

PA10-043

HB5539

House	1314-1337	24
Judiciary	3638-3654, 3655-3659, 3724, 3726-3730, 3841-3851	39
Senate	1655-1665, 2600-2601, 2706- 2708	16
		79

**H – 1077**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
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1169 – 1557**

mb/gbr  
HOUSE OF REPRESENTATIVES

146

April 21, 2010

Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

DEPUTY SPEAKER O'CONNOR:

The bill as amended is passed.

Will the Clerk please call Calendar Number 362.

THE CLERK:

On page 17, Calendar 362, Substitute for House Bill Number 5539, AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES, favorable reported the Committee on Judiciary.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER O'CONNOR:

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

Will you remark?

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

This bill consists of 43 separate sections, which

are unrelated to one another. It's an assortment of not exactly technical but relatively minor changes to various statutory rules governing the Judicial Branch and its activities. There's no fiscal impact to this bill. In fact, the Office of Fiscal Analysis has estimated that the total impact is less than \$1,000 if any.

There are -- some of the sections are worth noting, Mr. Speaker. In the first section, it does make some changes to the process by which the supreme and appellate court schedule cases and assign justices of the Supreme Court to sit on certain cases under certain circumstances. It also -- a different section provides some guidance to the branch of how to react to an emergency where many or most courts are taken out of commission through some type of attack or other natural disaster. It has a process for governing the courts under those circumstances.

It also makes it clear that family relations counselors and family counselors trainees and family service supervisors employed by the Judicial Branch are mandated reporters. In other words, these are professionals, who if they become aware of creditable evidence that a child has been abused, are mandated to

report that information to the Department of Children and Families.

It contains a variety of modifications to the laws governing the Department of Adult Probation -- the Office of Adult Probation and the powers of probation officers. No major changes but some minor changes to allow them to deal with certain types of situations and it also makes some relatively minor changes in the process by which individuals on probation, their status is reported back to the court.

Another significant provision in here is some updating of the rules governing the transmitting of certain types of documents, arrest warrants for example, within the branch and to other law enforcement agencies consistent with changes that were made during the January Special Session of 2008.

And finally, Mr. Speaker, towards to the end of the bill, there's a variety of changes to the victim compensation rules. None of these are major substantive changes for victims but they do allow the Office of Victim Services to do their work in a more expeditious fashion.

I don't believe there's any major policy changes in this bill, Mr. Speaker. There are minor changes.

These have been before the House for two or three or four years in a row. They've never been acted upon due the crunch of business at the end the calendar. Hopefully, this bill will be able to move through the process before our statutory -- or constitutional adjournment date. So I urge passage of the bill, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, Mr. Chairman.

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I thank the chairman of the Judiciary Committee for that summary. I noticed looking at the bill list that there is a Democratic amendment cited as being associated with this bill and I was wondering if the section amendment was going to be called. So perhaps I could address the Chair with that question. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, Representative.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I can't speak for other members of the chamber but I don't believe an amendment is going to actually be called.

DEPUTY SPEAKER O'CONNOR:

Thank you.

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Okay. Well, all righty. I'm assuming -- I had assumed that this was either a screening amendment or a chairman's technical fix -- okay -- that's what -- it looks like it was a typographical error on the go list.

The other thing I was -- as we go through this, I think it's a fairly lengthy bill and it's a piece of legislation which usually, in times past, had been passed every year, a series of relatively minor changes to various provisions affecting the procedures of the courts and that this is actually the first one to get to what we hope will be the point of passage in about three or four years and that is the reason why it is longer than the bills that we have seen.

When we have seen these bills in past, they have been much shorter than this. Typically, not dealing

with as many different things. And the reason for the length of this and the width of it, as well, the breadth of it, is that it's covering -- covering for several years now that we haven't been able to get this type of legislation through both chambers and -- so from -- from that standpoint, this doesn't really represent any kind of major overhaul of the Judicial Branch or anything along those lines but rather just an accumulation of little things that probably should have done over the last three years or so.

There is one section that I was curious about and that is Section 17, which establishes a statutory fee of \$10 for a certificate of good standing for attorneys. And I'm curious as to why that is being done, if there is an explanation for the creation of that -- that new fee. In his summary, the cochair had indicated that there was no fiscal impact and I'm not sure but the creation of a new fee would normally be associated with some kind of a fiscal impact but I'm just curious as what this fee is intended -- why it's being done and maybe I'll ask a follow-up.

Through you, Mr. Speaker, why are we doing this new fee?

DEPUTY SPEAKER O'CONNOR:

mb/gbr  
HOUSE OF REPRESENTATIVES

152  
April 21, 2010

Thank you, Representative.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I'm told that the Judicial Branch has been charging a \$10 fee. This provides explicit authorization for them to do so. So this is not a new policy. I think this is on the list of the things where we're just clarifying and existing practice to make it clear that they're authorized to charge such a fee. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, Representative.

Representative O'Neill.

REP. O'NEILL (69th):

Okay. Thank you, Mr. Speaker.

And given that we are charging the fee, do we know where this fee goes? Is it going into the judicial -- into a special judicial fund or is it going into the General Fund. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I'm told it goes to the General Fund.

DEPUTY SPEAKER O'CONNOR:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I've actually never had occasion for anyone to ask me for a copy of certificate of good standing. I guess I would just ask, under what circumstances so someone procure this. Is this something that a lawyer would normally get for themselves or it something that someone else seek in order to determine whether the lawyer is, in fact, in good standing. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I can think of a few examples of why certain individuals are liked to be deemed a lawyer in good standing but I don't think this relates to that. I think there are just some lawyers, maybe it could be employment purposes or something, maybe they're seeking to appear in another state's court and just

want to have something that indicates that they, in fact, in good standing in the state of Connecticut, admitted to the bar, et cetera.

' So I can only assume those would be the circumstances but I don't know for sure.

DEPUTY SPEAKER O'CONNOR:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Well, one -- one circumstance that crosses my mind is there are certain offices for which it is required if you're going to seek election to the officer you have to be a lawyer and one of them that cross my mind would be, for example, if someone were seeking to be elected as a probate judge now under our new rules they would perhaps be called upon to produce a certificate of good standing in order to be eligible to -- to qualify for the nomination or be placed on the ballot or something along those lines. I suppose that's a possibility. I suppose there may be other offices besides probate judge where your status as an attorney is -- is perhaps of interest to someone.

As I indicated earlier, this is a -- and I agree with the cochair of the committee -- this is, in fact,

mb/gbr  
HOUSE OF REPRESENTATIVES

155  
April 21, 2010

a rather extensive compilation of largely unrelated sections and I agree with the characterization of it and I urge passage of the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, Representative.

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

Good afternoon, Mr. Speaker.

Questions, through you, to the proponent of the bill.

DEPUTY SPEAKER O'CONNOR:

Please proceed, madam.

REP. KIRKLEY-BEY (5th):

Are individuals who work for the Boys & Girls Club, the YM and YW, are they mandated reporters if they work with children?

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

I'm just trying to -- first of all, that wouldn't be covered under this bill but the existing list of mandated reporters does --

If I could just have a moment, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER O'CONNOR:

Will the Chamber please come back to order.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

There is an existing list. It's in Section 17(a), dash, 101 of the General Statutes. It contains a number of professions, some of which are licensed, some aren't, all of which are mandated reporters. So for example, I think the Representative's question related to people who work with children, so a social worker is on the list. I'm not exactly sure what the definition of social worker is. It doesn't say licensed social worker.

Also on the list is a school guidance counselor, school paraprofessional, member of the clergy, physical therapist -- I'm just picking out the ones that might be relevant in this situation -- any person who is a licensed or certified emergency medical

mb/gbr

157

HOUSE OF REPRESENTATIVES

April 21, 2010

services provider, alcohol and drug counselors, licensed professional counselors, foster parents, any person paid to care for a child in any public or private facility -- I think that might cover that -- child day care center, group day care home, family day care home, licensed by the state.

So I think that list would probably cover most of the categories that the Representative was inquiring about.

DEPUTY SPEAKER O'CONNOR:

Thank you, Representative.

REP. KIRKLEY-BEY (5th):

A question --

DEPUTY SPEAKER O'CONNOR:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

The second question I'd like to ask is how often are mandated reporters trained.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Mr. Speaker, there's no specific training for mandated reporters in general. All of the persons on that list who are licensed

professionals -- I know this is covered in the licensing process but some are not licensed. For example, members of the clergy are mandated reporters but there's no state prescribed training for that. And so I would assume there's no -- not -- not necessarily any specific training.

So it's a very long list of professions, vocations that are mandated reporters but there's no state statute requiring training in that respect for the -- for the nonlicensed individuals. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

If I'm under one of those categories and I'm not trained and I don't know how I know what I'm supposed to do to be able to report something that I think might be suspicious with -- with relationship to children.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

Well, as is the case with all of our criminal

mb/gbr  
HOUSE OF REPRESENTATIVES

159  
April 21, 2010

statutes, there is an obligation to be aware of what's in the criminal statutes. The -- it is a legal duty and we have many legal duties imposed in the statutes in various places. There's no requirement for training specifically.

