

PA10-129

HB5248

House	2153-2169, 5625-5631	24
Judiciary	859-863, 875	6
Senate	4023-4028, 4195-4198	10
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 7
1870– 2219**

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HOUSE OF REPRESENTATIVES

April 28, 2010

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

And will the Clerk please announce the tally.

THE CLERK:

House Bill 5527 as amended by House "A".

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	141
Those voting Nay	1
Those absent and not voting	9

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. The Bill passes as amended.

Will the Clerk please call Calendar Number 57.

THE CLERK:

On Page 28, Calendar 57, Substitute for House Bill Number 5248 AN ACT ESTABLISHING A SENTENCING COMMISSION.

Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER ORANGE:

Representative Michael Lawlor. You have the floor, sir.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Good afternoon.

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DEPUTY SPEAKER ORANGE:

Good afternoon, sir.

REP. LAWLOR: (99th)

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

DEPUTY SPEAKER ORANGE:

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

REP. LAWLOR: (99th)

Thank you, Madam Speaker. This Bill is identical to a bill that was passed by the House of Representatives last year and died on the Senate Calendar.

It reflects the unanimous recommendation of the Sentencing Task Force, which was created in 2006 to, among other things, decide whether or not there should be on a permanent basis a sentencing commission as a permanent part of state government and state policy making.

Their unanimous recommendation was that there should be such a permanent task force.

During the time the temporary task force was in existence, they made a number of recommendations, several of which were adopted by the General Assembly and signed into law by the Governor, and are already paying dividends

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from a point of view of public safety and economy, saving money, getting better outcomes spending less money.

Under the Bill, the Sentencing Task Force would consist of, the Sentencing Commission would consist of virtually every imaginable component part of the criminal justice system, crime victims, prosecutors, police officers, public defenders, police chiefs, probation, parole, mental health, et cetera.

The goal of the commission would be on an ongoing basis to monitor current trends in the criminal justice system, especially as it relates to sentencing trends, and in addition to that, focusing on what is the clear priority of the commission to promote public safety, to promote policies which have the end result of fewer crimes, and therefore fewer victims, and do it in as cost-effective way as possible.

The overwhelming majority of states have such a commission up and running. Connecticut would join that long list of states.

In this enterprise over the past four or five years, we've been assisted significantly by nonprofit organizations, including the (inaudible) Institute of Justice and the Pew Charitable Trusts who have contributed technical assistance, professionals who have come into

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Connecticut to assist the Sentencing Task Force with its work, and these national entities have committed to provide assistance in the future to help get the commission up and running.

In addition to those entities, Central Connecticut State University has been of tremendous assistance providing expertise from a number of their faculty and staff members to help the Task Force going forward, the commission with its work.

This commission would be housed in the Office of Policy and Management, and I think, from my perspective, I think it would be a welcome addition to the public policy-making process.

Recommendations would theoretically emerge from the commission with the blessing of all the various parties in interest and come here with their unanimous recommendation, I would assume, and then we as a General Assembly, could consider those recommendations, which had already been vetted by the front line professionals.

So, Madam Speaker, I think this is common sense, cost effective, and at the end of the day will result in less crime in the State of Connecticut, and I would urge passage of the Bill.

DEPUTY SPEAKER ORANGE:

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Thank you, Representative Lawlor. Will you care to remark further on the Bill? Will you care to remark further on the Bill? Representative Arthur O'Neill. You have the floor, sir.

REP. O'NEILL: (69th)

Thank you, Madam Speaker. I just have a few questions regarding this Bill that is before us at this time.

One of the issues that came up during the Appropriations Committee, and I did not at that time have a clear answer, and that is the funding of this commission if it is to go forward. What is the source of funding going to be?

And so I would put that question to the Chair of the Judiciary Committee, through you, Madam Speaker, as to what will the cost be? What are the sources of funding? What are the costs and what are the sources of funding?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. That's an excellent question. The fiscal note indicates that the Office of Policy and Management suggested they might need one

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dedicated staff person for this purpose, but that is not required in the Bill.

I will say that everyone who would be a member of this commission is already either on the state payroll or some local government payroll, for example the police chiefs, so none of the members of the commission would be paid for that purpose at all.

