

Act Number: 09-193

Bill Number: 6339

Senate Pages: 5750, 5786-5788 **4**

House Pages: 7381-7392 **12**

Committee: Judiciary: 5132-5141, 5420 **11**

Page Total: **27**

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 18
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mhr
SENATE

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Senator Looney --

SENATOR KISSEL:

-- a couple --

THE CHAIR:

-- for what purpose do you rise, sir?

SENATOR LOONEY:

Thank you, Mr. President. And with the indulgence of Senator Kissel, would ask that this item be passed temporarily.

THE CHAIR:

Senator Kissel. Thank you.

SENATOR KISSEL:

Happy to do it, sir.

SENATOR LOONEY:

Yes, Mr. President, also for an additional marking, an addition to the Consent Calendar. Mr. President, on Calendar Page 18, Calendar 698, House Bill 6339, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion to place Calendar Number 698 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, also for a

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Senate A is adopted. Will you remark further on House Bill 6426, as amended by Senate A?

Senator Fonfara.

SENATOR FONFARA:

Unless there's objection, Mr. President, I move this to the Consent Calendar.

THE CHAIR:

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

Senator Looney.

SENATOR LOONEY:

Mr. -- Thank you, Mr. President. Mr. President, if the Clerk would call the items on the Third Consent Calendar.

THE CHAIR:

Mr. Clerk, please call Consent Calendar Number 3.

THE CLERK:

Immediate roll call has been ordered in the Senate on Consent Calendar 3. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on Consent Calendar Number 3. Will all Senators please return to the chamber.

Mr. President, Consent Calendar Number 3 begins on Senate Agenda Number 2, House Joint Resolution

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Number 123. Calendar Page 9, Calendar Number 621,
substitute for House Bill 6467; Calendar Page 13 --
correction -- Calendar Page 12, Calendar Number 653,
substitute for House Bill 6426; Calendar Page 13,
Calendar 659, House Bill 6459; Calendar Page 16,
Calendar Number 687, House Bill 6 -- correction --
House Bill 5875; and, Calendar Page 18, Calendar 698,
substitute for House Bill 6339. Mr. President, that
completes those items placed on the Third Consent
Calendar.

THE CHAIR:

If you can call Consent Calendar Number 3, again,
the machine will be open.

THE CLERK:

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

THE CHAIR:

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

THE CLERK:

Motion is on adoption of Consent Calendar

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Number 3:

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

THE CHAIR:

Consent Calendar Number 3 passes.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items acted upon since our last -- since the last motion, including those on Consent Calendar Number 3 that may require additional action by the House of Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, one additional item to mark go, to be taken up at this time as our final item of business for this evening. And that is on Calendar Page 23, Calendar 722, House Bill 6097.

THE CHAIR:

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REP. RYAN (139th):

Thank you, Mr. Speaker. Hiding in the galley, but finally coming down into the hall of the House, is a former State Representative from the 44th District, Mike Caron, who's here visiting us this evening. I ask my colleagues join in welcoming him.

DEPUTY SPEAKER McCLUSKEY:

Welcome back, Mike, to your chamber.

Are there any other announcements or points of personal privilege in any other announcements?

If not, will the Clerk please call -- return to the call of the calendar.

Will he please call Calendar 469?

THE CLERK:

On page 40, Calendar 469, substitute for House Bill Number 6339, AN ACT CONCERNING THE FORFEITURE OF PROPERTY OBTAINED BY SECURITIES FRAUD, favorable report by the Committee on Banks.

SPEAKER DONOVAN:

Gentlelady from New Haven, Representative Dillon, you have the floor, madam.

REP. DILLON (92nd):

Thank you, Mr. Speaker: Move the Joint Committee's favorable report and passage of the bill.

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DEPUTY SPEAKER McCLUSKEY:

Question before the chamber is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. DILLON (92nd):

Yes, sir.

The Clerk has in his possession House Amendment LCO 7957. Will the Clerk please call and request permission to summarize.

DEPUTY SPEAKER McCLUSKEY:

Will the Clerk please call LCO 7959 -- excuse me, 7957, to be designated House Amendment Schedule "A".

THE CLERK:

LCO 7959, House "A," offered by Representatives Dillon, Lawlor, O'Neill, et al.

