were protesting the fur, I don't know how you would prove you were trying to interfere with the performance of their duty.

I suppose if you were throwing it while they were driving the bus, yeah, and if you did that, you'd probably be guilty of quite a few other more serious crimes than this one, you know. It's a rather serious form of reckless endangerment to do that.

But no, that sounds like there would be no intent to interfere with the performance of their duty, so it wouldn't constitute a violation of this law.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much. Through you, Mr. Speaker, we've recently been visited by Hartford residents in a

pat  
HOUSE OF REPRESENTATIVES

242  
May 29, 2009

motorized wheelchair who's been protesting cuts that have already happened for homecare.

In my younger days, along with this gentleman, I participated in various actions, we called them. Easy to call them actions. They weren't then subject to felonies that I know of.

And in fact, this gentleman, I believe, once chained himself to a bus. If during an action or a protest about lack of adequate public transportation somebody were to be actively leading a protest so much so as to even be chained to a bus, and that caused somebody else to hurl something at the employee who was trying to get that person disengaged, would that person who had chained himself to the bus now be guilty of a felony because they had caused something, because their action had started a fracas that caused something to be hurled?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. It would depend on what's being hurled. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

pat  
HOUSE OF REPRESENTATIVES

243  
May 29, 2009

REP. TERCYAK (26th):

Thank you very much. Would then, would it include something being hurled that was a liquid that would discolor the person's clothing?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

I don't think that would be a violation of this statute. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. When an assault now is a misdemeanor, the punishment for the possible levels of misdemeanors would be in what range?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. A misdemeanor is any crime, which carries a punishment of one year in jail or less.

pat  
HOUSE OF REPRESENTATIVES

244  
May 29, 2009

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. It's hard to believe that a one year in jail isn't sufficient punishment to discourage certain behaviors.

Is there any evidence that enhanced penalties have prevented assaults on firefighters, doctors, nurses, motor vehicle inspectors and the other half dozen or more people already covered by the Bill that we would be adding transit workers to? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. While I don't have any empirical evidence at my fingertips, I think it's common knowledge that if you throw a punch at a police officer who's in the performance of his or her duties, you'd be exposed to an enhanced penalty, and I think most people would be more reluctant to do that than let's say the same with someone else.

So I think it does have a deterrent value. I don't have the studies at my fingertips, but I think

pat  
HOUSE OF REPRESENTATIVES

245  
May 29, 2009

the general sense that interfering with police officers pretty much off limits is an effective deterrent, and I think that would generally apply to the other people on this list.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. I specifically did not ask about assaults on police officers because it may be common knowledge that assaulting a police officer gets you an enhanced penalty.

As a nurse, from my experiences, I'm not aware of anybody, including nurses, being aware that there are enhanced penalties for assaulting a nurse, for assaulting a doctor.

In my experience, most, I would be surprised if people realized that assault on a nurse could even lead to a regular penalty, let alone an enhanced penalty. We seldom see people being dragged away from treatment in handcuffs after assaulting a nurse or a physician.

I know myself, having been assaulted a few times while back when I was working in the large psych

pat  
HOUSE OF REPRESENTATIVES

246  
May 29, 2009

institutions we used to have before the wonderful medicines we have now, the only official transportation actions I saw were never leading a patient out or family member out in handcuffs.

Three times I got carried out on a stretcher, not that you should feel sorry for me, because twice I was already conscious (inaudible), but there was certainly no, how are people supposed to know about these enhanced penalties for other folks and again, not speaking of police officers, is there any evidence that enhancing the penalties for motor vehicle inspectors, doctors, nurses and other folks who are not police officers than these Bills provide any extra protection for them?

Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I cannot cite any such evidence at the moment. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

pat  
HOUSE OF REPRESENTATIVES

247  
May 29, 2009

Thank you very much. Is the proponent of the Bill, through you, Mr. Speaker, aware if there are any consequences beyond the possibility of fine or prison that would affect somebody in the future with their arrest?

Do we in fact have laws that punish somebody with a history of a felony conviction harsher than we punish somebody with a history of a misdemeanor conviction?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

We're getting a little off the subject, but Representative Lawlor, I'll let this one go.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Yes, we do.

DEPUTY SPEAKER GODFREY:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, that was my impression. Personally, I think we presently have too many people whose lives are ruined by felony convictions where I believe we could have just as adequately punished them or helped to rehabilitate



them by charging them with lower level crimes such as misdemeanors.

And for that reason, among others, Mr. Speaker, including that we have no shortage of occupied beds in our prisons, I would encourage everybody in this body to oppose this Amendment. We don't need any more felonies.

I think that maybe we should try appropriating some money to put up signs that tell people now that assault on a transit worker leaves you liable to one year in prison and see if that has a deterrent effect rather than jumping immediately to a felony.

So thank you very much, Mr. Speaker. I hope everybody will join me in voting no.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from Wethersfield, Representative Morin. Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker. Mr. Speaker, I would like to rise in support of the Amendment, and I really wasn't going to speak on this, although I appreciate the work that the Judiciary Committee and Representative Lawlor have put forth.

Reading through, I think it's a terrific Bill. The people that protect us and work on our behalf certainly need all the protection they can get.

But what really brought me to the table and wanted me to speak in favor of this Bill was when I saw the part of public transit workers.

Serving on the Transportation Committee, we had the opportunity to listen to many transit workers that had been assaulted physically and violently while on duty. And after taking the time to listen to these terrible stories and the pain that some people had suffered and are still suffering from events that happened many, many years ago, it's certainly clear to me that I was pleased to see in this legislation, that they had been added.

But it certainly caused me to rise in support of the Amendment and ultimately the Bill because I think we certainly need to be tough on the folks that commit these crimes and I'm very pleased to lend my support.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The distinguished Deputy Speaker from Meriden, Representative Altobello.