This is a corroboration of people who are already on the front lines to help work through complicated issues and I think we're all accustomed to convening meetings here at the Capitol, inviting the front line professionals in to work with us to get their advice, and I think that's what, I know that's what's contemplated here.

To the extent there are any individual costs for the foreseeable future, there are private foundations, together with Central Connecticut State University who have already committed to helping get this off the ground. So it's not anticipated this would cost the taxpayers any money, other than the money that's already spent for the pay of the various front line professionals who would be involved in this.

So there is no actual cost required by this Bill, and to the extent funding is available from private sources, it

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would certainly help them do their work, but it's not required under the Bill.

So I hope that answers the question of what exactly it would cost. It theoretically will cost nothing and if it costs anything, that money will come from elsewhere.

There may be a point down the road where the General Assembly and the Governor decide they may want to have some permanent staffing for this purpose. OPM, for example, already has Under Secretary Brian Austin, who does work like this, helps compile statistics and evaluate criminal justice programs on an ongoing basis, so a lot of this is already being done. This is just a better way to coordinate that work. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker. And I think the Chairman had indicated earlier that the existing commission, which is more in the nature of a task force in some ways, has been in operation now for a couple of years and then I would ask, is he aware, have these funds that we're hoping for from private sources been made available to facilitate the commission's activities? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

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Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. The task force is no longer in existence. It hit its expiration date. I forget what the exact date was, but it's no longer in existence.

And by the way, I neglected to point out something that I think is very important. The chair of that task force was our former colleague, Bob Farr, who is currently the Chairman of the Board of Pardons and Paroles and so, he led the effort and the report of the task force is available on line, and I have a copy here I'd be happy to share with anybody, a hard copy, but it is viewable.

But there was no line item appropriation for their efforts. They did receive some funding through the (inaudible) Institute of Justice, the Pew Charitable Trusts. They received some technical assistance from the Council of State Government's Justice Center. All of that would continue to be available to the commission should it be established next year.

I'd also point out that Central Connecticut State University, Andrew Clark, who I think many of the Members of the House know, was a de facto staff member over there on loan, in essence, from Central Connecticut State University.

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And so, but there was no line item, there was no specific appropriation for their work, and they were able to carry it out in an admirable fashion.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker. And with respect to the fiscal note, which indicates the addition of someone from the Office of Policy and Management to carry out the functions that are anticipated in the Bill, is it correct to say that the Bill states that these functions should be carried out within existing budgetary resources?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Yes, that is correct, and I would point out, the Bill does not require the hiring of any individual, and I don't think that's going to be necessary. I think OPM said that, but it's certainly not required in the Bill.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

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REP. O'NEILL: (69th)

Thank you, Madam Speaker. And there is a provision, starting in Line 89, which relates to the, the language states upon completing the development of the statewide sentencing database pursuant to Subdivision 1 of Subsection f of this section, the commission shall review criminal justice legislation as requested and resources (inaudible).

The creation of that statewide sentencing database, how is that being, or has it been already accomplished?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Work of this nature has been under way for a number of years in the Office of Policy and Management as part of the shop that Under Secretary Brian Austin has been running over there and I forget the exact website address, but you can go there. You can see a lot of this data is available now, which was not available four or five years ago before their existence.

There's monthly reports about sentencing trends, about average sentences for certain types of crimes, that type of thing.

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I think the goal is to get that into a much more, a much more easily accessible format so that front line professionals throughout the system can use it, and so that we as policymakers can use it. So, that work will continue. It's already under way, and it's that type of work where the technical assistance that has been provided in the past by the Pew Charitable Trusts, (inaudible) Institute of Justice, Council of State Governments has been very helpful.

So, I have spoken to folks in all three of those entities. I am very confident that assistance will continue. They've been very kind and generous with their assistance and that will, unless and until an appropriation is made down the road, that's how it will take place.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker. So it would be fair to say that the sentencing database is pretty far along in its development. Would that be correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

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REP. LAWLOR: (99th)

I think that's fair to say in light of the fact that it didn't exist at all four years ago, so there was no data of this type being kept and now, and by the way, this is, keep in mind in the Special Session in 2008 we for the first time created a communications, forget how we characterized it. It was a computer online capability for the different criminal justice agencies to communicate with each other, because obviously that was one of the missing links that in part contributed to the Cheshire tragedy.

