

PA10-102

HB5251

House	543-546, 4367-4374	12
Judiciary	870-872	3
Senate	1541-1557, 1779-1781	20
		35

**H – 1074
CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 2
294 – 594**

call. Members to the chamber. The House is taking a roll call vote. Members to the chamber, please.

DEPUTY SPEAKER O'ROURKE:

Have all members voted? Have all members voted? Please check the machine to make sure your vote is properly cast. If all members have voted, the machine will be locked. The Clerk will take a tally.

Mr. Clerk, when you're ready, please announce the tally.

THE CLERK:

House Bill 5391.

Total Number voting	147 ⁹⁶
Necessary for adoption	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER O'ROURKE:

The bill passes.

Mr. Clerk, please call Calendar 50.

THE CLERK:

On page 8, Calendar 50, House Bill Number 5251,
AN ACT CONCERNING PAYMENT OF THE COST OF FORENSIC
SEXUAL ASSAULT EVIDENCE EXAMINATIONS, favorable report
by the Committee on the Judiciary.

rgd/md/mb
HOUSE OF REPRESENTATIVES

99
April 7, 2010

DEPUTY SPEAKER O'ROURKE:

The Chair recognizes the vice chairman of the
Judiciary Committee, Representative Fox.

REP. FOX (146th):

Thank you and good afternoon, Mr. Speaker.

I move for acceptance of the Joint Committee's
favorable report and passage of the bill.

DEPUTY SPEAKER O'ROURKE:

The question is acceptance of the Joint
Committee's favorable report and passage of the bill.
Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

What this bill does is it addresses who is
responsible for payment of the forensic exams in
sexual assault situations. Previously, it had been
the responsibility of the division of criminal
justice.

In the public act that we passed last year, 09-7,
that shifted the responsibility to the Office of
Victim Services. This -- what this does is clarify
that to make it clear that it is the Office of Victim
Services who will be responsible for the payment of
those, the cost of those forensic sexual assault

rgd/md/mb
HOUSE OF REPRESENTATIVES

100
April 7, 2010

exams.

This bill is supported by both the division of criminal justice and the judicial branch. And I urge passage.

DEPUTY SPEAKER O'ROURKE:

Thank you.

Will you remark on the bill before us?

Representative O'Neill of the 69th.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker.

I would concur with the remarks of the vice chair of the Judiciary Committee. This is a bill which passed unanimously out of the Judiciary Committee and is one that I believe merits the favorable vote of each member of the House. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative O'Neill.

Will you remark on the bill before us? Will you remark? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a

rgd/md/mb
HOUSE OF REPRESENTATIVES

101
April 7, 2010

roll call vote. Members to the chamber, please.

DEPUTY SPEAKER O'ROURKE:

Have all members voted? Have all members voted?
Please check the machine, the board, to ensure that
your vote is properly cast. If all members have voted
the machine will be locked. The Clerk please take a
tally.

And when you're ready, Mr. Clerk, please announce
that tally.

THE CLERK:

House Bill 5251.

Total Number voting	145
Necessary for adoption	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

DEPUTY SPEAKER O'ROURKE:

The bill passes.

Please call Calendar 49.

THE CLERK:

Also on page 8, Calendar 49, House Bill
Number 5250, AN ACT CONCERNING THE BOARD OF PARDONS
AND PAROLES, favorable report by the Committee on
Judiciary.

H – 1086

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 14
4246 – 4582**

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

122
May 4, 2010

Those absent and not voting 3

DEPUTY SPEAKER O'CONNOR:

The bill as amended is passed.

Will the Clerk please call Calendar Number 50.

THE CLERK:

On page 36, Calendar 50, House Bill Number 5251,
AN ACT CONCERNING PAYMENT OF THE COSTS OF FORENSIC
SEXUAL ASSAULT EXAMINATIONS, favorable report of the
Committee on Judiciary.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Good afternoon.

Mr. Speaker, I move for acceptance of the joint
committee's favorable report and passage of the bill
in concurrence with the Senate.

DEPUTY SPEAKER O'CONNOR:

The question is acceptance of the joint
committee's favorable report and passage of the bill
in concurrence with the Senate.

Will you remark?

