

PA 11-039

HB6345

House	1167-1170	4
Judiciary	315-317, 324-328, 445	9
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 4
1040 – 1385**

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HOUSE OF REPRESENTATIVES

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resolution, please signify it by saying, aye.

REPRESENTATIVES:

J Aye.

DEPUTY SPEAKER RYAN:

All those opposed, nay.

The ayes have it and the resolution is adopted.

Will the Clerk please call Calendar Number 155.

THE CLERK:

On page 10, Calendar 155, House Bill Number 6345,
AN ACT CONCERNING DISCLOSURE OF INFORMATION TO A PARENT
OR GUARDIAN OF A YOUTHFUL OFFENDER IN THE CUSTODY OF
THE DEPARTMENT OF CORRECTION, favorable report of the
Committee on Judiciary.

DEPUTY SPEAKER RYAN:

Representative Fox of the 146th.

Representative Fox.

REP. G. FOX (146th):

Thank you. Thank you, Mr. Speaker.

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

DEPUTY SPEAKER RYAN:

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

Representative Fox, you have the floor.

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REP. G. FOX (146th):

Thank you, Mr. Speaker.

This bill comes to us through the Department of Correction, and we received testimony from now Commissioner Arnone regarding a situation that does develop when youthful offenders are incarcerated in the adult court.

And the testimony that Commissioner Arnone presented to us was that about three to six times a month they will receive calls from legal guardians or parents of those individuals who are incarcerated as youthful offenders. And they -- what they want to be able to do is to confirm to those parents or guardians that, yes, it is their child or the individual that they are the guardian of who is incarcerated.

Currently the situation exists that they are conflicted as to whether or not they can disclose that information. So what this bill does is it would enable the Department of Corrections if they -- once they confirmed that the individual who's requesting the information is, in fact, the legal parent or guardian, to confirm that, yes, their child is, in fact, with them at the Department of Corrections.

I urge passage.

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DEPUTY SPEAKER RYAN:

Thank you, Representative Fox.

Would you remark further on this bill?

Representative Hetherington of the 125th.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

This bill, as described by Representative Fox, will enable parents or guardians to determine whether or not their child is being held and eliminate a good deal of anxiety and uncertainty with respect to where a child may be.

It is a good bill. It meets a necessary end, and I would urge passage.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative Hetherington.

Would you remark further on the bill? Would you remark further on bill? If not, will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be opened.

THE CLERK:

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

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DEPUTY SPEAKER RYAN:

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

The Clerk will please announce the tally.

THE CLERK:

House Bill 6345.

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

DEPUTY SPEAKER RYAN:

The bill passes.

Representative Zalaski.

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

For a point of personal privilege.

DEPUTY SPEAKER RYAN:

Proceed, sir.

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
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Are there any other questions? I have just one question, you -- your testimony says that this bill did come out of this Committee a couple of years ago as well as Public Health as well as the House. Is that correct?

COMMISSIONER PETER H. O'MEARA: That's correct, sir.

REP. FOX: Okay. It's one of those - one of those bills that happen at times that just ran out of time at the end of the session?

COMMISSIONER PETER H. O'MEARA: I think it was a -- an eleven-fifty-nine -- ran against the clock on the last night and the last hour, sir.

REP. FOX: Okay. All right, well we'll see what we can do. Thank you for your testimony.

COMMISSIONER PETER H. O'MEARA: Okay. Thank you very much.

REP. FOX: Next we have Leo Arnone.

Good afternoon.

COMMISSIONER LEO C. ARNONE: Good afternoon, Representative Fox, members of the Judiciary Committee.

I am Leo Arnone, Commissioner of the Department of Correction. I'm here this afternoon to speak in support of our agency bills and also a bill from the Judicial Branch.

Raised Bill 955, AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS would make changes that are needed to effectively implement the inmate discharge savings legislation passed in 2007 which requires the Department of Correction to set aside 10 percent of money credited to an

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inmate's account to establish a savings fund that would be available to the inmate upon release to aid reentry into the community. Once the legislation passed and staff began to work toward the implementation of this provision we recognized the need for some technical revisions and clarifications. Out proposed changes generally keep the implementation of discharge savings consistent with the cost of incarceration provisions.

