

PA 11-159

HB6642

House	6923-6929	7
Judiciary	6106-6116, 6228, 6230, 6278, 6281-6282, 6475-6477	19
<u>Senate</u>	<u>6567, 6573-6578</u>	<u>7</u>

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 21
6898 – 7240**

Clerk will prepare the tally. Will the Clerk please announce the tally?

THE CLERK:

Senate Bill 1068, in concurrence with the Senate

Total number voting 142

Necessary for adoption 72

Those voting Yea 140

Those voting Nay 2

Those absent and not voting 9

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes in concurrence with the Senate.

Is there any business on the Clerk's desk?

THE CLERK:

Madam Speaker there is some business from the Senate. Senate Bill 1152, AN ACT CONCERNING THE UNIVERSITY OF CONNECTICUT HEALTH CENTER.

DEPUTY SPEAKER KIRKLEY-BEY:

Table for the Calendar. Will the Clerk please call Calendar 389?

THE CLERK:

On page 15, Calendar 389, House Bill 6642, AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION, favorable report of the

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Committee on Judiciary.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon, you have the floor, ma'am.

REP. DILLON (92nd):

Madam Speaker, move the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the joint committee's favorable report and passage of the bill.

Will you remark further?

REP. DILLON (92nd):

Request permission to summarize?

DEPUTY SPEAKER KIRKLEY-BEY:

Say that again?

REP. DILLON (92nd):

Request permission to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed.

REP. DILLON (92nd):

Madam Speaker, although this bill falls within our joint rules in the Judiciary Committee, what it actually does is apply basic public health principles to prevent injury within a corrections setting. And,

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it's based on the recommendation of the national
commission.

What we had intended to do when I first filed the bill was to attempt to derive some Connecticut specific applications because in fact, not only is Connecticut in compliance with our current national standards, we may very well be ahead of most of the country. However, after some very fruitful conversations with the corrections department and some members of the minority party in both chambers, we're going to be modifying that somewhat so that we'll have time to reflect given the crush of business. This bill does look at the corrections setting and looks at ways to identify risk factors; it empowers the administration to set some clear rules so that we can prevent injury and to hopefully prevent the disease transmission that would result from that injury. The Clerk has an amendment, LCO 8205. Will the Clerk please call request permission?

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 8205 which will be designated House Amendment A.

THE CLERK:

LCO 8205, House A offered by RepresentativesDillon, Fox, Hetherington and Senator Coleman.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize the amendment, is there any objection? Hearing none, please proceed.

REP. DILLON (92nd):

Thank you, Madam Speaker. Given the press of business in Judiciary this year and in the budget, what this amendment does is focuses specifically on adults and it also moves the -- it defers the effective date to October 1, 2012. Move adoption of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is adoption of the amendment. Will you remark? Will you remark further on the amendment that is before us? Will you remark? If not, let me try your minds. All those in favor please indicate by saying aye.

HOUSE:

Aye.

DEPUTY SPEAKER KIRKELY-BEY:

All those opposed please indicate by saying nay.

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The ayes have it. The amendment is adopted. Will you
remark further on the bill as amended?

REP. DILLON (92nd):

Thank you, Madam. I move passage of the bill as
amended and thank everyone for their help on this.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative. Representative
Hetherington, you have the floor.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. We were advised in
staring this bill in the Judiciary Committee that
Connecticut is substantially in compliance and
therefore this should not place a burden on our
correctional facilities. And, this amendment will
further assure that by one, focusing primarily on
adults which is appropriate particularly in view of
our arresting juveniles involved in the adult criminal
process and in addition and perhaps even more
significant, it delays implementation to October 1,
2012 which should give the Department of Corrections
the opportunity to make any adjustments they need to
make. So, with those and things in run, I would urge
adoption. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to the well. Members 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 please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally?

THE CLERK:

House Bill 6642, as amended by House A.

Total number voting 142

Necessary for adoption 72

Those voting Yea 142

Those voting Nay 0

Those absent and not voting 9

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DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes. Are there any
announcements or points of personal privilege?
Representative Hovey, you have the floor, ma'am.

REP. HOVEY (112th):

Thank you, Madam Speaker. Madam Speaker, through
you, a point of personal privilege.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed.