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

The underlying bill was passed here in the House

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

123
May 4, 2010

a few weeks back. In essence, it makes a very simple change. It transfer to the responsibility for paying for the cost of forensic tests in sexual assault investigations from the Division of Criminal Justice, in other words the prosecutors, to the Office of Victim Services within the Judicial Branch.

I should put out, as was indicated the last time this was discussed, this is what the agreement of both agencies. It's a more appropriate funding mechanism for this particular forensic test.

Mr. Speaker, the Senate adopted an amendment when the bill was before that Senate. The Clerk has LCO Number 4337. I think that's been designated as Senate Amendment "A" and I ask the Clerk to call and I be allowed to summarize.

DEPUTY SPEAKER O'CONNOR:

Will the Clerk please call LCO number 4337, which will be designated Senate Amendment "A."

THE CLERK:

LCO number 4337, Senate "A" offered by Senators Stillman and McDonald.

DEPUTY SPEAKER O'CONNOR:

The Representative seeks lead of the chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

Hearing none, Representative Lawlor, you have the floor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

This amendment is substantially the same as a bill that before the Judiciary Committee. It did have a public hearing but never came to a vote do the crush of business in the committee. It makes two changes in the current law. First of all, it specifies that for persons convicted of felonies, DNA samples are to be obtained. It clarifies that is to take place at the direction of the court at the time of sentencing and it transfers to the Judicial Branch -- the responsibility for gathering the evidence and it specifies -- not evidence I should say about the actual DNA sample. And it specifies that the Department of Public Safety shall be in charge of developing the specific method to extract the DNA sample.

In addition, Mr. Speaker, the bill indicates that there will be a penalty for refusal to submit to the sample in compliance with this law to make it a Class

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

125
May 4, 2010

D felony.

As I said, Mr. Speaker, this was a bill that was before the Judiciary Committee and I would urge adoption of the amendment.

DEPUTY SPEAKER O'CONNOR:

The question before the chamber is adoption of Senate Amendment Schedule "A."

Will you remark on the amendment?

Representative O'Neill.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker.

If I may, through you, just a couple of questions, through you, to the proponent. With respect to Senate "A." As I recollect --

DEPUTY SPEAKER O'CONNOR:

Please proceed.

REP. O'NEILL (69th):

Thank you.

As I understand, the Chair of the Judiciary Committee indicated that this was basically substantially similar to a bill that appeared before the Judiciary Committee earlier in the session. Am I correct that? Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

126
May 4, 2010

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

Through you, yes, that's correct.

DEPUTY SPEAKER O'CONNOR:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And are there any significant differences between this amendment and the bill that was before the Judiciary Committee? Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Mr. Speaker, to my knowledge this is essentially the same bill. There may be some minor stylistic differences, but I believe these were the provisions that were contained in the bill that was before the Judiciary Committee.

DEPUTY SPEAKER O'CONNOR:

Representative O'Neill .

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I believe that the Senate amendment is something

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

127
May 4, 2010

we should approve and I would urge everyone to vote for it. Thank you, Mr. Speaker.

REP. O'CONNOR (35th):

Thank you, sir.

Will you remark further? Will you remark further on the amendment before us?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'CONNOR:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative O'Neill.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker. I would urge that the bill be repassed by the House. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

128
May 4, 2010

If not, will staff and guests please come 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 O'CONNOR:

Have all the members voted? Have all the members voted? Will the members please check the board to determining your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

I just want to go over that again.

Will the Clerk please announce the tally.

THE CLERK:

House Bill Number 5251 as amended by Senate "A" in concurrence with the Senate.

Total number voting	149
Necessary for adoption	75
Those voting Yea	149
Those voting Nay	0
Those absent and not voting	2

DEPUTY SPEAKER O'CONNOR:

The bill passes in concurrence with the Senate.

The Majority Leader, Representative Merrill.

REP. MERRILL (54th):

Thank you, Mr. Speaker. I would move for the immediate transmittal of all items acted upon to the Senate needing further action to the Senate.

REP. O'CONNOR (35th):

The motion is on immediate transmittal to the Senate.

Is there objection?

Hearing none, so ordered.

Will the Clerk, please, call Calendar Number 395.

THE CLERK:

On page 16, Calendar 395, Substitute for Senate Bill Number 152, AN ACT CONCERNING CHANGES TO THE GENERAL STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES, favorable report of the Committee on Human Services.