REP. ALTOBELLO (82nd):

pat  
HOUSE OF REPRESENTATIVES

250  
May 29, 2009

Thank you, Mr. Speaker. Representative Tercyak was very thorough in his questions to the proponent of House "A", but it brought to mind one more that may need to be asked.

And through you, Mr. Speaker, if the incident involved curdled mustard in the conservatory with a candlestick, would that be a felony, through you.

DEPUTY SPEAKER GODFREY:

The Chair will take a note that it's late on a Friday afternoon. Representative Lawlor, do you want to take a shot at that, or do you want to let it go?

Okay, very good, Sir. Representative Altobello, thank you.

Will you dare remark any further on House Amendment Schedule "A"? If not, let me try your minds.

All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER GODFREY:

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 McCrory.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. And as the debate carried on, just a quick question came to mind. Through you, Mr. Speaker, to the proponent of the Bill as amended, if an individual who was in the hospital, let's say, and he's being cared for by a nurse, and as he's being cared for by a nurse, he mistakenly or forcefully strikes a nurse, will that person also be provided these enhanced penalties, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Lawlor, do you care to take a stab at that?

REP. LAWLOR (99th):

So to speak, Mr. Speaker, I didn't hear the entire question. If the gentleman could--

DEPUTY SPEAKER GODFREY:

Representative McCrory, if you could please reframe the question. And I would counsel everybody to do stay to the four corners of the Bill that's before us.

pat  
HOUSE OF REPRESENTATIVES

252  
May 29, 2009

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker. In the process of a nurse carrying out her duties taking care of a patient in a hospital or whatever the case may be, the individual maybe has to be retained or restrained, and while that restraining is taking place the individual strikes the nurse and you know, knocks her glasses off or spills, take something and throws it at the nurse. Maybe it could be ink or whatever the case may be.

Would that person be considered for these enhanced penalties? First of all, would they be considered for a felony because they assaulted a nurse, and secondly, would they also be considered for these enhanced penalties?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. It sounds like a law school question, but to answer it, it depends. The elements of an assault include what the intent to cause injury to another person. You cause injury, there's an intent issue here. Was it, did someone

pat  
HOUSE OF REPRESENTATIVES

253

May 29, 2009

just struggling could not be restrained, or are they intentionally causing injury to another person.

So if it can be demonstrated that the intent is to cause injury to the nurse in this particular case, you'd be part of the way there.

If in addition to that you were doing so in order to prevent them from performing their duties, then yes, it would be the felony provided for under this statute. But that's the current law. That's not being affected by the proposal before us today.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. And as I continue my pursuit, maybe going to law school with these questions, my next question would be, how many states in the United States have these enhanced penalties for any, in this protected class? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I think this is pretty common. I don't have a complete survey, but this

pat  
HOUSE OF REPRESENTATIVES

254  
May 29, 2009

particular statute is, I think, pretty common  
throughout the country.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker. And my final question,  
Mr. Speaker, was there any indication of providing  
this protective service for those who drive taxis?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Well, they're in a  
different category, because unlike police officers,  
EMTs, firefighters, transit workers, they don't have a  
duty to intervene in certain situations.

All of the people on this list have a duty to  
intervene and protect people, that type of thing. A  
taxi driver has the option of not getting involved,  
and for that reason is not afforded this specific type  
of protection.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

pat  
HOUSE OF REPRESENTATIVES

255  
May 29, 2009

REP. McCRORY (7th):

And I thought that was going to be my last one, but this is definitely my very last question. In regards to having the duty to intervene, let's say the scenario, and I know this plays out quite often, students are taking the city bus home. They're about to get into, or they do get into an altercation between themselves. The bus driver goes back to intervene to prevent this altercation and in the process is assaulted by one of the individuals.

Would that individual be considered for this penalty? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker, and I thank the proponent of this Bill as amended for his, by answering some of my questions.

DEPUTY SPEAKER GODFREY:



pat  
HOUSE OF REPRESENTATIVES

256  
May 29, 2009

Thank you, Sir. The gentleman from Hartford,  
Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, I have some serious concerns about the Bill as amended. I think the two pieces, one would be increase, with the change from misdemeanor to a felony for pursuit, and also with the additional, through the Amendment, of the public transit person being added on as with enhanced penalties.

I thought the original Bill had some concerns because I didn't think there was a clear need for us to increase penalties for certain kinds of pursuits of police and then with the additional Amendment, I think it made a Bill that I was concerned about very much more of a concern.

I think we have to be careful when we change misdemeanors to felonies as the pursuit of engaging the police in a pursuit was stated.

Representative Lawlor stated that if an individual is concerned about their safety and their being pulled over by a police officer, that if they maintain their regular speed and go to the side or go to a public area, because sometimes, as I've stated

pat  
HOUSE OF REPRESENTATIVES

257  
May 29, 2009

before on the floor, we had a time when there were individuals out there that had police lights, police badges. They would seek, particularly single women driving on roads at night. They would bump the car, and then they would sort of flash the light and then try to engage them to pull over.

And unfortunately, some of these individuals pulled over and were assaulted by people who were impersonating police officers.

I would always want to protect a person in that situation from one, having to be exposed to that, and two, they always have to worry about, do I pull over when I think I'm being asked by a police officer, or do I take the risk of trying to get to a lighted area and a more safe place so that at least, if I have to be questioned, I'm in a lighted area.

Representative Lawlor said, well, you know, if you maintain the regular speed and get to a lighted area, you're not going to be charged with this.

I want you to think about it. If you do not pull over for the police officer, maintain your appropriate speed, go to a lighted area. The police officer is going to get out and say, thank you for doing that. I want you to know that that was a good move because you

pat  
HOUSE OF REPRESENTATIVES

258  
May 29, 2009

were afraid and now let's get down to business,  
where's your license and registration.