For example, if you're operating a motor vehicle, you have a legal duty to stop and render assistance if there's an accident. I'm not sure that's specifically covered in the training to be a licensed driver but it is a legal duty for these individuals. So it's their responsibility to be aware of what the law requires given their vocation or profession. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, Representative.

Representative Kirkley-Bey.

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker.

Mr. Speaker, I just want to -- I think it's a minor technical revision. However, as Representative Lawlor mentioned, this bill contains 43 sections and I think sometimes we have to understand that it could involve 43 different areas and I'm sure people may or

may not know all of what's in it.

However, I just have a couple of questions to Representative Lawlor, through you Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Please proceed, sir.

REP. GREEN (1st):

Thank you.

Representative Lawlor, in Section 20 and 29 and, also, in 27, it does reference some issues around probation officers. One, talks about more powers for probation officers. One of the sections talks about the ability for probation officers to be part of fugitive task forces. And the question, if I'm a probation officer and I'm seeking a warrant or -- to try to secure a person under my caseload, could I, as a probation officer, assist or seek somebody who is not under caseload. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. GREEN (1st):

Under these expanded powers.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

mb/gbr  
HOUSE OF REPRESENTATIVES

161  
April 21, 2010

Thank you, Mr. Speaker.

I apologize. I couldn't exactly hear the question.

DEPUTY SPEAKER O'CONNOR:

Would you please take your conversations outside the chamber, please.

Representative Green, if you could please restate your question.

REP. GREEN (1st):

Yes, through you, Mr. Speaker, in some of the sections of the bill, they talk about expanding powers of probation officers and probations officer's ability to put warrants out for their probationers. What I'm trying to figure out is that could I, if I'm aware of one of my colleagues has a warrant out for his probationer, could I, in fact, help secure that person or do I just have the ability to deal with just my -- the people in my caseload.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

If I understood the question correctly is if it -- under the bill, if the there was an outstanding

mb/gbr  
HOUSE OF REPRESENTATIVES

162  
April 21, 2010

warrant for an individual could a probation officer assist in detaining that individual until police officers arrive and the answer to that question is yes under the bill.

DEPUTY SPEAKER O'CONNOR:

Thank you, Mr. Chairman.

Representative Green.

REP. GREEN (1st):

Thank you.

Also, there's some issues about the probation officers being able to put requests for warrants out. I had heard earlier that there would be no fiscal note. Could the -- through you, Mr. Speaker, could the proponent of the bill tell me in the sections that involve the expanded duties of probation officers and putting warrants out on the Internet, is -- is there no cost for those actions?

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

According to OFA, there's no cost but I would point out that this language, which I believe is language in Section 27. There's an existing

requirement that all of this information be posted on the Internet based on a bill previously passed by the Legislature. This allows them to not put certain warrants online under certain circumstances. So, for example, if to do so, would someone's life in jeopardy, et cetera, they're not obligated to be each and every warrant online. Also, if it's a youthful offender or juvenile, they're not obligated to put those online for what I think -- the reasons for which are self-evident. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you.

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, could the proponent explain to me the victim -- the victim compensated injury funds. There was some talk about eliminating funds and possible doing another fund. Could he just clarify to me exactly what is happening to those funds?

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I don't believe any funds are eliminated under the bill. What is -- the criminal victims -- the Criminal Injuries Compensation Fund is a fund that's available for victims of typically violent crime to be compensated for their out of pocket costs, under certain circumstances funeral expenses or counseling expenses. The entirety of these funds come from either federal grants or from fees paid into court by persons being convicted of crimes and in some cases, through some charitable donations.

The -- what is being eliminated is the authorization that currently exists for a 1 percent loan fund for crime victims, who have been financially affected by a violent crime. It is my understanding that that has never actually been utilized. It's been on the books for ten years or so and to eliminate any confusion that might occur, the request is to delete reference -- delete the authorization for that loan program because it has proven to be unworkable and unnecessary. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker.

Mr. Speaker, there's a Section 38 to 40 that talks about identifying fathers and from the summary it talks about that a mother can go to court and basically suggest who may be fathers of a child. It seems like we've had a -- a higher standard in terms of trying to prove that a father -- that a person is a father of a child. Now, it seems like the mother, through this legislation, can just say, here's a list of people that I think are the fathers and those individual males, who may be identified, have to go in for genetic testing to see if they're the father.

Can you tell me what are the changes in that section? What will it do? And in fact, is it reducing the burden where a mother can just suggest these names in the court and those persons will be required to come in for testing. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Just one moment, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Will the Chamber please stand at ease.

(Chamber at ease.)

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Excuse me. Will the Chamber please come back to order.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

The effect of the language in the bill is to deal with the situation where statements may be made under oath in court by a party, which may be subsequently be considered inadmissible in court for reasons related to the existing statutes. So the change -- the effect of the change here is -- would allow a parent's statement as to the -- as to who the father of a child would be admissible in court assuming they were already -- already made in court under oath.

And it's worth noting that this doesn't affect in any way the ability of the court or order testing, genetic testing or otherwise. This is just the admissibility of certain statements in court and

whether or not inquiries can be made in court in terms of the question and answer from the -- from the judge.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker.

And I thank the Representative for his answer. However, in the summary, it does say that the court can order genetic testing if that person is identified as possibly being the father. So if now that information is now admissible into court, from what I understand it was previously inadmissible, now it's admissible. The court can order genetic testing. So the idea that it cannot make someone take testing that doesn't appear to be what the summary says.

So, again, you know, I don't -- I think there's some good pieces of this -- of this legislation, particularly, issues around testing of HIV and AIDS and some other areas but there's one or two sections in here that are concerning. Particularly, the admissible of -- just basically naming individuals who may be fathers and then ordering the testing without further proof that a person may be the father.

mb/gbr  
HOUSE OF REPRESENTATIVES

168  
April 21, 2010

So, again, I just want to caution us that it's a 43 section bill. There's a lot of pieces in it. And some are good and one or two may not be so great.

Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, Representative -- Thank you, Representative.

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 open.

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 and determine if your vote has been properly cast.

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

Will the Clerk please announce the tally.

THE CLERK:

mb/gbr

169

HOUSE OF REPRESENTATIVES

April 21, 2010

House Bill 5539.

Total Number voting 149

Necessary for passage 75

Those voting Yea 147

Those voting Nay 2

Those absent and not voting 2

DEPUTY SPEAKER O'CONNOR:

The bill passes.

Will the Clerk please call Calendar Number 270.

THE CLERK:

On page 13, Calendar 270, Substitute for House Bill Number 5517, AN ACT CONCERNING ETHICS AND THE OFFICE OF THE STATE TREASURER, favorable reported the Committee on Government Administrations and Elections.

DEPUTY SPEAKER O'CONNOR:

Representative Grogins.

REP. GROGINS (129th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER O'CONNOR:

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

Representative Grogins, you have the floor.

**S – 603**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 6  
1609 – 1919**

cd  
SENATE

153  
April 28, 2010

Senator?

SENATOR LOONEY:

Yes, Mr. President.

THE CHAIR:

Is there objection to recommittal of Calendar  
Number 0342? Seeing none, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if we might return to the call  
of the calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 19, Calendar Number 472, File  
Number 5 -- 549, Substitute for House Bill 5539,  
AN ACT CONCERNING JUDICIAL BRANCH POWERS AND  
PROCEDURES, favorable report of the Committee on  
Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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

cd  
SENATE

154  
April 28, 2010

bill in concurrence with the House.

THE CHAIR:

The question before the Senate is the pass --  
the acceptance and passage in concurrence.

Do you care to remark further?

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, this is a important piece of  
legislation for the operations of the Judicial  
Branch and is the result of a lot of discussion  
between the Judicial Branch and the Legislative  
Branch relating to its operations. I know that  
the Chief Court Administrator has had an  
opportunity to speak about these issues with the  
co-chairs and the ranking members of the Judiciary  
Committee.

A lot of this deals with internal operations  
of the branch and the timing and scheduling of  
court operations and the Supreme and Appellate  
Court caseloads and the movement of the business  
of the branch that are important to their  
operations.

Additionally, Mr. President, the legislation  
makes several changes relating to terminology and

cd  
SENATE

155  
April 28, 2010

operations for Housing Court specialists, deals with family relations counselors and trainees of family relations counselors, makes certain changes relating to the probation process and also eliminates some elements of the supervision programs where bail commissioner -- I'm sorry -- probation violators are supervised.

So I believe all of these have been considered to be fairly technical from -- 'from their operational perspective, but they are significant to their operations. I should also say that there are elements of this to increase the -- or allow for the Criminal Injuries Compensation Fund to receive money for the reimbursement of applicants who -- who are victims and also eliminates certain options for the Office of Victim Services to provide low interest loans to victims. But I believe that on the large part, Mr. President, these are pretty technical changes for the Branch's operations.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Technical though they be, I do have some questions, a few questions to the proponent of the bill, through you, Mr. President?

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Thank you very much.

I -- I do believe that the underlying bill is a very positive one. I know that a lot of folks -- Deb Fuller, in particular, but I -- Steve Mann, I guess has had some hand in this as well but -- a lot of the folks from the Judicial Branch they've been trying to get some of these things through our chamber for a couple of years. And I think a lot of these things would be very beneficial for the good operation of the Judicial Branch, but, by way of helping to secure a good legislative history and to help articulate what we're about here, I'd like to proceed section through section.