That type of communication ability is the kind of things that can be integrated to develop this database. So, through you, Madam Speaker, I think that's the answer to the question.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker. And while there's been a substantial amount of work, it sounds like there needs more to be done. I am, would just inquire as to whether in fact the cost of completing the database, of moving forward to the point where the commission will start to do the things with it that are called for in the statute, is going to be a modest cost, or it's going to be in line with what's

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already been expended; or the sources of funding for that expenditure coming from existing resources being generated out of materials that already exist, as opposed to the need to create new materials, and therefore the need to generate costs associated with the creation of those new materials.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. There would be no, the pace at which this work happens will be governed by the resources that are available to make it happen. There's no specific deadline for the completion of the database in the Bill.

I think every, if I could speak on behalf of the folks who were part of this, and I wasn't a direct part of the task force, but I think everyone would conceive the sooner the better that we have more information, the better, but resources will dictate when that work can be completed.

So hopefully there will be some outside funding for this. I'm actually optimistic that that will be available should this legislation be approved and starting next year the work can be accelerated. And I'm pretty confident the work will be done in the relative near future.

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There's a lot of folks who see the need for this and are invested in it, and I mean front line people here in Connecticut who agree that this would be very, very helpful in all of their jobs to have this type of information at their fingertips.

And so, my sense is, they will be able to find a way to get the resources, not from a line item in the budget, but instead from outside folks, and there outside folks who have seen the value of this in other states, Kansas being a good example, and will help make sure that Connecticut can have this up and running as soon as possible.

Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Thank you, sir. Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker. I believe that concludes my questioning. I would urge support of the Bill. I think that when we had in Appropriations, I hadn't been able to really go through it to figure out exactly what it's going to cost and was really just looking at the fiscal note and not some other information that we've just talked about here on the floor.

So, at that point in time, I and a number of other Members had voted against the Bill. I would urge those who

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may have voted against it for fiscal considerations to look it as something, which in the longer term has the promise of helping save us significant amounts of money if, in fact, we are able to realign our sentencing structure, make effective use of the resources we have for things like probation and to make our sentences coincide with what we really need to do in terms of effectively restraining people's behavior and inducing them to change their behavior once they leave our prison system, which almost everybody does after some period of time of being sentenced.

And one of the benefits of the Sentencing Commission is that it will be doing this constantly, not just when we have a crisis of some kind. It will be working in a more perhaps, dispassionate and steady manner, and it will involve all of the people that know the most about the system of criminal justice in the State of Connecticut, and they will be able to make recommendations to the Legislature about ways to deal with problems.

Whether we ask for those in the throes of say, fiscal crises or some criminal activity that has occurred that has made headlines, what we ask for in the normal course of legislating, and considering the statutory scheme that we

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have for the sentences and the criminal justice system in general.

So I think that this is a useful addition to enable us to have access to meaningful information that's effective in terms of helping us make decisions about legislation that will be coming to us over the next few years relating to the criminal justice system.

And while it doesn't directly affect the immediate situation we deal with in terms of our budget, certainly one of the biggest areas of expenditure increase over the last 20 years has been in the field of corrections and the cost of incarceration is very high, and anything that we can do to try to get a better handle on those costs and understand better why we're spending the money we are or need to spend and more better ways to spend that money and achieve public safety would be helpful to us.

So I would urge the Chamber to pass the Bill and move it forward. Thank you, Madam Chair, Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the Bill? Care to remark further on the Bill? Will you care to remark?

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

THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

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

DEPUTY SPEAKER ORANGE:

Have all Members voted? Have all the Members voted?

If all Members have voted, please check the board to determine that your vote is properly cast.

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

And will the Clerk please announce the tally.

THE CLERK:

House Bill 5248.

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. The Bill passes.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VETO
SESSION**

**JUNE
SPECIAL
SESSION**

**VOL. 53
PART 18
5591-5870**

The House reconvened at 2:25 o'clock p.m.,
Speaker Donovan in the Chair.

SPEAKER DONOVAN:

The veto session will come back to order.

Will the Clerk please call Calendar 57.

THE CLERK:

Connecticut House of Representatives Special
Session for June, 2010.

On page 1, Calendar 57, Substitute for House
Bill Number 5248, AN ACT ESTABLISHING A SENTENCING
COMMISSION, favorable report by the Committee on
Appropriations.