Now, I'm not suggesting that we get information from the TV shows and the cops and stuff like that, but also think about the news that you see. I have seen, actual incidents where people cooperated with the police and got assaulted by the police.

Now, I'm sure I'm not the only one, and I'm not saying that against police officers. We have fine police officers. That is no indication of the fine services that police officers and public officials give. No way, whatsoever, but it does happen. That's all I'm saying. It happens.

I do not want, and I want it to be clear, that if the person is engaging the police in a pursuit and there's no harm to that individual or no harm to the pursuit, I do question police pursuits, but that's another issue.

If there's no harm. The police have standards. They follow their standards. There's no harm to anyone, that person gets a misdemeanor. The person can get a fine. The person can get reckless driving. They get a number of tickets, and hopefully the original ticket as to why they were pulled over.

To change that from a misdemeanor to a felony, there's going to be consequences later on. And then we're going to say, well, are you going to have this instance with somebody, and one of your constituents may say, yeah, well, it took me a little while to pull over. I wasn't sure what the police officer, and the police officer might have had a, was not very nice to me when he came up, it ended up to be a worse situation than what it was.

And then we're going to say, gee, that's not what the intent of this legislation was. Because what's going to happen, and I agree with this, is that the original thing is going to be you engaged the police in a pursuit and you're going to get a charge, and it's going to be a felony charge, and now you have to prove that you did not engage the police in a pursuit.

I don't think it's necessary. If there's some harm, if some damage done to someone in a police pursuit, not only to the increase and interpret it a felony and increase the fine, but that is what we should go through.

If there's harm, if there's damage, if there's danger, then there should be increased penalties. I have no concern with that.

pat  
HOUSE OF REPRESENTATIVES

260  
May 29, 2009

I don't think this is the way to go to continue in our community and our society to look at situations that's been misdemeanors and change those to felonies.

I have a question to the proponent, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor please prepare yourself. Proceed, Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, could the proponent of the Amendment tell me that if he has any information during the last year, the number of police pursuits, because I'm assuming they have to keep that statistic, whether or not that police pursuit resulted in an injury or non-injury.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I don't have actual statistics for the past year. I mean, I recall reading about a number of these in the last year or so here and in other states, but I don't have an actual statistical number. Through you, Mr. Speaker.

pat  
HOUSE OF REPRESENTATIVES

261  
May 29, 2009

DEPUTY SPEAKER GODFREY:

Representative Green.

REP. GREEN (1st):

Thank you. We don't have information as to knowing how many of these pursuits that we even are engaged in, how many are happening, and what level are the police saying, you know, I have so many of these pursuits where people are not pulling over. This is what's happening in these pursuits and this is why we need this because we have so many people that don't follow the law. We can't get them to pull over.

We don't know that, so we don't know how many injuries result from police pursuits, which I would be very interested in knowing.

And as a Member of the Judiciary Committee, I was not in favor of this Bill at that time because I had some questions. It's not that I'm not supportive of the Bill, but there's some questions.

With the additional Amendment, I think it's a very serious concern, and I definitely don't, have some concerns that the issue of the public transit being put on as an Amendment not being heard in Judiciary, even though it was referred, regardless of the time.

pat  
HOUSE OF REPRESENTATIVES

262  
May 29, 2009

This is the opportunity where issues that affect different Committees, people on those Committees have a chance, so at some point, sometimes you can avoid some of these questions here, because you just didn't have the opportunity to do that in the Committee.

Through you, Mr. Speaker, a question to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Please continue.

REP. GREEN (1st):

Thank you. The Representative said that public transit workers had a duty to intervene, and I understand the response to Representative McCrory was the example of the students fighting on the bus.

Can the Representative tell me if that is in statute, how would I find that public transit individuals had a duty to intervene based on their job requirement? Is that a statute? Is that something that requires through getting the job? Where does it we require public transit individuals have a duty to intervene?

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

pat  
HOUSE OF REPRESENTATIVES

263  
May 29, 2009

Thank you, Mr. Speaker. I'd have to do some quick research. I'd be happy to do it, but there is a general duty based on your employment to protect people under your care, so I'd have to do some quick research. I could get that and illuminate the Chamber in a few minutes if you give me a few minutes to play with my computer here. I could probably figure it out rather quickly.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Green.

REP. GREEN (1st):

Oh, I thought he said he needed a few minutes to do some research on the question. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Would you like to proceed while he's doing that, Representative Green?

REP. GREEN (1st):

I'll elect to proceed, yes, thank you. He might give me a different definition, but one of his responses, one of the responses that I heard was that there's a statute or something that talks about individuals having a general duty to intervene, and I



pat  
HOUSE OF REPRESENTATIVES

264  
May 29, 2009

don't know what the information is going to be given to me after some research, but I want to take the statement that individuals have a general duty to intervene to protect those in the custody of their job.

I'm a school social worker. If I am working with students and something happens with my student, it sounds like I have a general duty to intervene for the safety of my client.

If you look at a gas station and apparently you're a customer, and I'm going to stretch this out, your customer comes in, someone begins to assault your customer. As an owner or employee of that gas station, I would assume you have a general duty to protect your customers from harm, which is exactly why I felt you didn't need enhanced conditions for assault on a public transit.

If all of us in our role have a general duty to intervene, I would think that I would encourage my colleagues and my citizens in the State of Connecticut that if you see an assault happening, I would encourage you to try to intervene.

If you have a job and something happens on your job and your occupation, instead of pointing out

pat  
HOUSE OF REPRESENTATIVES

265  
May 29, 2009

whether or not you have a general duty to intervene and that therefore you have a higher standard in terms of being protected.

I have a general duty to intervene. Since I have a general duty to intervene, anybody that attempts to assault me in preventing me from my general duty to intervene, should have enhanced penalties if they assault me.

So therefore, all of us, if we're ever assaulted, that person that assaulted us should have enhanced penalties, because we all have a general duty to intervene, which is exactly why it's a flaw to continue to point out certain occupations for this higher enhanced penalty.