In Section 1 through 7, there's some minor changes to Supreme Court Statutes and, in particular, Sections 5 and 6. It's my understanding they would add some service requirements to the statutes, especially

cd  
SENATE

157  
April 28, 2010

authorizing electors and candidates aggrieved by a ruling of the elections officials to file a complaint with the Supreme Court. And given how sometimes elections can be very contentious and indeed we have more of contentious elections going on right now with primaries and everything else that we may ever see for another 20 years, I'm just wondering, through you, Mr. President, regarding Sections 5 and 6, what are some of these procedures that would allow electors and/or candidates aggrieved by a ruling of elections officials to file a complaint with the Supreme Court, through you, Mr. President?

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, my understanding is that under existing law, an elector who is alleging certain violations can file a complaint with a -- with any judge of the Supreme Court regarding an election for US president, for senate or congress or any Superior Court judge regarding any type of primary, and requires that the person send a copy

cd  
SENATE

158  
April 28, 2010

of the complaint by first class mail.

Under this legislation, it would require a certification that a copy of that complaint was sent or delivered to the -- I believe, the Elections Enforcement Commission that was sent to the judge.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much and I appreciate that.

So rather than creating a new cause of action what it does is it changes what is already an existing cause of action where, again, an elector or candidate aggrieved by a ruling of an election official would be able to file a complaint with the Supreme Court.

I'm wondering what the term "elections official" might refer to. Is that State Elections Enforcement Commission? Is that the Secretary of State's Office? Is that a registrar of voters? Who would that -- who might be making that decision and what would be the grounds for that kind of a complaint? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, election officials are defined terms under Title 9 of our statutes and, typically, would apply to town clerks, town or city clerks, potentially -- forgetting the name at the moment -- the individuals who run -- the checkers at the polls --. I apologize it's escaping me at the moment -- but, certainly, could also include the Secretary of State's Office. And the commission that's referenced is, in fact, the State Elections Enforcement Commission which would be the entity which would receive a certified copy of the complaint. I'm sorry, sent by first class mail. I apologize.

THE CHAIR:

Moderators, challengers, checkers, perhaps?

SENATOR MCDONALD:

Thank you very much, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President, for coming

cd  
SENATE

160  
April 28, 2010

up with moderators, checkers. These are all good terms.

And is the notification to the Elections Enforcement Commission done so that they could possibly intervene in the matter, through you Mr. President?

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

I'm sorry, Mr. President.

Would Senator Kissel be kind enough to restate the question?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Sure. Is the notification for the State Elections Enforcement Commission done with an eye towards allowing them to or at least alerting them and anticipating that they would have an ability to intervene in the matter? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

cd  
SENATE

161  
April 28, 2010

Through you, Mr. President.

The amendments to the statute don't indicate that there would be anything further other than notification to the commission. The commission, certainly, would have the ability independent of the statute to file a motion to intervene if it could assert a basis for doing so whether by statute or by permissive intervention. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And I really appreciate Senator McDonald's expertise in this area.

I guess it would be an abil -- give them an ability to ascertain whether, A, they have a desire, and, B, they have grounds to get involved in that case.

Moving along to Sections 8 and 9 regarding emergency planning, it's my understanding that the bill would allow the Chief Justice and the Chief Court Administrator to take actions necessary in the event of a major disaster. And I'm sort of

cd  
SENATE

162  
April 28, 2010

surprised that they don't have that ability at this time already. Is it anticipated that they don't and/or that perhaps they do but this simply clarifies that? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, through you, the Branch believes that it does not have that Authority. And as Senator Kissel knows, I'm sure, we've both been to Rules Committee meetings of the court where they have wanted to deal with this issue on a prospective basis as opposed to reacting if a emergency did arise. So, in their estimation, this language would allow them to -- to prepare for an emergency or disaster and would facilitate ongoing judicial operations during the pendency of that emergency or disaster.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And God bless you, Senator Doyle.

cd  
SENATE

163  
April 28, 2010

Thank you very much.

Regarding Sections 10 and 11, participation in behavioral health partnership, I'm not exactly sure what the behavioral health partnership is, if the good Senator could explain. I think it has something to do with the Department of Social Services.

THE CHAIR:

Senator McDonald.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

This item might be passed temporarily?

THE CHAIR:

Without objection, this item is passed temporarily.

Mr. Clerk.

THE CLERK:

Calendar page 23, Matters Returned from Committee, Calendar Number 75, File Number 74, Substitute for Senate Bill 229, AN ACT CONCERNING THE PRETRIAL SUPERVISED DIVERSIONARY PROGRAM FOR PERSONS WITH PSYCHIATRIC DISABILITIES, favorable report of the Committee on Judiciary and Public

**S - 606**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 9  
2597 - 2912**

tmj/gbr  
SENATE

282  
May 1, 2010

calendar items that I need to verify their precise  
calendar placement.

THE CHAIR:

Senate will stand at ease.

(Senate at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you. Thank you, Mr. President. I  
apologize for the delay.

Mr. President, one item that was placed on  
consent needs to be removed because it does need an  
amendment. It should be marked go instead. That is  
Calendar page 25, Calendar 125, Senate Bill 316 from  
the Human Services Committee. It should be marked go.

In addition, Mr. President, another go item is  
Calendar page 35, Calendar 277, Senate Bill 394 is  
marked go.

And, Mr. President, several more items for the  
consent calendar.

First, Calendar page 14, Calendar 472, House Bill  
5539.

THE CHAIR:

tmj/gbr  
SENATE

283  
May 1, 2010

Hearing and seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar page 23,  
Calendar 68, Senate Bill 221 for consent.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar page -- an  
item to be marked go -- Calendar page 29, Calendar  
194, Senate Bill 412.

THE CHAIR:

Is that for go?

SENATOR LOONEY:

That is for go, Mr. President.

THE CHAIR:

Thank you, sir.

SENATOR LOONEY:

And, Mr. President, two more consent items,  
Calendar page 32, Calendar 234, Senate Bill 167.

THE CHAIR:

Is there objection?

Hearing and seeing no objection, so ordered.

SENATOR LOONEY:

tmj/gbr  
SENATE

388  
May 1, 2010

for Senate Bill 176.

Calendar page 5, Calendar Number 242,

Substitute for Senate Bill 403.

Calendar page 14, Calendar Number 472,

Substitute for House Bill 5539.

Calendar page 23, Calendar Number 63, Senate  
Bill 185.

Calendar 68, Substitute for Senate Bill 221.

Calendar page 24, Calendar 104, Substitute  
for Senate Bill 45.

Calendar page 25, Calendar 125, Substitute  
for Senate Bill 316.

Calendar 128, Substitute for Senate Bill  
330.

Calendar page 26, Calendar 141, Substitute  
for Senate Bill 188.

Calendar page 29, Calendar 194, Substitute  
for Senate Bill 412.

Calendar page 30, Calendar Number 212,  
Substitute for Senate Bill 13.

Calendar page 31, Calendar 213, Substitute  
for Senate Bill 93.

Calendar 214, Substitute for Senate Bill

tmj/gbr  
SENATE

389  
May 1, 2010

192.

Calendar 219, Substitute for Senate Bill

402.

Calendar 220, Substitute for Senate Bill

325.

Calendar page 32, Calendar 234, Substitute  
for Senate Bill 167.

Calendar page 35, Calendar Number 278,  
Senate Bill Number 400.

Mr. President; that completes the items  
placed on consent calendar number 2.

THE CHAIR:

Thank you, Mr. Clerk, the machine will be  
open.

THE CLERK:

Mr. President, there's one correction.  
Calendar page 2, Calendar 118 was not placed on  
consent, that was referred to Finance, Revenue  
and Bonding.

THE CHAIR:

Thank you, Mr. Clerk.

Senator Fasano.

Have all members voted? Have all members

tmj/gbr  
SENATE

390  
May 1, 2010

voted?

Please check the board to make sure your votes are properly recorded? Have all members voted?

The clerk will announce the tally.

THE CLERK:

The motion is on adoption of the consent calendar number 2.

Total number Voting	32
Those voting Yea	32
Those voting Nay	0
Those absent and not voting	4

THE CHAIR:

The consent calendar passes

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I believe the clerk is now in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, Clerk is in possession of

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 11  
3349 – 3695**

**2010**

first hour is reserved for State officials. It's our practice to end -- to not call anybody beyond the first hour on the State official list.

I would also point out that today I believe there's a scheduled session of the Senate at 5:30. Is that correct? And under the rules of the General Assembly committees are not allowed to remain in session for a meeting or a public hearing while either house of the Legislature is in session. So we -- it looks like we may get through this in time but in case we don't I just want everyone to be aware that once the Senate gaveled into session we have to suspend the public hearing.

So, with that in mind first on the State official list is Sean Thakkar, Director of the Connecticut Justice Information System. Mr. Thakkar, come on up. If you don't mind just turn on the microphone before you begin speaking. Thanks.

SEAN THAKKAR: Good afternoon. My name is Sean Thakkar and I would like to -- I'd like to just -- I would like to thank Senator McDonald, Senator -- Representative Lawlor, Senator -- Senator Kissel, Representative O'Neil, Representative Tong and members of the Judiciary Committee. I'm addressing you regarding House Bill Number 5539. I'd like to thank the CJIS Governing Board for the unprecedented level of support for our operation and cooperation along with co-Chairs Lieutenant Governor Fedele and Judge Carroll

for their leadership and vision for the CJIS Community.

I would also like to thank Secretary Robert Genuario and Under Secretary Brian Austin from OPM for providing me their support and guidance for the last 18 months. It is important to note at the outset that I -- I have not had an opportunity to present or discuss House Bill 5539 with CJIS Governing Board. Although I brought up recommendations similar to those contained in the legislation before you at an earlier meeting of the CJIS Governing Board, some objections were raised.

The Governing Board has not seen or discussed this pending legislation and has not taken a position on it. So my testimony today represents only my personal viewpoint as a CJIS Executive Director and not any formal position of the CJIS Governing Board.

Specifically I have been advised that CIO Wallace strongly opposes Section 43 of this bill because she notes that the payphone revenue dollars presently pay for the salaries of 11 DOIT union positions that support OPM, DPS, DOC, DMV, DCJ, and the CJIS infrastructure. CIO Wallace asks that if this funding is removed from DOIT how will these people be paid? My position though is by passing this legislation the CJIS community will derive the following four benefits.

The CJIS Governing Board will be able to use the \$1.3 million to optimize the needs of the

projects and initiatives under its control. Number two, the CJIS Governing Board will be able to request the critical resources it needs with the proper skills, experience, and expertise. Proper staffing is imperative to ensuring that CJIS project and initiatives have a good chance for success. Additionally, by having the staff -- staff that is accountable to me, it will allow me to have a greater level of accountability to the CJIS Governing Board and ultimately to the CJIS -- to the General Assembly and the Governor.

Number three, the CJIS Governing Board will be able to work with DOIT to establish a service level agreement for the services requested. This will provide for accountability and performance measurement for the services received. And last, the CJIS Governing Board will have the ability to set standards that are specific to the CJIS community's needs. This will provide uniformity and consistency that is very much needed to have successful projects. I would like to sincerely thank the Committee for considering my recommendations and allowing me this opportunity to present my testimony. I am happy to answer any questions.

REP. LAWLOR: Senator McDonald.

SENATOR McDONALD: Thank you, Mr. Chairman.

Thank you, Mr. Thakkar for being here and for the record, for responding so quickly to my request that you be here. Because I know you're -- I know you're very busy but I thought

it was very important for us to have your testimony on this aspect of the bill in part because, you know, we -- we are often too -- too tempted to pass legislation and then go pat ourselves on the back for having done a good job when the job isn't done.

And so in this instance the job's not done. You're helping us perform our jobs. I appreciate you doing yours as well. And I just wanted to ask you, you mentioned that the Commissioner of Information Technology has opposed -- I think you said section 43. Is that right? I'm looking at the list -- at the sign up list of State agency heads. She hasn't signed up to testify. Do you know if she was intending to -- to come here or to submit testimony for our consideration?

SEAN THAKKAR: Not to my knowledge.

SENATOR McDONALD: Okay. Well, I appreciate you sharing her opinion. It would have been more -  
- in my opinion, it would have been more appropriate for her to tell us what her problems are rather than you tell us what her perceived problems are. But I appreciate you being the messenger here for her. Maybe we'll have an opportunity to have her before the Committee at some future point in time.

But I'm particularly interested in this aspect of the legislation in part because -- you may or may not know this but my mother was a legislator before me and the money that comes from these phone booths was one of her main

concerns because -- because this money comes not from inmates but from the families of inmates. And for years they were charged a disproportionate rate for what the actual expenses were. And they -- that money was diverted and it appears that it's still being diverted for uses that have nothing to do with criminal justice. And are used to fund information technology projects that have nothing to do with criminal justice. Is that -  
- is that accurate?

SEAN THAKKAR: Senator, I had asked for the accounting for the monies that will be provided specifically at \$1.3 million. I have not seen a complete accounting on that.

SENATOR McDONALD: When did you ask that?

SEAN THAKKAR: About seven months ago.

SENATOR McDONALD: And of whom did you ask it?

SEAN THAKKAR: I had asked it initially to the manager do it who at that time was assisting me with the projects.

SENATOR McDONALD: All right. Well, our legislative folks from OFA will be following up. They don't know it yet but I'm going to make sure that they follow up very rapidly. And hopefully we will get a level of cooperation that you haven't yet received. So to the extent I can speak for the State and I can't I can only speak for myself. I'm sorry that you haven't been given the tools you need to

perform your job because you've got an extraordinarily important job. And I just want -- I just want to be clear, if this were to -- if this were to pass, and become law what would that money allow you and CJIS to do?

SEAN THAKKAR: Well it will allow us to do numerous things but the most important aspect of it will be that the CJIS Governing Board by itself will have the ability to direct me to use those funds that are in the best interest of the CJIS Governing Board and i.e. more specifically towards the CJIS community projects that we have within our purview right now, i.e. the Connecticut Information Sharing System that we are trying to achieve or put in place so that we can exchange the information which will help us conform to the legislation of the Public Act 08-01 or the two existing initiatives. One is the OBTS as well as, you know, Connecticut Impaired Drivers information system. Those are the two -- other two that are also within the CJIS Governing Board's purview at this time.

SENATOR McDONALD: And -- and I probably misspoke when I said what would it allow you to do. It would be what it allow us -- the CJIS community to do as directed by the Board.

SEAN THAKKAR: Correct.

SENATOR McDONALD: Lead by the Lieutenant Governor and the Deputy Chief Court Administrator.

SEAN THAKKAR: That's correct.

8  
Law/gbr JUDICIARY COMMITTEE

March 26, 2010  
1:00 P.M.

SENATOR McDONALD: Okay. And I -- just -- just so, for members who aren't familiar with it. How many members are on the CJIS Board?

SENA THAKKAR: Sixteen.

SENATOR McDONALD: And it's a -- it's a multibranch, multiagency, multidimensional Board all -- with folks from the local level, folks from the State level all trying to coordinate information technology for the criminal justice system. And this money, in your opinion, is critical to developing and deploying that information technology system. Right?

SEAN THAKKAR: That's correct.

SENATOR McDONALD: I want to thank you for your time here today and actually -- well, you know what, let me yield back to the Chairman and maybe if other members have other Committee questions.

REP. LAWLOR: Thanks, Mr. Chairman. I just had one question, Mr. Thakkar, because it occurs to me -- you know, I think it's fair to say that a number of other states have already sort of found a way to have this unified criminal justice information type system. Isn't that correct?

SEAN THAKKAR: That's correct, sir. We are not the first state who's going to invent the wheel here. There are quite a few states and more than states there are quite a few counties that have implemented similar systems albeit, the kind of system we are trying to envision would

be a very much holistic approach to information sharing which will probably put us as one of the first states to implement a system which is of a holistic of nature rather than one is very narrow and very short focused.

REP. LAWLOR: And -- well the reason I asked the question is I would guess over the last -- how long has it been since you came on the job? A year and a half?

SEAN THAKKAR: Eighteen months exactly.

REP. LAWLOR: Eighteen months. Right. And the -- I'm sure you've had the opportunity to meet with and talk to your colleagues in other states, et cetera. I mean, is the -- is what's being proposed in this bill in effect giving you direct control over your own staff, et cetera, is that more the norm in other states or would it be exceptional? Is this a new model or is this the standard model that's being proposed here.

SEAN THAKKAR: That is, in my opinion a standard model, sir.

REP. LAWLOR: And that's based on your conversations with similar officials to -- officials similar to yourself in other states.

SEAN THAKKAR: Yes, sir. I had the good fortune also of working for an organization, albeit a private sector organization prior to this -- coming onboard with the State of Connecticut, where I was responsible in helping other states

and other municipalities achieve similar procurements and similar objectives and that was a standard practice that whoever was given the responsibility of implementing certain similar systems that they had the ability and the wherewithal to be able to successfully implement it.

REP. LAWLOR: All right. Thank you. Are there questions from other members of the Committee. If not, let me say thanks. And I know we've been over this ground before but you -- you were not here when we -- when this Committee and the General Assembly as a whole tried to deal with a very real problem that became apparent after the tragedies that took place in July of 2007.

And -- so -- or 2008 I guess it was -- 2007. Right. Sorry. And the -- the goal we all shared -- and I think many members of the Legislature and I'm sure citizens at large and many frontline criminal justice professionals are very passionate about this was that there has to be a way -- we have to find a way to get crucial information into the hands of frontline decision makers so they can make the right decision at the right time to avoid tragic outcomes such as we saw in Cheshire.

And by presenting this language here today we're hoping that we can help to enable that process. And we rely on you to -- to lead the effort but we also want to make sure that you have the authority and the resources you need to make that happen especially now that we're

in the midst of a very significant budget crisis. And if there's any waste or the implication that goes along with having sort of diffused authority and not clear chain of command, maybe we can eliminate that wastefulness and that bureaucracy through this kind of language.

So I just wanted to -- because you weren't here two years ago -- two and a half years ago to hear this so I just wanted to reemphasize that to you today. And I know that you've been working in good faith to accomplish those goals but I wanted to be clear about that.

Senator Kissel.

SENATOR KISSEL: I want to associate myself with the remarks both of Chairman McDonald and Chairman Lawlor. And at the cross training exercise that Chairman Lawlor and I were honored enough to speak, I -- I thought there were like 1,000 people in the audience but Michael indicates there were about 300. But it was a lot of people from all areas of the criminal justice system and you were there too.

And again, if there's one thing that we has as a gigantic take away from that, all those hearings and everything else -- and I know that when I talk about Chief State's Attorney Kane, he goes, listen, as much as he articulated here in those -- during those public hearings, it was Chairman Farr that had already begun along the path of trying to make sure that there was an exchange of information so that everybody

had the most up to date information possible to make these very difficult decisions for any individual whether it's the initial arrest all the way through to the possible pardon hearing and anything and everything in between.

We can't be -- the people that are making these decisions cannot be insurers of the public safety but they can have the most information humanly possible to make the best decisions possible. And it would be disingenuous -- disingenuous -- I can't even pronounce that word -- disingenuous for us to march along that path in response to the horrific tragedies in Cheshire. And I've told Dr. Petit this. I mean it's so bad but if any good can come out of that it's that we will have reformed our criminal justice system and made great strides as far as the sharing of information so that we've minimized the potentiality of those problems happening in the future.

And so I am completely supportive of your efforts. I think you've been extraordinarily patient, to be quite honest. And -- and maybe we need to be a bit more aggressive because this is a priority for our State. And fundamentally in our Constitution and the United States Constitution it's the public safety that is one of the primary goals -- goals and challenges of government. And so anything and everything that we can do to -- to march along that path and marshal the resources to allow you to do your job is -- is what we should be all about. So thank you for your dedication.

SENATOR McDONALD: Representative Tong.

REP. TONG: Thank you, Mr. Chairman.

Thank you, Mr. Thakkar for coming here today and thank you for all of your work especially in the last few months in trying to sort out these issues. We've been engaged in many meetings and discussions, you know, that I've been included in as Chairman Lawlor's designee on the Board. So I do want to thank you for your thoughtfulness and suggestions on how to improve this process. I know that for all of us it is -- it is a huge incredibly urgent priority. And -- and that's what I want to talk about. I want to talk about the urgency quickly. We are -- my understanding of the process is that we're in a particularly important time right now in moving this forward and I was hoping you could tell us just in brief where we are in terms of the RFP and -- and you know, what you expect to see in the next six to nine months in this process.

SEAN THAKKAR: Thank you, Representative Tong.

We are right now in the final stages of finalizing the request of proposals. We are hoping to have that request of proposal on the street within the next 30 to 45 days. Once the RFP is on the street we will give the (inaudible) community at least two months to prepare the proposals and responses. And once those proposals and responses are forwarded to us we will then take the -- we will already by

then form a evaluation committee made up of the community members or the stakeholders within the CJIS community and we will go through the arduous process of evaluating each and every proposal, ranking them by quality and quantitatively in the sense we will be doing the qualitative analysis on those proposals as well as the quality -- quantitative analysis of those proposals.

Independently to that we will also ask our consulting company, MTG to do their own analysis on those proposals and once those have been completed then we will bring the evaluation selection team together and -- to start, you know, beating down the proposals so that we can find the right vendor and the right mix. The idea here is not to get the lowest cost proposal but to get the optimal proposal which is in the best interest of the State.

REP. TONG: And to get the optimal proposal it's my understanding that we really need to show the vendor community and the marketplace that this State is serious about this undertaking. Isn't that right?

SEAN THAKKAR: Absolutely, sir. In these economic times, preparations of these proposals are of a costly nature to the vendor community and unless and until they are convinced that we as a State have the wherewithal to see it all the way through, the response factor would be low if they felt that way. The response factor would be very, very high and in turn help the State from a competitive bidding perspective if

they knew for -- in no uncertain terms that the State was behind this act initially.

REP. TONG: So, not only do we need a strong and robust team ready to go to do all of the tasks that you just outlined and to undergo implementation when we get to that point months down the road but it's critically important to show the vendor community that this robust team is going to be there, that this commitment is going to be there going forward. Is that right?

SEAN THAKKAR: Yes, sir.

REP. TONG: Thank you, Sean.

SEAN THAKKAR: Thank you.

SENATOR McDONALD: Is there anything further? If not, I just wanted to follow up on one thing. You indicated -- well most of the points that are included in this legislation were from items that you talked about when you were before us during the -- our oversight meeting. When? Back in January sometime?

SEAN THAKKAR: January 19, sir.

SENATOR McDONALD: So, you at that time had not had an opportunity to review those items with the CJIS Board as I recall. And you made that very clear. After your testimony in January you did bring those items to the CJIS Board?

SEAN THAKKAR: Yes, sir, but I --

SENATOR McDONALD: And what happened? No. And what happened when you did?

SEAN THAKKAR: When I did bring up the recommendations during the January 19 Governing Board meeting there was some concern on the CIOs part regarding some of the recommendations.

SENATOR McDONALD: And you've talked about that before. But other than -- other than Commissioner's Wallace's concerns about protecting money in her Department, what was the feeling of the rest of the CJIS Board?

SEAN THAKKAR: To tell you honestly most of the Governing Board members were still trying to digest the recommendations and there was no opinions that I remember were expressed at that meeting by other Board members, either positive or negative.

SENATOR McDONALD: And that was in -- when was that meeting of the Board?

SEAN THAKKAR: That was on January 19.

SENATOR McDONALD: It was the next day.

SEAN THAKKAR: It was two days.

SENATOR McDONALD: Okay.

SEAN THAKKAR: It just happened that I would have normally presented these recommendations to the

17  
Law/gbr JUDICIARY COMMITTEE

March 26, 2010  
1:00 P.M.

Governing Board prior to me coming to the  
Judiciary Committee hearing but it just  
happened --

SENATOR McDONALD: The timing thing.

SEAN THAKKAR: -- that the -- yeah, that the meeting  
was on a --

SENATOR McDONALD: Right. So, since has the Board  
taken any action on any of those  
recommendations since you originally submitted  
them in January of this year?

SEAN THAKKAR: No, sir, because our next Board  
meeting is on April 22.

SENATOR McDONALD: Oh. Okay. Okay. So there's  
hasn't been a full Board meeting since that  
time.

SEAN THAKKAR: Correct.

SENATOR McDONALD: Got it. Well that's very  
helpful. Thank you very much.

SEAN THAKKAR: Thank you, sir.

SENATOR McDONALD: Next is Kevin Kane, who may have  
to testify as a member of the CJIS Board as  
well here. Good afternoon.

CHIEF STATE'S ATTORNEY KEVIN KANE: Senator Kissel,  
Representative Klarides and Representative Fox,  
my name's Kevin Kane. I'm the Chief State's  
Attorney and I'm here to testify on behalf of

SB487  
HB5539

the Division with regard to Bill number 40 -- 487. Originally State's Attorney Dave Cohen from the Judicial District of Stamford and State's Attorney Trish Frolich were going to come here to testify about this bill because it's concerns that they had about cases which they prosecuted in their J.V.s a couple of years ago. Neither one of them is available.

I'm here as a -- as a substitute to testify in their place. The Division's concerns are these with this bill; those cases and a few other cases that we've had have revealed real inadequacies with the present law making it a criminal -- crime to deal in and engage in the unauthorized practice of law. At present the maximum penalty for unauthorized practice of law is \$250 fine or six months incarceration -- and or I shouldn't have said or -- and or six months incarceration. That's not enough.

We have people in at least one of these cases -- both of these cases reflected sever misconduct which took advantage of people who -- who went to people they thought were lawyers to seek advice and representation. And one of them -- somebody who didn't have a license -- wasn't licensed at all actually represented a defendant in -- in a DUI case -- in a drunk driving case. Had a trial and lost the trial. The defendant got convicted and the maximum penalty was only \$250 or six months in jail and that's insufficient.

We're asking that the penalty be increased to a felony. This bill would make it a class D

felony. It certainly is -- is something that we think the Legislature should do. The second shortcoming with this statute is it does not make it a crime for a person who has been admitted to the bar and then subsequently is disbarred or suspended. It's not a crime for them to practice law which is -- it doesn't make sense at all. We have had a case in Tolland, that's what Trish Frolich would have talked about -- or I'm sorry -- Windham.

Trish Frolich would have talked about that where there was a lawyer who was suspended, engaged in the private practice of law and -- and we couldn't prosecute that person. That's -- those are the amendments we're asking. With regard to and what I -- Senator McDonald just advised me I might be asked about, I was about to as I listened to Sean Thakkar testify that the criminal information system is the most important thing we can do for public safety. Not just for public safety but for justice in this State. And justice is seeking the truth and the only way to seek the truth is to make sure that information gets made to decision makers at the time when they need when that information in order to make their proper decisions whatever that decision may be.