DEPUTY SPEAKER McCLUSKEY:

The gentlelady has asked leave of the chamber to summarize the amendment. Is there any objection to summarization? Any objection?

If not, madam, please summarize the amendment.

REP. DILLON (92nd):

Thank you, Mr. Speaker. The amendment is a strike-all amendment which locates the -- the new

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powers to seize assets in another session of the statute. It also reworks the original proposal in the file copy to create a fund.

Move adoption of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Question before the chambers is adoption of House Amendment Schedule A".

Will you remark?

REP. DILLON (92nd):

Thank you, Mr. Speaker.

The bill before us was originally prompted by the story of the Madoff fraud on so many investors. Those of us here in the building have spent a lot of time --

DEPUTY SPEAKER McCLUSKEY:

Please continue, madam.

REP. DILLON (92nd):

Thank you.

-- looking at minimum mandatories and increased penalties for street crime because of the extraordinary violence that can be done to the bodily integrity of the victims, but white collar crime can create tremendous violence as well.

And so we started looking at whether or not we have given our prosecutors enough tools to bring these

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individuals to justice and hopefully be a deterrent to future crimes.

The amendment before us, which was frankly prompted by a suggestion from our LCO for judiciary, Rick Taff, is more elegant than the proposal that I originally put forward and much better.

It -- it expands the powers of the prosecutors under a section of our statute, which is called CORA, CORA mirrors -- is a racketeering statute which is -- actually mirrors RICO.

But due to the efforts of a former friend, Representative Richard Tulisano and a group of Italian-American legislators, RICO was changed, because there was a feeling that it was defamatory ethnically.

That statute actually contains in it many of the things that I was looking at originally, and I really want to thank Representatives Lawlor and O'Neill and Cafero for listening to me, actually. Senators McDonald and Kissel for -- for -- and particularly Rick Taff for looking at a better solution, because in the CORA statutes, we already have some of the powers, and we can -- the way that the process would work would be that it's a civil action triggered by a

criminal conviction.

But once the charge is brought, at any point the court can freeze the assets, and so some of the original language that we were looking at is rendered unnecessary once we extend the powers in this section of the statute.

In addition, as we often find, we are humbled when we propose legislation. The file copy proposed top-down that the bank's department would administer an unlapsing fund to compensate victims. What we discovered, of course, is that there are many other departments involved with forfeiture of assets and with distributing those assets.

And therefore, it was agreed after listening to many of them that -- that they would all talk to each other and get back to us and recommend to us the best method of compensating victims beyond what we do now.

If there's one thing that we know from some of these things, number one, the federal government is always going to have the biggest footprint in the area -- in this area. But states have a role to play, too.

And, number two, in some ways, the government really was asleep when it came to regulating some of

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these. And if we cannot prevent these things, perhaps we can deter them, or at least provide some relief through the courts.

I urge passage of the bill -- adoption of the amendment.

Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on House Amendment Schedule "A"?

The Honorable Minority Leader, Representative Cafero, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the chamber, I stand in support of the amendment that's before us. You know, maybe it took Bernie Madoff to show us that destruction to people's lives, their homes, their savings, everything they work for, their children's future, does not have to come in the form of somebody with a ski mask or breaking into your home or holding you up at gunpoint.

We have some, unfortunately, well-respected, well-dressed, well-educated, well-healed individuals out there who make it their life's work in some cases

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to rip people off and destroy their lives. And they need to be treated with the same kind of disdain by society in our criminal justice system as the people I've previously described.

And I think that this bill certainly gets at the heart of that, and I stand in strong support and thank Representative Dillon for bringing it out.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on House Amendment Schedule "A"? The Honorable Chair of the Judiciary Committee, Representative Lawlor, you have the floor, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I also rise in support of the amendment, and I think it's important to understand that the beauty of this amendment I think is it plugged into existing state law which has been used many times since its inception in the early 1980s to deal with what we commonly refer to as organized crime.

And it gives the prosecutors a tool that they don't currently have. It also asks them to report back to us, together with the attorney general and

others, about how we can most effectively manage the -- the assets which may be seized pursuant to one of these forfeitures in the future.

I think as Representative Cafero and Representative Dillon have already indicated, this is just another example of how people use -- unfortunately use their brain power to think up no ways to defraud people. And I think the scale of what took place in what we now call the Madoff scandal is global in its reach.