It sounds good. There are some individuals that have, I believe, a higher standard and a responsibility, direct responsibility to intervene. Firefighters, police officers, EMTs, nurses, doctors, teachers, teachers. There's some people that have a higher level of standard and a responsibility to intervene. It's their job.

Public transit individuals, not demeaning public transit individuals. They should be protected. There should be safety for them at all times. No doubt

pat  
HOUSE OF REPRESENTATIVES

266  
May 29, 2009

about it, but enhanced penalties? I'm concerned about that.

All of us need to be protected. That is again, why we have assault one, assault two, assault three. That's why people talked about attempt to assault, attempt to do this.

People should not assault each other. Period. Period. Excuse me, are you a police officer? Are you a public transit individual? Are you a nurse? Because if you are, I'm not going to assault you because I may go to jail longer. Oh, you're not a police officer? You're not a nurse, okay. No. You do not assault individuals. Period. The end. That's what the message should be.

The message should also be that there's a concern when you have misdemeanors. Here we are having sentencing commissions. We know we have prison over crowdedness. We have some disparities and racial and ethnic disparities in our prisons. We're trying to figure out, why are we going down that road? Do we want to look at our criminal justice system differently?

One of the ways you have to look at it differently is that how or what kind of clients do you

pat  
HOUSE OF REPRESENTATIVES

267  
May 29, 2009

have? What type of misdemeanors do you have? What type of felonies do you have? What the penalties for misdemeanors, what the penalties for felonies?

If you go for a job interview and you have a felony, you're going to be looked at differently than if you say, I've had some minor misdemeanors. In fact, some employment applications say, if you have misdemeanors you don't even have to indicate that to us.

So here we are saying we want to help people get jobs. We want to address our criminal justice system, but let's change misdemeanors to felonies. Let's continue to take misdemeanors off our books and make things felonies.

But at the same time we hear about making sure people don't get caught up in the criminal justice system because we know the cost with that.

We have to address these things seriously here. One of the ways we do that is through the process that was outlined by the proponent of the Amendment and the proponent of the Bill earlier.

A bill is sent to a Committee. That bill may get referred to another Committee. That gives those individuals on that Committee an opportunity to

pat  
HOUSE OF REPRESENTATIVES

268  
May 29, 2009

address that information so that if it comes to the floor, there's certain information that may already be known.

If that Committee that received the bill does not take up that bill, that bill may in a sense be dead.

We know we can revive it through an amendment, but that is not the way. I would have loved to be able to address the issue. I would have loved, I've heard my colleagues talk about individuals that are in the public transit occupation came and testified on how dangerous it was.

And there are instances where people who are public transit officials have been assaulted, and we should not take that lightly, and we should give them protection, and we should make sure we pursue criminal charges against anybody who assaults public transit individuals. We should never shy away from that.

I would have loved to talk to some of those individuals. I would have loved to maybe hear the Bill a little bit further. The Judiciary Committee did not do that. It died. I would have loved to research it. I would have loved to have gotten some information that says how often does this happen?

pat  
HOUSE OF REPRESENTATIVES

269  
May 29, 2009

What happens when you assault public transit individuals? We need to protect them.

But I know we need to protect social workers, and I know we need to protect teachers, and I know we need to protect people who work in gas stations, and I know we need to protect individuals who clean our streets. I know we need to protect those individuals who work at the movie theater who may say, hey, you can't come in this way because assault is assault.

And so I'm very much concerned that we were not able to address the issue about public transit individuals, and I'm still, I'm actually waiting for my answer but I have further questions based on the answer of the duty to perform, so I'm still waiting for that.

So, and I have a few more questions. I thought I heard that, I hope that we are aware, we have crimes that can be committed, and I think I heard Representative Lawlor talk about there's also a crime called attempt to commit the crime, assault, larceny, robbery, burglary.

If you attempt to commit any of those crimes, that's a crime. So there was a question about, I believe, throwing paint at the bus driver or standing

pat  
HOUSE OF REPRESENTATIVES

270  
May 29, 2009

in front of the bus, and I don't know, maybe he's making a swing at the bus or whatever, attempt to commit a crime.

So if you have on statute a crime, any attempt to commit that crime is a crime. So it's possible, it's possible that in the category of assault on a public transit individual, it's possible that there was never an actual assault. There may have been an attempt to assault a public transit individual.

But if you attempt to assault a transit individual, it would be the same penalty as assaulting a transit individual, so you actually cannot assault anyone and get enhanced penalties because you intervened and you prevented them from their right to intervene and perform their duty.

There was no assault on a public transit individual. You attempted to do that because the public transit official attempted to intervene because they have a duty, in the performance of their job. A very slippery slope.

I'm not sure a public transit individual has a duty to intervene. I'm not sure. If they have a duty to intervene and there's a general duty to intervene, then we all have a duty to intervene, every citizen,

pat  
HOUSE OF REPRESENTATIVES

271  
May 29, 2009

and maybe every citizen if they're assaulted, should have enhanced penalties.

Police officers have, I think, one of the, if not the most, one of the most dangerous jobs. Anyone who is pulled over by a police officer should stop, cooperate and follow all the instructions from that police officer.

If everything worked out that way and it was that simple, and we had no incidents of impropriety on anybody's part, I would say, we need to enhance the penalties if you do not stop and that you engaged the police in a pursuit.

But I haven't heard that because we don't know that. We don't know how many pursuits we've had. We don't know whether or not those pursuits ended up in injury or not in injury. We don't know why the police officer stopped.

I almost can assure you that we have heard stories, we have seen on TV, we may know individuals who said, I was a little nervous when the cop pulled up behind me on a dark road and they said they were a police officer. I just wanted to get to a lighted area. I just wanted to get to an area where there was public, people around, so that I could feel safe.



pat  
HOUSE OF REPRESENTATIVES

272  
May 29, 2009

I've had calls like this, and people say when the police officer came up the vehicle, their attitude was questionable, and I'm not going to question the attitude of a police officer. But I have to tell you that I have gotten calls, I thought I was cooperating with what this officer said. I pulled over. They said, well, how come it took me too long to pull over? That was one of the things.

Well, they said it took too long. They didn't pull over right away. What do you mean pull over right away? Well, you know, I really wasn't familiar, and so the person would tell me, I really wasn't familiar with the road. I didn't see them at first, so it took me a little while for me to do it. I wasn't sure they were asking me to pull over and I wasn't comfortable. I didn't know the area so I waited.

But boy, their attitude, once that person came over, I was nervous. I've had these calls, and I said, well, you know, it would be very difficult for me to really pursue what happened because I wasn't there, and I don't like to get into it might be your word against that person's word, and I've got to

pat  
HOUSE OF REPRESENTATIVES

May 29, 2009

believe, and I understand, because I'm faced with this also.

I've got to believe that the officer acted responsibly and followed the duties that they were supposed to.

People call my office and say, you didn't talk appropriately to my son or daughter. I didn't like your attitude. And from their perception, that's the way they feel.

I'm not going to argue with them. I thought I was doing my job. But I would check myself and say, you know what? That's not my role to have an attitude for my client. It's not for me to do.

I don't know what police officers are doing in terms of reflecting back on whether or not if an individual says, well, officer, maybe I don't like you're attitude. I don't know, police officers may say, hmmm, let me think about that. I'm may have to check my attitude.

I tend to do that, because it's my client, and I would hope that if the police officer pulls someone over, they realize that's their client. They're there to protect them as well as protecting anyone else. Police officers protect all of us.

pat  
HOUSE OF REPRESENTATIVES

274  
May 29, 2009

But if someone is being pulled over and don't stop, and engage in continuing to drive, nobody gets hurt and they say, I was afraid that I needed to get under some light. If they maintain the appropriate speed it may not be a problem.

But I understand, based on what I understand police officers can do, they can say, well, you didn't pull over and guess what? Well, I thought you speeded up five miles an hour. Well, how do I know that if they sped up five miles an hour? How do I know if they maintained the same speed from the time the police officer wanted to pull them over to the time they got to a safe lighted area.

How do I know that they (inaudible). They may call me up. They may call you up and say, but I actually slowed down and put on my flashers. I don't know if that's going to be in the report. I don't know if that's what the person did? I just don't know.

But I do know that regardless of what happened, the police officer could currently give that person a ticket and charge them with a misdemeanor. So it's not like the person can be given a free pass, in a

pat  
HOUSE OF REPRESENTATIVES

275  
May 29, 2009

sense. That person still would be charged. It's just a misdemeanor. Nobody got hurt. That's okay.

We don't need to do this. We don't need to do this. We don't need to do this because of the pursuit. We do not need to do this because of the enhanced penalty for the public transit person.

Because if all of us have a general duty to intervene, then we need to understand that we do not need this. We begin to pick out any more occupations unless it's a real serious need and the information tells us that there's a heightened sense so that the security of that individual has to happen, and that's why it is appropriate for us to have these enhanced penalties for police officers, firefighters, nurses, teachers, EMT personnel. That's why it's appropriate to currently have these enhanced penalties for those occupations. That is appropriate.

Once you start adding, where do you stop? Where do you stop at saying, your job is just a little bit more critical and a little bit more important and we have to have a higher instance of security on you than the next person. That's not the message we want to send.

pat  
HOUSE OF REPRESENTATIVES

276  
May 29, 2009

We want to send a message, I believe, that assault on anybody is an assault and will not be tolerated, and you do not have to figure out what their occupation is, what their duties that they are performing are before you say, you cannot assault them. You can't do it. That's the message that I would like to get across.

Not pick and choose occupations. No one of us has a value based on our occupation, really. I understand why we have certain occupations, but really, none of us have a more value based on our occupation.

I would be very concerned, you know. In the City of Hartford and I think in other communities, and I think, I just heard this in a particular community. I'm not sure what it is. I love my colleagues from New Britain, but I think I did hear this about the Town of New Britain, that no, no, we're very concerned about noise levels and nuisances and ordinances, and a lot of towns are now having these things where if you have too much, if you have loud music, you can get stopped or you can be asked to turn down your music if it's too loud.

pat  
HOUSE OF REPRESENTATIVES

277  
May 29, 2009

And one of the things that I noticed, okay, and I was just made aware, and I was thinking about that, and I guess that actually confirms what I was just saying, was thinking about is that, and this is a story that other people have told me that they've had happen.

That sometimes, and I always tell the young person and I tell my children, my younger girls when they drive my car, they like to have the music up loud, and I don't know about you, but if that music gets up to a certain decibel, you're not going to hear any siren coming down the road.

I'm suggesting that you turn down the music. That would be my suggestion, but since I can't legislate the level of music in your car, if you decide you want to drive down this road with the blaring music and you don't hear the sirens or see the police officer, and you don't stop in a certain way. Again, nobody gets hurt. You notice that someone is behind you. You tell the officer, I did not hear, I did not see. The music was too loud.

Once again, I'm sure the officer's going to say, I understand, you know. Why don't you turn the music down and let's see your registration and license. I'm

pat  
HOUSE OF REPRESENTATIVES

278  
May 29, 2009

not sure if it might happen like that, but there are situations when a person may be playing the music too loud, may not hear the police officer.

I'm not again, I'm not condoning playing loud music and not being aware of the road. I might consider that driving while distracted, but that's just me.

However, under the circumstance, the person might get an enhanced penalty, not an enhanced penalty, whereas the police officer has some latitude to give them a ticket. I don't care what the circumstances were. The situation was resolved. The person has the ticket, whatever, a misdemeanor, paid a fine.