REP. HOVEY (112th):

Thank you, ma'am. The -- Representative Nafis
and I would like to remind everyone that tomorrow is
dress down day and Representative Nafis thought that
we should do an early announcement because she thinks
you need to get her your money so you can dress down
for tomorrow. So, please ante up and hope you will
support the cause. It's five to dress down, 10 to
dress up and we'll look forward to seeing you in your
casual fair tomorrow.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative. Are there any other
announcements or points of personal privilege?
Hearing none, the house will stand at ease.

**JOINT
STANDING
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HEARINGS**

**JUDICIARY
PART 19
5940 – 6247**

2011

different than the state sovereign immunity where the claims commissioner tries to say, if this person would have a case then the usual court of law will move forward, but the municipal does have access to the superior court -- so a student in a public school. So thank you very much.

Thank you, Mr. Chairman.

SENATOR COLEMAN: Are there questions? Seeing none, thank you, Mr. Cullhane.

MICHAEL CULLHANE: Senator, thank you very much.

SENATOR COLEMAN: David McGuire.

DAVID MCGUIRE: Good afternoon, Senator Coleman and members of the Judiciary Committee. My name is David McGuire. As a staff attorney for the ACLU of Connecticut I am here to support Raised Bill 6642, AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION.

This bill makes a clear statement that rape is a crime, not a punishment. Current Connecticut prison regulations forbid any sexual contact between prisoners or prisoners and guards. Despite this risk -- rape pervades the prison system. In 2007 the Bureau of Justice Statistics special report found that 60,500 prisoners had experienced sexual abuse in the past year. Even more frightening is the fact that in 2008 the bureau found that 12 percent of incarcerated juveniles experienced some type of sexual abuse. It's also important to note that these numbers are definitely under -- underreported.

HB6639

We can no longer tolerate these indignities perpetrated against people in our state

custody. The physical and psychological effects of rape are huge and far reaching. Rape survivors may be infected with STDs, are far more likely to suffer debilitating mental illnesses and the effects when the victim is incarcerated and must interact with his or her abuser on a daily basis can be far worse.

Although the Department of Corrections opposes prison rape it is clear that the large number of victimized prisoners, that steps being taken to protect inmates are either ineffective or often ignored. This bill adopts recommendations of the National Prison Rape Elimination Commission. These recommendations are developed after extensive study of sexual abuse in prisons and it allowed a realistic blueprint for progress that will help address and prevent this problem.

As our current situation demonstrates merely having regulations prohibiting sexual assault in prison is not enough. There also must be effective reporting and enforcement mechanisms to give these regulations teeth. This bill offers that in the form of disciplinary measures and prosecutions against prison officials and inmates. It also allows for confidential contact with support services and mandates compliance auditing.

The mandatory reporting requirements will give the Legislature and society in general a clear picture of the magnitude of this problem and how best to deal with it. Moreover, if this bill is passed it will send a strong to prison staff, the DOC, that policies are more than mere words.

Prison rape puts the State at financial risk as well. In prison has failed to take

reasonable steps to protect an inmate from sexual assault the State may be liable for failing to protect those inmates. The passage of this bill is sound public policy. It protects all people from rape and sexual assault and minimizes financial risk for the State. The ACLU of Connecticut urges you to pass Raised Bill 6642.

The ACLU also urges this committee to support House Bill 6639, AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS. It's been shown that these programs, mediation programs do work and they take strain off of overtaxed courts and overcrowded jails and prisons.

I'm happy to answer questions about either of those bills. Thank you.

SENATOR COLEMAN: Are there questions?

Seeing none, thanks for your testimony.

Oh, hold on.

Senator Meyer.

SENATOR MEYER: Thanks, Mr. Chairman.

Do you know what -- have you estimated what the cost of this bill would be particularly in terms of the large amount of training that the bill implies?

DAVID MCGUIRE: Of the bill on the rape elimination?

SENATOR MEYER: Yes. I'm sorry. Yes.

DAVID MCGUIRE: I understand that there would be some costs. Commissioner Arnone has said that a lot of this is -- they're already in

compliance with many of these. The reporting might have some costs, but again, a lot of this is already being done. It's just not formalized in an administrative directive. So I don't have a dollar amount.

But I do sincerely believe that it would save the State some money and potential lawsuits were vulnerable populations have been sexually victimized and there might be a failure to protect claim brought against the State.

SENATOR MEYER: Do you know what the incidence of prison rape is? Do you know how many are reported each year or have been in the past?