HB 5539

It's critical for public safety. It's critical that cases are handled right. With the system we have now after -- after -- after we saw what was going on a couple of years ago that this is a crucial thing for the State of Connecticut to do and had to do it with a great deal of urgency. The Legislature was terrific, imposed

-- created a statute, authorized us an Executive Director to be hired and he needs some help. He really does need help and staff.

One of the wonderful things that happened this year after 15 years of asking for an IT manager -- an information technology manager, we got one thanks to the Legislature and -- and the executive branch also. And we got one but we had to let her -- we had to assign that -- our own IT manager which we need critically to develop a case management system for the Division so that CIJS can proceed.

We had to assign our IT manager to help Sean Thakkar perform some important tasks that he couldn't do without -- without some help. And we've had to -- now we have to bring our IT manager back. The executive branch did get us some terrific grants and funding so we can now for the first time ever have a real case management system in the division. We have to have our -- our IT manager work on that to get that up and developing so that CIJS can proceed because without it CIJS can't proceed. That leaves Sean Thakkar with a dire need for help and assistance. And I -- I hope this Committee is fully aware of that. I'm sure it is.

SENATOR McDONALD: So just -- thank you, Kevin but just so we're clear the Chief State's Attorney's Office is supportive of those provisions that are included in 5539 which were the recommendations of Mr. Thakkar.

CHIEF STATE'S ATTORNEY KEVIN KANE: That's correct.

SENATOR McDONALD: Okay.

CHIEF STATE'S ATTORNEY KEVIN KANE: And the only --  
I don't know enough about the rest of the bill.  
I wouldn't -- I haven't had time to get.

SENATOR McDONALD: Well they're from the -- the rest  
of the bill is from the Judicial Branch so you  
should probably be in favor of it.

CHIEF STATE'S ATTORNEY KEVIN KANE: They can do very  
well on their own without me in fact. Maybe  
better without me.

SENATOR McDONALD: All right. But I appreciate --  
actually you've answered all of my questions.  
Thank you. Are there any questions?

Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman  
McDonald.

Chief State's Attorney, it's always a pleasure  
and I remember like it was just yesterday, you  
sitting right there and we were debating three  
strikes. We were debating turning burglaries  
into violent offenses as opposed to nonviolent  
offenses. Governor Rell to her great credit  
just put the brakes on the system and said we  
need a top to bottom assessment of where we  
stand as a State. Granted that may have caused  
a little backup as far as some of the release  
mechanisms but we had to do an assessment as a

State. And we had to take pause and we had to look at it from every direction.

And I remember that day during the informational public hearing, you came up and you said the greatest thing that we can glean from the most recent events is information sharing and we need to figure out a better way to do all of this. And that has led us all the way directly -- and you gave great credit to Chairman Farr saying that one of the very first things that he did was he recognized that there was a problem and initiated discussions with your office to try to break through some of those -- those log jams.

And it was almost as if every page that was turned people realized there's so much more that needs to be done. And we've done -- the Judicial Branch did the bridge mechanism which has helped so far but that according to my recollection of Mr. Thakkar's testimony at a previous hearing that's about 10 to 12 items and we're talking about hundreds of items that need to be able to be networked into an information technology system.

And so I just want to applaud you because you have been a champion regarding this every step of the way. And I think at the end of the day if that's -- you know, if there's very few things that get done even in this difficult recession this is one where if we can get it up and running, not only public safety as -- as you indicated but justice.

And we owe it to the citizens of the State of Connecticut to do our utmost in this area. And it's probably as important if not more important than making sure that we have safe highways and bridges and everything else. We would never, ever condone having people go from point A to point B in the State of Connecticut in their automobiles and have that be an unsafe journey. And yet we have this information that needs to make a similar journal and it is fraught with peril even to this day. And we are just not allowing the decision makers that have critical decision making responsibilities regarding criminal justice to have all the means that they -- at their disposal that they need to make the most informed decision possible.

And so, we need to match that up and pair that up because it's every bit as important. So I will high five you.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thank you, Senator. I think you and the whole membership of this Committee I think has recognized the need for that. I think that -- that is the most important need we have today.

SENATOR McDONALD: Representative Tong.

REP. TONG: Thank you, Mr. Chairman.

Nice to see you, Mr. Kane.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thank you, Representative Tong.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 12  
3696 – 4026**

**2010**

to either include the qualifiers administrative and legislative lobbying or just take out the qualifier altogether that suggests legislative lobbying is the only permissible activity of lobbying or pursuit of lobbying. And we appreciate your time and consideration.

REP. LAWLOR: Well, thank you very much.

Are there any questions?

If not, you're free to go. I apologize earlier on apparently Judge Quinn was called but was at a judge's meeting and since she was the Chief Court Administrator and she's been seated for quite some time I apologize to Attorneys Costas and Porto who I'm sure will allow Judge Quinn to go forward here for a minute. And -- and then we'll get back to them.

JUDGE BARBARA QUINN: Thank you so much.

REP. LAWLOR: Good afternoon, Your Honor.

JUDGE BARBARA QUINN: I appreciate it. My name is Barbara Quinn and I'm the Chief Court Administrator for the judicial branch. I know you have a lot of matters before you so I'll try to make this brief. I have three bills on which I'm just going to make some brief statements. We have submitted written testimony. The first of those is Senate Bill 486, AN ACT CONCERNING SUPREME COURT AND APPELLATE COURT DECISIONS. With respect to this bill we would respectfully suggest to you that the bill is not necessary as the majority

HB 5540  
HB 5539

addresses some structural shortcomings in the current system and obviously I would also stress that there would be no pay raise until it is determined by the executive branch and OPM that it was appropriate to do so for the dollars available within the State for State workers. Last but not least and a bit longer, my testimony with respect to House Bill 5539.

Many of the provisions of this bill may look familiar to you because we have introduced most of them for the past three years. And they are often quite technical and corrective in nature. The first six sessions concern our Supreme Court procedure to eliminate obsolete language and conform the statute to current practice within the court. And in Sections 5 and 6 we basically make a change in the law to provide that when there is an appeal directly to the State Supreme Court based on statutes concerning electors and candidates aggrieved by a ruling of election officials that that process has to be certified that in fact mail was sent. It is not now in the statute. It is an omission.

Sections eight and nine of the proposed statute would authorize the Chief Justice and the Chief Court Administrator to take action necessary in event of a major disaster or public health emergency to ensure the continued operation of the courts. And I think that's a very important piece so that the business in courts can move forward without too much impedance in those circumstances. Section ten and 11 would include children and families served by courts

-- courts services division in the behavioral health partnership and would actually aid in the smooth functioning of securing federal reimbursement in many instances.

It would also appoint the representative of CSSD to the Behavioral health Partnership Oversight Council as a nonvoting member again to make that process smoother. Sections 12 and 13 would add judicial branch family services staff to the list of mandates reporters and change the statute to allow them to report abuse as required. Section 14 and 15 are sort of nomenclature changes to make the statutes conform to practice.

Sixteen takes away obsolete requirement for bond for prosecution. Seventeen adds a fee for the issuance of a certificate of good standing for attorneys because there are some administrative costs connected to that. Eighteen is an accommodation to the United States Probation Office to allow them to get certified copies of our criminal records without a fee.

And Section 19 makes a minor technical change with the early termination of probation basically to allow us to calculate that termination on the longest probation period so that people who have several of them, we don't have to go through the process three or four times with a shorter sections. Twenty-two, 23, 24 and 25 make corrections and repeal the zero tolerance drug supervision program. Section 21 allows a judgment minimus to be entered into

our paperless arrest warrant network prawn so that that can be accessed at any time around the State by officials who need that assistance.

And also Section 27 makes it clear that access to our criminal records can be provided through that system. Twenty-three makes a correction to the reference to Office of Alternative Sanctions which hasn't existed for ten years and now mentions the Office -- the Court Support Services Division. Section 28 is one that we have testified to a number of times and basically would give additional authority to probation officers to address some situations they often find themselves in.

So if an officer were to observe a person under probation violating a condition of probation or actually committing a crime they could detain them until a police officer could come to arrest them. It would allow them to participate in interagency warrant squads for example with the federal government and also to hold contraband until the police may come if they should find some in accordance -- in the course of their duties. The next sections are technical in nature correcting language to current practice.

Section 60 -- 34 would allow the Office of Victims Services to expend some funds under the criminal injury compensation fund that it received pursuant to segregation. That fund has obviously not got enough money in it pay all the claims that are made and this would

allow for more timely expenditure of funds. Let's see. The other sections 35 and 36 also deal with the Office of Victims Services.

Sections 37 and 39 would allow the court to take measures to identify fathers of children who are subject to abuse and neglect proceedings. In many of those cases we have difficulty identifying who the fathers may be and this would allow us to take additional steps to find them and to provide them with adequate notice. Let's see. One of the sections I think that may interest some of you is 42 which would delete the requirement that the judicial branch keep the court in Bristol open 40 weeks a year.

And our request to change that is the result of the State's budget crisis. And our plan is to close the Bristol Court and move that caseload to New Britain. Ever since the New Britain Courthouse has come online that space has been adequate and the number of judges assigned to take care of that business that is now still handled at Bristol. And it is not efficient to have that operation in Bristol which is relatively small. And with that I will end my testimony and also say there are a number of proposed amendments that are attached to my testimony of things that we would ask be added. Thank you.