Because I also believe, and I actually can ask another question. I was waiting for that, but if the Representative is ready, I can ask him another question, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor, prepare yourself.

REP. GREEN (1st):

The Speaker is in charge, not Representative Dargan. He told me to hold up.

DEPUTY SPEAKER GODFREY:

Representative Green, what's your pleasure?

pat  
HOUSE OF REPRESENTATIVES

279  
May 29, 2009

REP. GREEN (1st):

I have a question to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Representative Lawlor. Representative Lawlor, prepare yourself for a question from Representative Green. Representative Green, please proceed.

REP. GREEN (1st):

Thank you. If we were to change, well first, is there a difference in how the courts handle people charged with misdemeanors versus people charged with felonies?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor, do you care to respond?

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Sure there's a difference, but you know, every case is handled differently for a variety of reasons. So, one of the distinctions could be felonies and misdemeanors, but I think it depends.

But sure, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Green.

REP. GREEN (1st):



pat  
HOUSE OF REPRESENTATIVES

280  
May 29, 2009

Through you, Mr. Speaker, if in a traffic violation under this example of the pursuit of a police officer, the misdemeanor, is that a charge or an infraction in the sense of that could you just pay a fine if you were charged with a misdemeanor under any of these scenarios versus a felony?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I did not understand the question.

DEPUTY SPEAKER GODFREY:

Representative Green, would you like to reframe the question?

REP. GREEN (1st):

Yes, I'll rephrase it and try to be clear. Under these, the current charge of pursuit, failure to stop for a police officer engaged in a pursuit, if there's no injury a person is subjected to a misdemeanor.

That charge, can that charge be a fine?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

pat  
HOUSE OF REPRESENTATIVES

281  
May 29, 2009

REP. LAWLOR (99th):

Well, first of all, engaging in pursuit and failure to obey an officer's signal are two different offenses. It is, each or them carries a possible fine and a possible prison sentence. That's also the case for felonies.

So yes, you could pay a fine for a violation and infraction and misdemeanor or a felony.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, if a police officer were to consider giving someone a charge of pursuing, engaged in a police officer in a pursuit, and there was considering the categories that was a misdemeanor, could the police officer just give a ticket to be paid, or would it require a court appearance?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

pat  
HOUSE OF REPRESENTATIVES

282  
May 29, 2009

Thank you, Mr. Speaker. Misdemeanors and felonies both require court appearances.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Green.

REP. GREEN (1st):

Thank you. Through you, Mr. Speaker, we recently passed a bill, I just want to use this analogy just to see if we have a duty to intervene in this situation, and if you can bear with me.

We recently passed some anti-bullying laws, and I know in schools we can't bully. And because the Amendment has to do with assaulting, and sometimes I think bullying, people believe leads to assault, and teachers have to report bullying, I was trying to get an understanding through the proponent of the Bill is that again, do teachers have a duty to intervene and if teachers saw a case of bullying and failed to intervene, would that be a crime? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

We're getting a little bit off the subject at hand, but Representative Lawlor, I'll let this one go.

REP. LAWLOR (99th):

pat  
HOUSE OF REPRESENTATIVES

283  
May 29, 2009

Thank you, Mr. Speaker. Well, it's not a crime. I mean the duty to intervene is not a duty where if you violate it you get arrested. We're talking about a duty under the common law, which if you breach that duty you could be liable, usually civilly liable, or in the case of your employment you could be fired for not following your duty.

But we're not talking about people getting arrested for failure to intervene. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Green. Representative Green.

REP. GREEN (1st):

Thank you. I was not aware of the answer. I believe he suggested that a person could be civilly liable, and I just want to be clear that that is what the proponent of the Bill stated. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor, could you repeat your answer to Representative Green, please.

REP. LAWLOR (99th):

Sure, Mr. Speaker. When we talk about a duty to intervene, a duty to come to someone's assistance,

pat  
HOUSE OF REPRESENTATIVES

284  
May 29, 2009

we're not talking about something where if you breach that duty you get arrested. We're just talking about an obligation you have to act under certain circumstances, and if you don't act you could be open to being sued, or potentially being fired.

So when we speak of duty and you're talking about that, there certainly are some states, which impose a duty to report, and we have some statutes like that on our books now.

Like for example, Members of the Legislature, it would be a crime for us to be offered a bribe and to not report that. That's one type of a duty.

But there's, the duty I'm speaking of is, typically you're a bus driver. You have several duties pursuant to your job. For example, you have a duty to drive the bus. You have a duty to drive the bus safely. You have a duty to protect the passengers.

If you breach that duty, you could be liable for that. You wouldn't be arrested for it. You could be sued or fired, and it's that duty that I was referring to earlier, just to be clear. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

pat  
HOUSE OF REPRESENTATIVES

285  
May 29, 2009

The House will stand at ease.

(Chamber at ease.)

The House will come back to order.

Representative Green, you still have the floor, sir.

Representative Green. Representative Green, you  
still have the floor, sir.

REP. GREEN (1st):

Thank you. I'm going to yield to the  
distinguished Majority Leader.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Green. I'll call on  
the distinguished Majority Leader, yeah.

Representative Merrill.

REP. MERRILL (54th):

Mr. Speaker, I would move that we pass this item  
temporarily.

DEPUTY SPEAKER GODFREY:

The question is on passing the item temporarily.  
Is there objection? Hearing none, this item is passed  
temporarily.

Mr. Clerk, if you'd please call Calendar Number  
263.

THE CLERK:

pat  
HOUSE OF REPRESENTATIVES

408  
May 29, 2009

Good evening, Madam Speaker. Madam Speaker, is this the appropriate time for a Journal notation?

DEPUTY SPEAKER ORANGE:

If I were the Speaker and not the Deputy Speaker I would say that's in the affirmative, Sir, but I'm the Deputy Speaker, so I would think not.

