

PA 11-051

HB6650

House	4208-4376, 5683-5827	314
<u>Senate</u>	<u>3535-3850</u>	<u>316</u>
		630

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**CONNECTICUT
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Those voting yea	140
Those voting nay	3
Those absent and not voting	8.

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call E-Certified Bill
Number 6650.

THE CLERK:

House Bill 6650, AN ACT IMPLEMENTING THE
PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL
BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH
STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS, LCO
Number 6855, introduced by Representative Donovan and
Senator Williams.

SPEAKER DONOVAN:

The House Chair of Appropriations,
Representative Toni Walker, you have the floor,
Madam.

REP. WALKER (93rd):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon.

REP. WALKER (93rd):

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Mr. Speaker, I move for acceptance and passage of the Emergency Certified Bill.

SPEAKER DONOVAN:

The question is on passage of the bill. You have the floor.

REP. WALKER (93rd):

Thank you, Mr. Speaker. Mr. Speaker, this has been a long and hard road as we move through this budget process and this final session.

This is the first of the implementation bills that we will be doing for the next week or so. And I am thrilled to start with the beginning of the consolidations that we had been talking about for so many years, especially through the general administration elections commission.

Mr. Speaker, this bill makes several changes related to the Judicial Department and Corrections. It consolidated the Commission on Child Protection in to the Public Defenders. It -- the bill also gives the Department of Motor Vehicles the six weigh stations because they have been manning that for so long.

The bill dissolves the Department of Public Works and establishes a Department of Construction

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Services as the successor for the construction and management. The bill also gives DPW duties to the Department of Administrative Services.

This bill also transfers from the Department of Public Safety to the Department of Correct -- Department of Construction Services responsibility for enforcing the fire safety code.

In addition the bill dissolves the Department of Information Technology and moves them into the Department of Administrative Services. The bill eliminates the Department of Public Safety and Emergency Management/Homeland Security and creates the Department of Emergency Services and Public Protection.

The bill puts the Division of State Police under the Department of public -- within the Department of Public Safety for administrative purposes into the Department of Emergency Services -- Department of Emergency Services and Public Protection.

Mr. Speaker, this was a bill that was worked on with many, many people that are in the Chamber tonight -- today. The reason why I move now is to identify and bring the people that participated in this process up to everybody's attention and they

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will be here to answer any questions specifically on those areas.

From the Stamford area, Representative Fox will handle the corrections and the judicial questions. From Rocky Hill, Representative Tony Guerrero will handle the Department of Motor Vehicles and the weigh stations. From Wethersfield, Representative Morin will handle the Department of Public Works, the Department of Construction Services and Department of Administrative Services. From West Haven, Representative Dargan will handle the Department of Public Safety and the Department of Correct -- Department of Construction Services, also. And finally, from the -- I think that's it. I believe that's it.

Mr. Speaker, the work that went into these bills and these consolidations was a collaboration not only with the House and the Senate, but was also with the Administration and the Governor's office. We worked hard to make sure that we are looking at the size of government. We are looking at what we are delivering and trying to also provide people in the state of Connecticut access to services and understanding

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where they can be accommodated and also, to address the budget that we are all struggling with this year.

With that, Mr. Speak -- Madam Speaker, I move the bill. Thank you.

(Deputy Speaker Orange in the Chair.)

DEPUTY SPEAKER ORANGE:

Thank you, Representative Walker. Will you remark? Will you remark further? Representative Guerrera, you have the floor, sir.

REP. GUERRERA (29th):

Thank you, Madam Speaker. Madam Speaker, let me just touch upon part of this bill which has to do with the weigh stations. Over the last three months, Representative Scribner and myself have met with the Governor's staff, the Department of Motor Vehicles commissioner, the Public Safety Commissioner and the Connecticut State Police Union in regards to these issues. And it was agreed upon language with all parties that were involved here, that they agreed upon this was the best way of doing this. And they basically have signed off on all of this.

So I just want the members to all have a clear understanding that all parties that were involved have clearly signed off on this and that is why it's in this bill today. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

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

REP. HOVEY (112th):

Thank you, Madam Speaker. Madam Speaker, through you, a couple of questions to the proponent of the legislation.

DEPUTY SPEAKER ORANGE:

Would you like to speak to the Chairman of Appropriations or are you going to direct it to one of the --

REP. HOVEY (112th):

I think the Chairman of Appropriations would be appropriate for this question, please, Madam.

DEPUTY SPEAKER ORANGE:

Oh, okay. Please proceed.

REP. HOVEY (112th):

Thank you, Madam.

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Through you, Madam Speaker, seeing this legislation that there is the elimination of the Commission for Child Protection and the chief child state's protection attorney -- I think I got all of the pieces in there, I've always had a difficult time.

Through you, Madam Speaker, can the gentlewoman please remind me what year we initiated those two entities? Thank you.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

I want to thank the gentlelady for her questions. I believe -- I do not know the exact date but I believe the commission has been existence for at least four years. Through you.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. I think the commission -- actually it's been five years and I think if the gentlewoman will reflect back at the time that we initiated those two entities, it was because we had grave concerns about the quality of

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service that was being given to our young children here in the state of Connecticut. And we were very gravely concerned about whether or not they were being well represented in the different areas that impacted significantly on their lives.

So through you, Madam Speaker, I need to understand how the elimination or the consolidation of these two entities is going to be dealt with through the Public Defender's office. If the gentlewoman would please explain that to me in a little bit more detail, what her vision is for that, I would thank her very much.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you. Thank you, Madam Speaker, and I want to thank the gentlelady for her questions.

I -- I -- I -- I stand corrected, it was five years -- I thought it was five, but the problem -- the way we're going to do it, we are not eliminating the lawyers, we're not eliminating the access. We are just putting it under -- for administrative purposes, under the Public Defender's office.

I don't know if you remembered for the last year we seem to be having some difficulty financially with the agency, with the management of the expenses. And because of that and because of the deficiencies that we seem to be running into, especially over the last year with well over two million dollars worth of deficiencies, it was felt that we needed to have a different administrative control over it.

But as far as the access for services, we are definitely going to be providing them with the same ones. They will actually have someone who will manage them under the Public Defenders so that we do not lose a beat. Nothing changes. Everything that they were doing before will be exactly the same. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. And I understand that they have had cost overruns, would be what I would term them, in my lay person's speak.

And I think that's often because we underestimate the costs of good services to children. And the significance of the amount of time that

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attorneys have to spend to really figure out the nuances of what is in that child's best interests.

So if the gentlewoman is telling me that the services are going to remain the same, but they're now going to be held under the Public Defenders office, I'm wondering how we're going to (inaudible) certain cost reductions if the services actually are the same? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Again, through you, Madam Speaker, I thank the gentlelady for her question again and I understand her concern because ob -- I -- one thing I have advocated for is access for our children and protection.

There were several things that were -- that -- I'm trying to do this as carefully as possible, but there were several items that were being reimbursed that are not acceptable in the past contracts that were established. The services -- the direct services for the children and making sure that we provide as many, um, um, public defenders and case managers and investigators to follow up with the

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cases will be shared with the Public Defenders. But it will not be something that was not within the contracts that we were establishing with these lawyers. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. And through you, Madam Speaker, I -- a question that I -- through you, I have a question with regards to the training under the public defender's purview per se. It's my understanding that the office is often most involved with adults and that children and youth are very, very different. And therefore, I'm wondering to what degree there will be retraining of the individuals in the Public Defender's office? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Ah, yes. Through you, Madam Speaker again, I thank the gentlelady for the question because it is important that we make sure that everybody understands exactly what we are doing.

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First of all, we have juvenile public defenders already in the Public Defender's office. We have a training program that they use for their attorneys currently. This will be an additional division of the juvenile area. So we are still working with lawyers that are addressing the care of lawyers currently.

The lawyers that are also under the Child Protection Commission currently now will have the access to be engaged by the Public Defenders also, but they will have to sign the contract with the Public Defender as opposed to the Child Protection.

I also just want to address one other concern that I'm sure the gentlelady would probably ask me, is that are we going to make sure that the current lawyers that are getting -- that are providing the services under the commission are going to have their reimbursement and their fees paid, and yes, they will, Madam. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

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Thank you, Madam speaker. And the gentlewoman knows me too well, I think, these days. I appreciate her responses. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am.

Will you care to remark further?

Representative David Scribner, you have the floor, sir.

REP. SCRIBNER (107th):

Thank you, Madam Speaker. Good afternoon.

In rising to address the section of the bill that is before us pertaining to the weigh stations and in response specifically to Representative Guerrero's comments on behalf of the transportation Committee, I do think it's important to note for the benefit of the members of the Chamber how this language wound up here and how it came through the Transportation Committee.

Back in March there was a policy change in the form of legislation introduced out of the Transportation Committee from the administration that would, in effect, create efficiencies of the preexisting process, which involves both the

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Department of Public Safety and state troopers, as well as the Department of Motor Vehicles.

And the language that came before the Transportation Committee was not the language that was passed out of the committee. We agreed to a temporary substitute language and agreed that all parties involved would follow up with further discussions, which have occurred.

And I concur with Representative Guerrera that each of the parties involved, which included leaders of the Transportation Committee, the commissioners from both the Department of public Safety as well as the Department of Motor Vehicles and their staff and the Office of Policy Management talked this through and came up with what we believe to be a reasonable and sound compromise, if you will, that would help to create efficiencies and streamline the process as it exists today.

One of the things that was most important to Representative Guerrera and me as well as other members of the Transportation Committee was that we not disregard the importance of having state police involved in the process. We believed from many discussions and prior proposals that we had fully

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vetted that whether or not we could have some cost savings measures by shifting some of that responsibility over to the Department of Motor Vehicles and they were very well equipped to handle the actual inspections. We believed that the five weigh station locations in Connecticut, when open and in operation, needed to be properly protected from a security and safety standpoint.

The state police completely agreed with us so we thoroughly talked this through with all the parties, had several subsequent meetings including the Transportation subcommittee on Appropriations. And the language that's before us is what we came up with and I believe was a very legitimate and valid compromise that does improve the process, maintains the integrity and security that we felt very strongly about and at the same time, still enables the state to realize some cost savings measures in that process. As a matter of fact, I think many of us would like to see those weigh stations open more often because they generate a tremendous amount of revenue through the violations that are discovered in the inspection process and the subsequent infractions.

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So I would like to thank particularly Representative Guerrero, but all members of the Transportation Committee who placed some level of faith in us to work this out beyond the committee level. And I feel very confident that the language before us is mutually agreed to and something that we can feel willing to support.

And when I say that, I'm talking about that section of the implementer.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill before us? Will you care to remark further on the emergency certified bill before us?

If not, staff and guests -- okay.

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. O'NEILL (69th):

If I may -- thank you. If I may I have a few questions that will be directed towards, I believe, the first few sections of the bill that relate to the

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Public Defenders office. Some of this ground may have been covered a little earlier by the previous discussion. But I would like to direct these questions, if I may, to the chairman of the Judiciary Committee, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. O'NEILL (69th):

Thank you, Madam Speaker. With respect to the consolidation of the Child Advocate office with the Public Defender's office, is it anticipated that there's going to be any reduction in the staffing? Are we saving any personnel in connection with this consolidation? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you and through you, Madam Speaker, no, I don't believe there will be a change in staffing. That's my understanding.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

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Thank you, Madam Speaker. And I don't recollect, but was the consolidation of the Public Defenders with the Office of Child Advocate -- not child advocate, but the Child Protection office, was that the subject of a public hearing in the Judiciary Committee? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you and through you, Madam Speaker. I'm pausing because I'm not -- I don't recall it being the subject of a public hearing.

DEPUTY SPEAKER ORANGE:

Thank you. Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And there is a provision. And unfortunately, I cannot recollect the line number of it. But it provides for the reimbursement by guardians or parents of a child that receives the services from the -- what is now going to be the Public Defenders Office, which I guess is currently the law with respect to adults being represented by the Public Defenders Office. But is this currently the language -- this type of or

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something like this for reimbursement by the Office of the Child Protection, those attorneys? Are they able to recoup money from guardians and parents of children that are represented by that office?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, um. I'm not certain, but I don't -- I'm asking some others. I'm not -- I don't think that they can.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And this kind of a -- this type of reimbursement, was there a bill and in front of the Judiciary Committee that we had that would have provided for the reimbursement by the office of the Child Protection Attorney's Office? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

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Through you, Madam Speaker, I don't believe so. I should point out, though, with respect to the earlier question regarding a public hearing, it has been brought to my attention that Appropriations did have a public hearing on this issue.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. But it seems to me that this is a fairly substantial change in policy in terms of putting together an independent agency designed to provide protective services or rather advocacy for children, to provide attorneys in various kinds of legal actions that are going on.

And I believe that that agency is under the purview of the Judiciary Committee. And -- so this is a fairly major policy change and I would have thought that perhaps the Judiciary Committee might have weighed in with respect to the decision about whether or not to consolidate these two agencies into the Public Defenders Office, which is also under the purview of the Judiciary Committee and the cognizance of the Judiciary Committee. So this is a -- strikes

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me that this is a fairly significant change in the policies that we have.

I have a few more questions. In Section 21, there is a provision for guidelines to be established by I believe the Judicial branch. I -- unfortunately, I'm only looking at the bill in its computer form and one of the disadvantages is that it takes a long time to page your way back through the various screens. But I believe it's Section 21 that does provide -- does say something to the effect of guidelines developed by. But it's a new section. And I'm wondering, are there currently guidelines that are part of the probation system? Or are these a new set of guidelines that the court system is going to have to develop? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker and through you. This did come to the Judiciary Committee so I do -- there's one that I can get into somewhat.

What -- there is currently a policy dealing with probation where if an individual has probation for up

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to three years that Probation can recommend reducing the term of probation. This is, um, somewhat different because it would also address those individuals who are sentenced for up to two years. So it would require Probation to come up with certain guidelines in terms of what they would look to in terms of alternative sentencing.

I should also point out that it is my understanding that this was a subject that was going to be part of the implementer for last year, which we never got to. But it is something that has been around now for a couple of years, this topic at least. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So the language in Section 21 that calls for probation officers to apply for sentence modification, that is not -- is that something that they can currently do or is this going to be a new responsibility or power that probation officers are going to have? Through you, Madam Speaker.

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Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. The current law would allow them to terminate probation. So with respect to a sentence modification, this would be new.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And under what's referenced under Section 21 as 53A-39 of the current statutes, that provides for a process, and it's pursuant to that process that this type of sentence modification for the under two-year sentences is going to be implemented, that it's going to be done pursuant to that section.

That section calls for there to be an agreement between the defendant and the prosecuting attorney about allowing a, uh, an application for sentence modification. Is that going to continue to be a prerequisite for an application for sentence modification? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

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REP. FOX (148th):

Thank you, Madam Speaker. If the Representative could just point out the line that he's referring to, it would be helpful.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

If I might have a moment, I will try to get there.

REP. FOX (148th):

Madam Speaker, if I may, I do believe I found it so -- yes, it is my understanding that it would involve the prosecutor.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And it was my recollection that at some point during the course of this session, there was a bill that would have eliminated the requirement for a prosecutor to give, in effect, permission for an application for a sentence modification, but I think that was directed at sentence modifications where it's more than two years sentence. And I would ask if the Chair of the

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committee understands whether or not that legislation is as I remember it, that it would only apply to the longer sentences, not the ones that are the subject of Section 21. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you and through you, Madam Speaker, the Representative is correct. Actually, I believe it's a three year sentence, sentences longer than three years, that there was a bill addressing sentence modifications for an additional period of time.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Because where I was going with this line of questions is that if we allow the probation officers to, in effect, on their own volition apply for sentence modifications, which sentence modifications are going to trigger the requirement for a public hearing in front of a judge? That, I assume, if there were going to be any significant number of those cases, would trigger some expenses. That there would be some amount of money

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it would cost just to have those hearings. So I guess the question comes down to, for purposes of the implementation of the budget is -- is there an assumption that there are going to be a significant number of sentence modifications applied for by the probation officers pursuant to Section 21? Is this -- are we going to reduce the costs of the Corrections Department because the probation officers are going to be getting sentence modifications pursuant to the Section 21 or are they not anticipating a large number? So let me uncompound that or simplify it. Are we anticipating a large number of applications under Section 21?