REP. CAFERO (142nd):

Mr. Speaker.

THE CLERK:

I'm sorry, Veto Session 2010.

SPEAKER DONOVAN:

Representative Cafero, for what reason do you
stand?

REP. CAFERO (142nd):

Mr. Speaker, point of inquiry, I guess.

Do any of the members have a document that

will be given to them -- before them with regard to this? We have nothing on our desk.

SPEAKER DONOVAN:

Representative, there is a calendar which has the list of the bills, and every member should have them online as we do on all the other bills, or it should be in their documents as well.

REP. CAFERO (142nd):

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Just for -- just, I would like to explain what we're going to be doing. Before I call on Representative Lawlor to speak on the bill, I'd like to point out to the Chamber that in order to take up a bill vetoed by the Governor we need to follow a two-step process.

The first step is a motion for reconsideration. Assuming that the motion is adopted, we then move onto a second motion. That motion would be a motion to repass the vetoed bill.

The first motion, the motion for reconsideration is decided by a simple majority

vote. The second vote is a motion to repass the legislation, and that motion requires a two thirds vote, or at least 101 members.

I am requesting that the members avoid a prolonged discussion of first procedural motion and reserve their comments and remarks for the second motion to repass the legislation. All right?

Representative Lawlor:

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I move for reconsideration of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on reconsideration of Calendar 57, Bill 5248.

For the benefit of the Chamber, I will note that Representative Lawlor was on the prevailing side of this issue when the Chamber passed this measure and is therefore an appropriate member to make the motion for reconsideration.

Is there objection to the motion to reconsider? Is there objection? Without objection, the motion will be reconsidered.

Will you remark further on the motion to

reconsider? Remark further on the motion to
reconsider? If not, let me try your minds -- oh.

The motion is reconsidered. Okay. Thank you.

We're new to this.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I move for repassage of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on the
repassage of the bill.

Representative Lawlor, you have the floor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

This bill was passed during the regular
session by a unanimous vote. Briefly, this bill
is the second time the bill was before the House
of Representatives; was also passed during the
2009 session of the Legislature in the House of
Representatives. I believe that vote was
unanimous as well.

The bill is the end result of a two-year
process by the sentencing task force, which
consisted of members appointed by the Governor:

Many members of -- many commissioners and others from the administration; a number of Legislators and a number of front-line law enforcement professionals; police chiefs; victims groups; prosecutors; parole; probation; judges and others who tried to come up with a proposal which this bill reflects so that Connecticut can join the vast majority of states that have this type of formal sentencing policy advisory group that helps to work with the Legislature and the Governor to develop proposals for public policy reform. The concept here is that they would develop consensus, and their proposals would then come to the Legislature and be considered in that respect.

During the existence of the task force itself, a number of proposals emerged from the task force; were passed overwhelmingly in the House and the Senate, signed into law by the Governor.

I think this is a great model to help achieve consensus, and I would urge repassage of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on repassage. Remark further on the bill? Would you remark further on the bill? If not, staff and

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June 21, 2010

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 roll call vote. Members to the chamber,
please.

SPEAKER DONOVAN:

Have all the members voted? Have all the
members voted? Please check the roll call board
to make sure your vote has been properly cast. If
all the members have voted, the machine will be
locked. The Clerk will please take a tally. Will
the Clerk please announce the tally.

THE CLERK:

House Bill 5248 in concurrence with the
Senate.

Total Number voting	139
Necessary for adoption	101
Those voting Yea	130
Those voting Nay	9
Those absent and not voting	12

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Calendar 101.

THE CLERK:

On page 2, Calendar 101, Substitute for House Bill Number 5286, AN ACT CONCERNING LICENSURE OF MASTER AND CLINICAL SOCIAL WORKERS, favorable report by the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for reconsideration of House Bill 5286.

SPEAKER DONOVAN:

The question before the Chamber is on reconsideration of House Bill 5286.

For the benefit of the Chamber, I will note that Representative Gentile was on the prevailing side when the Chamber passed this measure, and is therefore an appropriate member to make the motion for reconsideration.

Is there objection to the motion to reconsider? Is there objection? If no one -- without objection, the bill will be reconsidered.