REP. PISCOPO (76th):

Wishful thinking, Madam Speaker. Thank you.

DEPUTY SPEAKER ORANGE:

Will the House please come back to order, and will the Clerk please call Calendar Number 510.

THE CLERK:

On Page 13, Calendar Number 510, Substitute for House Bill Number 6025 AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT. House Amendment Schedule "A" has been adopted.

DEPUTY SPEAKER ORANGE:

House Amendment Schedule "A" has been adopted, and Representative Michael Lawlor of the 99th, I believe, 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.

pat  
HOUSE OF REPRESENTATIVES

409  
May 29, 2009

DEPUTY SPEAKER ORANGE:

The question is on acceptance and passage of the Bill. Will you care to remark further?

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. This is the Bill we were considering earlier. The Clerk has LCO Number 8833. I'd ask that the Clerk call and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 8833 designated as House Amendment Schedule "B".

THE CLERK:

LCO Number 8833, House "B", offered by  
Representatives Green, Guerrera, Hewett, Labriola and  
Robles.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize. Is there objection? Is there objection? Seeing none, Representative Lawlor, please proceed, sir.

REP. LAWLOR (99th):

Thank you, Madam Speaker. This Amendment, the effect of this Amendment would be to retain the



pat  
HOUSE OF REPRESENTATIVES

410

May 29, 2009

existing penalty for a first offense of engaging in  
pursuit.

The Amendment previously adopted, or sorry, the  
file copy does have enhanced penalties for subsequent  
offenses or for offenses where an injury or death  
resulted. This would return the first offense penalty  
to a misdemeanor.

I urge adoption.

DEPUTY SPEAKER ORANGE:

The question is on adoption. Will you care to  
remark further on House Amendment Schedule "B"?  
Representative Kenneth Green of the 1st District, you  
have the floor, sir.

REP. GREEN (1st):

Thank you, Madam Speaker, and Madam Speaker,  
every time I see you up there I have to say how lovely  
you look. Thank you, Madam Speaker.

Madam Speaker, I rise in support of this  
Amendment. I think after, earlier today we had some  
debate on this and I appreciate that. We want to  
consider not continue to make misdemeanors felonies  
and again, I appreciate all the support from the  
proponents of the Bill.

Thank you, Madam Speaker.

pat  
HOUSE OF REPRESENTATIVES

411  
May 29, 2009

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule "B"? Do you care to remark further on House Amendment Schedule "B"?

If not, let me try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay. The ayes have it. The Amendment is adopted.

Do you care to remark further on the Bill as amended by House Amendments Schedule "A" and "B"? Will you care to remark further on the Bill as amended by House Amendment Schedules "A" and "B"?

If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER ORANGE:

pat  
HOUSE OF REPRESENTATIVES

412

May 29, 2009

Have all the Members voted? Have all the Members voted? Please check the board to be sure that your vote has been properly cast, and if so, the machine will be locked and the Clerk will take a tally.

And the Clerk will announce that tally, please.

THE CLERK:

House Bill Number 6025 as amended by House "A"  
and

"B".

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. And the Bill passes.

Representative Melissa Olson of the great City of  
Norwich.

REP. OLSON (46th):

Thank you, Madam Speaker, how lovely to see you on the dais tonight. Madam Speaker, I move for the immediate transmittal to the Senate of all items previously acted upon in the House and needing further action in the Senate.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 12  
3621 - 3942**

**2009**

207

March 16, 2009

jr JUDICIARY COMMITTEE

10:00 A.M.

apples, like everything; but with some tighter regulations, which we're fighting right now to get to clean up our industry, it's a good industry.

And I -- I almost believe that this bill, 723, was brought up as a punitive measure in order to punish us. It feels like it was there to punish us and say if you don't pass a bill that regulates you, then we're going to eliminate you. And that's how the five bills came up this year. You've got regulation or elimination.

REP. COUTU: That's good. Thank you for your time. Appreciate you being here today. And thank you, Senator McDonald.

ANDREW BLOOM: Thank you, Representative.

SENATOR McDONALD: Are there any other questions?  
Thanks very much.

ANDREW BLOOM: Thank you.

SENATOR McDONALD: Stephen is a convenient know, followed by Commissioner Danaher. Is Stephen Savino here?

Commissioner Danaher. There you are.

SENATOR McDONALD: And after Commissioner Danaher is Jeffrey Kestenband and Chris O'Connor. Thank you very much for your patience, Commissioner.

JOHN DANAHER: Good afternoon, Senator, members of the Judiciary Committee, I'm John Danaher. I'm the commissioner of the Department of Public Safety. With me is Lieutenant Samuel Izzarelli, the Department of Public Department of Public Safety.

SB 844    HB 6384

HB 6382    HB 6671

SB 533    SB 538

SB 353    SB 723

HB 6025

I'd like to testify very briefly on four bills. We have five others in which we have an interest. We've submitted written testimony on all nine of these, but I'll answer any questions you may have with regard to any of them.

First, if I may turn your attention to Senate Bill 844, this is An Act Concerning methamphetamines. You've already -- you heard testimony this morning from Commissioner Farrell in support of this, and we support this as well.

Connecticut has not yet faced the kind of methamphetamine problem that has appeared in the western states, but there is certainly evidence in law enforcement that it is moving eastward across the country, and this is an opportunity to be proactive and to take steps that will prevent the problem from reaching the proportions in Connecticut that it has in other states.

I note from personal experience, there are some pharmacies that are already voluntarily following what is being proposed in this bill.

Would you like to -- should I proceed through all of the bills that I want to speak on or take questions one at a time?

SENATOR McDONALD: No, why don't you go through all of them first, and we'll double-back.

JOHN DANAHER: Okay.

Next, House Bill 6384, this is An Act Concerning the Registration of Sex Offenders. This bill was an effort to bring us into compliance with the federal Adam Walsh Act.