DAVID MCGUIRE: There's really not great reporting. We have these Department of Justice reports that I referenced. And they have pretty large numbers and they rate them down -- it was done by a survey sent to the federal prisons. So they have numbers by state, but they're not really all that accurate because of underreporting.

I mean, it's important to understand that -- and before you do, that in prison it's very embarrassing and potentially dangerous to out someone that has sexually victimized you. So it's very hard for us to get a real handle on these numbers, but I can tell you from personal experience as someone who handles intake at the ACLU, we get a fair number of letters from family members and prisoners who have been sexually victimized.

SENATOR MEYER: Okay. Have you reviewed the Department of Corrections' own standards and determined whether or not there are any written standards now with respect to sexual abuse in prisons?

DAVID McGUIRE: There are. And I reference them in my testimony. Administrative Directive 6 has several standards. There are not these rigorous reporting standards and there's not some of the procedures in terms of having, like, uninterested third parties to take statements.

So one of the problems is if someone is victimized, especially women in the female facility in York, they're sexually victimized by a guard, they had to use the administrative grievance system to bring that to attention and there's often retaliation and problems associated with that.

This would create -- would call for a standard that could be done in a confidential way, which is -- I don't think would be all that costly and it would go a long way in preventing this from continuing.

SENATOR MEYER: Okay. Thank you, Mr. Chairman.

SENATOR COLEMAN: Representative Dillon.

REP. DILLON: Hi. Thank you very much for your testimony. I originally got involved in this issue a couple of years ago when a number of folks in New Haven were challenging myself and Senator Harp about the spikes of HIV (inaudible) positivity among women of color. So that we really didn't get into this issue as an issue of prison reform at all.

And I was very surprised to see that former President Bush was actually one of the original proponents of it and that the nonprofit that actually convinced a number of people in Congress to set up this commission was headed up by Chuck Colson who was originally a Republican operative and really

organized the faith communities to start looking at prison reform.

So it's one of those issues that really has a very interesting history in the sense that you really can't claim that there's a part of some agenda one way or the other, except to the extent that many people of faith from the faith community were involved in it. And apparently faith would include civil liberties, I guess.

DAVID MCGUIRE: In this case, yeah.

REP. DILLON: Yes. I guess I was a little concerned about issues raised about cost and I just want to say very directly, in the years that we've been speaking to the two commissioners preceding the current one, every one of them has assured us that they are taking steps to comply already. And so this would really be unnecessary. And so if that's true that there's no harm in adopting the regulations.

I do think -- I am still troubled by the claims commission not keeping adequate records because we're really -- I really was not prepared to go out to the community and say, I think X number of people being hurt in Connecticut. You know, if you have a 16 year old who is arrested for dealing marijuana and doesn't go to prison for that, but goes on a technical because they failed to appear in court the right day, that is somebody who is like a prime victim because of their age, because it's a nonviolent crime.

And I was really trying to get numbers for the past two years and was stunned to have people complain to me well, we'll have to go through paper records. We don't bother with that sort

of thing. So that's a little bit troubling.

DAVID McGUIRE: Well, I agree with you entirely on almost all of those points. One of the really difficult things in dealing with the Department of Corrections is that they certainly have their heart in the right place and want to protect their prisoners, but at the same time record keeping at the DOC is difficult also.

For example I've made requests about other issues having to do with overcrowding and there's really not a database where they keep computer records on.

Many times I have to actually search the inmate medical files, which in this case, like you said, this is a really big public health issue because most people do go back into the community and there is a spread of sexually transmitted diseases through this kind of activity.

I think that although the DOC is doing a lot of this, it would be a great statement for the Legislature to pass this. And the claims commission has its own issues by the DOC should really be keeping these records and we can understand the magnitude of the problem.

REP. DILLON: Yeah. My experience with the DOC people has been very positive. They are very mission minded. They have been very responsive. They have a very tough job and -- of keeping everybody. And there's always the staff morale issue.

But difficult as it was to listen to the folks who were victims of Dr. Reardon last year -- and at one point I listened in my office -- one of the things about doctors is that they have the legal right social permission to

touch you. And to a certain extent that's true also when you're in the custody of the State. And so it's a particular kind of breach. And that's true also if someone is a member of the clergy of whatever denomination.