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. And I don't see the number here, but I can say they are anticipating a savings. And one of the reasons I know that because it was a bill that they had hoped to get out earlier in the session in order to implement this earlier. And as I stated it, this was a bill that had been held over from last year. So yes, they do anticipate a savings. I don't know the actual number of, uh,

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uh, defendants or inmates that they would see taking advantage of this provision.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I was wondering if the Chair of the Judiciary Committee has any notion as to what the success rate is for sentence modification applications as they currently are being done in sentences that exceed three years? Do most of them succeed or is only a small percentage of those public -- or those modifications, are they granted? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. If -- is the Representative referring to the sentence modification bill that would address sentences of three years or greater or is it this provision here?

DEPUTY SPEAKER ORANGE:

Representative O'Neill, would you clarify, please.

REP. O'NEILL (69th):

Yes, Madam Speaker. I'm trying to figure out what the current result is of a -- of an application for sentence modification. In other words, are -- let's say for every -- for every ten sentence modifications is one of them granted or five of them granted, nine of them granted? When a sentence modification application is heard by the court is it more or less usual for it to be granted, denied or it's a 50-50 proposition kind of thing? To get some sense as to what we might expect by way of sentence modifications when we're dealing with the under three years or the two year sentences that are going to be modified pursuant to Section 21.

Since the only experience we currently have is with those longer sentences, that's the only basis that I can imagine that we can use to try to figure out how many modifications will be granted, how many applications will be granted. So that's the direction I'm going in, to try to put it into a context. So do we know how many modifications are granted based on the current law that allows for them when it's over three years sentence? Through you, Madam Speaker.

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Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. And I thank the Representative for clarifying his question. I don't have a statistic. It is my believe, at least, that most sentence modifications for sentences over three years, most applications for those are either -- either there's not an agreement between the -- with the prosecutor's office, as is required, as well as, I believe, oftentimes those requests are denied.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

I'm sorry. I wasn't quite sure of the final few words.

REP. FOX (148th):

Sure.

REP. O'NEILL (69th):

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

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And through you, Madam Speaker, I believe if a sentence modification does get to the court, it's my understanding that most are denied.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you. Thank you, Madam Speaker and I thank the gentleman for that answer. So it strikes me that the likelihood is that -- since that's the experience we have with the longer term sentences, that those sentences that are going to get heard where there's been an agreement, that the prosecutor has been willing to allow a sentence modification application to get to the court, that presumably most of them are not going to be approved and so we can assume that there probably won't be a particularly significant number of sentences that will be modified under this.

And so I guess, I -- I -- I'm assuming therefore that this is not here because it's intended to save money on the corrections side of things. Because it certainly is going to cost money for the Judicial branch to come up with the guidelines, for the probation officers to review the cases, and finally, those cases that do manage to get to a -- in front of

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a judge, in most cases, are going to be denied. So we're going to spend a lot of money going through a process, but we're not going to save very much money in terms of reducing the sentences of those individuals.

I have a few more questions, if I may, Madam Speaker. With respect to the earned credits, the reduction credits in 22 -- Sections 22 through 26, I'm wondering if the gentleman could explain how the number of five days was arrived at? If the Chair of the Judiciary Committee is able to explain that number. It was -- and I know that in the Appropriations Committee, we had a lot of discussion. Was there any, for example, was there a bill in front of Judiciary that had a public hearing that dealt with the sentence reduction credits? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. Through you, it is my understanding that there is about 42 states that have some form of earned risk reduction credit. And as I

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understand it those can span anywhere from a day for a day to five days per month.

We did have testimony during the Judiciary public hearing where we used the figure of five days per month as an example. Also, it was my understanding that the Appropriations Committee did discuss that number of five days a month. And if there was a question as to whether or not we should put a definitive number of days in or allow the Department of Corrections to establish their own policies. And it was determined that because this is at least somewhat new for us that the five days per month figure that had been discussed would be good to put in this bill.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And with respect to the five days per month, when does that start to accrue? Is it going to start to accrue after this bill becomes law so that for every month a person is in -- let's assume for a moment that this bill becomes law today, that a person would start to accrue those five days per month starting today or is

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it going to be retroactive to some earlier date?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. And through you, it's my understanding that there were certain dates that were discussed with respect to retroactivity. One was April of 1994, the other was April of 2006. It was decided that the Offender Management Plan, which -- it went into effect in April of 2006, which would properly enable some tracking would be the retroactive date. So that's the date by which an inmate could begin to learn -- earn the risk reduction credits.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And is there any requirement for a prisoner to have done something, for example, participated in educational programs or some sort of therapy type programs or anything else active on their part in order to be able to get these risk reduction credits? Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, yes, there is. These are not credits that are automatically given and then taken away based upon the failure to do something. These are credits that an inmate would actually have to do an affirmative act by which they could then achieve these credits, such as attending a course, such as substance abuse treatment, areas along those lines.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So for those individuals who participated in programs starting in 2000 -- July of 2006, if they participated -- I'm trying to do the arithmetic in my head, but I think it's about five years now. So if they participated in one of those types of programs that would generate eligibility, that's about 60 months and times five would be about -- 60 times five -- it's -- it's embarrassing being a member of the Appropriations Committee and struggling with the number, but I think

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it's about 300 days. And I don't know if the Chair of the Judiciary Committee is any better at math than I am, but I believe that the total number one could have earned would be about 300 days. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. I believe the Representative's math is close enough. However, as I understand it, it's very difficult to earn five days for every month because there just may simply not be enough -- enough areas where someone could participate that they would be eligible for such a reduction. So as I understand it, while five days would be the most you can earn each month, you in all likelihood would not earn that for every month.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Do we have any information about how many prisoners currently -- or the number of days that prisoners who would be eligible for this program, who participated in

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various kinds of programs, how many days have been accumulated? Would we have like a prisoner that we know has the maximum number of days that he -- that under the systems, would be eligible for 50 days or 100 days or whatever number it is? Do we know if there are prisoners or how many prisoners would be eligible for sentence reduction credits, risk reduction credits? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you and through you, Madam Speaker, I -- because some of this came together fairly recently, I'm not sure if that's -- I -- I -- I don't have that information and I'm not sure if it's even been calculated.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. In those states -- and apparently -- because this is not new elsewhere, but it's new here in Connecticut, in those states that have implemented this type of program, do we see prisoners increasing their participation rates in the

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various types of programs which do make them eligible for these sentence re -- risk reductions? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. And it's my understanding and my recollection of the testimony at the public hearing is that, yes, it does -- result in an increased involvement in prisoners to earn these types of credits.

REP. O'NEILL (69th):

Thank you, Madam Speaker. I thank the gentleman for his answer.

So then we can anticipate that since now there is a positive, concrete reward in addition to getting a GED or perhaps getting a better handle on substance abuse problems, the prisoners will actually have an ability to see their sentence reduced going forward based on their willingness to participate in these types of programs. And I guess in those states that do this, do they have a problem with prisoners who are only participating in the program so they can get the five days or hoping they can get the five days,

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but who are not really committed to getting a high school diploma or perhaps, getting a better handle on substance abuse problems? Because those kinds of participants would probably be less helpful and might be more disruptive towards the -- to those who want to participate in the program. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. We're dealing with prisoners so I assume there may be situations where those who are involved may not be -- may disrupt the program somewhat. But the testimony as I recall from our committee public hearing was that this would -- this does enable for those prisoners who participate to get out somewhat earlier, but also to have a much more successful transition.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And with respect to the type of prisoners who are going to be eligible, are there any restrictions, the type of prisoner in

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terms of, you know, the crimes they have committed?
For example, is someone who committed a capital felony going to be eligible for a reduction based on this program or is it only people who have committed, you know, Class D felonies or lesser or what are the -- the, uh -- is there a criterion that's going to be imposed that limits the availability of the risk reduction credit based on the type of crime for which the person is incarcerated? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. Yes, there is. There are certain crimes that are not eligible and they are listed in a -- beginning on line 1091 of the bill.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And with respect to -- what is the -- rather than go through the entire list, I'm just wondering what is the most severe crime in terms of either its maximum penalty for which an individual is eligible to get the sentence

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reduction credits? What's the worst offender who would be eligible under this program? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. The -- who's ineligible -- a -- capital felonies are ineligible. That's the worst crime that's --

REP. O'NEILL (69th):

Let me --

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Let me restate my question. What is the maximum crime for which an individual would be eligible to participate in the sentence reduction system, the risk reduction credits? What's the -- is it a Class B felony, a Class C felony? What's the most severe level of crime that a person can commit and still be eligible for the risk reduction credits? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

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REP. FOX (148th):

Thank you, Madam Speaker. Through you, in reviewing the section I don't see a preclusion for C felonies so it would -- and I'm not sure if some D felonies are eligible or not. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, so would any individual that can or would have committed a C felony and still be eligible for the risk reduction credits? Did I understand the answer correctly? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. Yes, that -- that is correct.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And if the -- the, uh -- Chair of the Judiciary Committee could refresh my recollection, but what is

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the sentence range that C felonies carry with them?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I might be -- I'm
guess some, but I think it's ten years.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So it would be the
maximum sentence for a C felony would be a ten year
sentence. Is that correct? Through you, Madam
Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

No, actually -- no, -- I was thinking ten years
is more of a -- I think you can get more than ten
years for a C felony so I don't want to say that
that's a maximum. The answer is it depends on -- if
we could refer to a specific crime, I could probably
look at it that way.

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Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. I thought that the way that our penal code worked is that a D felony had an up to a five -- from one to five years and a C felony, I thought, was a -- had a similar kind of range, it was something like maybe five to ten years or maybe it was ten to 20 years, I can't remember now. And I was hoping that the Chair of the Judiciary had a handle on it.

Well, let me try getting at this a different way. In terms of that list of specific crimes that are -- that are, I guess, excluded, what's the lowest level penalty that's excluded? What's the thing that you are ineligible for, makes you ineligible, what's the crime you commit that makes you ineligible, that seems to be the lowest level of criminal activity? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Um, through you, Madam Speaker, there are certain burglary provisions that I believe are ineligible.

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DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Would any of those perhaps include home invasions? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. Certain crimes -- certain crimes that involve the use of force or the attempted use of force would be ineligible. And I believe home invasion can fall under that.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. Thank you, Madam Speaker, that's good to hear because of course we went through quite a bit of discussion about the issue of home invasion and created that as a new type of burglary type crime just a couple of years ago.

And I guess I think I may have exhausted the questions, although I apologize for not being a little bit better prepared for it today.

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But since we only got the bill a few hours ago, it's been a little difficult to get all my questions in order and to be as well prepared as I would like to have been.

You know, it seems to me that we're making some fairly major public policy changes that affect the Judiciary, that affect the Corrections Department, that affect probation, all of which fall in the purview of the Judicial -- the Judiciary Committee. And the impression I have is that -- and with all due respect to the Chair, that this is being put together by somebody else outside of the Judiciary Committee to come up with maybe target numbers in terms of the budget or something.

But we are -- we're going to be having a significant change in public policy that's incorporated into a piece of legislation that's really designed to implement the budget. Through the roughly 22 years that I've served in this Chamber, we've seen implementers that were used for other purposes. There was a time, in fact, when it seemed like every bill that died during the session came back in one or more of the implementers and so no

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bill was really dead as long as the implementers had not yet passed.

But I thought we had moved away from that over the last few years. That was a tactic that was employed extensively back in the mid to late 90s and early 2000s and seemed to reach a kind of a crescendo in the early 2000s. And then in the last five or six years, we've gotten, I thought properly, away from using the implementer in this way.

And I guess I question whether we should be implementing or treating as an implementation of the budget policies which pretty clearly from the discussion that I just had with the Chairman of the Judiciary Committee don't seem to have much to do with implementing the budget. They don't seem to save us any money. The consolidation of the Child Protection Attorneys apparently results in no reduction in staff, therefore no reduction in funding.

With respect to the probation officers and their ability to apply for sentence modifications again, this is a change. We've never allowed this before and now we're going to be allowing it. But again, based on the experience we have, we don't really

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anticipate that we're going to be able to save any money with this either.

So I guess I question why these things are being put into an implementer that's supposed to be part of the budget where we are supposed to be seeing some savings by way of consolidation of various parts of the government. So I do have some really serious doubts about the wisdom of including this here, because I think people might be freer to vote what they thought was a good public policy if it was a free, standalone bill rather than lumped in with something that is necessary perhaps to implement the budget which was passed by this General Assembly.

And of course, I didn't vote for that budget so I don't feel that compulsion to vote for this implementer the way some people who did vote for the budget might feel.

And secondly, given that the budget itself still seems to have some fairly major holes in it with respect to the 400 million dollars that were not achieved by way of concessions and some question about the concession numbers that have been put forward as to whether there really was 1.6 billion dollars worth of concessions, nevertheless, we're

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going to be called upon to vote on this thing to implement a budget which, at the moment, it doesn't look like it's really fully developed yet.

And so we're implementing it but we're not exactly sure what it is that we are implementing. And so I will have to say that unless I hear something that's really persuasive to get me to change my mind, that I am very much inclined not to support this bill that is before us for those reasons. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Would you care to remark further? Would you care to remark further?

Representative Hetherington of the 125th, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. If I may to the proponent, I would like to -- through you, Madam Speaker -- to make some inquiry with regard to the risk reduction earned credit program further, to what Representative O'Neill was asking.

By way of background, through you, Madam Speaker, prior to 1994 there was -- and please

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correct me if I am mistaken -- there was a time off
for good behavior program. Is that right? Through
you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank -- thank you, Madam Speaker. Yes, that's
correct.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Madam Speaker. Can you
just generally describe how did that differ from what
we are proposing here in the way of risk reduction
credits? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. And through you, the
way it has been described to me is that prior to 1994
when a defendant would enter -- would become
incarcerated, they would start off with credits.
They would essentially be given credits at the
commencement of their prison term. And it was --

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based upon their behavior whether or not those credits were taken away.

The way this proposal is presented is that the defendant/inmate commences their term with their full term in place and they would then be given the opportunity, um, should they avail themselves of it, to attempt to take time off of that sentence provided that they perform certain tasks that would benefit them as individuals and also benefit their reentry into society.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Madam Speaker. Is it envisioned as possible that someone who was serving time prior to 1994 would be still in prison or given the -- well, I'm sorry. Let me just ask you that. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

I believe the question was it is possible that somebody who was in prison before 1994 could still be

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in prison. If that was the question then the answer would be yes.

REP. HETHERINGTON (125th):

Yes.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Madam Speaker. I -- the reason I was asking that is that I wanted to ask what would happen to any benefits a prisoner might acquire during the pre-94 imprisonment now that we will have this earned risk reduction credit. In other words, will the whatever good behavior credit that was earned in the prior period, would that still be retained? Would the prisoner get the benefit of that? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. As I understand it the way it is set up is that the prisoner would -- if he or she were sentenced prior to 1994, would be operating under the policies that were established prior to 1994.

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DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I see. I thank the proponent for that clarification.

I have a question with respect specifically to lines 1053 through, uh, uh, excuse me, correct that. I -- substitute this question if I may. Through you, Madam Speaker, I'm looking at lines 1, 6 -- 1116 through 1156. And this talks about the Boards of Pardons and Paroles and when that board shall determine the suitability or may determine the suitability for parole release of any person. And the first referenced lines, that is 116 through 136, talk about the requirement that a -- a -- a person in confinement serve 75 percent of such person's definite sentence less any risk reduction credit. Then the following section which happens to be Section E and begins on line 1137 talks about -- it seems to me essentially the same thing except that it refers to 85 percent of a person's definitive or aggregate sentence less the risk reduction credits. And I -- I -- I wonder if I could ask the proponent, through you, Madam Speaker, to clarify what the

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difference is here. They both seem to address when a -- when the Board of Pardons and Paroles can address the matter of parole. But there is a difference in the percentage before you apply the risk reduction credits. If he could just clarify those two sections for me. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. There are certain crimes that are ineligible for parole until 85 percent of the sentence is reached. That's the reason for the two distinguishing sections.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. I thank the proponent for that clarification.

I'd like to turn to the provision that would provide a protection in the communication of a -- a, uh -- a defense attorney, public defender. The protection covering confidential communications. Does not the public defender just by virtue of being an attorney and representing the client, does not

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that carry with it the protection of confidential communications? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. As a fellow attorney I thought the same thing when I had first heard of this as a proposed bill which is going through the General Assembly now. And what I -- apparently there is enough of a question that they felt it was necessary to protect the attorney-client privilege by including this section.