REP. LAWLOR: Thank you, Judge. That was very comprehensive review of what's being proposed. And let me just see if there's any questions from the Committee. Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman Lawlor.

Just a brief on -- on the one that I know that you feel very strongly about and I believe Ms. -- Ms. Fuller feels strongly about too because it's been a couple of years since we've been able to get one of the major judiciary through this building. The one you just spoke about, is there any kind of fiscal note or do you anticipate that that's more procedural and it really doesn't have any.

HB 5539

JUDGE BARBARA QUINN: There is no fiscal impact as far as we can tell. We have not sent any information over to OFA. It's more procedural, bringing statutes in line with what the current law and other sections of the statutes are and how we operate. So I would say no, there is no fiscal impact. I will say I'm -- I shouldn't say it categorically because Sections 43 and 44 concern the criminal justice information system and they're not provisions that we added to this bill so I'm not sure about those two. I don't think so.

SENATOR KISSEL: Well great. And the other question I have is -- you know, Judge Ianotti came and spoke very eloquently in favor of the bill regarding linking of judges' salaries to other folks and you know I appreciate the fact that there's some very accomplished attorneys out there that made a lot of money when they were in private practice. And perhaps the shift

HB 5540

**UNITED STATES DISTRICT COURT**  
**District of Connecticut**  
**U. S. Probation Office**

**Edward S. Chinn**  
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March 23, 2010

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**Testimony of**  
**Warren Maxwell, Deputy Chief U.S. Probation Officer**  
**before the**  
**Judiciary Committee**  
**on**  
**H.B. 5539**  
**“An Act Concerning Judicial Branch Powers and Procedures and the Criminal Justice**  
**Information System”**

March 26, 2010

Dear Senator McDonald, Representative Lawlor, and members of the Judiciary Committee: My name is Warren Maxwell and I serve as the deputy chief U.S. probation officer for the federal courts in Connecticut. I submit this testimony before you today in support of H.B. 5539, which contains a small provision that an employee of the United States Probation Office, acting in the performance of such employee's duties, shall not be required to pay any fee specified in section 52-259, as amended by this act, for any certified copy of any criminal record.

I note that the Immigration and Naturalization Service as well as the Federal Public Defender's Office are already receiving these records at no cost. Although U.S. Probation is a national system, we are a small agency funded at the local level. It is my sincere hope that passage of this Act will better enable us to work collaboratively with the State of Connecticut to get these crucial records into the hands of our probation officers and Judges so that we may efficiently and effectively administer justice and promote public safety.

Thank you for your time.



# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.  
State Victim Advocate

**Testimony of Michelle Cruz, Esq., State Victim Advocate  
Judiciary Committee  
Friday, March 26, 2010**

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised House Bill No. 5539, An Act Concerning Judicial Powers and Procedures and the Criminal Justice Information System (OPPOSE SECTION 35)**

As many of you may recall, John Cluny, a member of Survivors of Homicide, fought hard for several years to provide assistance, through a zero – one percent loan provision, to a victim who was financially devastated as a result of a crime. John's wife and son were murdered in their home by a neighborhood teenager. During their life together, John and his wife were hard working professionals and owned a home as well as several rental properties. As a result of the horrendous crime, John soon found himself in bankruptcy as he was no longer able to pay the mounting bills on one income.

Shortly after passage of Public Act 00-200, John contacted the Office of Victim Services (OVS) and requested an application for the loan program. At that time, John was informed that no such application had been developed or published. Sadly, John has interpreted this to mean that the passage of Public Act 00-200 was merely to silence his efforts. As often happens with crime victims, John has given up his efforts, and instead, is rebuilding the life he has left. The Office of the Victim Advocate (OVA) spoke with John about the proposal to eliminate the zero – one percent loan provision and, honestly, he was not at all surprised; disappointed but not surprised.

Interestingly, the Judicial Branch website, Victim Services link ([http://www.jud.ct.gov/crimevictim/#Crime\\_Victim\\_Compensation](http://www.jud.ct.gov/crimevictim/#Crime_Victim_Compensation)), describes the compensation program available for crime victims and includes a printable version of the application. However, there is no description, reference or mere mention of the zero – one percent loan provision.

The OVA has met with families who have had to secure a loan for the "actual" costs of a funeral; one victim was awarded the \$4,000.00 funeral benefit and still had to secure a loan for the remaining and additional \$6,000.00 it cost to bury their murdered loved one. I wonder if this grieving mother had been told of the loan provision; my guess is no.

Although the Judicial Branch may claim this program is underutilized, the reason is likely that it is not mentioned in any of the literature on compensation, not actively offered to families and when a victim requested an application to participate in the program, that victim was told there has yet to be an application designed. Thus, if victims are not told of the availability of a program, the program will not be used. This program was endorsed by the legislature when the legislature decided to create the statutory language to offer the program. For an agency then to simply ignore the legislature, not activate the program and then come back a few years later and try to get rid of the program for "lack of thriving" seems ridiculous. Many victims have voiced their frustration over having to take out loans to pay for funerals- this program was available and never offered to those families!

I strongly urge the committee to reject Section 35 of Raised House Bill No. 5539. The zero - one percent loan provision program has not even been given a chance. This proposal is really another consequence of an attempt to balance the state's budget on victims' programs. Haven't victims already paid enough?

Respectfully submitted,

*Michelle A. Cruz*

Michelle Cruz, Esq.  
State Victim Advocate



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**EXTERNAL AFFAIRS DIVISION**

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**Testimony of the Honorable Barbara M. Quinn  
Chief Court Administrator  
Judiciary Committee Public Hearing  
March 26, 2010**

**House Bill 5539, An Act Concerning Judicial Branch Powers and  
Procedures and the Criminal Justice Information System**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, in support of House Bill 5539, An Act Concerning Judicial Branch Powers and Procedures and the Criminal Justice Information System. This bill includes the majority of the Judicial Branch's legislative proposals for this year, and I respectfully request that the Committee approve it.

Many of the provisions of this bill may look familiar to you, because they have been included in previous years' bills. Recognizing that the bill covers a wide variety of areas, my written testimony goes through it section by section, but I will summarize it here today.

Sections 1 through 6 concern Supreme Court procedures. Sections 1 - 4 eliminate obsolete language and conform the statutes to current practice. I have submitted a proposed amendment to section 3 of the bill, to reflect the most current draft of the requested revision, and I would respectfully request that you incorporate this amendment into substitute language.

Sections 5 and 6 stem from the need to require some basic judicial process, in terms of service, in the statutes authorizing electors and candidates aggrieved by a ruling of elections officials to file a complaint with the Supreme Court. The proposed changes would require complainants to certify that they have sent a copy of the complaint to the State Elections Enforcement Commission. Since the current statute requires that a complainant send a copy by "first class mail or hand deliver" but does not require a certification that this has occurred, the only way to determine if this has occurred is for the clerk's office to personally contact the Elections Enforcement Commission. A certification of service requirement for election complaints would bring

these types of actions in line with the existing practice of requiring a certification of service for submissions to the Supreme Court.

Sections 8 and 9 would authorize the Chief Justice and Chief Court Administrator to take any action necessary, in the event of a major disaster or public health emergency, to ensure the continued operation of the courts. These actions could include establishing alternative sites to conduct judicial business, if that became necessary because existing court location(s) could not be used, authorizing the use of technology to conduct court business from an alternative location and suspending any judicial business that is not critical. Enactment of this language is important. While we all hope that we will never have to use these provisions, we also recognize that we must be prepared for a worst-case scenario. We would not want to compound the effects of a disaster by being unprepared to cope with it.

Sections 10 and 11 would include children, adolescents and families served by the Court Support Services Division in the Behavioral Health Partnership's integrated behavioral health service system, and add a representative of the Court Support Services Division, as an ex-officio, nonvoting member, to the Behavioral Health Partnership Oversight Council. We have been working with the Department of Social Services to ensure that eligible court-involved children are covered by the Behavioral Health Partnership; this statutory change will facilitate that goal.

Sections 12 and 13 would add Judicial Branch Family Services staff to the list of mandated reporters and would amend the language that currently prohibits them from disclosing the information they would need to disclose in that role.

Section 14 would change the name of housing specialists to house mediators, in order to reflect their true function. Housing specialists spend the majority of their time mediating landlord/tenant disputes. Amending their title to "housing mediator" will make it clearer to the public just what they do.

Section 15 would broaden the pool of professionals who can certify that a person who has been summoned to jury duty is incapable of serving due to a physical or mental disability, to include licensed health care providers who are not physicians. This would apply only to non-permanent medical disqualifications. This reflects the reality that medical professionals who are not physicians are taking on an increasingly prominent role in the health care system.

Section 16 would replace the obsolete requirement that a plaintiff in a court action post a bond for prosecution, and instead provide for it to be posted only upon the request of the defendant and an order of the judge.

Section 17 would establish a statutory fee of \$10.00 for a certificate of good standing for attorneys.

Section 18 is included at the request of the United States Probation Office. It would provide them with the same exemption from paying for certified copies of criminal records that the Immigration and Naturalization Service and the Federal Public Defenders currently enjoy.