So that I guess one of the things I learned from or I took away maybe, I learned a lot of things that were just very painful, was it really -- one person can do an amazing amount of damage to hundreds of people. And positive as I feel about people who work in the number of institutions we work with who are so committed to trying to do well, think of how many people were hurt by Dr. Reardon. All you need is one person operating in the dark in any one of our institutions and they can do that kind of damage, too. It's just absolutely terrifying.

DAVID MCGUIRE: I agree with that and it's important to highlight that in this situation prisoners, especially vulnerable prisoners, the people that are in the jails pretrial, or people that are at the juvenile facilities don't have ready access to call the police and ask for help, say, you know, I was just sexually assaulted. It doesn't work like that. They don't have that open communication.

So that's why this is important. It creates that avenue where someone can make a report in a confidential way and get help and create a record which will insulate the State from liability potentially and help the person get out of a dangerous situation.

REP. DILLON: Thank you. And I don't know if I'm so worried about the liability part. I do think that someone who is damaged that badly probably stays in our system in one place or

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10:00 A.M.

another. Maybe they in are the Department of Mental Health and Addiction. Maybe they come back to corrections. Maybe they themselves become predators. We don't really know, but I suspect that they're out there.

SENATOR COLEMAN: Are you done?

REP. DILLON: Thank you very much for your indulgence, Mr. Chairman. Yes.

SENATOR COLEMAN: Thank you, Representative Dillon.

Other questions?

Representative Klarides.

REP. KLARIDES: Thank you, Mr. Chairman.

Welcome, sir. I just have a quick question.

DAVID MCGUIRE: Sure.

REP. KLARIDES: If the National Prison Rape Elimination Commission -- these are proposals?

DAVID MCGUIRE: These are proposals. In 2003, President Bush signed into law the Prison Rape Elimination Act. This commission was a product of that act and they made these recommendations in June, 2009.

REP. KLARIDES: And are they proposals for the federal government to follow or states to follow? And who's following them now?

DAVID MCGUIRE: That's a good question. It's a complicated question. These were put out as model proposals. Attorney General Holder had a year to look at these and come up with his own proposals, that earlier this year in January Attorney General Holder released his

proposed rule.

It's my understanding that this is based on the commission's recommendations, but these are all best practices. I believe that when Holder does officially release his rule that there might be some conditioning of funds from prisons, state prisons that are accepting federal funds. Don't quote me on that, but these are kind of best practice rules.

REP. KLARIDES: And are other states following these rules now?

DAVID MCGUIRE: To be perfectly honest, I don't know, but these, these are very comprehensive rape regulations and we could be a leader by adopting them. There's really no reason to -- but like the commissioner said, many of these are already being followed, so it's a matter of codifying, getting, making it something that will stand out.

REP. KLARIDES: But you don't know if in your research that you've done if other states are following them; how they're working out.

DAVID MCGUIRE: I don't.

REP. KLARIDES: I'd just be curious to know if other states have started complying with any of them and if so, how they're working out.

DAVID MCGUIRE: I don't candidly know, but I can look into that and get that to the committee if you'd like.

REP. KLARIDES: Okay. Thank you.

DAVID MCGUIRE: Sure.

SENATOR COLEMAN: Are there other questions?

Seeing none, thank you, Mr. McGuire.

DAVID MCGUIRE: Thank you.

SENATOR COLEMAN: David Samuels.

DAVID SAMUELS: Good afternoon, Senator Coleman and members of the committee. My name is David Samuels. I'm the founder of the Community Party in Hartford. I'm speaking in support of Senate Bill 1230, AN ACT CONCERNING TRAFFIC STOP INFORMATION.

And before I start, I'd like to say rest in peace to doctor Martin Luther King Jr.

My comments are directed towards the citizens in Connecticut who truly support racial justice. Alvin W. Penn was a State Senator who was racially profiled and pushed back by creating legislation to address this type of police abuse. Unfortunately he passed away during the process and his brainchild was named in his honor by legislators.

I submit that Alvin Penn would be spinning in his grave as he sees what has become of the state racial profiling law. Backroom political shenanigans have rendered the law impotent and those same shenanigans appear to be happening now to the Community Party's proposed Penn Act amendment. The language in the bill has been watered down and our group was provided with less than three days notice of today's hearing.

A Department of Justice report finds that blacks and Latinos are more likely to be searched, arrested and subjected to the use of force during traffic stops than whites. The DOJ is currently investigating racial profiling claims against the East Haven

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MARY SANDERS: Thank you.