REP. HETHERINGTON (125th):

I see, interesting. Through you, Madam Speaker. Does that provision also -- does it expand the number of people who qualify for public defender assistance beyond what now exists in terms of status of persons? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I don't believe so. If the propo -- if the questioner could indicate what

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section he's referring to because I can't seem to find it.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Yes. This is a bit scattered here.

REP. FOX (148th):

Well, I don't -- through you, Madam Speaker, I believe the answer is no.

REP. HETHERINGTON (125th):

Okay. Okay.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay. I thank the proponent.

I -- in terms of the consolidation that is achieved in the early part of the bill that creates the Public Defender Services Commission and is there any savings -- I mean, do we have a -- what amounts to a fiscal note on that? Do we know what that offers by way of savings? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

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REP. FOX (148th):

Through you, Madam Speaker. According to the fiscal note that I have been handed, Sections 1 through 19 which are -- consolidate the functions of the Child Protection Commission into the Public Defender Services Commission is about a 1.2 million dollar savings in each fiscal year.

If I may, I'd also like to correct a previous response that I gave because I believe I stated that there was no elimination of positions. But per the fiscal analysis, it appears that three positions could be eliminated.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

That was three positions. And if the proponent would -- would not mind, what was the fiscal note again on that? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. And through you, it is on page 4 of the Office of Fiscal Analysis report

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at least that I've received, and it was 1.2 million
in each fiscal year.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Um, no, thank you.

And if I may go back to a question I had asked
earlier and I just would like to ask the proponent
for an interpretation of lines 382 through 386, which
that gave rise to my question about the expansion of
the group -- class of persons who is eligible to
receive public assist -- public assistance -- legal -
- with their legal representation.

And those, 382 through 386, seems to say that
anybody who has a right to counsel, who does not have
the financial ability at the time for representation
would come under the definition of indigent defendant
and therefore be eligible for representation by the
Public Defenders office. And I -- I appreciate the
fact that the proponent has already answered that. I
just, you know, that was my reference and I just
wondered if that nevertheless the proponent would

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conclude that that does not expand the number of people who would be entitled to the services of the public defender. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I do appreciate the ranking member pointing out the section that he was referring to. I'm not sure that it would result in a significant increase in public defender services so I don't know that I would change my answer, but I do appreciate that being pointed out to me.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the proponent.

I -- at least that is my initial questions concerning that part of this bill and I would like to conclude at this point and possibly ask the indulgence of the Speaker to again raise questions and comments concerning the bill. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

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Would you care to remark further on the emergency certified bill? Representative Alberts of the 50th district, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker. If I may, several questions to the proponent of this section where -- as it relates to judicial foreclosure mediation. I believe the honorable Chairman of the Judiciary Committee.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker. As I understand this section or these two sections of the bill, 31 through 32, they detail the plan to change the end date of the present judicial foreclosure mediation program by two years. Is that not correct? Through you, Madam Speaker. I believe this would begin at line 1370.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. Well, I don't know that this is directly a Judiciary Committee bill, I am familiar, at least, with the program. And it is

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my understanding that the mediation sections do
extend the program.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And to the best of
the proponent's knowledge are there any changes to
the mediation process that are contemplated in this -
- in these two sections? Is there anything that's
contemplated in terms of additional meetings with --
between the parties that typically are involved in
the negotiations in a foreclosure? Through you,
Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I've had an
opportunity to hear from the distinguished Banks
Chair and he is saying it is simply an extension of
the program for an additional two years.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

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Well, thank you, Madam Speaker, that's what I thought, too. And then I was looking at the analysis that's before us and as I understand it, it retains the current program end date, which is July 1st, 2012 for foreclosure actions with returns dates, July 1st 2008 to June 30th of 2009. So that would suggest that perhaps there's a four year period there. Is that not correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Um, through you, Madam Speaker. Um, it would seem -- the reason for that may be simply to, um, make it clear that certain pending foreclosures that are still in mediation, and there are some that go back that far, um, would continue -- would be at least eligible to continue in mediation.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And I do respect that the present program has an expiration date without this bill that is before us of July 1st of 2012. And it seems to address a universe of foreclosure actions

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that would commence July 1st 2008 to June 30th of 2009. So there would be a four year time frame there.

Whereas I understand it, the bill that's before us would actually extend this to potentially five years so that any foreclosure action with a return date on or after July 1st of 2009 would have an end date potentially of July 1st 2014, which is five years. Is that not correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. That is correct if it were to be extended that long, then that is correct.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. Is there in practicality, what is the typical process for these? What has the proponent seen that these typically take? You know, are we looking at potentially the

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risk that these foreclosure actions could take as long as that? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I think that would be very unlikely. My understanding, the average is six to eight months. But there are periods -- and I've seen this myself, where for various reasons unrelated to what we do here, that there are stops on foreclosures. So some things do happen and it might be for that reason that no action is taken and then cases are picked up again. But the average would be six to eight months, is my understanding.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. So for -- just for clarity, to make sure I'm fully cognizant, there is no contemplated change here as the proponent understands it to anything but the duration of the program, that we're simply extending the program by two years. We're not changing any of the mandated meetings. We're not shortening the process. We're

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not necessarily extending the process, we're just making it available for an additional two years.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. With respect to the simple merit, that is correct.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And I was hoping that would be my understanding. I thank the gentleman for his response.

My concern in looking at this section is the fiscal note that is borne by the state of Connecticut if this does indeed get extended. As I understand it there is an approximate 5.3 million dollar fiscal note on this. And the program, as well intentioned as it is, does require that current staff in place remain in place. And that is 51 employees, 25 of whom are mediation specialists, 17 are office clerks, eight are case flow coordinators and there's one attorney. So the total of the 51 employees equates

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to a 5.3 million dollar annual cost to the state, which as I understood it and if my math was right, is about \$104,000 per person. That would seem to be on the high side. So I would hope that as we go forward with this -- with this section or with these two sections of the bill, if enacted, we could look to perhaps get some cost savings through this process.

But again, I do thank the gentleman for his answers. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill before us? Representative Shaban, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker, with your permission, a few questions to the proponent, please.

DEPUTY SPEAKER ORANGE:

Do you have specific areas or do you want to address --

REP. SHABAN (135th):

Oh, I apologize. To the Chairman of the Judiciary, please.

DEPUTY SPEAKER ORANGE:

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Please proceed, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker. Through you, several questions on Sections 22 through 25 and then 26 through 27.

I'm trying not to rehash some of the ground Representative O'Neill went through, but my question is with respect to the good time credits, for lack of a better term, Sections 22 through 25.

Through you, Madam Speaker, has any committee or the LCO done a separation of powers analysis on whether or not such types of commutation of sentences or good time credits, whether or not that's passable under our Constitution's separation of powers? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I -- I mean I should point out that this is very different than the good time credits, quote, end quote, that was in place prior to 1994. So I -- the -- with respect to the risk reduction earned credits, I'm not aware of an analysis. But it's very possible there is one.

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DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. Through you, I remember a portion of this coming up before us in front of Judiciary, but I'm not -- if the good gentleman could remind me, what -- did this in fact come up before us in Judiciary and under a particular bill? Through you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. Yes, it did. And it was voted out of committee.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

And through you, Madam, is this the -- then it went to Appropriations. Am I correct with that? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox, do you care to answer?

REP. FOX (148th):

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Through you, Madam Speaker. I believe it did,
yes.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

And through you, Madam, a similar question, if
the proponent knows whether or not in Appropriations
whether or not there was the discussion about whether
such reductions or earned credits for inmates
impacted the separation of powers under Article
Second of our Constitution? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I -- I don't serve
on Appropriations. I was not there when it was
discussed.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Fair enough and thank you, Madam Speaker.

With -- similar questions with respect to
Sections 26 through 27, and in particular the ability
of the Department of Corrections Commissioner to

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release a sentenced inmate. Similar question.

Through you, Madam Speaker, is the gentleman aware of again, a separation of powers analysis or whether or not LCO -- I don't recall any testimony, but whether or not there was any analysis of how this may or may not run afoul of Article Second of our Constitution? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. I'm not aware of any.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

And through you, Madam. Well, I guess, really more a comment then. And I thank the gentleman for his responses.

With respect to the former sections, the 22 through 25, it's my understanding that similar provisions may have been at least tangentially ruled upon as just barely passing muster under a separation of powers. But having this evolved into Sections 26 and 27 where the Department of Corrections

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Commissioner can just blanket release a sentenced inmate, say "You know what, you're out" based on what I consider to be or what many may consider to be loosey-goosey standards, I submit, clearly runs afoul of Article Second of our Constitution.

The -- our Supreme Court has been clear in the last five or ten years in several decisions that says it's the job of the Legislature to define appropriate sentencing. It's the job of the Judiciary to adjudicate and set appropriate sentencing and it's the job of the Executive to administer and manage sentencing.

I submit, Madam Speaker, that Sections 26 and 27, by allowing the Commissioner to blanket release somebody, steps over the line, thus my questions on separation of powers.

Again, I thank the gentleman, but jamming this into an implementer bill I think is -- could cause more problems than it was designed to cure. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Would you care to remark further? Representative Labriola, you have the floor, sir.

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REP. LABRIOLA (131st):

Thank you, Madam Speaker. A few questions, through you, to the Chairman of the Judiciary Committee.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. With regard to Section 21 and sentence modifications, is it correct to say that nothing in here is going to change the way that prosecutors have to sign off on sentence modifications? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. There's nothing in here that would address the sentence modification.

DEPUTY SPEAKER ORANGE:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. So is -- in Section 21 where a probation officer could ask for modification of a sentence, that doesn't somehow constitute a back door way to avoid getting a

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prosecutor to sign off on the modification? Through
you.

DEPUTY SPEAKER ORANGE:

Representative Gerald Fox.

REP. FOX (148th):

Good, thanks.

Um, Through you, Madam Speaker, I'm just -- I'm
not sure, I'm trying to look up the -- sent -- no,
through you, Madam Speaker, I don't believe this
changes the current situation as it involves
prosecutors.

DEPUTY SPEAKER ORANGE:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. Turning to Sections
22 to 25, I know you were asked several questions,
Mr. Chairman, with regard to this, but through you,
Madam Speaker, is it correct to say that upon passage
of this particular bill all of these inmates who are
going to receive so called good time credits would
automatically receive up to five years worth of
credits since it's retroactive to 2006? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox.

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REP. FOX (148th):

Through you, Madam Speaker. With respect to the risk reduction earned credits, it does go back to 2006, which is when the types -- as I understand it the types of statistics that would be available were accounted for in a way that can currently be addressed in a sentence.

DEPUTY SPEAKER ORANGE:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. And with regard to Sections 26 and 27, the home confinement for certain offenders section. It states that the DOC Commissioner would be allowed to release a sentenced inmate who was sentenced for driving under the influence, was one of the examples, upon conducting a risk and needs assessment. Is it possible that such a risk assessment could be completed in a matter of weeks? Through you.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. The number that was given me was -- could take around 30 days so.

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DEPUTY SPEAKER ORANGE:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. I don't have any further questions of the Chairman at this point. However, I do have some comments.

I am concerned about Section 21 as to whether or not prosecutors are taken out of the game and I appreciate the assurance that -- that it appears as though a prosecutor would still have to sign off on any modification of a sentence of three years or greater.

With regard to Sections 22 and 25, I am concerned that these sentenced prisoners who -- many of whom have committed horrific crimes would be eligible for the immediate good time credit of five years worth of credit, since it's retroactive to 2006, and I do think that sends a very bad signal in terms of public policy.

But I am particularly concerned and I wish to address my remarks mostly to Sections 26 and 27. With regard to this power that we're giving to the DOC commissioner to reduce sentences, especially sentences of those who have committed multiple,

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repeated DUI offenses. What we're talking about is people who have not been arrested once or twice for DUI, but for more than that.

As we all know, a person who is arrested for the first time for DUI typically is able to avail themselves of the program known as the Alcohol Education Program. Once they successfully complete that program, their record is expunged. Upon a second arrest for DUI, the person is typically prosecuted and gets a conviction called a first conviction. Second case, first conviction. Those people usually don't have to serve any time in jail in Connecticut or other states.

Upon a third arrest, third case, second conviction, in Connecticut under the current law, those particular defendants receive a four month sentence. Upon a fourth case, third conviction, fourth case.

Since their first case they got the Alcohol Education Program and their record was dismissed. They now have been arrested for a total of four cases and this would be their third conviction, these people, who would be serving time, under this proposal -- jail time for driving under the influence

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are given a one year sentence. For subsequent offenses, similarly, either one, two or three years of jail time. So we're talking about people under the current framework who are sentenced by a judge after review of their individual case, after a prosecutor handles it, they were arrested by the police, they get sentenced by this judge in court to, say, either the four months because it's their third case and second conviction or one year because it's their fourth arrest and third conviction or more than that. These people could now be released after 30 days, we're told. From zero to 30 days it would take to do this risk assessment. After serving 30 days or less, the DOC commissioner could, on his own volition, release these people to their home.

And I think this sends an awful signal, not only to the people of Connecticut, but to the whole country.

In fact, my concern is that we're sending the signal throughout the nation that if you already have a DUI conviction, come to Connecticut, because the DOC Commissioner can make sure that you don't serve more than 30 days for repeated DUI offenses.

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And so, because I am so concerned about that, Madam Speaker, the Clerk has in his possession LCO Number 7088. May it be called and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO 7088, which shall be designated as House Amendment Schedule "A."

THE CLERK:

LCO Number 7088, House "A," offered by
Representatives Labriola, Klarides and Rebimbas.

DEPUTY SPEAKER ORANGE:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker.

This amendment would strike Sections 26 and 27 in their entirety. And I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of House Amendment Schedule "A." Is there any --

REP. LABRIOLA (131st):

Madam Speaker, I ask that a roll call --

DEPUTY SPEAKER ORANGE:

We're still on the -- is there objection?
Hearing none, Representative Labriola.

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REP. LABRIOLA (131st):

I ask that when the amendment by voted on it be done by roll call. Madam Speaker.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is when the vote be taken, it be taken by roll call. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

Opposed, nay.

I believe the 20 percent threshold has been met. When the vote is taken, it will be taken by roll call.

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. As I mentioned before, I'm concerned about the message that we are sending out, not only to the people of Connecticut, but across the country. What we're saying under this bill, on the underlying bill is that if you have multiple repeated convictions for DUI you will not necessarily have to face mandatory minimum jail sentences. And this amendment would eliminate that

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provision because under the underlying bill, those jail sentences for repeated DUI convictions would neither be mandatory nor minimum. We would be getting rid of that framework and investing all of this power into the DOC Commissioner, which is a terrible signal to send to our people in this state and around the country that somehow Connecticut would become the haven for DUI drivers.

I also point out this, let's say that a person is a repeated convicted offender for DUI cases and they face a new charge. Under this underlying bill, when they come before a prosecutor and they're made an offer. Let's say they're offered a one year jail sentence as is typical for the third conviction, fourth arrest, third conviction in Connecticut. And the prosecutor offers this person a one year jail sentence.

Well, if this underlying bill passed, they would have no incentive to take that plea bargain. In fact, they'd have every incentive to go to trial since even if they lost the trial there'd be a good chance that the DOC Commissioner under the underlying bill could simply let them go after their risk assessment was done within 30 days. And this is just

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-- it would so radically alter the criminal justice system with respect to DUI cases, that it -- it -- it really does need to be eliminated and that is why I've offered this amendment.

What it does is it takes away the power of the judges and invests it entirely into this one person, the DOC Commissioner. And it's a tremendous disservice to the criminal justice system,, to our judges, to our prosecutors and particularly to those people who are victims in DUI cases. And for all those reasons, I urge adoption. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Would you care to remark further on the amendment before us. Amendment Schedule "A." If you would, would you please raise your hand because the board is full.

Representative Klarides, you have the floor.

REP. KLARIDES (114th):

Thank you, Madam Speaker. I rise somewhat reluctantly to support this amendment. And I say that because I agree with some of the parts of this section of this bill. I have supported, year after year, strongly supported the interlock device and

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putting it into our statutes and making it available to people who are in that situation.

My problem is -- and the reason I support this amendment, is that we see in Section 26, in these sections of this implementer bill, we see the word "may" no less than five or six times. We see the Commissioner of Corrections in line 1166 "may" after admission and a risk of needs assessment of some person release such person to such person's residence.

We see in line 1170, the Commissioner "may" require such person to be subject to electronic monitoring. Not "must," "may." We see which "may" include the use of global positioning system. The only place we see "shall" is in line 1179 where we talk about the establishment of an advisory council.

Madam Speaker, the reason why I bring these points up is because ultimately somebody could be sentenced to, say, five years based on multiple DUI arrests. And the Commissioner will do a risk assessment of that person and at that point in that short period of time which could be a week or two, may release that person back to his or her home.

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I don't think that was the intent when we discussed this in the Judiciary Committee. I don't think that was the intent when people think about, well, somebody is being incarcerated but maybe they'll get out a little bit early to free up our corrections -- corrections system and use an interlock device, use home confinement. I don't think the intent was to have somebody sit in jail for one week on a five year sentence. And I use that as an example because clearly there are all different sentences we're dealing with. But that's the reality of what can happen with this.

And for those reasons, Madam Speaker, why I support this amendment. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further on the amendment? Will you care to remark further on the amendment before us? Representative Alberts.

Representative Miller. Larry, you have the floor, sir.

REP. L. MILLER (122nd):

Thank you, Madam Speaker. I've been here a long time and it seems for the last 15 years drunk driving

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comes up every single year. And I can remember Kevin Sullivan coming up with a 20-page report on drunk driving. It was an outstanding piece of work but nothing was ever taken from it to improve our drunk driving laws. And it seems again, repeat offenders are out there all the time. I've had three people in my district who were killed. One woman was decapitated because of a drunk driver. And here we are again, cuddling these people. If they're arrested a second time or a third time, we should throw the book at them. They can kill people. And I don't know whether it's the judges that are too soft on them or the lawyers are too friendly with the judges and maybe they're golf partners and they -- they work a deal. I don't know.

But I'm certainly supporting this amendment. And I think this Chamber ought to knuckle down and really give it to the drunk drivers because they're not doing us any favors. They're just killing people, causing accidents, horrendous amounts of damage and costs to have cars repaired and so forth and so on.

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So I urge the Chamber to pass this amendment and let's put the metal -- the pedal to the metal with the drunken drivers. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Miller.

Will you care to remark further on the amendment? Would you care to remark further on the amendment?

Representative Fox of the 146th, you have the floor, sir.

REP. FOX (148th):

Thank you. Thank you, Madam Speaker. And I want to -- well, I rise in opposition to the amendment. I do thank the proponent. He is experienced and his position on this issue has been consistent. I would only add that the public testimony that came before the committee, including support from the Division of Criminal Justice as well as police chiefs and the Department of Corrections did make it clear that there would be conditions placed on these individuals if their sentence was converted from prison incarceration to house arrest, including continuous alcohol monitoring, including

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electronic monitoring and other areas of control that the Department of Corrections would place upon them.

They also -- they wouldn't be on probation. They would still be affiliated with the Department of Correction. So it's -- there is significant savings with respect to this proposal. That alone is not reason to do it.

However, what it will do and what it hopefully can do is result in the ultimate goal which is get individuals to stop drinking and driving. And that is why, in correlation with the ignition interlock language that I anticipate will be voted later this week, we do -- this proposal does have support from those who do represent victims of drunk driving because it can work towards achieving their ultimate goal.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on Amendment Schedule "A"? Representative Srinivasan, you have the floor.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. I do rise in strong support of this amendment. It is important for us to

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send a message loud and clear that here in Connecticut, we are not soft at all on drunk driving. And what this amendment does is strengthen that component. We do not need to repeat the stories that we all have heard in our personal lives and sometimes, for me, in a professional setting of the consequences of drunk driving.

Here we are strengthening the laws when it comes to texting and driving and all kinds of hazards that occur while we are on the road. While we're doing that in the right direction, we should make sure that our drunk driving laws are also what they should be. Tough on them and in no way should we soften on this crime.

I rise in strong support and I request members of the Chamber to support this amendment as well. Thank you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on Amendment "A"? Amendment "A"?

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

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THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "A" by roll call. Members to the Chamber.

DEPUTY SPEAKER ORANGE:

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

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6550 as amended by House "A."

Total number voting	145
Necessary for passage	73
Those voting yea	52
Those voting nay	93
Those absent and not voting	6.

DEPUTY SPEAKER ORANGE:

The amendment fails.

Will you care to remark further on the bill before us? Would you care to remark further on the bill before us?

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Representative Carter of the 2nd, you have the floor.

REP. CARTER (2nd):

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO Number 7109. Would you please ask the Clerk to call it and I be allowed to summarize?

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 7109, which will be designated as House Amendment Schedule "B."

THE CLERK:

LCO Number 7109, House "B" offered by Representative Carter.

DEPUTY SPEAKER ORANGE:

Representative Carter seeks leave of the Chamber to summarize. Is there objection to summarization? If not, Representative Carter, you have the floor, sir.

REP. CARTER (2nd):

Thank you, Madam Speaker. LCO Number 7109 basically strikes and substitutes after line 1009 to preclude those who are registered as sex offenders. As those who are registered as sex offenders are not

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subject to the bill as it's written now. This way they do not get the credit for good behavior and they're required to fill out the rest of their term, the 85 percent.

Madam Speaker, I would move that the amendment be adopted and a roll call be taken for the vote.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption. Representative Carter.

REP. CARTER (2nd):

I move that -- or I ask for a roll call vote for the amendment.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on a roll call vote. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

The 20 percent has been met. When the vote is taken it will be taken by roll call.

Representative Carter, you still have the floor, sir.

REP. CARTER (2nd):

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Thank you, Madam Speaker. Back in 1995, you know, Connecticut in its infinite wisdom basically brought into effect Megan's law or our version of Megan's law. And the reason we did that is because sex offenders have a high incidence of reoccurring offenses. And the reason we brought Megan's law at that time and had people register was number one, we knew they had high incidents of recurrence and we also wanted a way to deter it.

So recognizing that and how prevalent that can be in our state, I thought it was good measure that when we looked at this bill that we make sure that those who are convicted of sex crimes, particularly those crimes that require registration as a sex offender not be given the opportunity to have the good behavior and having the Commissioner decide whether or not they can get out early.

You know, I think that it's prudent that when we go through this legislation and we find where we're going to exclude felons from this and we're going to let people come out early from jail that we should give some real thought to who we're letting come out early. And in our society I don't think that we

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should have sex offenders be able to come out early on good behavior.

So with that I would move that -- or I would urge my colleagues vote for the amendment. And those on the other side of the aisle as well.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the amendment? We are on the amendment. Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. Madam Speaker, in order for me to better weigh my ultimate decision on the amendment which amends the underlying bill I have a question through you to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Representative Walker.

Representative Cafero, please proceed.

REP. CAFERO (142nd):

Thank you and through you, Madam Chair, I recognize that Representative Walker at the outset of her bringing out the bill indicated that there were various members of the Chamber that were handling certain parts of it. This one deals with the

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criminal statutes and therefore if the Chair allows or the Representative allows, I would direct my comments to Representative Fox. Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Chair, I will yield to -- oh, we don't yield. I will allow that to happen, thank you.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Madam Chair, Representative Fox, the amendment that is now before us adds to those lists of criminals who will not be eligible for reduced time under the bill that's before us, those who are part of the state's sex registry. Through you, Madam Speaker, to Representative Fox, without -- am I to understand then without this amendment, people who have been convicted of crimes con -- involving sexual assault and other sexually related crimes that are not excluded under this bill would be allowed for early

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release time if this amendment does not pass. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. Other than the sex crimes that are omitted, yes, that is correct.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And thank you. And, through you, Madam Speaker, one of the -- in fact, one of the conditions and it could be the only conditions the way I read the bill, for someone to earn release time is good behavior in prison. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. It's more affirmative acts taken by the prisoner, which -- I mean, you could characterize them as good behavior, but it would involve achieving certain accomplishments during your time in prison.

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DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, are those accomplishments or affirmative behavior outlined in the bill or is that to be assumed? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker. The -- I'm not sure of the specific section. I know that -- I believe terms such as offender plan and certain -- certain activities are mentioned. I'm not sure if the activities are mentioned. During the public hearing certain things such as achieving a GED, a, uh, uh, taking a drug treatment course, steps along those lines are what was considered.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, but, through you, Madam Speaker, it's my reading of the bill that this amendment hopes to modify that a prisoner could be eligible for early

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release time without having to participate in any programs, say, of earning a high school diploma or drug treatment, but simply good behavior. Simply good behavior. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, um. The way it was presented to the committee -- I mean, it does reference good conduct and obedience as some of the criteria that would be the reference. But the way it was presented by the Commissioner of Corrections is that there would be activities that the inmate would have to perform.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker and I thank the gentleman for his answers.

Ladies and gentlemen, I stand in strong support of this amendment because I want you to listen very carefully. If this amendment does not pass, men and women who have been convicted of crimes involving

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sexual impropriety, so much so that in our other laws we believe that they have to be part of a sex registry. That's how serious their crime was that we demand in our law they are part of a sex registry.

Under this law, without this amendment, they would be subject to get out of jail earlier than planned because they were obedient. Not because they took an affirmative act, not because they participated in a program, not because they got counseling, not because they took drug counseling, but because they were good. People who are guilty of sexual assault, people who are guilty of sexual assault with a minor can get out early if they are good while they are in prison.

And unless this amendment passes, that will happen. That is why I will support this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Cafero.

Will you remark further on the amendment before us? If you would just wave your hand if you would like to speak on the amendment before us.

Representative Giegler, are you for the amendment or --okay.

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Will you care to remark further on the amendment?

Oh, Representative Coutu. You have the floor, sir.

REP. COUTU (47th):

Thank you, Madam Speaker. Madam Speaker, I was -- I hope I could ask a question of the proponent of this amendment.

DEPUTY SPEAKER ORANGE:

Representative Carter, please prepare yourself. Representative Coutu.

REP. COUTU (47th):

In southeastern Connecticut we have a potential sexual abuse rehabilitation center that they're building and my concern relates to in this proposed legislation. Without this amendment do you view that some of these people in this facility could be potentially let go before they complete their term of rehabilitation?

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Yes, Madam Speaker, through you, obviously, yes. I worry about those who are in current programs for.

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You know, sexual crimes, but also in the population at large, Madam Speaker. Through you.

DEPUTY SPEAKER ORANGE:

Representative Coutu.

REP. COUTU (47th):

With that, I'm in strong favor of this amendment. We have a lot of concerned communities. Leaders throughout southeastern Connecticut are writing letters with their concern with this new facility that intends to open in our region. And I think this amendment is critical to make sure that none of these predators, none of these individuals who have issues and can harm our children are let free earlier than they should be.

So with that, I strongly urge my colleagues, especially our delegation from southeastern Connecticut, to support this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

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

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

THE CLERK: .

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "A" by roll call -- I'm sorry. House Amendment Schedule "B" by roll call. Members to the Chamber. House Amendment Schedule "B" by roll call.

DEPUTY SPEAKER ORANGE:

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

Will the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule "B."

Total number voting	143
Necessary for passage	72
Those voting yea	64
Those voting nay	79
Those absent and not voting	8.

DEPUTY SPEAKER ORANGE:

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Thank you, sir. The amendment fails.

Will you care to remark on the bill before us?

Would you care to remark on the bill before us?

Representative Miner, you have the floor, sir.

REP. MINER (66th):

Thank you, Madam Speaker. If I might, just a few questions to the Chairman of the Appropriations Committee, through you, please?

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, there are a number of sections within this implementer bill that deal with the consolidations of agencies. And if the Chairman could help the Chamber understand. My recollection was that there was about 9 -- no, 11 million dollars worth, I think, what they call PS savings. And if she could help the Chamber understand which of these consolidations account for how much of that money? Through you, please.

DEPUTY SPEAKER ORANGE:

Representative Toni Walker.

REP. WALKER (93rd):

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Thank you, Madam Chairman, and I want to thank the gentleman for the question.

I don't have it broken down exactly on all of these -- I mean, on each one individually, but collectively, we have 8.2 million dollars in 2012 and about 8 million dollars in year 2013.

For the ones that are before us, I don't have that exact number. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

and so if I could, through you, is there another implementer that will actually break these down by agency so we would know what the anticipated savings in terms of these consolidations are? For instance, would the department of Administrative services and some of the others? Through you.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker and I thank the gentleman for the question. We will place those numbers specifically I believe in the government bill

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that will be coming in the next day or two, sir.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And Madam Speaker, if I could call the gentlelady's attention to line 1636 of the implementer and it's section 33. if she could help me understand in the budget that was passed which I have a copy of, which is, I think, Bill Number 1239. which area of the state's budget does that section comport to? Through you.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Just one moment, Madam. This is -- I just want to hear -- I couldn't hear exactly -- it's lines 1636, Section 33? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

That is correct, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

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REP. WALKER (93rd):

Through you, Madam Speaker. That is a section that was talking about parents or guardians who knowingly had a child who had possession of a fire arm and did nothing about it. And it talked about making it a Class A misdemeanor. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And I -- you know, I want to state for the record that it's not -- I don't have issue with what this section is attempting to do. My understanding is that the implementer is a process of implementing the budget that the Chamber voted on. And so my question was in the overall state's budget, where would I find that section? I don't -- I don't remember voting on it in Appropriations and I don't remember seeing it in the document. So my question is how did it get here? Through you.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

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Through you, Madam Speaker. I believe this was discussed in a couple of bills addressing children and fines -- I mean, fines for adults with children and responsibility. I'm not exactly sure which bill it came from. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And so is it -- is this language part of another bill that still exists within the system that we've yet to vote on here and we will vote on? Through you.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. I believe it is from another bill. I'm not exactly sure which bill it came from. I do remember seeing it in one of the bills that I believe that we had in Appropriations and I believe we merged it into here and there was other language about children and juvenile --in juvenile programs. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

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REP. MINER (66th):

Thank you, Madam Speaker. So we may see that yet and hopefully we will,.

If I could also, Section 168 of the implementer bill that we're talking about here today. This was a topic of conversation yesterday in the Appropriations Committee. And one of the things that I've enjoyed about the Appropriations Committee is, you know, that we work in a bipartisan way. Many times Republicans have supported Democrat initiatives because we think they're good public policy. We think they make sense even when they cost money. And so, Madam Speaker, the Clerk has an amendment and it's LCO 7090. And if he might call it and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 7090, designated as House Amendment Schedule "C."

THE CLERK:

LCO Number 7090, House "C" offered by Representative Miner.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize. Is there objection? Is there objection? Seeing non, Representative Miner.

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REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, what this amendment attempts to do it is to reaffirm the vote that was taken in the Appropriations Committee yesterday. In fact, it was a vote that -- that, uh, -- not only did the amendment pass, but the ultimate bill passed the committee, which I think kind of fits into these implementer bills along the way. And what this amendment does is it strikes Section 168 and puts in place some replacement language which actually reinstates the percentage at which the resident trooper program will be billed to the host municipalities. And I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption.

REP. MINER (66th):

Thank you, Madam Speaker. As I said, Madam Speaker, in the state of Connecticut, the department of Public Safety provides Connecticut state police all throughout the state. And from the days when I was a chief elected official, the town of Litchfield had resident -- a resident trooper. I think right now they have two. Many municipalities find this to be the only way that they can link a constabulary to

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the public safety system. And frankly what that relationship does is it allows the state of Connecticut to benefit from 70 percent of local funding for a road trooper, a resident trooper, but a state police trooper nonetheless.

More often than not, they're working on state and local roads. They're not stuck to one street. They are generally assigned to a geographic area. And all this does is keep in place the rules as we currently know them.

I know that when the Governor spoke some time ago he was very careful to say that he did not want to have this budget impact municipalities. And Madam Speaker, there is a fiscal note on the bill and I would submit to the Chamber that \$840,000 is an impact. And it's a significant one to many small municipalities.

So I would ask that when the vote be taken, if you would please, that it be taken by roll.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is when the vote be taken it be taken by roll call. All those in favor of a roll call vote, please signify by saying aye.

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REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

The 20 percent has been met. When the vote is taken it will be taken by roll call.

Representative Miner, you still have the floor, sir.

Will you care to remark further on the amendment before us? The Amendment? Representative Giegler, you have the floor, ma'am.