Among revisions and clarifications being sought, the bill would limit the requirement to accumulate discharge savings to sentenced inmates and exempt inmates sentenced in this state but confined in other states. Specifically the inmates contribute to inmate savings accounts after most other statutory disbursements are satisfied. Statutory disbursements include payment of taxes, child support and Court fees. Additionally the bill would also clarify the Department of Corrections does not maintain an individual bank account for each inmate. The Department deposits funds to a bank or an account that is managed by the state treasurer and we maintain individual accounting of each inmate's account.

The second bill raised, 6345, AN ACT CONCERNING DISCLOSURE OF INFORMATION TO A PARENT OR GUARDIAN OF A YOUTHFUL OFFENDER IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS.

One of the unintended consequences of the law that requires records or other information of youth to be confidential is the fact that the Department as an agency that has custody of that offender cannot disclose the information about those offenders in DOC custody to a parent or legal guardian.

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This has caused issues with us for the last few years, where a parent calls up and says, is my son at Manson Youth and we respond with, we can't tell you that. So we're requesting -- as we have in the past I believe, to amend this for that reason.

With regard to Bill 6346, AN ACT CONCERNING RESIDENTIAL STAYS AT CORRECTIONAL FACILITIES, in essence this act would allow us to -- when an inmate asks to stay longer at a correctional facility because he's awaiting a bed at a treatment facility we would be allowed to keep them for a limited amount of time. We already have this authority if an inmate is involved in a treatment program and the treatment program is going to run an extra week, we can keep him past his discharge date.

In this case what we're asking for is to expand that and allow an inmate to say -- or allow us to say, we have a treatment bed available next week, there's no place for the inmate to go, you can stay here until that bed is available. Essentially that's what we're asking for in this bill.

And the last act is -- that we're supporting is the Judicial Branch's, Court Support Services Division Raised Bill, 6313, AN ACT CONCERNING INTENSIVE PROBATION SERVICES. Our testimony is on record with this. We support the Judicial Branch. We feel that this would go a long way in allowing us to reduce the population in a -- in our -- in our front end facilities in our jails -- not so much our prisons, in our jails or the facilities that are crowded and do it with providing safety and security to the public.

I'd be open to any questions you might have.

REP. FOX: Representative Gonzalez.

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COMMISSIONER LEO C. ARNONE: Uh-huh.

SENATOR KISSEL: And so at that rate we -- those beds are very valuable. A lot of public access goes towards that. Those beds should be reserved for the violent offenders and to the extent we can break that cycle of recidivism it's -- it's not only cost efficient for the taxpayers of the State of Connecticut but we'll have far less victimization which is better for all of us.

The last question I have is along the lines of letting parents know if their young person is incarcerated and I guess -- how would you know if it's actually a parent or guardian if they're calling on the phone or would this have to be information that's provided in person?

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COMMISSIONER LEO C. ARNONE: We can verify that information through our records department to the police department. That's what we would do, we would verify the information first, once we have that information we would -- we would tell the parent, yes, your child is here.

SENATOR KISSEL: That just strikes me as common sense. And if I was a mom or a dad and I ran into that brick wall that would just add to my frustrations and to the extent that we could sort of alleviate that, that's one less headache for those parents to have.

So, thank you for your testimony, sir.

COMMISSIONER LEO C. ARNONE: Thank you.

REP. FOX: Representative Dillon.

REP. DILLON: Thank you. It's good to see you. I didn't think I'd be recognized so quickly. Thank you very much, Mr. Chairman.

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I just wanted to ask a little bit more about the type of medical condition. How many of them in your view would involve HIV syrup palpability and the consequences of it?

COMMISSIONER LEO C. ARNONE: I really couldn't give you a number but what I could say is that overall the number that this affects overall is very small as far as the department is concerned. But when they come up they become really important issues and we're looking to -- to really get this passed. To deal with those times that they come up. They're not -- you know, it's not every day. So it's a --

REP. DILLON: Right, but I'm -- I'm think particularly of the disease and the transmission and -- and -- but there's a tremendous interest in my community for sure, particular from women who are activists about men who are coming out of our corrections facilities and who may be HIV positive. And we have a consent decree in place that prohibits testing as you know.