SENATOR COLEMAN: David Kozak? Michael
(inaudible)? Gary Pike? Mike Stockman?
LaResse Harvey.

LARESSE HARVEY: Good evening.

SENATOR COLEMAN: Good evening.

LARESSE HARVEY: I'm going to be speaking on behalf of three different bills but I have only written testimony for one so I'll start with that. I'm in support of the following bills, Raised Senate Bill 1230, AN ACT CONCERNING TRAFFIC STOP INFORMATION. My name is LaResse Harvey. I'm the executive director of Civic Trust Public Lobbying Company. Civic Trust Public Lobbying Company is a nonprofit organization located in Plainville, Connecticut.

We work towards increasing civic engagement and advocacy in criminal justice, prison and drug policy reform. Our membership is in support of Raised Senate Bill 1230, AN ACT CONCERNING TRAFFIC STOP INFORMATION, and asks the Judiciary Committee to support this legislation and keep your vote yes.

Connecticut is home to approximately 100,000 Muslims, a third of which are indigenous Blacks. Some the Blacks who practice the Muslim religion are formerly incarcerated individuals who are creating a better life for their families and themselves. Why this information is important -- why is this information important? Although Senate Bill 1230, AN ACT CONCERNING TRAFFIC STOP INFORMATION, does not include religion or pedestrian stops, Black males are stopped more often than anyone else in this state.

HB1230

HB1230

everyone in this great state from being harassed, punished and persecuted solely on the basis of race, ethnicity and/or gender.

I'm asking that you support this raised -- this legislation so we can continue to develop an equitable holistic state while increasing public safety. And I do agree with having an oversight committee on this issue just as I'm a part of the juvenile justice DMV.

I also am in favor of Raised House Bill 6641, An Act Concerning the Use of Credit Reports in Employment. Just like be on the box last year legislation 5207, An Act Concerning Employment Discrimination, we -- we passed that legislation because of people who have felony convictions in this state. Now we know with the high rate unemployment that someone's credit history is not going to be all that great and to use -- utilizing someone's credit report to get a job is unjust and unfair especially to a lot of people who have lost their home, to a lot of people who have lost jobs and to families who are now homeless.

I also am in support of Raised House Bill 6642, AN ACT CONCERNING RECOMMENDATION OF NATIONAL PRISON RAPE ELIMINATION COMMITTEE. When I was incarcerated from 1993 to 1999, in '95 -- 1995 -- I was raped by a woman and I had no one to report to. And when I did try to report it, staff did not believe me, because again, people see it as one inmate's word against another, but see a lady with -- in prison since she was 13, and at the time, she was 35 and I was only 20 something years old. And it took three months for me to actually get to support and it was from a psychiatrist who was new to the facility and I had to write on a pad that I was being abused.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 20
6248 – 6487**

2011



Connecticut Sexual Assault Crisis Services, Inc.

96 Pitkin Street · East Hartford, CT 06108 · Phone. 860-282-9881 · Fax: 860-291-9335 · www.connsacs.org

Testimony of Connecticut Sexual Assault Crisis Services
Annā Doroghazi, Director of Public Policy and Communication
Judiciary Committee, April 4, 2011

In Support of SB 1033, An Act Concerning the Limitation of Time to Bring a Civil Action for Damages Caused by Sexual Abuse, Sexual Exploitation or Sexual Assault Suffered by a Person Prior to Attaining the Age of Majority

In Support of SB 1235, An Act Concerning the Sexual Offender Registry

In Support of HB 6555, An Act Concerning Civil Actions Against the State and Municipalities for the Sexual Assault of Children

In Support of 6607, An Act Concerning Civil Actions Against the State by Minors Sexually Assaulted While in the Custody of the State

In Support of HB 6640, An Act Concerning the Penalty for Human Trafficking

In Support of HB 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission

With Concerns about SB 1236, An Act Concerning the Penalty for the Sexual Assault of a Minor

In Opposition to HB 6643, An Act Concerning Residency Restrictions for Certain Registered Sexual Offenders

...

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication of Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the statewide association of Connecticut's nine community-based rape crisis programs. During the past year, advocates in these nine programs and in special probation and parole units provided services to 5,190 victims of sexual violence and their loved ones. As the state's subject matter experts in the area of sexual assault prevention and victim advocacy, we would like to offer comments on several bills before the Judiciary Committee today.