REP. GIEGLER (138th):

Thank you, Madam Speaker. I rise in strong support of the amendment before us.

New Fairfield, one of the towns that I represent, has a resident state trooper program. The increase from 70 to 100 percent would have a strong impact on them as they've already done their budget approvals.

When a state trooper is called in for overtime, which is what this addresses, between fringe benefits and overtime, they don't necessarily call in the trooper that has been working in the town. It comes off of a list that the state police have on those individuals that are requesting overtime pay. In

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most instances, some of those may be some of the hired, salaries state troopers. So that their rates would be higher than that one's projected that currently serve the town, which would cause even more of a fiscal hardship. So I urge my colleagues to support this. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Giegler.

Would you care to remark further on the amendment?

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker.

Small towns right now are looking for every penny they can find. How many of you have been to the local PTA, the function coming up in the town may be the talent show. And it may cause that traffic jam right outside the school. And what happens then is that the town is requested to please put some traffic control out there. And the traffic control in many of these small towns is the resident state trooper or someone from the local resident state troop that will come. So in our case, it happens to

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be troop K. they will send someone and they will do that.

So what's the difference between 70 percent and a hundred percent. Right now the cost is about \$73 an hour. But if this goes to a hundred percent, it's going to go to \$110 an hour to put someone out to wave traffic in front of the school where there are children and parents and lots of times it's in the dark. In the past couple of weeks it's been in the rain. And that's when you want someone out there conducting traffic in the orange best, making sure everyone is safe on a very important night to a lot of times, small children and their families.

It is a very large price tag on these small towns when you make that huge boost from 70 percent to 100 percent on the overtime. For many of these troopers because these towns have them for one eight-hour shift five times a week, it is necessary to go to the overtime for these special events. Oftentimes the towns cover for each other. And that is going to stop because the towns are not going to want to put out their people that's going to cost them so much more per hour.

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I know it's been a big struggle in the second week of September the beautiful weather brings out the harvest Fair in Hebron. And with that, we have the issue of how do we control all the traffic on Route 85. It's only one way in and one way out. So it's very important that we have people there. And Hebron has a little different issue because they happen to have a very small constabulary as well as a state trooper issue. But they don't have enough to carry through for four days for three shifts. And they're going to need -- I think every support system they can find this particular year.

So what's the town going to do? The town, with these increased prices, have said that they're going to put the cost on to the Lion's Club that runs this particular fair, the Hebron Lion's Fair. And the money that they raise goes back into the community, but it's going to come out of their budget, that increased money from between the \$73 and the \$110 per hour.

So for that reason, Madam Speaker, for those of you that have small towns and have the resident state troopers, you're really going to be following along what we all have pledged and that was not to put the

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increased financial pressure back to the towns. And this isn't for all the towns. Let's be very clear about that. This is the impact to the smallest of small towns. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on the amendment? Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much.

I rise briefly in support of the amendment before us for one specific reason. The underlying bill as we know, proposed that overtime costs be borne one hundred percent by the municipality. That operates under the assumption that the utilization of overtime is the sole fault of the municipality. But that in reality is not the case. I know of a number of situations throughout the state of Connecticut, not just in recent years, but in years past where overtime has been utilized not because the municipality wanted additional hours but because there was no trooper available on straight time to work in the role as a resident trooper. And in fact, I know of situations where resident troopers were -- what's the best way to put it -- and I won't -- and I

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guess I won't use the word "punished." but for simply utilizing overtime and in many cases their own overtime and earning that overtime on their own when in fact it wasn't' actually necessary.

So if indeed it were the municipality determining whether we were using overtime or not, then perhaps it would make sense that one hundred percent of that cost be borne by the town. But in reality that is not the case. The resident state trooper, the individual in charge of scheduling may play and oftentimes plays a very big role in whether overtime is used or not.

Therefore, I believe and I know many folks in here believe that it is unrealistic and unfair that the municipality who, in oftentimes, is totally hands off in the decision making process, is bearing the full burden of the cost.

Therefore I support the amendment before us. I think it's a common sense move to make sure that those responsible for the cost are actually paying for it. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

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Will you care to remark further on House Amendment Schedule "C"? Representative Henry Genga, you have the floor, sir.

REP. GENGA (10th):

Thank you, Madam Speaker.

I rise in opposition to this amendment. Because this is about ownership and responsibility. When we vetted this during the budget process, the Governor said there had to be efficiencies at all levels of government. And so did -- in our people at the subcommittees. We have to have it both at the local level and at the state level. And part of the state level is not just handing out monies as we have been. Times have changed. The ownership for overtime on a local level in these towns, where many towns have to pay for their own department is at full control of the local community.

And it was said previously, many towns may be looking at whether they bring out these people. And that's what you want. Because if it's really a matter of safety then it's not a question. But if it's matter of how much I'm paying the question becomes easier and efficiencies are not met. That's what this is all about. And as far as efficiency

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goes, local communities are going to be getting more revenue. Every single community in this state under the revenue plan of the Governor will receive additional revenues. And I offer those in opposition to this amendment.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

Will you care to remark further on the amendment? Representative Lavielle, you have the floor, ma'am.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker. Sorry about that.

I rise in very strong support of this amendment for two reasons.

First of all, our -- most of our towns and cities have voted by this time on their budgets for the next year. We've discussed in many forms, in many committees, even on the floor in this session, a number of proposals for mandate relief. Many of those have not come through. We know that at least at the moment there -- at the very least is 400 million dollars in the budget that is unaccounted for. Towns are still waiting to find out whether they will be the ones to bear those burdens. Having

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one more expense fall on them at this point makes it very difficult for them to manage the budgets that they've already passed. That's one reason.

The other reason, very briefly, Representative Miner mentioned a few moments ago, the good work that's been done in the Appropriations committee. And how we've worked together in many cases to improve legislation, to pass legislation, at least to the point where it could get to the floor. And this particular point is one that we brought up yesterday, the material covered in the amendment. It was passed as an amendment by the Appropriations Committee. And simply as a matter of process and of good faith, I would be extremely disappointed to see this Chamber not heed the recommendation that was arrived at in the Appropriations Committee in a bipartisan manner and in the good faith that it would then be taken up by the members of the House and in the Senate. So on those grounds, I strongly support the amendment and I urge all the members of the Chamber to do the same. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

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Would you care to remark further on Amendment
"C"? Representative Smith.

Press your button to speak.

REP. SMITH (108th):

That's what happens when you're new.

Thank you, Madam Speaker. I stand in strong support of this amendment. And the reason I do so is because, as you've already heard, all the municipalities out there have already established their budgets. And for them now to have to absorb overtime costs, something that they cannot control. As we all know, crime can happen at any time at any moment. You could have illnesses. You could have a number of reasons why we would have a situation where overtime is required and it could put quite a strain on the municipality budget which is already very stretched.

My colleague has indicated on the other side that all the towns are now getting additional revenues. Well, I'd like to see how much revenue is coming to the towns in New Fairfield, Sherman and Kent because I don't believe it's all that much and I don't think it's going to accommodate the additional stress that this would put on the municipalities. So

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this is a good amendment. This protects our small towns, most of which make up the great state of Connecticut and I would urge the adoption. So thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

Would you care to remark further on the amendment, House "C"?

Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Chairman. I do rise in strong support of this amendment like my colleagues on this side of the aisle.

If you remember when we talked about the budget not too long ago, we talked about what is the difference between us and the other states, our neighboring states. What is different in New York, what is different in New Jersey is that their budgets were not balanced on the backs of municipalities. This is what we were told. And this was what we had voted upon not too long ago. Here just a week has gone by or perhaps ten days and suddenly we see the tide change and now we are back on the backs of the

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municipalities, saying that this overtime is going to be at the cost of our towns and municipalities. And I feel that is not the fair thing for us to do, to suddenly impose on our towns and municipalities. As the previous speakers have said, the budgets have already been made and to suddenly find this extra expense, where are they going to get that, Madam Speaker? And for that reason I rise in strong support of this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the amendment, Amendment "C" before us? Will you care to remark further on Amendment "C"?

Representative Toni Walker, you have the floor, ma'am.

REP. WALKER (93rd):

Thank you, Madam Speaker. Madam Speaker, I rise against this amendment. I understand what my good friend from Litchfield was talking about and we are working collaboratively together. But one thing that we all do know is that this is an option for the towns. If we pass this it means, as you pointed out, an additional \$800,000 in the budget. I know from

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listening to the discussions we've been having in our Appropriations meetings that every time there is an additional expense somewhere in the budget that my good colleagues who are now rising for this amendment have always spoken out against them. So this time you can't -- it's like you have to maintain that.

The other part of this issue is the fact that the towns have control of these dollars. They have control of overtime. It is not something that is going to jeopardize the immediate need. It is something that is an additional cost. And unfortunately we now have to pass and share the costs with everybody else. So when we talk about the fact that some organization is having an activity, that has to be a factor now. What the costs for maintaining safety while we're having that activity should be an additional cost. It should not be passed on to someone else. So I want my colleagues to understand we all understand the pain but it is not something that we can just avoid.

So therefore, with this, I ask my colleagues not to support this amendment and understand that. Thank you.

DEPUTY SPEAKER ORANGE:

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Thank you, Representative Walker.

Will you care to remark further on Amendment "C"? Amendment "C". Representative Miner.

REP. MINER (66th):

Thank you, Madam Chairman, for the second time and I apologize for going after the Chairman of the Appropriations Committee.

I think it would be accurate to say that myself and other members of this side of the aisle have supported legislation that has come out of the Appropriations Committee with an understand that we know that somehow those numbers need to be worked out. As I said in the onset, in many cases those issues are very difficult policy decisions that we intend to participate in and believe there's some merit to.

The illustration or the explanation that somehow many of these occasions if not all are at the whim of the chief elected official is just not accurate. There are occasions that occur within a municipality wherein the chief elected official doesn't really have a choice. And I think there have been some attempts through the language or at least through the policies between the Department of Public Safety and

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municipalities to differentiate between the two, but without a doubt, over the last ten years that I've been in the legislature, the Department of Public Safety has tried very hard to make this expense 100 percent that of the towns.

And so I think the amendment is in keeping with the action that we took yesterday in the Appropriations Committee. And I do think it's offered in that light, that we believe that was the conversation that we had yesterday and I would urge adoption.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Miner.

Once again, we're on Amendment "C." Are there any further remarks on Amendment "C"?

If not, would staff and guests please come to the well of the House. 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 House Amendment Schedule "C" by roll call. Members to the Chamber, please.

DEPUTY SPEAKER ORANGE:

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We are having a minor technicality here so hang on, folks, and your vote will be cast properly.

We are back in business.

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

Will the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule "C."

Total number voting	142
Necessary for passage	72
Those voting yea	56
Those voting nay	86
Those absent and not voting	9.

DEPUTY SPEAKER ORANGE:

The amendment fails.

Will you care to remark on the emergency certified bill? Will you care to remark?

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

REP. GIEGLER (138th):

Thank you, Madam Speaker. I rise for some questions on the section of Public Safety.

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DEPUTY SPEAKER ORANGE:

Please proceed, ma'am.

REP. GIEGLER (138th):

Thank you very much. In Sections 133 to 134, it's where we establish our new department, doing away with the Department of Public Safety and also Emergency and Homeland Security. And under this, establishes a Commissioner which is appointed by the Governor. My question would be, I suppose, to the Chairman of the Public Safety Committee, would be would you know if it is the intention of the Governor to appoint a currently sitting commissioner or will he go outside of that realm and recruit a new candidate?

DEPUTY SPEAKER ORANGE:

Representative Steve Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker. I'm not sure if I could honestly answer that from the ranking member what the Governor plans on doing. I know that there are a number of revisions within the Department of Public Safety. And -- I -- I'm thinking anyways that the Commissioner of Public Safety right now would remain there and the Commissioner of Emergency

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Management/Homeland Security as it's called right now, would also stay there, too, along with the executive director of Post and the Commissioner of Fire Prevention and Control. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Giegler.

REP. GIEGLER (138th):

All right. Thank you, Madam Speaker. My second question also related to -- because of DEMHS was a question that he's addressed is whether Commissioner Boynton would also be moved over as a deputy commissioner.

And in Section 136, current law states that the DPS commissioner may, but he's not required to appoint a commissioner who is a state police officer. Do you know if the same qualifications are required for the new commissioner of this new department?

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madam Speaker. I think that the Deputy Commissioner would still come underneath the Department of Public Safety as it's

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called now. And that would be what we would call the lieutenant colonel in charge of the day to day operations within the Department of Public Safety. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Giegler.

REP. GIEGLER (138th):

so under this you would -- it is your belief that it would no longer require that the individual has to be a state police officer?

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madam Speaker, I think that would be left up to the Commissioner of Public Safety as it currently is now. Through you.

DEPUTY SPEAKER ORANGE:

Representative Giegler.

REP. GIEGLER (138th):

Thank you very much. In Section 137, a Emergency Management Coordinating Advisory Board is being created. Under this board it lists 11 members, I believe. One of those members is the Connecticut

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Conference of Municipalities. Could you explain to me why they would be included in this advisory board?

DEPUTY SPEAKER ORANGE:

Representative Stephen Dargan.

REP. DARGAN (115th):

Through you, Madam Speaker. I think the thought process was to bring as many stakeholders as possible that are involved with emergency response within our state. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jan Giegler.

REP. GIEGLER (138th):

All right. Thank you for your answer.

In Section 149, the bill requires that DES/PP to operate a police academy and charge tuition and fees for those officers attending. Currently Post operates the academy and it doesn't charge for the tuition or the training fees. And our municipalities just pay the officers' salaries. Do you know the approximate cost of training an individual police officer?

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

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Thank you. Through you, Madam Speaker. Similar to what was in the previous amendment that was offered, around the 70-30 cost share, in the proposed budget in the past entry level law enforcement was paid through by the state in this budget and in this bill before us today, that cost would be incurred by the local community. And there are approximately 92 municipal police departments within our state. But within that 92 members there are some of the bigger departments that do entry level police officer standard and training and they do their own training within house whereby it's commissioner registered through our state and meets all the certifications in doing that.

The cost from what I'm reading is that the cost for an entry level law enforcement to any community would be a reimbursement of \$2500. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Giegler.

REP. GIEGLER (138th):

Thank you for your answer. Then in the fiscal note that they're projecting for the municipalities for an annual they're projecting a million dollars.

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Would you thing that that's a fair assessment on the number of officers that will be required to attend the academy?

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madam Speaker. With the 92 municipal departments and with over 6,656 sworn law enforcement within our state, I accurately couldn't answer that because I don't know what their collective bargaining agreements are within those respective communities or how many people might be ready for retirement. So I can't give my ranking member an honest answer because I really -- can't tell you what these municipalities have in place over the next year to hire entry level law enforcement within their respective communities. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Madam Speaker. Just to kind of summarize the sections, we've already mentioned the resident state troopers in our previous proposed

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amendment. And I just wanted to make one comment on that, having referred to the fact that one of my towns is in fact a trooper town.

It -- oftentimes the municipalities, the resident state trooper program they don't really know how much it's going to cost. I know for instance in New Fairfield, we have Candlewood Lake and Squantz Pond and unfortunately we've had a number of drownings throughout the year there. And it has increased the amount of overtime that no town would have had projected nor wants to project. So it does make a big impact.

And on both of these categories, both on the municipality and in the town, I think we have to have a concern that the budgets have already been established and we don't know what the impact is going to be on our municipalities or our towns.

And in a comment on Section 162, which refers to DEMHS, after 9-11, our Connecticut Department of Emergency Management and Homeland Security was created. It was one of the first departments nationally. And it grew to be recognized for the job it has done. So I'm hoping that being that it's now

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being included in this reorganization that it won't lose what it's notoriety has been.

The initial bill before the Public Safety Committee had fire and police, has put them in this reorganization. But at that point when we heard it before our committee, there was no consensus on the consolidation between these two factions. Does this proposal have a consensus among those categories of the police, the fire, the EMS? And does this pro -- and through this proposal do you project that there will be a savings?

DEPUTY SPEAKER ORANGE:

Representative Stephen Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker. It's always unique when you get fire service personnel and law enforcement together. I always say, you know, one carries a gun and the other one carries a hose, not like guns and roses but like guns and hoses. And during the number of discussions that we had with first responders within our state, collectively we thought that this would be a better way of communicating for first responders within our state, with the understanding that they have a unique

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mission in mind. And that was the concern of not only myself but of my ranking member and Deputy Speaker Orange and other people that we've had negotiations with this consolidation proposal. And we thought that that we kept all the principles involved with the uniqueness of what they do.