DEPUTY SPEAKER O'CONNOR:

Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker.

I move the joint committee's favorable report and passage of the bill in concurrence with the Senate.

S - 602

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2010**

**VOL. 53
PART 5
1267 - 1608**

cd .
SENATE

39
April 28, 2010

THE CHAIR:

Thank you, Senator Fonfara and Senator Coleman.

Chief Teale, congratulations to you. Thank you for your service. Godspeed and retirement. It's great to have you and your wife and lovely daughter here today with your colleagues and your -- your great friend, the great Manny Liebert and his wife Shirley. It's terrific to have you all here. And, again, I can't underscore it enough. Thank you for your dedicated service, sir. You're a credit to the state of Connecticut. Thank you.

Are there any further points of personal privilege? If not, Mr. Clerk, please return to the call of the calendar.

THE CLERK:

Returning to the call of the calendar, calendar page 8, Favorable Reports. Calendar Number 299, File Number 62, House Bill Number 5251, AN ACT CONCERNING PAYMENT OF THE COST OF FORENSIC SEXUAL ASSAULT EVIDENCE EXAMINATIONS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

cd
SENATE

40
April 28, 2010

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Question's on acceptance and passage. Will you remark, sir?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, this legislation comes to us from the House and would simply transfer the responsibility for the payment of health care costs incurred with -- providing sexual assault evidence examinations from the Division of Criminal Justice to the Office of Victim Services. It is simply a administrative matter of which department would be paying for these expenses.

And I should note, Mr. President, that, under current law, the government would pay for any such examinations and the victim would not be required to pay for any such costs.

Thank you, Mr. President.

THE CHAIR:

cd
SENATE

41
April 28, 2010

Thank you, Senator McDonald.

Will you remark further? Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I rise for an amendment.

THE CHAIR:

Please proceed, madam.

SENATOR STILLMAN:

Thank you, sir. If the Clerk would kindly call -- LCO Number 4337 and that I be allowed to summarize.

THE CLERK:

LCO 4337, which will be designated Senate Amendment Schedule "A" is offered by Senator Stillman of the 20th District, et al.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I move its adoption.

THE CHAIR:

Question's on adoption. Will you remark, madam?

SENATOR STILLMAN:

Yes, thank you.

This amendment increases the criminal penalty for any person convicted of certain crimes who refuses to submit to the taking of a blood or other biological sample for the purpose of collecting DNA. This bill was -- did receive a public hearing and positive action overwhelmingly from the Public Safety and Security Committee. And what it does is that it transfers the responsibility of collecting that DNA to the Court Support Services Division rather than the Department of Public Safety. And, again, I move its adoption. Thank you, sir.

THE CHAIR:

Thank you, madam.

Will you remark further on LCO 4337?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Question -- a couple of questions, through you to the proponent of the amendment. My latest amendment chart has 3968 as the latest amendment -- the LCO number. This is a new one to me, and I'm just wondering what changes have taken place

cd
SENATE

43
April 28, 2010

since the last filed amendment, if you know?

Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Yes. Thank you, Mr. President.

Through you, there was a clarification that was needed in line 74 -- at least that's, I think, in the same copy we have. I don't have a paper copy of the new one, which states that a person could be rearrested and so it's just changed to be that they need be arrested if they refuse.

Through you, sir.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And, through you, this is sort of completely different than the underlying bill. So I -- I'd actually -- I'm wondering what the -- the germaneness is of the amendment to the underlying bill. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

cd
SENATE

44
April 28, 2010

SENATOR STILLMAN:

Thank you, Mr. President.

I think if you look at the language in -- starting on line 6 and then again in Section B, so we're looking in Sections A and B, it does reference "sexual offenses." And this -- it does have to do -- the underlying bill does have to do with sexual assaults, and it is the collection -- and it is the collection of DNA, as well as biological samples. And that is referenced in the underlying bill so I -- I do believe it is germane, sir. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I appreciate that answer. And, also, I'm just wondering why the shift from Public Safety to Court Support Services? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Yes, thank you. Through you, Mr. President, this is a re -- was a request of not just the -- of the Department of Public Safety in collaboration with the Public Defender's Office. The issue lies in the fact that if the DNA or other biological samples can be collected in the courtroom, as opposed to trying to find someone, we'd have a greater chance of collecting those samples for reference for future crimes. Through you, sir.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And through you, Mr. President, how is it anticipated that Court Support Division would do this in a courtroom? Back when I was engaged in private -- well, I'm still engaged in private practice law -- but back when I was a special public defender, I remember -- and, actually, I did criminal law privately as well -- but, for example, the vast majority of cases are heard at the GA level. There's usually hundreds of matters on a daily basis that go through there. Some of them would probably