Section 19 would make a minor change to the process for early termination of probation that was established by Public Act 08-102, so that a probationer who is serving more than one term is considered for early termination only of the probation period that runs the longest. It would not make sense to go through the termination review process for one period of probation if the person would still be on probation for another offense.

Section 21 would allow judgment mittimuses to be entered into the Paperless Arrest Warrant Network (PRAWN). A judgment mittimus is a warrant of commitment to the Commissioner of Correction following a criminal conviction, which is executed in court when the offender is transported from court to a DOC facility to begin serving a sentence. It is similar to other documents that are stored in PRAWN. PRAWN is now available to more than 140 criminal justice agencies around the clock, and it is regulated with comprehensive entry and removal procedures that ensure accurate, complete and timely warrant information.

Sections 20, 22, 24, and 25 would repeal the Zero Tolerance Drug Supervision Program. The implementation of the Technical Violations Unit project (TVU) has eliminated the need for this pilot program, which provides no treatment services and is inconsistent with a risk reduction model. The components of the Zero Tolerance program (random urinalysis and a 2-day residential confinement for positive test results) can be achieved under existing conditions of probation. Further, statistics indicate minimal use of the Zero Tolerance program and an unsuccessful discharge rate of 60%, as compared to TVU, which utilizes a research-based approach.

Section 23 eliminates some leftover obsolete references to the "Office of Alternative Sanctions" and replaces them with "Court Support Services Division." The Office of Alternative Sanctions was absorbed by the Court Support Services Division approximately ten years ago.

Section 26 creates some much-needed exceptions to the requirement, enacted two years ago, that the Judicial Branch post all violation of probation warrants on the Internet.

Section 27 is another technical change to make it clear that the access to criminal records provided by the Branch can be through the Paperless Rearrest Warrant Network (PRAWN).

Section 28 would expand probation officers' authority to address some real-life situations that they have encountered while in the field. This includes allowing a probation officer to detain, until a police officer arrives, any person who the probation officer observes in the act of violating a condition of their probation, as well as any person who is the subject of outstanding arrest warrants. Under current law, when a probation officer sees a probationer threatening the public's or a victim's safety, the only thing the probation officer can do is to call the police and then try to persuade the probationer to remain until the police officer arrives. It would also allow them to detain probationers with outstanding warrants. This, along with the provision authorizing probation officers to participate in interagency warrant squads, will greatly assist in reducing the high number of outstanding arrest warrants.

In addition, this section would make it clear that probation officers, in the course of their official duties, can possess contraband. They need this explicit authority because although it seems only logical that a probation officer who discovers, for example, illegal drugs while conducting a visit would be able to seize those drugs, this authority is not currently in statute.

Sections 29 - 33 eliminate references to the appointment of victim advocates. C.G.S. Sec. 54-221, which authorizes the court to appoint a victim advocate, is repealed by section 45. This provision is a vestige of the time when victim services were overseen by the Commission on Victims Services, before this function became part of the Judicial Branch. The court has not appointed any individual to act as an advocate for any particular victim of crime since 1993, when victim advocates became Judicial Branch employees. Furthermore, the current statute inhibits our victim service advocates' ability to access information normally available to them as Judicial Branch employees because the appointing language is sometimes given more consideration than the advocate's standing as a Branch employee.

Please note that sections 29, 31, 32, and 33 eliminate the reference to section 54-221, and replace it with a reference to section 54-220, the section pertaining to the responsibilities and duties of the Branch's victim service advocates. Section 30 removes the reference to 54-221; any further amendment of that section is not needed because it already provides for Judicial Branch employees to have access to the referenced records.

Section 34 would allow the Office of Victim Services (OVS) to expend money deposited into the Criminal Injuries Compensation Fund (CICF) that has been recovered pursuant to subrogation. As members of the Committee are aware, OVS faces an annual challenge in compensating crime victims who have suffered a personal injury in a timely fashion because OVS is limited in each fiscal year to spending the amount that has been allocated by the legislature, despite the fact that there is additional money available in the fund. Currently, the amount allocated is not nearly enough money to compensate all eligible crime victims. While this change would not

substantially increase the amount of money that could be expended - recovery receipts average approximately \$89,500 - it would allow victims to obtain timelier pay-outs.

Section 35 of the bill seeks to repeal the provision which authorizes OVS to grant loans to crime victims. Although the Branch appreciates the intent behind the enactment of this provision in 2000, we would respectfully note that an increase in the annual allocation to the CICF was never received to implement this initiative, nor have we ever received any requests for a loan.

Section 36 more accurately describes the practice of OVS when it receives a claim for immediate payment due to an undue hardship. When such a claim is received, OVS gathers and reviews the documents needed to support the granting of the claim as quickly as possible, and then orders payment. Currently, the law creates the false expectation that payment will be made immediately; the bill clarifies this by stating that the payment will be expedited.

Sections 37-39 would allow the court to take measures to identify the father of children who are the subject of abuse and neglect proceedings. This is needed so that we can ensure that fathers receive proper notice of neglect and termination of parental rights proceedings involving their children.

Sections 40 - 41 make it clear that a victim who has been assaulted by a juvenile may request that the court order the perpetrator be tested for sexually transmitted diseases. This is currently done in cases involving adults.

Section 42 would delete the statutory requirement that court be held at least 40 weeks a year in Bristol. This is the unfortunate result of the state's budget crisis. Our plan is to close the Bristol court and move that caseload to New Britain, where it can be easily absorbed.

I would just note that sections 43 and 44, concerning the Criminal Justice Information System (CJIS), were not part of the Judicial Branch's legislative package.

Thank you for your time. I would like to conclude by urging the Committee to act favorably on this proposal.

Proposed Amendment to H. B. 5539, AAC Judicial Branch Powers and Procedures and  
the Criminal Justice Information System

1. In line 35, insert brackets around "full court. A full court shall consist" and "panel consisting" immediately thereafter.
2. In line 36, insert an opening bracket before "or, upon".
3. In line 38, insert a closing bracket after "judges".
4. In line 39, insert brackets around "absent and such right is claimed" and "disabled" immediately thereafter.
5. In line 40, insert brackets around "absence or".
6. In line 42, insert brackets around "absence or" and "disability" immediately thereafter.
7. In line 43, insert brackets around "present and qualified".
8. In line 44, insert brackets around the first "full court" and "panel" immediately thereafter, insert brackets around the second "full court" and "panel" immediately thereafter.
9. In line 46, insert brackets around "absence" and "disability" thereafter.
10. In line 48, insert brackets around "present and".
11. In line 51, insert brackets around "full court" and "panel" immediately thereafter.
12. In line 68, insert "on the panel" after "judges".
13. In line 1017, insert "in the subsequent fiscal year" after "expended".

DAGC1  
Line 2**JUDICIARY COMMITTEE****Public Hearing on H.B. No. 5539**

(RAISED) AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES AND THE CRIMINAL JUSTICE INFORMATION SYSTEM.

**March 26, 2010****Submitted by Sean Thakkar, Executive Director, CJIS Governing Board**

Good morning Senator McDonald, Representative Lawlor, Senator Kissel, Representative O'Neil and members of the Judiciary Committee. I am addressing you regarding H.B. No. 5539.

I would like to thank the CJIS Governing Board for the unprecedented level of support, collaboration and cooperation along with the Co-Chairs Lt. Governor Fedele and Judge Carroll for their leadership and vision for the CJIS Community.

I would also like to thank Secretary Robert Genuario and Under Secretary Brian Austin (OPM) for providing me their support and guidance for the last 18 months.

It is important to note at the outset that I have not had an opportunity to present or discuss HB 5539 with the CJIS Governing Board. Although I brought up recommendations similar to those contained in the legislation before you at an earlier meeting of the CJIS Governing Board and some objections were raised, the Governing Board has not seen or discussed this pending legislation and has not taken a position on it. So my testimony today represents only my personal viewpoint as the CJIS Executive Director and not any formal position of the CJIS Governing Board.

Specifically, I am advised that CIO, Diane Wallace, strongly opposes Section 43 of the bill because she notes that the payphone revenue dollars presently pay for the salaries of 11 DOIT union positions that support OPM, DPS, DOC, DMV, DCJ, and the CJIS infrastructure -- CIO Wallace asks that if this funding is removed from DoIT, how will these people be paid?

My position though is that by passing this legislation the CJIS Community will derive the following benefits:

1. The CJIS Governing Board will be able to use the \$1.3 MM to optimize the needs of the projects and initiatives under its control.
2. The CJIS Governing Board will be able to request the critical resources it needs with the proper skills, experience and expertise. Proper staffing is imperative to ensuring that CJIS projects and initiatives have a good chance for success. Additionally, by having a staff that is accountable to me, it will allow me to have a greater level of accountability to the CJIS Governing Board and ultimately to the General Assembly and the Governor.

3. The CJIS Governing Board will be able to work with DoIT to establish a Service Level Agreement (SLA) for the services requested. This will provide for accountability and performance measurement for the services received.
4. The CJIS Governing Board will have the ability to set standards that are specific to the CJIS community's needs. This will provide uniformity and consistency that is very much needed to have successful projects.

I would like to sincerely thank the committee for considering my recommendations and allowing me this opportunity to present my testimony. I am happy to answer any questions.