But certainly these kinds of things can happen on a much smaller scale here in our state, and we would want our prosecutors to take full advantage of the tools they have under the law to act immediately, not just to bring someone to justice, but to protect the assets so they can be returned to the people who rightfully own them.

This gives -- this begins the process of giving these tools to our prosecutors.

And finally, Mr. Speaker, I just want to congratulate Representative Dillon on her dogged pursuit of this particular priority. It is something that would have otherwise gotten lost in the session, but Representative Dillon, who is a member of our

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committee, was very persistent in reaching out to the prosecutors, the judicial branch, to her colleagues here in the legislature to try and find a way to make this work.

And ultimately, we stumbled upon using existing law, the CORA law, the racketeering law, the organized crime law, rather than trying to invent some entirely new body of law which potentially could take years to interpret and for prosecutors to understand how to use. They know how to use this. They will use this under the appropriate circumstances.

And I join my colleagues on both sides of the aisle, saying this is a welcome addition to the arsenal available to our state's law enforcement agents, and I urge adoption of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on House Amendment Schedule "A"? Will you remark further on House Amendment Schedule "A"?

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. And briefly, I, too, want to commend the lady from the 92nd District

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for her efforts and the time she put into this, that she not only brought the bill to the committee but followed up over and over again to make sure that something got passed this year that would enable us to pursue those individuals who have defrauded and stolen millions and tens of millions, perhaps, from the citizens of the State of Connecticut.

And not only to prosecute them, but to perhaps achieve restitution for the victims, and I think that's something which while this doesn't set up the fund, it starts the process for being able to set up a fund, and that's a really important step for the victims.

But putting people in jail for committing these crimes may be some satisfaction, but it's cold comfort for someone that's lost most of their life savings in one of these schemes.

So I again want to commend the Representative from the 92nd District, and I urge adoption of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on House Amendment Schedule "A"? Will you remark further?

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If not, I will try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER McCLUSKEY:

All those opposed, nay.

The ayes have it. House "A" is adopted.

Will you remark further on the bill as amended?

Representative Dillon.

REP. DILLON (92nd):

Move passage of the bill as amended

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam. Will you remark further on the bill as amended? Will you remark further on the bill as amended?

If not, will staff and guests please come to the well of the House. Will members please take their seats? The machine will be open.

THE CLERK:

The House of Representative is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

Will the Clerk please take a tally?

Will the Clerk please announce that tally?

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THE CLERK:

House Bill Number 6339, as amended by House "A".

Total number voting 146

Necessary for passage 74

Those voting yea 46

Those voting nay 0

Absent not voting 5

DEPUTY SPEAKER McCLUSKEY: The bill is amended as passed.

Will the Clerk please call Calendar 486 on page 40, Calendar 486, statute for House Bill Number 6687, AN ACT CONCERNING VARIOUS REVISIONS TO THE EDUCATION STATUTES, favorable report of the Committee on Public Health.

The Honorable Chair of the Education Committee, Representative Fleischmann, you have the floor, sir.

REP. FLEISCHMANN (18th):

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

DEPUTY SPEAKER McCLUSKEY:

Question the chamber is acceptance of the Joint Committee's favorable report and passage of the bill

Will you remark.

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SENATOR GOMES: All right, thank you.

TANYA SNOW-BUGG: Thank you. I got the problems, can you tell? Thank you.

REP. LAWLOR: Well, thanks again for coming in, it's been very helpful to us to hear your story of your son. Next is Deputy Chief State's Attorney Murray. And then Mr. Murray will be followed by (inaudible).

PAUL MURRAY: Chairman McDonald, Chairman Lawlor and members of the Committee, I am Paul Murray, Deputy Chief State's Attorney for Operations. I'm here to support House Bill 6339, an Act Concerning the Forfeiture of Property Attained by Securities Fraud, a very hot topic in this present climate. The bill, as drafted, appears to be patterned on the Drug Asset Forfeiture bill and much of the language is the same. We support the intent of the legislation, however, we would recommend a little bit of fine tuning of the bill.

