

**Act Number:** 09-084

**Bill Number:** 707

**Senate Pages:** 1597, 1657, 1659 **3**

**House Pages:** 4767-4771 **5**

**Committee:** Judiciary: 5573C, 5573F, **7**  
5583-5584, 6052-6053

**Page Total:** **15**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

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PART 5  
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md  
SENATE

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April 29, 2009

Calendar 483, Senate Bill Number 542, Mr. President, I move to refer this item to the Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to calendar page 18, Calendar 484, Senate Bill Number 543, I move to refer this item to the Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 485, Senate Bill Number 639, Mr. President, I move to refer this item to the Committee on Public Health.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 486, PR. Calendar 487, Senate Bill Number 707, Mr. President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place item on consent. Seeing no objection, so ordered.

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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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SENATE

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April 29, 2009

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  
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voted? Will the members please check the board to determine if your vote is properly cast? If all the members have voted, the machine will be locked.

Will the Clerk please take a tally?

Will the Clerk please announce that tally?

THE CLERK:

Senate Bill Number 212, as amended by Senate A, in concurrence with the Senate

Total Number of Voting	141
Necessary for Passage	77
Those voting Yea	141
Those voting Nay	0
Those absent and not voting	10

DEPUTY SPEAKER MCCLUSKEY:

Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar 572?

THE CLERK:

On page 20; Calendar 572 Senate Bill Number 707,  
AN ACT CONCERNING PROBATION SUPERVISION FEES,  
favorable report of the Committee on Judiciary.

DEPUTY SPEAKER MCCLUSKEY:

The honorable Chair of the Judiciary Committee, Representative Lawlor, you have the floor, sir.

REP. LAWLOR (99th):

Good afternoon, Mr. Speaker.

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HOUSE OF REPRESENTATIVES

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May 19, 2009

DEPUTY SPEAKER MCCLUSKEY:

Good afternoon, sir.

REP. LAWLOR (99th):

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

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. LAWLOR (99th):

Thank you, Mr. Speaker.

This is a relatively simple change in the state law and I think it simply writes in the statute what I think people would assume would be the case under any circumstances.

There are certain fees that are assessed against offenders who are placed on probation. These are generally referred to as supervision fees. In other words, certain offenders are required to pay part of the cost of their own supervision assuming they have the resources to do so.

This additional language covers a situation where an offender has received a short -- or potentially lengthy prison sentence followed by a period of

probation. This is what people work in the system refers to as split-sentences. So you receive, let's say, ten years in prison, suspended after five, then five years probation. That means you'd serve a five-year sentence. When you're released, you'd be on probation for five years and you'd have a suspended prison sentence over your head if you violated that -- the terms of your probation.

This simply says that the fees for probation supervision begin to be assessed once you're actually released from prison because presumably that would be the first opportunity you'd have to actually pay those fees. Apparently, under the current law, there's some confusion and under certain circumstances those fees begin to accumulate even though you're not actually on probation yet. You're currently incarcerated.

I think our goal is to ensure that offenders have the highest chance of success once they're on probation because probation is geared toward reducing rates of recidivism and, ultimately, having less crime and fewer victims.

Accountability of the offender is very important, hence, the obligation to pay part of the cost of the supervision. However, that only seems to be realistic once you're actually out and actually working.

So I think everyone in the system agrees that this writes into law what people assume would be the case, and I urge passage of the bill.

DEPUTY SPEAKER MCCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill? Will you remark further on the bill?

If not, will staff and guests please come to the well of the House. Will the members please 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.

DEPUTY SPEAKER MCCLUSKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to determine if your vote is properly cast.

If all the members voted, the machine will be locked, and the Clerk will please take a tally?

Will the Clerk please announce that tally?

THE CLERK:

Senate Bill Number 707 in concurrence with the Senate

Total Number of Voting 140

Necessary for Passage	71
Those voting Yea	140
Those absent and not voting	11

DEPUTY SPEAKER MCCLUSKEY:

Bill passes in concurrence with the Senate.