My ranking member is right in what she stated. After 9-11, we formed in a very unique way, in a very cost effective way, regions around our state, five regions dealing with first responders within our state. And for the first time we really had a collaborative effort with not only law enforcement, but fire service personnel and EMS personnel and the uniqueness for the small state that we're in and how the 169 communities work in a different way with some of our cities having career departments, some of our small rural areas having volunteer departments.

And some unique ways, they have career and volunteers within that same community. And we didn't want to diminish what they do for us as a state in a cost effective way. And we feel that we have addressed a number of those issue of the responses of our local fire service person personnel and also, our local police personnel.

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And they will still have, under this new agency -- and it's somewhat unique, that we as the Legislature, you know, the Governor was talking about trying to diminish different agencies. And in his proposal to us in February, he was getting rid of the Department of Emergency Management and Homeland Security and replacing it with another agency called Emergency Responder.

But in the wisdom of this Legislature, we realized that we only needed one agency to fulfill the needs of all the different interests in our state. With the understanding that the Department of Public Safety will no longer be called the Department of Public Safety, with the understanding that Emergency Management and Homeland Security will be no longer called that, but we created one agency, the Department of Emergency Service and Public Protection as a successor agency, not only to DEMHS. but to the Department of Public Safety with some exceptions.

And -- it -- well, also, this new agency will have the state emergency management and homeland security agency underneath it and, through you, Madam Speaker, I apologize for being somewhat long winded. Thank you.

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DEPUTY SPEAKER ORANGE:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Madam Speaker. And I do want to thank the co chairs of the Public Safety Committee and yourself for the efforts. I know how long and how many hours you've put into working on this reorganization so that it would work for all. And thank you so much for your answers.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. And thank you for your kind words.

Will you care to remark further on the bill before us? Will you care to remark further on the bill before us?

Representative Morris, you have the floor.

Representative Williams.

REP. WILLIAMS (68th):

Good afternoon. Through you, I have some questions. I'm not sure who to direct them to, though. Sections 173 and 182 through 185 regarding the division of Special Revenue and the merger into the Department of Consumer Protection.

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I believe that probably would be Representative Taborsak.

Please proceed, Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam Speaker. And through you to Representative Taborsak. There is a section here in this bill relating to the Consumer Protection Commissioner, implementing policies and procedures consistent with our new laws with respect to having moved the Department of Special Revenue over. And the DCP Commissioner, in the absence of any regulations, is implementing or is allowed to implement the policies and procedures until the Legislature and until the regulations are adopted. Is that a common practice when we merge agencies like this? It seems to me that we're ceding quite a bit of authority to the new Commissioner of Consumer Protection. Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. Since this is the first time that I've been involved in a massive state

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government consolidation, I can't speak from any experience, whether that's been the past practice.

I can say, though, that the gentleman is fairly correct in his description of some of the authority given to the Commissioner of Consumer Protection. And I would add that I do think that, um, the state statutes that we do have regarding, um, mergers of agencies and consolidations do seem to be in the same spirit of that provision that the gentleman speaks of, which is to recognize that in consolidating different agencies of government, we need to to give some leeway to those agencies to get the job done. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Williams.

REP. WILLIAMS (68th):

Well, thank you, Madam Speaker. I guess fairly correct is better than mostly wrong in this circumstance. So I thank Representative Taborsak for his answer.

Additionally in this section, we are moving the executive director of Special Revenue and folding that role into Consumer Protection. And I see here that the -- our current law prohibits state officials

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such as the former executive director of Special Revenue for being compensated for acting on behalf of another person before certain government entities, including the Gaming Policy Board. And that restriction carries forward over to the new Consumer Protection, the new role that is being put into Consumer Protection.

But I see here that the Executive Director of Special Revenue is not allowed to participate in political activities. And that restriction is not being lifted, if I'm understanding this correctly, is not being carried over to Consumers Protection and I want to verify that. Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. If the gentleman could specify which section of the bill he is referring to, I would be glad to try to answer his question.

REP. WILLIAMS (68th):

I believe --

DEPUTY SPEAKER ORANGE:

Representative Williams.

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REP. WILLIAMS (68th):

Thank you, Madam Chair. I believe it is in 183, but with your indulgence I will look that up. I'm being told that it is 183. Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak, when you're ready.

REP. TABORSAK (109th):

Through you, Madam Speaker. If the gentleman could repeat his question now that I have the section, that would be helpful.

DEPUTY SPEAKER ORANGE:

Representative Williams, will you repeat your question, please.

REP. WILLIAMS (68th):

I will. Through you, Madam Speaker, my understanding is that there are certain prohibitions on the executive director of the Division of Special Revenue that are in our current law. And those prohibitions are being moved over to the Department of Consumer Protection with one exception. And that has to do with the executive director's participation in political activities, that that restriction -- there -- my understanding is that in the current law they are restricted and that restriction is not being

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moved over to Consumer Protection. Is that correct?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. I'm not aware of that exception. From what I have read, from my study of this bill, it does seem that the Commissioner of Consumer Protection in most instances is stepping into the shoes of the Director of the Division of Special Revenue, the former director, so without a very specific reference I'm unable to give a more detailed answer.

DEPUTY SPEAKER ORANGE:

Thank you, Madam Speaker.

I'm not sure if this question is properly directed to Representative Taborsak. It actually may be more properly directed through Representative Dargan. It has to do with Sections 206 and 208 through 211 and has to do with bingo.

DEPUTY SPEAKER ORANGE:

Representative Dargan, prepare yourself.

Representative Williams.

REP. WILLIAMS (68th):

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Thank you, Madam Speaker and through you to Representative Dargan. I'm understanding that there is a section within one of these sections that has to do with bingo operators making their receipts and disbursement records available to the chief law enforcement officer in the community in which they reside. And so my understanding, I guess, is that the chief of police could come in and now inspect those records and in the same way that it is now available for state inspection.

I guess, question one is am I correct in that interpretation and question two is what's the benefit of this?

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker. Underneath current law, a nonprofit agency that runs a bingo needs to get licensed through the state and that was always done through Special Revenue. So a Rotary club a local Elks club, if they have the bingo a couple of times a week, they would be licensed through the state. And what has happened in the past is that underneath the Department of Special Revenue, they

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would come in unannounced just to make sure that their license was up to date, the people that actually do the calling of the numbers are licensed through the state.

Now, with the change, I think that what has transpired is that we cut back in some of the deficit mitigation programs. Underneath the former administration some of the funding that was in place in order for Department of Special Revenue to go out just to check on these licenses within the state.

Although I was not involved with any of the conversations dealing with this specific piece, at this time, I think that since the state has really cut back as far as with the individuals that go out to do this inspection that the thought process might be that they might put this on the local law enforcement community and -- to over see this. Like they do on numerous other occasions, like when somebody has a local carnival, they have to get approval by the local fire marshal in order for them to move forward. But as far as the specifics, I was not involved in any of the conversations or what the thought process was at this present time, through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam Speaker. And I guess -- and I thank Representative Dargan for his answers. I guess this -- this is more of a theoretical -- theoretical discussion than anything else, but it sounds to me that perhaps the reason that we're doing this is because we've cut back at the state level and so we're now turning, perhaps, that responsibility over to the local law enforcement or having them supplement these activities. And I just want to make sure I'm understanding that correctly, through you.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madam Speaker. That is what my though process is, too. But I'm not a hundred percent sure. So I don't want to give you an answer that I don't -- that might be wrong. But I'd be more than happy to get that answer to the Representative and to get back to him. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Williams.

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REP. WILLIAMS (68th):

I appreciate that honest answer, Madam Speaker, from Representative Dargan. I see that we're also increasing some fees for bingo product manufacturers and for PTAs. As a percentage, the PTAs seems to be -- these are in lines 8753 and 8754 for the manufacturers and lines 8777 and 8778 for the PTAs. These are certainly a large number for the manufacturers, \$750 increase it looks like and an increase of from \$40 to \$80 for the PTAs. Am I understanding that correctly? Through you.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madam Speaker, that is correct. But just for a point of clarification that the manufacturers, that increase is for when the state -- the state in the past has been the -- they're the ones that dealt with the nonprofits within our state, which was called the pull tag. And it would be more or less like a kiosk at this health club or rotary club or any Lions club within our state. And usually it was similar to our scratch off tickets but they called them pull tags. And usually the cost of those

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would range from 50 cents to a dollar up to two dollars. And the state has thought when they got rid of their inventory within the next year that they would get out of the business of supplying those to the nonprofits within our state. And they will look for an outside vendor in order to secure that outside vendor so they could supply those pull tag tickets to these nonprofit organizations throughout the state, with the understanding that they will have to meet all the requirements of state law in order to be that preferred vendor. Through you, Madam Speaker.

DEPÜTY SPEAKER ORANGE:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam. I thank Representative Dargan for his answers. I certainly learned more about tickets and tea cup raffles and all that than I ever thought I would today. So I appreciate the answers.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Representative Dargan.

REP. DARGAN (115th):

Through you, for a nominal fee, I have the Pick 4 number tonight in the lottery. If anybody wants

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that number please come and see me and I'd be more than happy to accommodate you. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Dargan.

Would you care to remark further on the bill?

Representative Perillo, you have the floor, sir.

REP. PERILLO (113th):

Madam Speaker, thank you very much. I do have actually, just one question. I'm not sure whether I should I direct it to Representative Dargan or to the Chair of the Appropriations Committee.

If I may ask that question through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. PERILLO (113th):

Any time you have a merger of agencies, there's obviously going to be some conflicts in regulation. And the bill does attempt to address that in a number of different situations and a number of different places in the bill. For example, you know, lines 5570 to 5579, essentially it says that if regulations of merging agencies conflict, then the Commissioner

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of the Department of Emergency Services and Public Protection shall essentially act to accommodate that conflict and issue new policies and procedures.

My question is this. In the course of doing that we are giving the Commissioner specific authority to create regulations. Where do those final arbitrations made by the Commissioner then have to come back to the legislative Regs and Review Committee?

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madam Speaker. That's a very good question. To Representative Perillo, we've put some protections in place that there might be some conflicts. And we formed this advisory board that would sit down to discuss those differences. Not only between the state police, the local police, the local fire service control and all those specifics involved. And also, what they need to do is report back to us within a year as far as how that merger -- how is it working and what problems that they have. So we think that we have enough protections in place in order to do what the question

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that you asked that if there are conflicts we have this advisory board of number of different principles involved. That's not weighted in an specific way, but will protect a number of our first responders in the state. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much. I thank the gentleman for his answer to the question.

I'm not sure, though, that I have clarity. You know, currently when a regulation is proposed it must come through the Legislature, through specifically the Regs Review Committee. So what we are saying is that we are forming a new committee, an administrative committee that this then going to look at the arbitration of these conflicting regulations and then having reviewed them, that will become the regulation or is there then a responsibility that the administration pass that on to the Legislature for final approval? Through you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

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Through you, Representative Perillo is correct. I was trying to give the overview of what this advisory committee would do. But then any regs would have to be uh, uh, honored by this -- this body and voted upon in this body. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Thank you very much, Madam Speaker. And I thank my friend from West Haven for his time.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Would you care to remark further on the bill? Would you care to remark further on the bill? Representative Gibbons, you have the floor, Madam.

REP. GIBBONS (150th):

A little mechanical problem.

Well, I'll bend over.

Thank you, Madam Speaker. Here we go.

I have a couple questions, if I may, please, through you, to pose to whoever is talking about the weigh stations.

Could I -- I don't know if it's Representative Dargan or Representative Guerrera, who -

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DEPUTY SPEAKER ORANGE:

It would be Representative Guerrero.

REP. GIBBONS (150th):

Okay. Thank you. Through you, Madam Speaker, I understand that the operations of the weigh stations are being moved from the Department of Public Safety to the Department of Motor vehicles. And I guess I just want to understand if that's going to be a seamless transfer and the same operations that are being carried out now at the weigh stations will continue to be carried out under the Department of Motor Vehicles, please. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:-

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Madam Speaker and through you, Madam Speaker, yes. It will be a smooth transition. The Department of Motor Vehicles will still have state troopers at weigh stations and still allow them for roving units throughout the state.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

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Thank you, Madam Speaker. And again, through you, just to clarify that. One of the issues that we've had at the weigh stations is that we end up with truckers who either do not have licenses or that have overweight vehicles. And there might be some concern that you might have an incident there if you don't have a state trooper. Will these activities still continue to be carried out so that they will be checking for infractions of our transportation laws under the new department that is taken over, please? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Guerrero.

REP. GUERRERA (29th):

Through you, Madam Speaker, Representative Gibbons brings up a very good point. And that was one of the questions that was asked during the meetings with Representative Scribner and myself had with the Governor's staff and the Connecticut State Police unions and the Department of Motor Vehicles, allowing the safety of our individuals out there. And yes, they will still be there to address those issues.

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Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker. And I thank the Representative for his answer. And I've got one further question, if I may, please.

It says the commercial vehicle safety division of the state police, or maybe that's no longer the state police, may temporarily close any weigh station if it develops a back load of traffic entering such weigh station and creates a traffic hazard. This has certainly been an issue down at the weigh station at Exit 2 on I95 northbound between the New York and the Greenwich line. Who is going to determine if there is a traffic hazard? Is this going to be the local police who can call in and say there's a problem or is somebody going to be patrolling? If I may ask that question, please. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Guerrero.

REP. GUERRERA (29th):

Through you, Madam Speaker. No, it would still be with the state police that would be handling that, Representative. Through you, Madam Speaker.

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Representative Gibbons.

REP. GIBBONS (150th):

I'm sorry, Madam Speaker, the elevator was on. I did not hear the response. If he could repeat it, please.

DEPUTY SPEAKER ORANGE:

Representative Guerrero.

REP. GUERRERA (29th):

Through you, Madam Speaker, it would be the state police that would be handling this.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you. And again, through you, Madam Speaker, does that mean that the state police in addition to having one trooper assigned within the weigh station there will be other troopers that will be patrolling up and down I95 to see if there is a problem? And also, to make sure that trucks do not go off I95 and use the back roads to skirt the weigh station? Again, through you, please, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Guerrero.

REP. GUERRERA (29th):

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Through you, Madam Speaker, yes. There will be additional state troopers cruising our highways and so forth, not allowing truckers to get off the highway and so forth. That is why we will still have the additional units as the roving units, to make sure that they don't veer off the highways and go on the back roads. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker. And I thank the Chairman of the Transportation Committee and our ranking member for working this out with the Department of Transportation. I think it's a good policy going forward. And I hope that we can reevaluate it in six to nine months and make sure that it is still working smoothly. Thank you all.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further? Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker. When we're given a bill first thing in the morning, I usually like to

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take a long read and check it out. And with 289 pages dropped on this side of the aisle this morning, it was very hard to do that kind of thing. And come up with, I think, discussion that would be able to clarify a lot of issues.

So one of the parts of this particular bill talks about one of our things that are usually near and dear to us as state Representatives and Senators and that is the school construction part of our laws and how they are managed.

Well, in this particular bill and examining just a few sections -- because it's 289 pages, I wasn't able to get through everything. I took a look at it and this is what I found. Where before when our towns had passed an amendment -- I'm sorry, I apologize -- had passed a referendum to build a new school -- how exciting is that -- town gets all excited. They then submitted it to the state Department of Education. It was vetted and then the money was given. But that's not the case anymore.

In this particular bill, there is a much more complex process that is going to go on. Not simplified, not streamlined, and I don't know that

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it's going to be more cost effective, not for personnel anyway.

What it's going to do is take the state Department of Education and you're going to apply there, after you've had your referendum, your successful referendum. Then the state Department of Education is going to look at it and assign a priority. And from there it's going to ship it over to this new department, the Connecticut Construction -- Department of Construction services. And from there, they will make some other decisions about the school facility, they will make the payments and they will do the audits. But that's after they get some approval with OPM. And OPM has a voice in all this. We're not sure if it's a veto voice, but now we have a third partner in this process to build a new school.