So the victim would have opportunity to seek restitution, compensation; and we would only seek forfeiture after the victim chose to exhaust those -- those options.

The bills in which we have an interest and have submitted written testimony, I will rely on their within testimony, are Senate Bill 533, provides for notification of a release of a registered sex offender into the community.

Senate Bill 538, which would affect plea agreements reached by sexual offenders, it would -- well, I'll rest on the written testimony there.

Senate Bill 353, microstamping of semiautomatic pistols. Senate Bill 723, the posting of the ten percent cash bail, withy you've just heard testimony on, and House Bill 6025, which would increase the penalty for engaging a police officer in pursuit.

As I said, I'd like to rely on the written testimony, but I would answer questions on any of those if you have questions. Any of those or the ones that I spoke on.

SENATOR McDONALD: Certainly appreciate your testimony, and we will take a look at the written stuff on the other bills.

Are there questions? Representative O'Neill.

REP. O'NEILL: With respect to Bill 533, this has gotten a fair amount of attention, and I have a couple of questions.

The language that's contained there talks about in lines 24 through 30, and that's the core of the bill, that when a registrant is released into the community, the Department of

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 14  
4276 - 4597  
2009**





## CONNECTICUT POLICE CHIEFS ASSOCIATION

342 North Main Street, West Hartford, Connecticut 06117-2507

(860) 586-7506 Fax: (860) 586-7550 Web site: [www.cpcanet.org](http://www.cpcanet.org)

### Testimony to the Judiciary Committee

March 16, 2009

Chief Anthony Salvatore & Chief James Strillacci, Connecticut Police Chiefs Association

We support **SB #358, AAC Prohibiting Transfer of Assault Weapons or Machine Guns to Minors**. October's death of an 8-year-old Ashford boy who was allowed to fire a mini-Uzi dispelled any hope that common sense could fill a gap in the law which allows children to play with machine guns.

Moreover, Connecticut has passed a "Raise the Age" law which considers those under 18 to be juveniles. The law deems them too immature to be tried in adult court. If they're too young to understand their rights or to give a statement without a parent present, they're certainly too young to handle assault weapons. We approve of this bill.

We support **HB #6025, AA Increasing the Penalty for Engaging Police in Pursuit**. Since 1999, each Connecticut police department has had a policy on pursuits. But police policies only control the officers, not the motorist. It's the violator who decides whether to flee, and some still choose to run, sometimes even after they're no longer being pursued.

It's a dangerous choice. According to a Legislative Research report\*, there were over 286 chases in 2006-2007, resulting in at least 34 injuries and thousands of dollars in damage. This bill will make this potentially deadly activity a felony. We think it is entirely appropriate.

We are concerned about what appears to be a training mandate in **HB #6671, AAC Forfeiture of Money and Property Relating to Child Sexual Exploitation and Human Trafficking**. The Connecticut Chiefs believe that the Police Officer Standards and Training Council should be allowed to perform its statutory duty of determining the type and amount of training necessary for police officers.

CGS 7-294f now requires a course on rape crisis intervention in every basic and review training program. Section 3 of the bill adds "sexual assault investigation" to this course. We are uncertain whether this is intended to add another required subject, or to expand the possible subject matter of the current requirement. We would prefer the latter.

\*OLR 2009-R-0025, Feb. 6, 2009



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONERJohn A. Danaher III  
CommissionerLieutenant Edwin S. Henion  
Chief of Staff

March 16, 2009

Rep. Michael P. Lawlor, Co-Chairman  
 Sen. Andrew J. McDonald, Co-Chairman  
 Judiciary Committee  
 Legislative Office Building  
 Hartford, CT 06106

**HB 6025 AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT**

This proposed bill would make it a Class D felony to engage an officer in a police vehicle in pursuit. Under current law, such conduct is punishable as a misdemeanor unless death or serious injury results. This proposed bill would make engaging an officer in pursuit a class C felony if death or serious injury results.

The current misdemeanor status of engaging an officer in pursuit by increasing speed in an attempt to escape is not a sufficient deterrent and not proportionate to the public danger created and the public liability exposure of the police.

Sincerely,

John A. Danaher III  
COMMISSIONER

Department of Public Safety



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER  
30 TRINITY STREET - 4<sup>th</sup> Floor  
HARTFORD, CONNECTICUT 06106

DEBORAH DEL PRETE SULLIVAN  
LEGAL COUNSEL/EXECUTIVE ASSISTANT PUBLIC DEFENDER  
(860) 509-6405 Telephone  
(860) 509-6495 Fax  
[deborah.d.sullivan@jud.ct.gov](mailto:deborah.d.sullivan@jud.ct.gov)

### Testimony of Deborah Del Prete Sullivan, Legal Counsel Office of Chief Public Defender

#### Raised Bill No. 6025

#### An Act Concerning the Penalty for Engaging a Police Officer in Pursuit

\*

#### Judiciary Committee Public Hearing March 16, 2009

The Office of Chief Public Defender opposes *Raised Bill No. 6025, An Act Concerning the Penalty for Engaging a Police Officer in Pursuit*. The Office of Chief Public Defender opposes the enhancement of this statute from a class A misdemeanor to a class D felony or from a class D felony to a class C felony depending upon the facts of the case.

In addition, the proposal requires the court to impose a mandatory minimum sentence on a person convicted of this offense. Throughout recent years, a large number of offenses initially codified as misdemeanors have been enhanced to felonies. As a result, the number of persons arrested and convicted of felonies has increased. Being charged with a felony can result in a higher bond being set at pretrial, a greater risk of incarceration upon conviction and a greater likelihood that a person will pursue post-conviction remedies. All of these can result in a greater cost to the criminal justice system. In addition, a felony conviction has collateral consequences which impact upon the person upon reentry into the community. These include barriers to employment, education and housing. Accordingly, such felony convictions will not only impact those convicted but may impact that person's family.