cd
SENATE

46
April 28, 2010

subject individuals to this treatment; other cases probably would not rise to that level. And I'm just wondering whether it's anticipated that these tests would be offered -- I can see if an individual wasn't able to post bail, they would in the lock-up section of the courthouse and probably it could take place there, but if they were out on bond or -- and they were just in the audience, how is it anticipated that this process would take place because I'm not sure in a lot of our courthouses that there's kind of area to submit a person to some kind of DNA or otherwise biological testing. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir.

Through you to the Senator, according to the testimony that we received for this bill, first of all, the Department of Public Safety has only a single collection point in Middletown in the state, and the Court Support Services Division has more collection points, as well as a greater judicial access. And they believe that because

cd
SENATE

47
April 28, 2010

the Department of Public Safety has a 60 to 80 percent failure-to-comply rate due to the fact that they only have one answering point that this would make the collection of this evidence easier and more likely, and that the Court Support Services Division has -- has stated that they would be making sure that there is an appropriate place within the courthouse to collect the DNA or other biological sample that's needed.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Through you to the proponent of the amendment.

So it's my understanding that Court Support Services Division is willing to take this on and that they're now pushing back as far as taking over the responsibility for this function.

Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir. Through you, that's correct.

THE CHAIR:

cd
SENATE

48
April 28, 2010

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And so this substantially -- this amendment substantially mirrors a bill that had been heard in the Public Safety -- and I think you -- you guys also are like Homeland Security too -- committee. Did it not get voted out of the committee? Through you, Mr. President.

THE CHAIR:

Thank you, Senator Stillman.

SENATOR STILLMAN:

Yes, thank you, Mr. President.

Through you, it was unanimous. And it was JF'd to the Judiciary Committee, but I believe it was sent there before your JF deadline and so I think it got caught up in that last minute flurry of activity.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. As so many bills in this building do get caught up in that last minute flurry of activity.

cd
SENATE

49
April 28, 2010

And also, through you, Mr. President, it's also my understanding that this amendment would also enhance the penalty for an individual that refuses to submit to this testing. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Yes, thank you, sir, that is correct. Through you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And would this also apply to individuals that are convicted and are within the -- about to be sent to a term of years in our Corrections Department such that if they had been charged, found guilty, either through plea or a guilty verdict, they've been sentenced and now, as part of this, they would now have to submit and they refuse to submit that the State would have an ability to bring further charges to be tacked on to whatever sentence they're about to be -- to serve. Through you, Mr. President.

cd
SENATE.

50
April 28, 2010

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir. Yes, through you, that is correct.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Well, I -- I have no further questions for the proponent of the amendment. This is definitely something I want to co-sponsor because I believe in the entire initiative that came out of the Public Safety and Homeland Security Committee. We've been grappling with this issue over the last several years in our Judiciary Committee. And, certainly, what we have found is that with this DNA and biological testing, not only do we make sure that justice is better served because we exonerate individuals that might be cleared of pending charges, but, at the same time, while we may be pursuing cases against individuals that are wholly innocent and that this DNA and biological information can prove their innocence, at the same

cd
SENATE

51
April 28, 2010

time the bigger we create this database of information, the more we can bring in individuals that may have been not pursued in the criminal justice system that should be pursued and that through this testing mechanism, we'll be able to make sure that the right culprits and the right individuals are given the appropriate charges and that justice can better be served. And so there's a couple areas in our state where I think that we can do a better job. The whole DNA database and -- and evidence collection creating the widest possible set of data possible that's in our best interest.