In looking at it a little bit more closely it says that our schools are no longer going to get the same reimbursements that they've been used to for new construction. It's been between 20 percent and 80 percent. And in this particular bill that drops down by 10 percent. That drops down to ten -- to 70

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percent. So you're going to lose about ten percent of your reimbursement, it's going to be lower.

There are more questions that we have, certainly, as we look at this because the magnet schools found that their reimbursement has been reduced. The magnet schools that we pushed so hard for under the Scheff decision will be reduced from 95 to 85 percent. And, oh, by the way, the VOAGs and the special eds, for some reason they don't fall under that. They are not going to have that same type of reduction.

So the question is how much money will we be saving, since we know we will not be saving time. We know that the process has now become much more complicated.

And, oh, by the way, this whole process is supposed to start July 1st. July 1st, so if you passed your referendum and as long as you get your -- I believe, I'm not sure but I believe -- if you get your application in before June 30th then you qualify for the higher amount and the old process. Or if you wait until after July 1st, your school process will now become much more complicated. You will get a lot less money, and, Mr. Speaker, you will find that

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there are three, not one, but three state agencies involved. Thank you, sir.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Thank you, Representative.

Care to remark further on the bill as amended.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentlemen, in a few moments we'll be voting on the emergency certified bill that's before us and it is called a budget implementer.

And I recommend that we all mark our calendars today, because today is a day of many firsts. Certainly in my tenure here, 19 years, this is the first time that we have passed a budget implementer without having a budget.

You see, when I came to this Chamber, I was taught that a budget implementer is a bill that puts the meat on the bones, so to speak. It comes subsequent to the passage of a budget. A budget that has specific line items, specific appropriations and

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the budget implementer is necessary for the purpose of putting into action, if you will, those dollars for those certain programs and those certain line items.

But, as we all know, when the budget was passed out of this Chamber and signed by the Governor, it had a two billion dollar question mark. That question mark came under the title of union concessions. And we anxiously awaited the results thereof. A few days later, about a week ago we learned that an agreement had been reached with the administration and CBAC which had concessions and savings amounting to 1.6 billion dollars. 80 percent of the two billion dollar goal or two hundred million dollars shy of balance. Even the budget document we passed anticipated that if that were the case, this body would have to reconvene to decide how to make up the difference, if any. And we know that thus far there's at least a 400 million dollar difference. We as a body have yet to do that. And the reason we've yet to do it is even the 1.6 billion dollars of purported savings in a concessions and savings agreement with CBAC has yet to be ratified. So we don't even know if that will come to pass.

And whether or not it comes to pass, we as a Legislature must decide how to balance at least the 400 million dollars delta or worse case, two billion dollars. That fact alone dictates that many of the line items that were contained in the budget document that was passed might change. And if those line items change, why would we have already put the meat on those bones, those bones that are subject to change? So there is a first.

Secondly, when this bill was brought up, Representative Walker touched upon the process. Here's another first. This bill and the budget that it effects was done to the exclusion of this side of the aisle. To the exclusion of this side of the aisle. This side of the aisle that represents one-third of the men, women and children in this state of Connecticut. So all of the policies contained herein, all of the ideas contained herein were brought forth without the benefit of discussion, debate or this side of the aisle. There's another first.

This side of the aisle received notice at quarter to nine yesterday evening that this bill would be posted at 9 p.m., the bill containing 289 pages. Several sections dealing with all sorts of

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aspects. It was our job to read it, familiarize ourselves with it and be ready to vote on it today. That's a first. That's a first.

Another first is that budget implementers are just that. They're put forth to implement the budget. What they are not supposed to do is bring in bills that might not have ever seen the light of day in other committee or certainly those that did not have a public hearing.

Ladies and gentlemen I would submit to you that the bill that is before us is a collection of scores of bills that have absolutely nothing to do with the budget but have more to do with the policy of the state of Connecticut, a policy as described by the process I set out that is to the exclusion of this side of the aisle. That's a first.

And then when you look at some of the details of the bill that's before us and realize the far reaching effects of those policies you have to scratch your head.

Now certainly the idea of earned release time for prisoners is not new. It was discussed during the session. But every time it was discussed this session and last session, we were told this

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unequivocally. Earned release time will not apply to violent offenders. Earned release time will not apply to violent offenders and by the way, we were told, that it's different from just good time, good time being what we had in the past by just virtue of breathing you received time off from your jail sentence, our prisoners would have to earn it. They'd have to proactively go out and sign up for maybe a high school equivalency test or drug counseling or other kind of counseling or community work so they actually earned the time that was going to be taken off their sentence. And that these people would only be nonviolent prisoners.

Today however, in the bill that's before us, we learn a whole different story. We learn that that provision does not just apply to nonviolent offenders. It can and will apply to violent offenders. In fact, violent sexual offenders. In fact, pedophiles. Because under this bill pedophiles will be allowed to have time taken off their sentence. Not for some proactive program they agree to, not for graduating with a high school diploma or participating in counseling, but just for good time, for being a good boy or girl and staying out of

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trouble while you're in prison. And for that, violent offenders will have their sentence reduced. That's what's in this bill.

We also learned in this bill that maybe some municipalities might be getting some surprises. They might be having to pay more than they had assumed that they might have to pay, whether that's for magnet schools or school construction or state troopers.

Now, you might be able to say, hey, these are tough times, we all had to cut back and that's some of the tough medicine we have to swallow. But, folks, you can't blame people for being a little ticked off when they learn that this budget implementer is purportedly implementing a budget that has one billion dollars in surplus and that this budget implementer in addition to the one billion dollars in surplus even has an off-budget surplus of four million dollars in the probate court system.

There's a lot of surplus money going around and people are saying how come municipalities are being asked to pick up an additional burden when we thought that we wouldn't have to because the state said they didn't want to pass on tax burden to the

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municipalities. And they might be further confounded with the fact that you're already asking us in this budget that this bill implements to pay 1.8 billion dollars in additional taxes.

So there's a lot of firsts here, folks. We could argue the substance and we should because there are some good ideas in here. And if I may speak on behalf of some of the people on this side of the aisle, we would have loved a chance to either add some better ideas, help craft it in a different way or even vote for some of these ideas if they were done in the normal course of business and brought before us like an independent bill. But no, this Legislature is in a hurry. We got to get it done. We got to get it done so we're going to put it all in four or five implementers and we're going to pass it come hell or high water.

Is that the way to do business? Is that transparent? Is that no Republican or Democratic ideas, only good ideas? Is that what we thought we were going to do on January 5th when we took that oath and we heard that Governor from that podium? Is that what we thought? Is that what we signed up for? Is that what the people who elected us to come and do

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their bidding for them, is that what they thought was going to happen? You know what, you've got to ask.

Is that what you thought was going to happen?

Did you ever think today we'd be voting on a bill, 289 pages, that includes release time for pedophiles? I didn't. I didn't. We have 16 more days to this session and from what I understand, three or four more of these implementers. We have a choice to do it a better way. Let's start today.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, the majority leader just finished his -- I'm sorry, the minority leader, excused me, just finished his eloquent summary. In talking about the things that are in this bill that surprised him and apparently other members of his side of the aisle and he asked the question, were you expecting these things to be in this bill. And I would reply to that comment or that question, rhetorical though it may be, that I think the answer is yes. I mean, this is what we do.

We have a budget, we passed a budget in early May. One of the earliest budgets that anyone can remember and we all congratulated ourselves, at least on this side of the aisle. And to the public, I think the public thanked us for the fact that we actually put out a budget that laid the foundation for our future in the state of Connecticut.

Now we can go back and we can debate the budget over and over again and argue about whether what we did in that budget was the right thing to do or the wrong thing to do. But the reality is that implementers are part of what we do when we do a budget. We have a budget, we have passed a budget. The next step in the budgetary process is to develop the implementing language that goes into the back up for what we just did a few weeks ago.

The issues that we are raising in this implementer and in the other implementers that we will be doing later this week are putting that flesh on the bones.

Now the argument could be, well, geez, we still have some unresolved questions in our budget. Why should we be doing implementers, why should we be putting meat on the bones of that budget before we

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have all of the details in place. Well, the answer is simple. If we sit around here and wait until the last day of session to do implementers on the budget that we passed three weeks ago, the public would be saying to us, what the heck have you guys been doing.

I mean, this is the natural progression of what we do when we pass a budget. We then adopt the language that implements the specifics of the budget that the overall budget does not include. Now, to say that we have not had input and that we have not had debate from both sides of the aisle on the contents of this and all the other implementers we will be doing, I would respectfully say is inaccurate.

We've had a committee process that has taken us from January to today in which both sides of the aisle have had the opportunity to debate the finer points of the vast majority of the items that are in this implementer and the implementers we're going to be doing.

Now, we may disagree on the ultimate policy and decisions and the votes that were taken in committee. We may disagree with the content of this bill. And that is legitimate. But to suggest that this

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implementer is somehow being rushed through at -- without input, I think is fatally flawed as an argument.

I think this is what the people expect us to do. We passed a budget. We are now putting the flesh on the bones and when there are adjustments that may have to be made, we know we're going to have revisit a portion of the budget, we provided for that when we passed the budget earlier this month. We'll take that up then.

But in the meantime we are getting the people's work done now. Because from my standpoint, I don't think the public is -- would be very impressed -- if we're asking ourselves the question is this what we expected to do and is this what the people of Connecticut expected us to do. I don't think the people of Connecticut expected us to do this on June 8th or June 7th or talk about rushing through or in the middle of the night on the last couple days of session. This is not what we're supposed to be doing. We're doing this with plenty of time, offering ourselves plenty of time for discussion and debate over the bills that we are implementing, just as we have done over the last few hours. This is

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what the people expect us to do. In an orderly fashion, implement a budget.

I think for that reason, Mr. Speaker, I urge my colleagues to support what we are doing here today. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Staff and guests please come to the well of the House. 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, please.

SPEAKER DONOVAN:

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

Clerk, please announce the tally.

THE CLERK:

House Bill 6650.

Total number voting

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Necessary for passage	73
Those voting yea	93
Those voting nay	52
Those absent and not voting	6.

SPEAKER DONOVAN:

Emergency certified bill passes.

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker. I would move for the immediate transmittal of the emergency certified bill that was just passed to the Senate.

SPEAKER DONOVAN:

The question is on immediate transmittal of the previous item to the Senate (inaudible). The bill is immediately transmitted.

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, I move to waive the reading of the list of referrals and that the bills be referred to the committees as indicated.

SPEAKER DONOVAN:

The motion is to waive the reading of the list of referrals and the bills be referred to the

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**CONNECTICUT
GENERAL ASSEMBLY
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Thank you.

SPEAKER DONOVAN:

Thank you for joining us. Congratulations.

Chamber will stand at ease.

(Chamber at ease.)

SPEAKER DONOVAN:

The House will please come back to order.

Will the Clerk please call Emergency Certified
Bill Number 6650.

THE CLERK:

House Bill 6650, AN ACT IMPLEMENTING THE
PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL
BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH
STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS, LCO
Number 6855, introduced by Representative Donovan and
Senator Williams.

SPEAKER DONOVAN:

The Chair of Appropriations, Representative Toni
Walker, you have the floor, madam.

REP. WALKER (93rd):

Thank you, Mr. Speaker. Good morning, sir.

Mr. Speaker, I move for passage -- for acceptance

and passage of the bill.

SPEAKER DONOVAN:

The question is on passage of the bill. Will you remark?

REP. WALKER (93rd):

Yes, Mr. Speaker.

Mr. Speaker, last week, we passed this bill out of the House, but there were certain items in the bill that we have to look at and many of our colleagues here in the chamber mentioned.

And I think that we have looked at it, come up with some options that I think are going to be -- make things very clear for everybody and have people understand the values of the bill. The underlying bill was addressing the consolidations of the child protection agency into the public defenders agency. It had the weigh stations and other consolidations such as DMHAS and BESB -- I'm sorry -- not BESB -- and the consolidation of DMHAS.

I think that we found a good correction and help that my colleagues will participate and understand the things that have been done.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

Mr. Speaker, the -- as was stated, we did vote this bill out last week. On Friday, it was taken up by the Senate at which time an amendment passed, Senate Amendment "A." It was LCO Number 7534. I would ask that that be called and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 7534, which is previously designated as Senate "A."

THE CLERK:

LCO Number 7534, Senate "A," offered by Senator Coleman had Representative Fox.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize the amendment. Is there objection?

Hearing none, Representative Fox, you may proceed with summarization.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

This amendment addresses a specific section of the -- last week's implementer dealing with the risk

reduction credits that are being sought by the Department of Corrections as a way of providing them with a tool by which they could reduce recidivism and prepare inmates for release as they are in the prison system.

It's -- about 45 other states do something similar to this. This proposal that is being introduced by Connecticut is, at least according to the department, one of the more conservative ones in the country. As far as New England states go, only New Hampshire and Connecticut do not have some form of a earned risk reduction credit.

What the amendment does is --

SPEAKER DONOVAN:

Representative --

REP. G. FOX (146th):

I'm sorry. I move the amendment.

SPEAKER DONOVAN:

The question is on adoption of the amendment.

Will you remark further.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

What the amendment does -- I move passage of the amendment.

SPEAKER DONOVAN:

The question is on adoption. Will you continue to remark.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

What the amendment does is it inserts language with respect to those who would be eligible for the risk reduction credit, specifically addresses those charge -- those convictions where one is ineligible for parole and it adds those to the list of those who are -- creates a list of those who are ineligible for the earned risk reduction credit. It also adds to it the 53a-100aa as a crime that is not eligible for the risk reduction credit.

Mr. Speaker, I do believe that this accurately reflects what was stated last week, but the parts of the bill where it should have been placed, it now will secure that that is, in fact, the intention of the public policy that we are about to adopt. Also, Mr. Speaker, there was a question raised as to whether or not good conduct and behavior alone by a prisoner would allow that prisoner to qualify for the earned risk reduction credits. It had been represented by the department and it was always their intention that

good conduct alone would not be sufficient, at least that is what has been portrayed during the course of the public hearing.

But recognizing that the language potentially could have been interpreted in such a way that a future commissioner might seem to believe that good conduct alone would be possible to allow for the risk reduction credits. The word "and" was inserted in that participation in eligible programs and activities, and for good conduct and obedience would be required. In addition to further make it clear, a -- Subsection 1 was added on line 17 and 18 of the amendment that says, good conduct and obedience to institutional rules all shall not entitle an inmate to such credit.

So with this language and with this amendment that it will be clear that an inmate would have to perform specific acts -- take assertive steps that would make them eligible for the earned risk reduction credits. And that by simply, you know, I think it was stated by simply, you know, sitting in the room and not bothering anybody, that alone would not be sufficient. They would have to take steps according to their offender accountability plan that would

improve them and address the issues that they have and make them less likely to recidivate when they are released.

Mr. Speaker, there's also, in Subsection D, there was a sentence that was added that also will clarify that crimes in which we, as a General Assembly, have established a public policy that there should be a mandatory minimum sentence, meaning that even the court does not have discretion to go below a certain level of sentence. And according to an OLR report done this year, there are some 64 crimes that do have mandatory minimums. And there was a sentence that was inserted that makes it clear that in the event of an individual -- an inmate earning risk reduction credits that they could not go below the mandatory minimum that we have set out by statute that they would be required to serve on those crimes.

Now also, Mr. Speaker, to this amendment is added language regarding ignition interlock devices and what this -- this has been part of the original bill when it was heard by the Judiciary Committee when it dealt with the changes to the DUI penalties, earned risk reduction credits and ignition interlock. It was not part of last week's implementer, but it is part of

this amendment. Now, this is a change in how we handle the penalties for suspension of license when individuals are convicted of DUI. And I should point out that this is only for convictions. We have not yet addressed those individuals who are arrested for DUI, but use the alcohol education program.

Mr. Speaker, this change is different in that it reduces the period of suspension, but it requires an ignition interlock to be utilized for the rest of the period of which the individual would have their license suspended. So instead of having a license suspended for one year in which they cannot drive at all, it reduces the suspension to 45 days and then requires one year of ignition interlock device use following the first conviction of DUI and then there are subsequent penalties that would go along with additional convictions, but the policy behind it and the one that is strongly supported by the organization, MADD, Mothers Against Drunk Driving is that we need to take steps to change behavior.