SB 1033, An Act Concerning the Limitation of Time to Bring a Civil Action for Damages Caused by Sexual Abuse, Sexual Exploitation or Sexual Assault Suffered by a Person Prior to Attaining the Age of Majority (Support)

We would like to make clear, however, that efforts to waive sovereign immunity are distinct from efforts to repeal the civil statute of limitations for child sexual abuse. Although these efforts address two very different barriers to civil justice – one is an outright barrier to suing, and the other eliminates a right to sue after a certain age – we support both efforts.

HB 6640, An Act Concerning the Penalty for Human Trafficking (Support)

CONNSACS supports this effort to ensure that individuals convicted of human trafficking are not able to suspend or unreasonably reduce their term of imprisonment. Although, as previously indicated, we are opposed to mandatory minimum sentences, we do not believe that HB 6640 will tie the hands of judges or have unintended consequences for victims. Human trafficking is a class B felony, and it seems reasonable to require offenders to serve at least 10% of the maximum 20 year penalty without suspension or reduction.

HB 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission (Support)

CONNSACS recognizes that prison inmates are vulnerable to sexual violence, and we support HB 6642. Since the passage of the Prison Rape Elimination Act (PREA) in 2003, the National Prison Rape Elimination Commission has been working to develop national standards that will lead to the prevention, detection, and punishment of prison rape. In August of 2010, the Department of Justice released a report entitled, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*, which detailed the findings of a national inmate survey.

Inmates were asked about any incidents of sexual victimization they had experienced while incarcerated. 4.4% of prison inmates and 3.1% of jail inmates reported one or more incidents of sexual victimization in the twelve-month period leading up to the survey. In both prisons and jails, perpetrators were more likely to be staff than fellow inmates. 2.1% of state and federal inmates reported an incident involving another inmate while 2.8% reported an incident involving staff. In jails, 1.5% of incidents involved other inmates and 2.0% involved staff. 0.5% of prison inmates and 0.4% of jail inmates reported being sexually victimized by both inmates and staff.

The report also revealed that certain populations are more likely to be victimized. 11.2% of prison inmates “with a sexual orientation other than heterosexual” reported a sexual victimization, the highest of any single group. Inmates who were young, had a college degree or more, were of mixed racial backgrounds, or who had previously experienced sexual violence had the highest overall rates of victimization. The facility at which an inmate is housed can also be a risk factor: the report lists facilities with the highest and lowest reported rates of sexual victimization. Five facilities had no reports of sexual victimization, and ten facilities had reported victimization rates above 10%. None of the

three Connecticut facilities involved in the survey – Corrigan-Radgowski Correctional Center, Osborn Correctional Institution, and York Correctional Institution – were listed among the high or low rate facilities.

No one deserves to be the victim of a sexual assault, and when any population is vulnerable to abuse, all of us are less safe. HB 6642 would take steps toward implementing the recommendations of the National Prison Rape Elimination Commission and ensuring that inmates can pay their debt to society without themselves becoming victims of crime.

SB 1236, An Act Concerning the Penalty for the Sexual Assault of a Minor
(Concerns)

CONNSACS has serious concerns about SB 1236. While we fully support efforts to hold offenders accountable for their actions, we do not support the imposition of mandatory minimum sentences or other measures that reduce judicial discretion. Although SB 1236 is well-intentioned, CONNSACS is concerned that it may have two unintended consequences: 1) offenders facing life sentences may be more likely to accept pleas to lesser charges, instead of confronting charges for the crime they actually committed, and 2) offenders could use the prospect of a life sentence to keep their victims from reporting their victimization. Most child sexual assault victims know their offenders, and while they all want to be safe from abuse, some children may feel conflicted about sending their offender – most likely a relative or family friend – to prison forever.

HB 6643, An Act Concerning Residency Restrictions for Certain Registered Sexual Offenders (Oppose)

CONNSACS strongly opposes HB 6643, which would prohibit certain sexual offenders from residing within two-thousand feet of an elementary school, secondary school, or day care facility. Residency restrictions do not effectively reduce recidivism, they perpetuate dangerous myths about who sex offenders are, and they may, in some cases, actually increase the likelihood that an offender will commit another sexual offense.