But another area, I would just -- since I have this opportunity to suggest to the good chair of the Public Safety and Homeland Security Committee, perhaps, for action next year, is that I have toured the State Criminal Forensics Laboratory. It's my understanding that municipalities are supposed to send in weapons to them for ballistics to create a ballistics database and that some -- and I won't pick on certain cities -- but some places are better at doing this than others. But to the extent we don't have 100 percent

cooperation, we're missing out on the ability to cross-reference that ballistic information. And I would only suggest given that God willing we're both here in the circle next year that would be an area that would be fruitful, too, because to the extent that we can increase that database and get better cooperation from all municipalities in the state with guns that they collect from arrests that they make, we can go and use that ballistic comparison to weed out individuals that may have been being pursued incorrectly but also to cross-reference and match individuals in the system to find out perpetrators of crime that have sort of gotten off the hook through -- through no ef -- through luck. And again, our technology has actually raced ahead of our ability to feed it the information, and I just throw that out there because it was something I've learned in the last several months, and it's -- I just shook my head and said, how can we poss -- we need to strive to get 100 percent cooperation from all municipalities. Some of them have financial problems; some of them say that, you know, there's a disconnect, but that's a whole other area that's

cd
SENATE

53
April 28, 2010

similar to this that could better serve the public safety of everyone in the state of Connecticut.

So with that I'm happy to support the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further on the amendment?

Senator McDonald.

SENATOR MCDONALD:

Yes, Mr. President.

Just very briefly to rise in support of the amendment and let members of the circle know that this is an issue that the Judiciary Committee has taken up in the past and, unfortunately, because of the press of business this year, we were not able to reach the Public Safety Bill that had been referred to us given the time and constraints we had. If we had had that opportunity, I would have happily supported it then as I do now.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on LCO 4337? If not, all those in favor indicate by saying aye.

cd
SENATE

54
April 28, 2010

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

Ayes have it. The amendment passes.

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, rising in support of the underlying bill, specifically, Section 1, which we have not been talking about, making sure that the victims of sexual assault continue to have every possible form of defense as they move through the legal system is an absolute critical imperative for the State of Connecticut. And I was proud last year to work with Representative Deborah Heinrich to actually pass our new SAFE/SANE Program which is going to allow for sexual assault forensic examiners to actually collect DNA evidence that can later be used against those who have been accused of sexual assault to make sure that victims have enough evidence to have an air-tight case against their assailers. And I believe that this underlying bill in Section 1 is

cd
SENATE

55
April 28, 2010

going to continue to ensure that this funding is there. It is a technical bill in its nature of where the funding is going to come from, but it continues to support the current policy of not charging the victims for these DNA tests but rather having the State pick up the bill for it which is, I believe, the proper role of the State to protect the victims of sexual assault. So I stand today in favor of this bill and urge its adoption. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill as amended?

Senator McDonald.

SENATOR MCDONALD:

Mr. President, if there's no objection, might this item be placed on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 9, Calendar Number 372, File Number 69 and 544, House Bill Number 5252, AN ACT

S – 603

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2010**

**VOL. 53
PART 6
1609 – 1919**

cd
SENATE

277
April 28, 2010

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, the items placed on the first consent calendar begin on calendar page 1, Calendar Number 485, Senate Joint Resolution Number 45; Calendar 486, Senate Joint Resolution Number 46.

Calendar page 8, Calendar Number 299, House Bill number 5251.

Calendar page 9, Calendar 372, House Bill 5252.

Calendar page 10, Calendar 383, Substitute for House Bill 5249.

Calendar page 11, Calendar 402, Substitute for Senate Bill 447.

Calendar page 15, Calendar 452, Substitute for House Bill 5376; Calendar 453, House Bill 5281.

Calendar page 16, Calendar 455, House Bill 5542; Calendar 456, Substitute for House Bill

cd
SENATE

278
April 28, 2010

5247, Calendar 457, Substitute for House Bill

5406.

Calendar page 17, Calendar 464, House Bill

5530.

Calendar page 23, Calendar 75, Substitute for
Senate Bill 229.

Calendar page 24, Calendar Number 98,
Substitute for Senate Bill 312.

Mr. President, that completes those items
placed on the first consent calendar.

THE CHAIR:

Thank you, Mr. Clerk.

If you would announce the vote again, the
machine will be opened.

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
on the consent calendar. Will all Senators please
return to the chamber?

THE CHAIR:

Have all the members voted? Have all the
members voted? The machine will be closed.

Mr. Clerk, please call the tally.

cd
SENATE

279
April 28, 2010

THE CLERK:

Motion's on adoption of Consent Calendar
Number 1.