With respect to subsection B of the bill, which has a mandatory 14 day time period for the hearing and a very high standard of proof. We recommend, that pretty much in accordance with the actual practice in drug asset forfeiture, the court have the specific power to continue that hearing for a period of time for good cause shown, particularly where there is a criminal prosecution pending or an ongoing criminal investigation. I suspect that these cases may well have far more at stake than most drug asset forfeiture cases and that that may be necessary because of the complicated nature of those prosecutions and investigations.

The other issue is with respect to subsection 3. As written, that section would allow the criminal to pay for his or her own representation out of his ill gotten goods. This bill is designed to provide a fund for paying restitution of the victims of security fraud. It seems to be counterproductive to allow the proceeds of a theft to be used to pay for the representation of the thief.

There is a similar provision in the Drug Asset Forfeiture bill. My understanding of the history of that is that at the time that bill was passed, it was the opinion of this Committee that there was a constitutional right to that. I think some of that has been disabused by some federal case law since then, where drug proceeds have actually been used to pay counsel and the federal authorities have gone in and been able to recover that from attorneys. I don't think that's a constitutional mandated provision. And it has become problematic in the Drug Asset Forfeiture in at least one court, where the judge has held that that intent to use those funds for defense can be formed at any time, even after the arrest and seizure of those funds. That does not seem to make much sense. At least there, the money is going to the general fund and to other uses for drug enforcement, not being used for payment of victims. In this case, where it's being used for payment of victims, we think it's very much counterproductive to include that provision in the bill. Other than that, we support the legislation. I'd be happy to answer any questions.

REP. LAWLOR: Thank you, Attorney Murray and, as you know, this was brought to us by Representative Dillon and I think it is not

only a good proposal but very timely under the circumstances. Representative Dillon?

REP DILLON: Do you have a question? I'll wait.

REP. LAWLOR: Well, I guess that I would be interested, because I do recall the discussion here about the attorney's fees issue and if you folks have some updated information on it, that would be great to have so that we can make adjustments to our existing law as well (inaudible). But have you -- if this law were in place today, do you have a sense of how you could take advantage of it, given what's happening on Wall Street and elsewhere or not?

PAUL MURRAY: In the present context, I think where security type fraud prosecutions are being litigated, if there are assets that can be seized, we're trying to do that. In that particular case, that means that money can be used, hopefully, provide a start towards restitution for those victims. The advantage in this legislation, I believe, that there may be cases, one would hope, maybe not in this economy, where securities fraud takes place and the proceeds of that are used by the thief and he makes a profit on it and there's more money there, but it's derivative of the fact and there may be more money than is needed for the restitution (inaudible) the victims, but it will provide a basis for a fund to be established that maybe we can use to provide restitution for victims of other thieves who haven't been productive with their ill gotten goods.

REP. LAWLOR: That is interesting. I think we've all learned a lot in the last six months about Wall Street and about investment brokers with the Madoff thing. And, you know, one thing

that was brought to my attention a couple years ago, which I think is easier to understand now, why it's such a big deal, and that is there's an allegation that a lot of appraisers in the home mortgage industry have inflated the value of homes so that people would qualify for mortgages which they didn't really -- I mean, forget about whether or not they had the income to justify a mortgage, but also, the home they're buying may not actually be worth what the appraiser is saying it's worth, just so they can make the mortgage work. And to me, that's another form of fraud. And I'm just curious. Assuming you could prove that there was a systematic inflation of values in appraisals by an appraiser, is that -- do you think that would qualify for the kind of asset forfeiture we're talking about, assuming you could show that the appraisers or the mortgage brokers with whom they are working made a fair amount of money by doing this kind of thing?

PAUL MURRAY: I think we'd certainly be able to make that argument and we would certainly try to do that. Part of the problem is that you have these inflated appraisals and then people are getting hundred percent mortgages and a first mortgage and a second mortgage at the same time. I don't think that's happening right now, but it was up until fairly recently. And those appraisers and others involved, the attorneys involved in the mortgage business were making a lot of money. And I think that we could certainly make the argument that the fees they achieved through that were obtained through fraud.

REP. LAWLOR: Because I think, obviously, holding people accountable is a good thing, but on top of that, deterring it in the future is perhaps

even more important. And in many different ways, we're trying to think of -- did we inadvertently create loopholes that people took advantage of to cash in on other people's legitimate interest in owning a home and being relatively unsophisticated in how all this really works down the road if you can't actually afford this or how much the mortgage is really going to cost or how much your home is really worth. All of that now is very clear. And it's not just hurtful to the individual who is really the victim of this, but it's also undermining our state and national economy at the same time, when you look at the macro levels. So these are big issues that no one really thought of before. But certainly, now we have learn about them as legislators and you, as prosecutors and take action. So it's not like a burglary or a robbery, but it's in many ways more dangerous and more destructive to people's lives.

PAUL MURRAY: More broadly destructive.

REP. LAWLOR: No doubt. Representative Dillon.

REP DILLON: Yeah, I just -- thank you, Mr. Chairman. I guess I have a couple of questions. I actually worked with the ongoing statute with former Representative (inaudible), because at the time, there was a very well known issue going on in my own district which they called John of the Week. A local block watch was writing down the names of license plates and names of people because of heavy prostitution. The Internet has really solved some of those issues for us, they go to Craig's List or whatever, I expect. But at the time it was very energetic and much (inaudible) a very dear friend. We probably had more arguments with him than with anyone

I'm actually less of a friend with. But -- so I remember the way that we wrote this. I guess my concern, I have a couple. Since I filed this bill, which really was awhile ago, the issue has emerged around -- I mean, I never believed. I didn't care whether he said it was a Ponzi scheme. Whether I believe it or not probably doesn't matter. But saying it's a Ponzi scheme, I acted alone, to protect my children and my wife and, by the way, the money's all gone. I didn't really believe that ever. I don't believe the money's all gone. I think we can't find it. And I was concerned that the victims, we should be able to satisfy a claim. And it should be no uncertainty on the part of the prosecutor about whether or not the statutes backed them up.

But all these new issues have emerged now. It was a family operated business and I don't know what the case was with the Fairfield County firms, but -- let's say I were going to start running a Ponzi scheme, that were more profitable than my current occupation, and I would put all of my assets in my husband's name. And there seems to be a bit of that going on now with the Madoff case, which I didn't know about at the time that I filed the bill. Is there language that would have to be added or some kind of a standard of proof that would be able to give you the tools that you need to seize other assets or is there already some existing procedure to do that?

PAUL MURRAY: I think there is no short answer to that. There always are changes that could be helpful. I think the bigger problem is tracking those assets and identifying where and when they came into the hands of the organization or the family. And some of the

investigative tools -- I won't use the investigative subpoena, for example, because it's not well received here, but we are -- it is a very labor intensive and investigative intensive effort to identify those resources and determine that they were, in fact, derived from that scheme as opposed to something that the family members were doing themselves. I think if we cannot make that identification, I think we have the tools to get at the resources.

REP DILLON: Okay, thank you. So you don't think we'd need new -- and also, obviously, then I can't start putting things in my husband's name before I embark on my new career. Thank you. I was concerned, obviously, about satisfying the judgment. In Fairfield County this year, it's turned out to be a lot more interesting than I ever thought it would be, in this building, in terms of activity. It was always kind of serene, I thought. But certainly, these dreadful things, I mean, families who are just totally wiped out. I mean, it's had an extraordinary ripple effect so that if you can think of other language that would help you do your job better, so that we can enable victims to get what they need and make it hard for somebody to squirrel the money away, just come back to us and we can look at it.

PAUL MURRAY: I will talk to staff and see if there are other areas that we might suggest.

REP DILLON: Thanks a lot and thanks for coming today.

SENATOR MCDONALD: Thanks for being here. I have, hopefully, just a simple question. In section one -- well, first of all, this is modeled

roughly after the --

PAUL MURRAY: I think the language comes pretty much from the Drug Asset Forfeiture language.

SENATOR MCDONALD: Okay. So, really, I just want to know what are the parameters when it talks about any property, basically in any form, that are directly or indirectly violations. I'm worried about the parameters of what indirectly could be construed as. And if you have experience from the Drug Asset Forfeiture laws, that would be probably helpful.

PAUL MURRAY: I think in that context, we're talking about the BMW or the Ferrari that was purchased with the money that was obtained. So I think it really becomes a question of what proof we have that this is directly or indirectly derived from the fraud. Obviously, if the fraud involves investment of funds for the purchase of securities, those funds, the securities that were purchased, if in fact, they were ever purchased. If they weren't purchased, the home that was purchased with those funds, the office space that was purchased with those fund, the profits that were obtained through the use of those funds, it becomes a question of what we can prove from an accounting and evidentiary point of view as to the derivation of that asset.