Residency restrictions operate on four incorrect assumptions: 1) all sex offenders will re-offend; 2) there are no other effective treatment and supervision options for offenders who are released into the community; 3) children are most likely to be abused by predatory strangers; and 4) if offenders are prohibited from living near schools or day care centers, they will find suitable housing elsewhere. By addressing the myths upon which residency restrictions are based, CONNSACS hopes that the Committee will understand why passing HB 6643 would be ineffective and possibly dangerous.

1. All sex offenders will re-offend.

Although recidivism studies generally underestimate true rates of re-offense (especially for crimes like sexual assault, where many victims do not report to the police), released

Department of Correction
Testimony of Leo C. Arnone, Commissioner

Judiciary Committee
April 4, 2011

Raised Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. While unable to be present this morning, I just wish to go on record regarding Raised Bill No. 6642, *An Act Concerning the Recommendations of the National Prison Rape Elimination Commission*.

The Department is in compliance with the current standards, which are in draft form, based on our interpretation of them. The standards are scheduled to be finalized at the end of this year. A majority of the states have expressed issues and concerns with the proposed standards. As a result, the final standards will contain a number of significant revisions. In the interim, the Department has created an audit tool and conducts internal audits to ensure compliance with the current standards. The Department would be happy to report to you during the 2012 General Assembly, the status of the Commission's recommendations and the Department's compliance with them.

Below for your information is a link to the Department's Administrative Directive, 6.12, *Sexual Assault Prevention and Intervention Policy*:

<http://www.ct.gov/doc/LIB/doc/PDF/AD/ad0612.pdf>



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To: Members of the Committee on Judiciary

From: David McGuire, Staff Attorney

**Written Testimony Supporting Raised Bill No. 6642
An Act Concerning the Recommendations of the National Prison Rape Elimination
Commission**

Good afternoon Senator Coleman, Representative Fox and members of the Committee on Judiciary. My name is David McGuire. As the staff attorney for the ACLU of Connecticut, I am here to support Raised Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission.

Current prison regulations forbid any sort of sexual contact between prisoners or prisoners and guards. Despite this, rape pervades the prison system; in 2007, a Bureau of Justice Statistics Special Report found that 60,500 prisoners had experienced sexual abuse in the past year. Even more frightening is the fact that in 2008, the Bureau found that 12% of incarcerated juveniles reported experiencing some type of sexual abuse. We can no longer tolerate these indignities perpetrated against people in government custody.

The physical and psychological effects of rape are huge and far reaching. Rape survivors may be infected with STDs, and are far more likely to suffer debilitating mental illnesses under the best of circumstances; the effects when the victim is incarcerated and must interact with her abuser on a daily basis can be far worse. Although the Department of Correction (DOC) opposes prison rape¹, it is clear from the large numbers of victimized prisoners that the current steps being taken to protect inmates are either ineffective or oft-ignored. This bill adopts recommendations of the National Prison Rape Elimination Commission. These recommendations, developed after an extensive study of sexual abuse in prisons, lay out a "realistic blueprint for progress" that will help to actually address and prevent this problem.

As our current situation demonstrates, merely having regulations prohibiting sexual assault in prison is not enough. There must also be effective reporting and enforcement mechanisms to give these regulations teeth. This bill offers that, providing

¹ State of Connecticut Administrative Directive 6.12

for disciplinary measures and prosecutions against offending prison staff or inmates, and allowing inmates to have confidential contact with support services, and mandating compliance auditing. The mandatory reporting requirements of this bill will give the legislature and society at large a clear idea of the magnitude of the problem of prison rape, and how best to deal with it. Moreover, if this bill is passed, it will send a strong message to prison staff that DOC policies are not mere words, and that the state takes the issue of prison rape seriously.

Prison rape also puts the state fiscally at risk. If a prison has failed to take reasonable steps to protect inmates from sexual assault, the state may be liable for failing to protect those inmates. The passage of this bill is sound public policy: it protects all people from rape and sexual assault, and minimizes financial costs to the state. The ACLU-CT urges you to pass Raised Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

514
June 7, 2011

Calendar 630, House Bill Number 6631.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 631, House Bill Number 6357.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

A final item on calendar page 32 is Calendar
632, House Bill Number 6642.

Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 33, Calendar 634, House
Bill Number 5431.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

mhr/cd/gbr
SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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SENATE

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June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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June 7, 2011

Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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SENATE

524
June 7, 2011

Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

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SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)