COMMISSIONER LEO C. ARNONE: Uh-huh -- uh-huh.

REP. DILLON: That I believe was the Civil Liberties Union back in the day. And because it was considered a stigma in there's tremendous anxiety about whether or not there's enough follow through. They're worried about the spike in Aids in African American women in particular given the population. So I'm really keenly interested in what kinds of things are going on inside the prisons with that population of people and also in preparing them for leaving.

COMMISSIONER LEO C. ARNONE: Uh-huh -- uh-huh. I don't -- you know, I can't give you an exact answer on that. What we'd like -- what I'd like to do though is sit down and talk to you about

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that whole issue. We'd be more than happy to go through that with you individually.

REP. DILLON: Thank you. And -- and if this bill should become law then I assume that the individuals who are there who have the potential to be there an additional 90 days would continue to be cared for at the University of Connecticut Health Center and therefore there would be an additional cost on that side?

COMMISSIONER LEO C. ARNONE: If that was the case I don't think that -- I don't think will cost us any extra money. I think the number is very small. Some of those people may actually be in the facilities and not at UConn and waiting for a bed somewhere else. So it's really the broad spectrum of business across all of our facilities. It just -- I don't think we would see -- we would -- we would be able to see an increase in overall cost to the department for this bill, I think it's neutral really, in the long run.

REP. DILLON: I only asked that because 90 days is -- you know, not a short period of time.

COMMISSIONER LEO C. ARNONE: Right, yeah.

REP. DILLON: And -- and so it seemed a long time.

COMMISSIONER LEO C. ARNONE: When we have 17,000 and change -- almost 18,000 inmates, the 3 or 4 that this will affect at any given time really doesn't even show up on overall costs.

REP. DILLON: Thank you very much. And thank you, Mr. Chairman.

REP. FOX: Thank you, Representative Dillon.

Representative Smith.

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REP. SMITH: Thank you, Mr. Chairman.

Commissioner, in terms of Raised Bill, 6313, THE INTENSIVE PROBATION SUPERVISION ACT, has there been any fiscal analysis at all in terms of either cost or a savings to the state if this bill were to go through?

COMMISSIONER LEO C. ARNONE: The -- the Judicial will go through that but I can tell you that some of the numbers are upwards of -- in population as how they were looked at, and so we're looking at possibility of 1,000 less inmates over a full implementation period. And that would all be in the front end of the system. And so -- you know, you do the math, 1000 times -- we don't want to use \$37,000 because \$37,000 is the average of every inmate in the system. The average of this particular cohort of inmates that we're talking about is the front end of the system and they're significantly -- well I shouldn't say significantly, but they're less -- less costly in the jails because the jails don't have the services that long term facilities do. So -- you know, as a ball park we're probably talking around \$30,000 a year or less times 10 - - times 1,000 inmates. So it's a significant savings to the Department. It could be \$30 million if -- if we reached those numbers. You know, I just want to be cautious about what the numbers look like. But it could be a significant savings to the state.

REP. SMITH: Would there be costs on the back end assuming the pretrial supervision program went into effect. You would have to have some type of monitoring and some type of Court fees, things of that nature. So I would assume some of that would be passed on or offset that.

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COMMISSIONER LEO C. ARNONE: Oh, absolutely.

Whenever -- community corrections in general, which is what this is, it's kind of the front end of business, is very cost effective but it's not free. I mean there's probation officers that have to watch them, there are GPS devices and -- and there's accounting that has to go into all of that. So there's a piece of that. But the difference in cost is tremendous -- you know, it's hundreds versus thousands all the time.

REP. SMITH: Thank you.

COMMISSIONER LEO C. ARNONE: You're welcome.

REP. FOX: Thank you. And any other questions from members of the Committee?

Representative Gonzalez, again.

REP. GONZALEZ: Just a comment, thank you very much.

Thank you. I want to say thank you to you, thank you very much. I've been calling for some requests to your office and Nina Ferguson and the rest of your staff and you, you are very -- very good to me and also respond right away. So I really appreciate that. You don't see that too often that you call and you have to wait for hours sometimes to return the call. So your department has been very good to me in that -- you know, dealing with issues. So I want to say thank you very much.