SENATOR MCDONALD: Right, but under the language of the bill, there's basically a safe harbor provision if you didn't know or couldn't have reasonably known that the property was being used or intended to be used in criminal activity, right? So let's take the Madoff example for a moment. And forgetting about the whole wife issue. There were a series of individuals who were working for the company,

who were receiving salaries, presumably, and that money was, apparently, proceeds of the fraud. So if -- under the indirect language here, could you in theory, recover all of the salaries paid to individuals who were performing a job in a company that was trading securities fraudulently?

PAUL MURRAY: It hadn't occurred to me. I certainly -- it's not an argument that I would make if, in fact, they were employees who weren't knowingly involved in the --

SENATOR MCDONALD: But that's not what -- I understand --

PAUL MURRAY: The language may need to be fine tuned in that regard.

SENATOR MCDONALD: But it does say that it would not only knowingly, but could not have reasonably known. And probably that would be true for, maybe, a receptionist, but as you start working up the level of responsibility within an organization, I'm just trying to figure out what the natural parameters of that direct/ indirect knowledge would be to know about the problem.

PAUL MURRAY: It's not an issue I had thought about and I don't have a simple answer.

SENATOR MCDONALD: All right. Well, we'll hopefully work through that. Any other questions? Representative Dillon.

REP DILLON: I really appreciate that question and I think we should think it through, because the other language is fact and there were lengthy conversations among legislators back in the Judiciary Room about grandmothers and

grandsons in their basements. about landlords who could reasonably or not reasonably have known which tenant was doing what. About whether -- there was just a whole range of potential linkages there when the underlying statute was done. And I don't know -- I think that your question was really helpful because I don't really know how that would apply in this situation. It seems to me a secretary who didn't do the books, it would be unfair. But others, yes, it would be.

SENATOR MCDONALD: Thank you very much for your testimony. Rachel Moyer? How about Hillary (inaudible)? Evelyn Prontbriant?

EVELYN PRONTBRIANT: Good afternoon, Chairman McDonald, Chairman Lawlor and members of the Judiciary. (inaudible). My name is Evelyn Prontbriant from Norwich, Connecticut and I'm here as a parent. My husband and I are testifying to you today about raised bill 1089, an Act Concerning Automated External Defibrillators or AEDs. As founders of a non-profit that purchases and raises AEDs, we wish to insure that both our donors and our recipients are comfortable with Connecticut Good Samaritan protections concerning AEDs. While we thank the Judiciary Committee for raising the bill on AED placement and Good Sam protections, we cannot support bill 1089 as written. Instead, we agree with the American Heart Association substitute language and their request to strip sections one through three of the bill, eliminating fiscal notes, and to keep section four, resulting in a stand alone Good Samaritan bill. We can't speak to you as experts in the field of AEDs, but we can speak to you as parents who witnessed their own son's cardiac arrest.

**JOINT
STANDING
COMMITTEE
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**JUDICIARY
PART 17
5266 - 5611**

2009



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary – March 20, 2009

In support of:

- **H.B. No. 6339 An Act Concerning the Forfeiture of Property Obtained by Securities Fraud**

The Division of Criminal Justice supports H.B. No. 6339, An Act Concerning the Forfeiture of Property Obtained by Securities Fraud, and would respectfully recommend some "fine-tuning" of this bill to better carry out the intent of the legislation.

Specifically, the Division would recommend:

- That subsection (b) be amended to permit the court to delay the hearing for good cause shown, particularly where a criminal prosecution or ongoing criminal investigation is pending.
- The deletion of section 3 in its entirety. As now written, this section would allow the criminal to pay for his or her own representation out of his ill-gotten goods to the detriment of the victims who need restitution.

With these recommended changes, the resulting bill would give the criminal justice system and the courts in our State additional tools to deal with securities fraud and to pursue restitution of the victims of such fraud.

In conclusion, the Division of Criminal Justice thanks the Committee for this opportunity to comment on this bill. We would be happy to provide any additional information the Committee might desire or to answer any questions that you might have.