Total number of voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or
announcements?

Senator Gomes.

SENATOR GOMES:

I'd just like it -- thank you, Mr. President.

I'd just like it to be noted that I missed a
vote today on Senate Bill 168, and I was out of
the area. And if I'd been here, I would have
voted in the affirmative.

THE CHAIR:

Thank you, sir. The Journal is so noted.

SENATOR GOMES:

Thank you.

THE CHAIR:

Any further points?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
671 – 1026**

2010



**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
February 26, 2010**

**House Bill 5251, An Act Concerning Payment Of The Costs Of Forensic
Sexual Assault Evidence Examinations**

Thank you for the opportunity to submit written testimony in support of House Bill 5251, An Act Concerning Payment of the Costs of Forensic Sexual Assault Evidence Examination. This bill transfers the responsibility for payment of the costs incurred by health care facilities for forensic sexual assault evidence examinations from the Division of Criminal Justice (DCJ) to the Judicial Branch's Office of Victim Services (OVS).

The practical effect of this bill is to simply codify the legislature's intent demonstrated in *September Special Session, Public Act No. 09-7, An Act Implementing the Provisions of the Budget Concerning General Government and Making Changes to Various Programs*. In this public act, the annual sum of \$1,021,060 was transferred from DCJ to OVS for the purpose of payment of forensic sex evidence exams for the current fiscal year and the next. It is our expectation that we will continue to receive funding for this purpose.

As the Branch has already assumed the responsibility for payment of the costs, we support this conforming proposal.

Thank you for the opportunity to submit written testimony.



1982 1009
PAGE 24
#

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

H.B. No. 5251 (RAISED) An Act Concerning Payment of the Costs of Forensic Sexual Assault Evidence Examinations

Joint Committee on Judiciary
February 26, 2010

The Division of Criminal Justice respectfully recommends and requests the Committee's Joint Favorable Substitute Report for H.B. No. 5251, An Act Concerning Payment of the Costs of Forensic Sexual Assault Evidence Examinations. This bill is strictly technical and is needed to clarify a change made as part of the adoption of the current budget.

In the 2009 budget deliberations, the General Assembly enacted Section 178 of Public Act 09-7, September Special Session. The intent of this section was to transfer from the Division of Criminal Justice to the Office of Victim Services in the Judicial Branch the responsibility for the payment for examinations conducted for the collection of evidence in sexual assault investigations. The public act also transferred from the Division to the Office of Victim Services the line item funding for this purpose and as such there was no fiscal impact.

The Division of Criminal Justice extends its appreciation to the General Assembly for its recognition of the need to address this issue. We also wish to thank the Judicial Branch, and specifically the Office of Victim Services, for stepping forth and agreeing to accept this responsibility. The Office of Victim Services is a more appropriate agency to process medical claims presented for the provision of medical services to victims, both in terms of better serving the victims and from a legal standpoint. The Division of Criminal Justice, as the agency responsible for the ultimate prosecution of the crime for which evidence is collected, should be a long arm's distance from what is essentially a medical process and not an investigative process.

Although the intent of the 2009 legislation was clear, the specific language of the public act is not as clear. Section 178 of the 2009 budget act reads:

The funds appropriated to the Judicial Department in sections 1 and 3 of this act, for Forensic Sex Evidence Exams, shall be administered by the Office of Victim Services for the fiscal years ending June 30, 2010, and June 30, 2011.

This language would raise the question of what happens after the fiscal year ending June 30, 2011. H.B. No. 5251 amends Section 19a-112a of the General Statutes to permanently assign this responsibility to the Office of Victim Services to remove any doubt. To further clarify the intent, the Division would respectfully recommend an amendment to H.B. No. 5251 to specifically repeal Section 178 of P.A. 09-7, September Special Session, again to eliminate any doubt or question of the intent or where this responsibility should rest.

In conclusion, the Division would respectfully recommend and request the Committee's Joint Favorable Substitute Report for H.B. No. 5251, incorporating the amendment proposed herein. The Division also wishes to again thank the Committee and the Judicial Branch for their assistance and cooperation on this issue. We would be happy to provide any additional information or to answer any questions the Committee might have.

Respectfully submitted,
Kevin T. Kane
Chief State's Attorney