COMMISSIONER LEO C. ARNONE: Thank you. I appreciate that.

REP. FOX: Thank you very much, commissioner.

COMMISSIONER LEO C. ARNONE: You're welcome.

Department of Correction

Testimony of Leo C. Arnone, Commissioner

Judiciary Committee

Raised Bill No. 6345, An Act Concerning Disclosure of Information to a Parent or Guardian of a Youthful Offender in the Custody of the Department of Correction

February 23, 2011

Good afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction (DOC). I am here this afternoon to speak in support of Raised Bill No. 6345, An Act Concerning Disclosure of Information to a Parent or Legal Guardian of a Youthful Offender in the Custody of the Department of Correction.

One of the unintended consequences of the law that requires records or other information of youth to be confidential is the fact that the DOC, as the agency that has custody of that offender, cannot disclose information about the offender's status. Raised Bill No. 6345 would allow the DOC to provide information about those offenders in the DOC's custody under the youthful offender statute to an inmate's parent or legal guardian. Currently law prohibits the DOC from disclosing information about the status of a youth offender. The DOC averages between three to six requests each month from a parent or guardian who calls to ask if their child is in the custody of the DOC only to have the agency put in a position of not being able to easily provide the information. A parent or legal guardian should have the right to know if their child is in the custody of the DOC to facilitate the bond process and/or arrange for legal representation. Additionally, disclosure of information to parents who receive federal or state assistance, i.e., Food Stamps, Section 8, about the status of the child provides documentation that confirms whether the child is no longer living in the home or has returned.

Thank you for your consideration of the Department's views on this matter.

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Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, on calendar page 12, Calendar 416, House Bill 6345, Mr. President, would move to place that item on the consent calendar.

THE CHAIR:

Without objection so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, On calendar page 13, Calendar 419, House Bill 6310, Mr. President, move to place that item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Also on calendar page 13, Mr. President, calendar page -- Calendar Number 420, House Bill 6419, Mr. President, would move to place that item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

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Thank you, Mr. President.

Also on calendar page 13, Calendar 423, House Bill 6286, Mr. President, move to place that item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

And additionally on calendar page 27, Calendar 92, Senate Bill 912, Mr. President, move to place that item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the Clerk would call the items on the first consent calendar and if we might proceed to a vote on that consent calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the Chamber. Immediate roll call

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has been ordered in the Senate on the consent calendar. Will all Senators please return to the Chamber.

Mr. President, those items placed on the first consent calendar begin on calendar page 11, Calendar Number 373, Substitute for Senate Bill 951; calendar page 12, Calendar 414, Substitute for House Bill 6299; Calendar 416, House Bill 6345; Calendar 417, Substitute for House Bill 6462; calendar page 13, Calendar 419, Substitute for House Bill 6310; Calendar 420, House Bill 6419; Calendar 423, Substitute for House Bill 6286; Calendar 425, Substitute for House Bill 5174.

Calendar page 19, Calendar Number 479, House Bill 5468; calendar page 26, Calendar Number 56, Substitute for Senate Bill 28; calendar page 27, Calendar Number 92, Senate Bill 912; and calendar page 32, Calendar Number 190, Substitute for Senate Bill 957.

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

THE CHAIR:

This is an inquiry, was Calendar 416 on page 12 among those items that you called?

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THE CLERK:

Yes, Mr. President. Calendar Number 416, which was House Bill 6345 was called and placed on the first consent calendar.

THE CHAIR:

Thank you.

THE CLERK:

The Senate is now voting by roll call on the consent calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the Chamber.

THE CHAIR:

The machine is open.

Senators, please check the board to see that your vote is properly recorded. If all members have voted and if all votes are properly recorded the machine will be locked. Would the Clerk please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number voting	36
Necessary for adoption	19

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Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The consent calendar is passed.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you. Thank you, Mr. President.

I have some additional items to mark go at
this time.

THE CHAIR:

You may proceed, sir.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, first, on calendar page 6,
Calendar 229, Senate Bill 205 might be marked go.
Next, Mr. President, calendar page 36,
Calendar 273, Senate Bill 1115 is marked go. And
then, Mr. President, moving back to calendar page
9, Calendar 330, Senate Bill 3673 is marked go.

THE CHAIR: