

Act Number: 09-063

Bill Number: 810

Senate Pages: 1598, 1657, 1659

3

House Pages: 4535-4538

4

Committee: Judiciary: 6605-6606

2

Page Total:

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

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PART 5
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SENATE

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April 29, 2009

SENATOR LOONEY:

Thank you, Mr. President. Calendar 488, PR.

Calendar 489, Senate Bill Number 810, Mr.

President, I move to place this item on the Consent
Calendar.

THE CHAIR:

There's a motion on the floor for consent.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 490, Senate
Bill Number 898, Mr. President, I move to refer this
item to the Committee on Government Administration and
Elections.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 491, PR.

Calendar 492, Senate Bill Number 966, Mr.

President, I move to refer this item to the Committee
on Planning and Development.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 493, Senate

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Calendar page 6, Calendar 245, Substitute for House Bill 6266.

Calendar page 7, Calendar 272, Substitute for Senate Bill 1040.

Calendar Page 8, Calendar 359, Senate Bill 1082.

Calendar page 10, Calendar 389, Substitute for House Bill 6327; Calendar 391, Substitute for House Bill 5930.

Calendar page 11, Calendar 395, Substitute for House Bill 5297; Calendar 403, House Bill 6462.

Calendar page 12, Calendar 414, Senate Bill 905.

Calendar page 13, Calendar 416, Senate Bill 998;
Calendar 432, Substitute for Senate Bill 1020.

Calendar page 15, Calendar 457, Substitute for House Bill 6356.

Calendar page 16, Calendar 460, Substitute for House Bill 6301; Calendar 465, Senate Bill 963.

Calendar page 18, Calendar 487, Senate Bill 707;
Calendar 489, Substitute for Senate Bill 810.

Calendar page 21, Calendar Number 506, Senate Bill 1136; Calendar 507, Senate Bill 1141.

Calendar page 22, Calendar 515, Substitute for Senate Bill 832.

Calendar page 23, Calendar 524, Substitute for

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Have all Senators voted?

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

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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hal/md/pat
HOUSE OF REPRESENTATIVES

338
May 14, 2009

The bill as amended is passed in concurrence with the Senate.

Would the Clerk please call --

The bill is passed not in concurrence with the Senate. It was a House A. My error.

And we will continue to Calendar Number 574.

THE CLERK:

On Page 21, Calendar Number 574 --

SB810

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor of the 99th, you have the floor, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate. Please proceed, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This bill is, does not make a major change in state law. It's not really a substantive change at all.

The intent of this bill is to conform the statute with the rule of evidence that is adopted by the Judicial Branch for certain court proceedings.

In this particular case, we're talking about the rule of evidence that relates to the admissibility of statements made by children in certain types of sexual assault cases, which might otherwise be considered hearsay.

There's an exception in the rule for the admission of this type of statement. It is usually referred to as the tender years exception. The language changes in this bill conform the statute, the statutory exception to what has been adopted by the Judicial Branch as a rule of practice, a rule of evidence in these cases.

So, Mr. Speaker, I urge passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is passage of the bill. Representative O'Neill of the 69th District, you have the floor, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. I concur with the Chairman's analysis and also would urge passage of the bill. Thank you, Mr. Speaker.

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HOUSE OF REPRESENTATIVES

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DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative O'Neill. Further on the bill? Further on the bill?

If not, staff and guests retire to the Well of the House. Members take their 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.

DEPUTY SPEAKER ALTOBELLO:

Have all Members voted? Have all Members voted? Please check the board to make sure your vote is properly cast.

If all Members have voted, the machine will be locked, and would the Clerk please take a tally.

Would the Clerk please announce the tally.

THE CLERK:

Senate Bill Number 810 in concurrence with the Senate.

Total Number Voting	141
Necessary for Passage	71
Those voting Yea	141

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HOUSE OF REPRESENTATIVES

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Those voting Nay 0
Those absent and not voting 10

DEPUTY SPEAKER ALTOBELLO:

The bill passes in concurrence with the Senate.

And would the Clerk please call Calendar Number
597.

THE CLERK:

On Page 24, Calendar Number 597, Substitute for
Senate bill Number 957 AN ACT CONCERNING THE
ELIGIBILITY OF PERSONS LIVING IN RESIDENTIAL CARE
HOMES FOR STATE SUPPLEMENT ASSISTANCE. Favorable
Report of the Committee on Public Health.

DEPUTY SPEAKER ALTOBELLO:

Representative Cook of the 56th District, you
have the floor, Madam.

REP. COOK (56th):

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

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of
the Joint Committee's Favorable Report and passage of
the bill. Please proceed, Madam.

REP. COOK (56th):

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 21
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2009



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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

**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 26, 2009**

**Senate Bill 810, An Act Concerning The Tender Years Exception
To The Hearsay Evidence Rule**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, on Senate Bill 810, An Act Concerning the Tender Years Exception to the Hearsay Evidence Rule. This bill, which is part of the Judicial Branch's legislative package, would conform the statutory "tender years" exception to the exception found in the Code of Evidence.

As members of the Committee may recall, during the 2007 legislative session, the legislature passed a "tender years" exception to the hearsay rule. Simultaneously, the Judicial Branch's Code of Evidence Oversight Committee, then-chaired by Justice Joette Katz, drafted an amendment to the Connecticut's Code of Evidence on the same issue. Subsequently, this proposal was adopted by the judges of the Superior Court and made a part of the Code of Evidence.

Quite frankly, the two versions are nearly identical and differ in only three slight, technical ways. The bill before you would conform the statutory language to the Code's language in two of these instances; a proposed amendment attached to this testimony would conform it in the third instance. Passage of this bill would eliminate any chance of potential confusion between the two versions.

Thank you for the opportunity to testify.

Proposed Amendment to Senate Bill 810, AAC The Tender Years Exception To
The Hearsay Evidence Rule

1. In line 4, insert after "younger", "at the time of the statement".