Are there any announcements of appoints of personal privilege?

Distinguish Chair of the Veterans Committee, Representative Graziani, you have the floor.

REP. GRAZIANI (57th):

Thank you, good afternoon, Mr. Speaker. For the purposes of an announcement?

DEPUTY SPEAKER MCCLUSKEY:

Please proceed.

REP. GRAZIANI (57th):

Thank you, Mr. Speaker.

Members to the chambers, just want to let you know there's a send-off ceremony today at five o'clock across the street at the Armory, and for the purpose of 192nd Military Police Battalion will be dispatched to Iraq, and there's an approximately 140 soldiers that will be deploying. So, for some reason, if we can't make it, our thoughts and prayers are with them.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

**JOINT  
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HEARINGS**

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PART 17  
5266 - 5611**

**2009**

SENATOR MCDONALD: Next is Senator Looney followed by Senator Fonfara.

Good afternoon.

SENATOR LOONEY: Good afternoon, Senator McDonald and Representative Lawlor and members of the esteemed and distinguished Judiciary Committee. My name is Martin Looney. I represent the 11th Senatorial District and senate majority leader. I'm here to express my support for a number of bills on today's agenda.

SB676

First of all, Senate Bill Number 349, an act concerning the possession -- penalty for possession of a small amount of marijuana; also Senate Bill 348, an act concerning the video taping of custodial interrogations; Senate Bill 357, an act concerning eyewitness in -- identification; Senate Bill 673, an act concerning access to the criminal justice information system; Senate Bill 707, an act concerning probation supervision fees; House Bill 6581, an act concerning enhanced penalty for sale of possession of drugs in your school, daycare centers and public housing projects; and House Bill 6708, an act concerning criminal cases of person who've returned from service with the Armed Forces that Commissioner Schwartz had just testified on.

Last year, the State of Massachusetts passed by referendum a measure which decriminalized the possession of an ounce or less of marijuana. And that measure passed by a nearly 65 percent to 35 percent vote. Polling in our state by Quinnipiac University demonstrated that 58 percent of our citizens here in Connecticut favored decriminalization for possession of small amounts of marijuana.

Also Senate Bill 676, which I introduced, an act establishing special criminal docket for military affairs is substantially equivalent to House Bill 6708, which is on the agenda here today. As we all know, persons returning from service face many special needs. And a system similar to this has worked quite well in Buffalo, New York, which has become the model program. And I believe that our -- our Commissioner Linda Schwartz, as we know, is an advocate for this and testified in favor of this concept this morning.

Also, Senate Bill 673, an act concerning access to the criminal justice information system would allow the federal defenders the same access to CGIS as the state public defenders would have. This change would represent fairness as the US attorneys have this access.

And, finally, Senate Bill 707, an act concerning probation supervision fees is a common sense change and would require the payment of these fees not be required until the person is released from confinement and begins a period of probation supervision.

Thank you to this committee for raising these bills to improve our criminal justice system and, once again, this committee is at the focal point of so many important issues for our general assembly.

Thank you, Mr. Chairman.

SENATOR MCDONALD: Thank you, Senator Looney. And we certainly were looking for some work so appreciate you bringing forward these proposals some of which are -- proposals only lawyers could love but are very important, such as the -- the lineup bill.

SB357

sensitivity on this issue, and that you wouldn't necessarily want to go after the -- the dealers and the intent to sell, and therefore, you've fallen back on something which is much more modest. But I just wonder whether some time we might want to go back to the old law ten years ago. I'm aware that there are violent people on the streets because of overcrowding when we've -- when we're locking up some addicts who are not. I don't know that, but I want to look at it.

SENATOR MCDONALD: Thank you, Representative.

REP. LAWLOR: Further questions?

Representative Walker.