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SENATE**

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SENATE

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May 5, 2010

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we have some additional items to mark at this time. First of which is on calendar page 14, Calendar 512, House Bill 5248, AN ACT REGARDING THE SENTENCING COMMISSION; and then we have, Mr. President, after that taking up -- move to take up an item that is on page -- Calendar page 8, Calendar 443, House Bill 5295 from the Insurance and Real Estate Committee.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Returning to the call of the calendar, calendar page 14, Calendar Number 512, File Number 67, Substitute for House Bill 5248, AN ACT ESTABLISHING A SENTENCING COMMISSION, favorable report of the Committee Judiciary and Appropriations.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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May 5, 2010

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

THE CHAIR:

Acting on approval and acceptance of the bill, sir. Would you like to remark further?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, this amen -- bill comes to us as a recommendation from Chairman Farr from the Board of Pardons and Paroles, among others, and creates a 23-member sentencing commission to review the criminal sentencing structure in the state of Connecticut and any proposed changes necessary to implement the interests of justice.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5248? Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. And congratulations on everything as well --

THE CHAIR:

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SENATE

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May 5, 2010

Thank you, sir.

SENATOR KISSEL:

I know that the last comments were limited to our leaders but -- I wish you the very best.

THE CHAIR:

Thank you. I appreciate that, sir.

SENATOR KISSEL:

I stand in support of this proposal. It's something that we worked on very diligently over a year ago. And what a lot of us did was we brought together leaders from throughout all areas of our judicial system regarding criminal justice and we sought to establish something that is prevalent in states throughout the United States both Democratically-controlled states and Republican-controlled states. It's not something that is considered a liberal idea or a conservative idea, but it's the notion of having a sentencing commission that we can bounce ideas off of whether it's proposed legislation or other concepts and have folks that are in the field of criminal justice weigh in on those ideas to determine whether there's costs associated with that, whether it will actually achieve the end results that we hope to achieve. Sometimes the notion is proffered that if something is too draconian, it won't get used, it'll be

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SENATE

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plea bargained down or something like that. And so, indeed, we tried to create a sentencing commission that not only would have the best minds on it familiar with all aspects of our criminal justice system but also individuals that would have a vested interest in making sure that only the best public policies would move forward.

So, for that reason, Mr. President, I stand in strong support of this proposal. I believe it has some buy in from the executive branch. I think it can help our state. It's been advocated by a lot of folks throughout the country that have come and informed us regarding how successful it's been in other states. And I think it will help us in getting the very best results from our criminal justice system. And, clearly, with diminishing resources, we have to make sure that what we move forward, as a legislature, achieves the ends that we so desire.

Thank you, sir.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further on House Bill 5248? Will you remark further?

Senator McDonald.

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SENATE

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May 5, 2010

SENATOR MCDONALD:

Thank you, Mr. President.

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

THE CHAIR:

Senator Caligiuri.

There is objection, sir.

Mr. Clerk, please call for a roll call vote.

The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.
An immediate roll call has been ordered in the Senate.
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 passage of House Bill 5248 in concurrence with the action of the House.

Total number of voting	35
Those voting Yea	34
Those voting Nay	1

cd
SENATE

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May 5, 2010

Those absent and not voting 1

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

Calendar page 8, Calendar Number 443, File Number 10
-- 106 and 624, House Bill 5295, AN ACT CONCERNING THE
PURCHASING OF PRESCRIPTION DRUGS BY NONSTATE PUBLIC
EMPLOYERS as amended by House Amendment Schedule "A,"
favorable report of the Committee on Insurance.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

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

THE CHAIR:

Acting on approval and acceptance of the bill, sir.
Would you like to remark further?

SENATOR CRISCO:

Yes, Mr. President.

This is a --

THE CHAIR:

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SENATE

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SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, continuing on Senate Agenda Number 5 of the reconvened session, the second item is substitute House Bill Number 5248, AN ACT ESTABLISHING A SENTENCING COMMISSION.

Mr. President, this bill is also vetoed by the Governor. The House has voted to override that veto. I was on the prevailing side when the Senate considered that item and now would move for reconsideration of Substitute House Bill 5248.

THE CHAIR:

There's a motion on the floor for consideration of Substitute House Bill 5248.

Will you remark? Will you remark further?

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

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

The ayes have it. House Bill 5248 is before us
for reconsideration. Senator Looney.