REP. WALKER: Thank you.

Thank you, Senator Looney for -- for all of the bills you've put here. They've -- they have thought, and they actually make us look at things outside the box. And we need to start to do that especially when it comes to our criminal justice system. There are two bills that just -- I was amazed at, and we -- the Senate Bill 707, an act concerning prohibition of supervision fees, we expect to collect fees from people while they are incarcerated?

SENATOR LOONEY: My understanding is that sometimes that does happen that they are billed for it at a time when they don't yet have the resources to pay, often that is deferred, but this would make sure that -- that, in fact, that the payment would be deferred until they presumably have -- have the ability to pay.

REP. WALKER: Do we -- do you know if we've actually have prosecuted anybody or sent to collections or on anybody while they were incarcerated in

order to try and obtain any fees; do you know anything?

SENATOR LOONEY: That I don't know of. I believe the public defender's office may have some information on that.

REP. WALKER: Okay. Because I -- I just -- when I read that bill, I -- I just -- I was -- I was stunned. And you're right. It is common sense.

And the other one, an act concerning access to criminal justice information system, Senate Bill 67 -- 67 -- 673, do other states -- other states allow the US attorney's defenders to access their records; is that correct?

SENATOR LOONEY: I believe they do. What this would just provide that that the federal public defenders would have the same access that the federal prosecutors now have.

REP. WALKER: And that -- but other states do allow that.

SENATOR LOONEY: I believe so. I believe it's parallel in some other states.

REP. WALKER: The -- and the last one is the one that reduced -- that proposes a reduction of from 1500 feet to 250. I know several states have done that change.

HB 6581

SENATOR LOONEY: Yes.

REP. WALKER: I believe New Jersey's done it and a couple of others.

SENATOR LOONEY: Yes. I think that's right. A number of states where you have lots of densely populated urban areas are considering that

**JOINT  
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**JUDICIARY  
PART 19  
5934 - 6284**

**2009**

**STATE OF CONNECTICUT  
JUDICIAL BRANCH****EXTERNAL AFFAIRS DIVISION**

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**Testimony of Stephen N. Ment  
Judiciary Committee Public Hearing  
March 24, 2009**

**Senate Bill 707, An Act Concerning Probation Supervision Fees**

Thank you for the opportunity to testify on behalf of the Judicial Branch in opposition to Senate Bill 707, An Act Concerning Probation Supervision Fees. This bill provides that payment of the probation supervision fee shall not be required until an individual is released from incarceration and is set to begin his or her period of probation supervision.

The Branch respectfully submits that this bill is not necessary. While the probation fee is currently deemed due at the time the sentence is imposed, the court often gives the defendant another date by which to pay the fee. Thus, the court has the discretion to make the fee payable at the time of sentencing - if the person can pay, at a later date - if the person needs more time to make payment, or waive it entirely if the defendant is indigent.

Additionally, the bill as drafted would be very difficult to implement. The probation fee is currently payable to the court clerk; the clerk, however, does not know when the defendant is actually released from the Department of Correction. Even if this information were to be provided to the court - through the development of new interfaces - it would still be logistically difficult to implement because it would require the clerk to keep a file open for potentially several years until the defendant is released and begins his or her period of supervision. For these reasons, we would respectfully request that the committee not act favorably on this bill.

Thank you for the opportunity to testify.



## State of Connecticut

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

Raised Bill No. 707  
An Act Concerning Probation Supervision Fees

Committee on Judiciary  
March 24, 2009

This office supports passage of Raised Bill No. 707, An Act Concerning Probation Supervision Fees. The bill as drafted would require that a person sentenced to a split sentence not be required to pay the probation fee until released from incarceration and on probation. Extending the time for payment of the probation fee will allow time for a person to obtain employment upon release from prison and assist in his/her reentry to the community.

This office would request, however, that the probation fee be waived if a person is indigent when beginning probation or at least until the person becomes employed.