SENATOR LOONEY:

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Yes. Thank you, Mr. President.

Mr. President, since that was a bill proceeding from the Judiciary Committee, I would yield to Senator McDonald for purposes of a motion to repass the bill.

THE CHAIR:

Senator McDonald, do you accept the yield, sir?

SENATOR McDONALD:

I do, Mr. President.

THE CHAIR:

Please proceed.

SENATOR McDONALD:

And thank you, Mr. President. Mr. President, I move to repass House Bill 5248.

THE CHAIR:

There's a motion on the floor to repass House Bill 5248. Seeing no objections, please proceed, sir.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, this legislation is an outgrowth of a series of different pieces of legislation that began in 2006 in the Judiciary Committee to create a sentencing task force to systematically review our state's criminal justice statutes and to create a more comprehensive and uniform practice in our criminal

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justice sentencing.

And in particular, Mr. President, this legislation outlines a series of ways in which the members of this commission would develop a database of information, have access to privileged documents to generate reports and to analyze our criminal justice statutes.

It would be a collaborative effort between the executive branch and the judicial branch, as well as involving law enforcement agencies at the local and state level.

THE CHAIR:

Thank you, sir.

Will you remark further on the repassage of House Bill 5248? Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

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

THE CLERK:

Motion is on re-passage of House Bill 5248.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	27
Those voting Nay	9
Those absent and not voting	0

THE CHAIR:

House Bill 5248 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, continuing on Senate Agenda Number 5 for the reconvened session, the third item on the agenda is Substitute House Bill Number 5286. This item also, Mr. President, was vetoed by the Governor, and the House of Representatives has already voted to override that veto.

Mr. President, I was on the prevailing side when the Senate considered that item and would move now for reconsideration of House Bill Number 5286.

**JOINT
STANDING
COMMITTEE
HEARINGS**

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PART 3
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2010

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Lawyers Association**
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February 25, 2010

Hon. Andrew J. McDonald, Senator
Hon. Michael P. Lawlor, House Representative
Chairmen, Judiciary Committee
Room 2C, Legislative Office Building
Hartford, CT 06106

Re: Raised House Bill No. 5248, An Act Establishing a Sentencing Commission

My name is Conrad Ost Seifert and I am an attorney practicing in Old Lyme.

I mostly handle appeals and criminal defense. I am the President of the Connecticut Criminal Defense Lawyers Association, CCDLA, and I am submitting this testimony on behalf of the CCDLA.

The CCDLA supports raised Bill No. 5248 which would establish a Sentencing Commission in the State of Connecticut. We believe that the creation of this Commission, with a precise mission statement, designated membership, proposed duties, and delineated authority, as detailed in the proposed bill, would lay the groundwork for data driven, non-partisan, sentencing policy and reform. We support sentencing policies that are fiscally responsible and take into account racial impact analyses. This type of deliberate and focused evidence based research and analysis makes for sound criminal justice policy. Too often in the past, enacted policy was based upon political necessity

with little or no relationship toward the consequences to the criminal justice system and the people and agencies affected by such legislation.

We first note that our past-president and current member, Attorney Thomas Ullmann, chaired the working group that drafted the proposal ultimately adopted by the Sentencing Task Force. The group consisted of well respected members of the judicial branch, legislature, criminal justice agencies, and academia. It is our belief that the proposal is one of the most important pieces of legislature to come out of the tragic Cheshire incident and is a global long term statement that frames a commitment by Connecticut to a rational, data driven sentencing policy.

Two concerns with this proposal have been alleviated. There appears to be unanimous agreement from all major criminal justice actors that a Sentencing Commission in Connecticut does not equate to sentencing guidelines. In addition, it appears that safeguards have been included in the proposal that would ensure that confidential data collected by the Sentencing Commission would remain confidential and would only be utilized for its research capacity.

What is laudable about the proposal is its collaborative and inclusive composition. It is politically balanced. It is represented fairly by each branch of government. It includes a representative of every criminal justice agency. It includes those community members who have played some role within the criminal justice system.

The Sentencing Task Force actually laid the groundwork for this proposal. It demonstrated that a collaborative effort by those who are sometimes adversaries in the day to day operation of the criminal justice system could reach agreement as to legislation based upon negotiation and consensus. The mental health diversion bill, and

probation modification legislation, enacted during the last legislative session, demonstrates what collaboration among reasonable people could achieve. The creation of a Sentencing Commission allows this to take place on a much larger scale and with a view of long term collaborative efforts.

The mission and duties of the Sentence Commission are noteworthy. They encompass public safety, offender accountability, harm to victims and the community, community punishment and supervision, the imposition of just punishment, and meaningful and effective rehabilitation and reintegration of the offender.

It had become obvious during Sentencing Task force meetings that there is a lack of coordinated data sharing as well as a lack of whole areas of data gathering. It is obvious that until recently and in great part still to this day, Connecticut state agencies gather data they deem important, but not necessarily oriented to the system as a whole. This leaves a rather unfocused and self centered data gathering system. The Sentencing Commission would change this. The commission would gather existing data from all parties. Not only would the Commission coordinate the gathering of that research, but it would also fill in the gaps. This is what is needed to explore the effectiveness of existing and proposed legislation. The Commission would also integrate a fiscal impact statement as well as the statutorily mandated racial diversity impact statement.

This bill is a huge step in the direction of a non-partisan approach to mindful evidenced based analysis and recommendations regarding existing and proposed sentencing legislation and policies.

We support building upon the relationships that were cultivated by the emergence of the legislatively mandated Sentencing Task Force. The logical extension of this working group toward the creation of a Sentencing Commission makes complete sense to us.

We strongly urge passage of this bill creating a Sentencing Commission.

Respectfully Submitted,



Conrad Ost Seifert, Esquire
President, Connecticut Criminal Defense Lawyers Association

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ATTORNEY SUSAN O. STOREY
CHIEF PUBLIC DEFENDER

**Testimony of Susan O. Storey, Chief Public Defender
Raised Bill No. 5248, An Act Establishing a Sentencing Commission
Judiciary Committee, February 26, 2010**

The Office of the Chief Public Defender supports raised Bill No. 5248 which establishes a Sentencing Commission. There is currently no agency that focuses solely on sentencing policy. This is an area of great concern and has been in the spotlight subsequent to the Cheshire incident. While many individual agencies are involved in various aspects of criminal justice sentencing, there has never been a coordinated and collaborative approach to this complex issue, which affects so much of what we do in the criminal justice system.

The recommendation to create a Sentencing Commission comes from the successful results of the legislatively created Sentence Task Force. The Sentencing Commission as envisioned in Bill No. 5248 is an apolitical body with representation from all branches of government, all the agencies involved in the day to day operation of the criminal justice system and include community representatives with a stake in the system. This kind of collaborative and inclusive approach will serve to facilitate communication among all stake holders in terms of policy analysis and recommendations.

The mission statement and delineated duties make it clear that the long term sustainable goal is to produce a comprehensive coordinated research data base that would ultimately serve the purpose of providing the framework for sound sentencing policy analysis. It is important that the future adheres to evidence based legislative and policy decisions, rather than that based upon strictly political grounds. It is important to incorporate sound fiscal and racial diversity impact statements into the analysis of current and proposed legislation and policy.

The Office of Chief Public Defender supports this bill and will actively participate in the Commission and its work. It has the capacity to be one of the most important and sustainable pieces of criminal justice legislation to be raised in a long time. Its significance cannot be understated.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

H.B. No. 5248 (RAISED) An Act Establishing a Sentencing Commission

Joint Committee on Judiciary
February 26, 2010

The Division of Criminal Justice recommends the Committee's Joint Favorable Report for H.B. No. 5248, *An Act Establishing a Sentencing Commission*. As we noted in testimony in support of similar legislation last year, H.B. No. 5248 would establish a sentencing commission as recommended by the Sentencing Task Force that was created pursuant to Public Act 06-193. The Division of Criminal Justice had the privilege to serve on the Sentencing Task Force and would be represented as well on the Sentencing Commission proposed in H.B. No. 5248. Although the various parties who served on the task force did not always agree on all issues, all would agree that the process was indeed a worthwhile and productive one that should resume and continue on a permanent basis. The Division extends its appreciation to the Judiciary Committee for this opportunity to comment on H.B. No. 5248. We would be happy to provide any additional information the Committee might require.

Respectfully submitted, .

Kevin T. Kane
Chief State's Attorney