They have said that our past practice of simply lengthening the period within which one cannot drive is not working and they presented studies. And I should point out and thank, Representative Tom

Reynolds, who has been a big part of this -- this legislation and one who has been active with MADD and working with them to find the best ways that we can to achieve, which I know is all of our objective and all of our goal, and that is to reduce the number of people that are drinking and driving.

Now, Mr. Speaker, another big part of this that is important is that the ignition interlock and monitoring of the ignition interlocks will be done by probation. And it makes sense because many times -- I think virtually every time -- when an individual is convicted of drunk driving they will be put on probation for a period. And in order to monitor both the ignition interlock and all of the other conditions that they may have under probation, it makes sense to have all of that in one place.

And also, Mr. Speaker, as part of this I mentioned the alcohol education program earlier and how this does not incorporate them, but it is the goal and the objective of MADD and others, other stakeholders in this issue that we can find a way to also include those who may not be convicted, but have had their license suspended following a drunk driving arrest. And there is a piece of this that asks that

the Department of Motor Vehicles come back to us so that we can establish a plan by which we can include all of these other drivers who are arrested for drunk driving.

And with that, Mr. Speaker, I would urge passage of the amendment.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, the amendment we are being asked to adopt amends an underlying bill, one of the budget implementers, a bill that was before us just a few days ago. A bill that was 290 pages. A bill that contained, among the things that are being referenced in this amendment, many, many, many other things.

Many of us on this side of the aisle expressed concern that the bill that was before us did not just implement budget, but change the policy of the State of Connecticut. Many of us on this side of the aisle felt that those items should have been separated so we could have a focused debate as to whether or not we

want to change that policy.

One small part of that bill had huge ramifications and it's the bill, the part of the bill that's being amended by Senate "A." It concerns an early release program wherein if the prisoners participate in a program they could earn early release time off their sentence. It is certainly something that many of us on this side of the aisle are in favor of. We understand that there needs, in some cases, to be incentives for people to participate in programs so that when they get out maybe they will not offend again. Maybe they will have learned skills that could better themselves and become productive members of society.

But there were some nuances in the bill that was before us that required us to amend it. In fact, the Senate wouldn't take up the bill until it was amended because of the very important policy that's contained in that section of the bill.

So through you, Mr. Speaker, I have some questions to the proponent of the amendment so that all of us can understand exactly what we did and what we might be about to.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Through you, Mr. Speaker to Representative Fox, Representative Fox, this amendment commends the bill prior to this, if we do not adopt this amendment, I should say, what if any crimes would not be subject to the early release program?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker, there may be no crimes that are not subject.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

No crimes, meaning that, through you, Mr. Speaker, murder, capital felony, felony murder, arson murder, aggravated sexual assault in the first degree and home invasion, but for the passage of this amendment would all be subject to release time retroactive until April 1, 2006. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Yes, that's correct.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker.

Based on the language of the original bill as amended by this amendment, but for this amendment could some reasonable person interpret the language of the bill that was before us without this amendment to mean that someone could earn that early release time credit by just having good conduct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

The argument was made that that was -- that that could be interpreted and because somebody -- because some felt that that could be interpreted that way,

this amendment does make it absolutely clear that good conduct alone would not suffice to earn risk reduction credits.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

You see, ladies and gentlemen, there was some confusion based on the way the other bill was. Some was confusion. Some was fact. As Representative Fox has just stated, the fact was it was the policy of the drafters of the original part of the bill we are about to amend -- not a mistake, not an oversight, it was the policy that every crime, murder, capital felony, felony murder, aggravated assault, et cetera, would be eligible for these early release times. That was the policy.

Through you, Mr. Speaker, I ask that the gentleman, why did we change that policy and how has it changed?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker there had been discussions and -- throughout the course of this process with respect to the risk reduction credits, that those crimes that are ineligible for parole would also be ineligible for the risk reduction credits.

That was what I had stated when I was, last week during the past course of this debate. What this amendment does do is it makes clear that those crimes that would be ineligible for parole are also ineligible for the earned risk reduction credits. And those crimes are primarily -- they're the crimes that Representative Cafero outlined.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, from what we've just learned from Representative Fox is in this amendment we are now making a choice, a statement. We are saying that there are certain crimes that under no circumstances will be eligible for early release. They are enumerated in line 8 of the amendment that's before us. Those crimes are murder, capital felony, felony murder, arson murder, aggravated sexual assault

in the 1st degree, and home invasion. Those six crimes, people convicted of those six crimes, no matter what, will not be eligible for early release time.

Through you, Mr. Speaker, I guess the question has to be, why those and not others? We have made a choice or are about to make a choice to single out those crimes. So my question through you, Mr. Speaker, is Section 53(a)-70 of our Connecticut General Statutes, is sexual assault in the first degree, commonly known as rape.

It is described in our statute as follows: a person is guilty of sexual assault in the first degree when such person, one, compels another to engage in sexual intercourse by the use of force against such other person or a third person or by the threat of use of force against such other person or against a third person, which reasonably causes such person to fear physical injury to such person or a third person; two, engages in sexual intercourse with another person and such other person is under 13 years of age and the actor is more than two years older than such person.

Through you, Mr. Speaker, was that crime of sexual assault in the first degree, a Class A felony,

rape, was that included the list of crimes that are not eligible for early release credit?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

No.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, to Representative Fox, can you explain to the Chamber why it was not?

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

The crimes that were represented last week to be ineligible for the earned risk reduction credit were those that set out in the statute that references those crimes that are ineligible for parole. The history behind why 53(a)-70 is not included amongst those crimes I don't know why that is.

Through you.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, in our laws we have another crime, Section 53(a)-70(c). It's entitled aggravated sexual assault of a minor. It's a Class A felony and it reads as follows: a person is guilty of aggravated sexual assault of a minor one such person commits a violation of Subdivision 2 of Subsection (a) of Section 53-21 or Section 53-70 or Section 53-70a or Section 53a-71. And such person kidnapped or illegally restrained the victim, or such person stalked the victim or such person used violence to commit such offense against the victim. Remember, we're talking about aggravated sexual assault of a minor.

Through you, Mr. Speaker, was that crime listed among those crimes that are not eligible for early release?

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

No, it is not. However I would point out with respect to that crime, I mean, we do have a mandatory minimum of 25 years on a first offense and a mandatory minimum of 50 years on a second offense, but to the Representative's question, no, it was not included.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

So through you, Mr. Speaker, if someone is convicted of aggravated sexual assault of a minor, if this amendment passed they would be eligible to get out of prison early and that that early release time could be retroactive back to April 1, 2006. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Yes, that's correct.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, we have in our statutes Section 53(a)-92(a). It's a crime called kidnapping in the first degree with a firearm. It's a Class A felony. One year not suspendible, a person is guilty of kidnapping and first-degree with a firearm when he commits kidnapping in the first degree as provide in Section 53(a)-92 and in the commission of said crime he uses or is armed with or threatens the use or displace or represents by his words or conduct that he possessés a pistol, revolver, machine gun, shotgun, rifle or other firearm.

Through you, Mr. Speaker, is kidnapping in the first degree with a firearm one of those crimes for which a person would be eligible for early release time as provided for in this amendment?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Yes.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentlemen of the Chamber, you see what we've done is we pick winners and losers in this amendment. Now, I have enormous respect for Representative Fox and I know Representative Fox wanted to make sure that what he represented on the first go round of this bill was reflected in the final product and this amendment does that.

But if you think about it, the philosophical and intellectual purity is out the window. It's out the window. Because if one believes that early release time for any crime is good public policy, that anyone no matter what can be -- should have the opportunity and the incentive to take a class or a program or counseling that will better him or herself, then that should apply to everybody if that's what you believe.

But in the amendment that's before us we pick winners and losers, see. We only say six of them are not eligible. Home invasion is one of them. Now, why do we pick home invasion over sexual assault in the first degree, rape? Do we believe someone convicted of home invasion cannot be rehabilitated or there's

nothing they could do that should make them eligible to earn early release time, but someone convicted of rape is? You see, folks, we're picking winners and losers.

Through you, Mr. Speaker, the good gentleman represented that the bill -- the amendment before us also does other things. For instance, it says that no early release time credits can be used to reduce a person's sentence beyond the mandatory minimum. The good gentleman referenced an OLR report, which he was kind enough to share with me, which lays out all the crimes that have mandatory minimums and also what the maximum prison sentence might be.

So for instance, one of the crimes that I just read, kidnapping in the first degree has a mandatory minimum. Through you, Mr. Speaker, does the good gentleman know what that mandatory minimum is for kidnapping in the first degree?

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

With respect to kidnapping in the first degree, and kidnapping in the first degree with a firearm, it

does -- at least in the OLR report state one year; however, further in the OLR report it also states that these are Class A felonies for which a ten year sentence is required on any Class A felony. I don't know exactly why it says one year here. It does reference a Supreme Court case in the OLR report, but based upon the report itself, it does say one year.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker.

Could you tell us for those crimes, kidnapping in the first degree and kidnapping in the first degree with a firearm, what the maximum prison sentence is?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gerry Fox.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

According to this report, it's 25 years.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentlemen, as you can see there's a big delta between the mandatory minimum and what a prisoner can be sentenced to. In the case that we just learned about, 24 years. That means somebody was convicted of aggravated kidnapping or aggravated sexual assault can be sentenced to a long time, 25 years, but what this bill says is, you cannot use those early release credits to dip below the mandatory minimum. Well, in that case it's one year. That's a big delta folks, a big delta.

And is also my understanding through you, Mr. Speaker that this amendment contains a provision, or the underlying bill does, that would allow somebody sentenced to two years in prison to be released after 90 days. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

There is a provision in the underlying bill that deals with intensive probation, and that it deals with those who are sentenced to two years or less.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, I hail from Norwalk, and in Norwalk there's a much celebrated case where a 40-year-old man was convicted of sexually molesting a six-year-old, sexually molesting a six-year-old. But because of the parents' reluctance to have their six-year-old testify, the man was sentenced to risk of injury to a minor. It carries with it a two year sentence. Based on the amendment that's amending the underlying bill, that person could get out in 90 days, 90 days. Sexually assaulted a six-year-old.

You see, ladies and gentlemen, we make choices by the bills that we put forth and the amendments. This side of the aisle believes in early release time, but we believed in it for nonviolent crimes. Because you see we believe there are certain crimes that are so heinous and so deplorable to society they should not be subject to early release time. Now, does that mean we give up on those people because, as someone said they're going to get out eventually, absolutely not. That's why we provide and encourage our inmates who are convicted of these heinous crimes to get

counseling, to get drug counseling, psychological counseling. Maybe earn in a diploma. But do we have to bribe them to do it?

I said to someone it's like going up to an alcoholic and saying, listen. I think you'd benefit from the Alcoholics Anonymous program. I know you don't want to go, so I'll pay you a hundred bucks for every meeting you go to. Oh, they will go to the meeting. I'm not so sure that they will get the full benefit of that program.

So if you have somebody who's been convicted of kidnapping or aggravated sexual assault of a minor, or rape, should we, as a state, provide them at our cost and expense, counseling, rehabilitation education? Yeah. Because they're going to get out someday. But do we got bribe them to do it? We've got to give them time of their sentence? Do we got to go retroactive to April 1, 2006? Which, if you do the math, could be up to 300 days off their sentence, someone who is convicted of sexual assault of a minor. Are you kidding me?

But that's what this bill does. It picks winners and losers. Only six crimes we determined -- one of them being home invasion, are absolutely not eligible

for early release. All the rest, they are. What's wrong with that picture and how did we get to this point?

This is supposed to be a deliberative body, a place where we debate policy. This is what happens when you cram these provisions in to a 298-page bill that has nothing to do with the budget. You make mistakes, folks. You don't realize what you're voting for sometimes because it's full with of stuff. That's the case here.

We're making a statement, a policy right now that if you are convicted of home invasion you don't get any early release time, but if you're convicted of rape, or rape with a fire arm, or sexual assault of a minor, you can get off. That's wrong. That's wrong. But that's what happens when you rush through legislation.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

I agree a hundred percent with the previous

speaker, Representative Cafero, his central point being that early release may be a good idea for nonviolent crimes, but for the violent crimes, those crimes where a person must serve currently at least 85 percent of their sentence before they can get parole, we should not change that and allow these people to get early release, retroactive also to 2006, so that they would automatically get five years of good time credit for a whole host of violent crimes. It's a weakening of our entire criminal justice system, which I completely oppose to.

But I want to speak primarily about the provision in this amendment, which will become the bill, which allows for the release from jail of people who are convicted of repeated DUI crimes. The chairman of Judiciary Committee pointed out that the interlock device is in this amendment. I think that we all believe that that's a good idea. We know that groups such as MADD support that interlock device.

It makes good sense and I know that they were up here -- those folks were here a couple times in recent weeks, asking us to support the interlock device. But I wonder how many of them knew that part of the deal was that we would also let prisoners go from jail,

people sentenced to one or two or three years in prison because they've had many, many DUI cases.

I wonder how many of those members know that we're going to allow them to be released from jail after serving no time whatsoever. Do they know that? Do the rank-and-file members of that group know that? Typically, they get involved in such a group because of a tragedy that happened to somebody and their family or a friend, horrible cases. Do those people - do they believe we should not be punishing people who commit multiple, repeated DUI cases? Shouldn't those people be punished? Shouldn't we have deterrents? Should we get rid of all jail sentences for those who commit multiple repeated DUI cases.

What this amendment says is that the Department of Corrections commissioner, the DOC commissioner would have the power to let these people go of his own volition. All of that massive power shift to this one man, this commissioner who, despite whatever a judge might say, despite what the sentence that the judge gave, despite what the prosecutor wants in the case, despite how many times that individual person has driven while intoxicated and been convicted of it, this one commissioner would have the power to let that

person go without serving any jail time at all.

Do the people of Connecticut know that that's what this is going to be? Do they support that? I know the people in my district don't know that. I'm sure they don't support that. I'm sure if we did a poll and ask the people of Connecticut, do you think that we should get rid of jail sentences for people who are convicted many, many times of DUI cases? I'm sure the people of Connecticut don't support their release from jail.

I said the other day that I thought it send a terrible signal to people in Connecticut and also around the country. More than that, it's an invitation. We are sending in invitation to those people who already have convictions in other states of many DUIs, if you come to Connecticut, you may not have to serve any jail time at all if you get arrested one more time for DUI. It's not only a signal, it's an invitation. Come here. This is the place you want to drink and drive after you can convicted, especially. Come here, because you may not serve any jail time whatsoever.

And as I said the other day, what it said is a person who is faced with a charge of DUI, after having

several convictions in Connecticut or any other state, what incentive do they have to ever to plead guilty? I'll tell you. They have no incentive. A defense attorney would be doing a disservice to their client by not telling them you better go to trial, because you really don't have anything to lose.

If you win your case, you're going to walk out the door. If you lose your case, you're not going to go to jail either. It would clog up the courts. There would be no incentive to take up a plea bargain that would involve jail time. You would take your case to trial because of this provision.

Let us not take refuge in this idea that MADD supports this. MADD supports the interlock device. I'm quite charge that every single member, all the people who were here that were serving ice cream downstairs, they were asking us about the interlock device. I'm sure they all liked that interlock device. So do we. So to the people of Connecticut. So to the people of our districts. Interlock device, great idea. Letting these people go without serving jail time, bad idea, and they're not even aware of it. The leadership may beware of it. The leadership of that group may think it's a good idea to not have

these people to go to jail. Multiple DUI cases, but I bet the rank-and-file don't know about it and if they did, I bet you they don't support it.

Let's not take refuge in that concept that they were involved because the rank-and-file of that group and the average voter, I'm quite sure, does not think it's a good idea to let a person go after being convicted of many DUI cases. It's terrible public policy, and for that reason, as well as the other reasons cited by the Minority Leader, I will be opposing this amendment. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Smith.

REP. SMITH (108th):

Good morning, Mr. Speaker. Thank you.

SPEAKER DONOVAN:

Good morning, sir.

REP. SMITH (108th):

A few questions, if I may, to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed.

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REP. SMITH (108th):

I was looking at lines 49 through 54, in that area of the bill. And if I'm reading this bill correctly it looks like if the defendant elects to choose to go to jail for 48 hours as opposed to perform a hundred hours of community service or having the interlock device installed on his vehicle, he still has that option. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Those lines reflect the existing law and they deal -- they address the situation where one is convicted of driving under the influence for the first time. And what our -- the way our current penalty exists is that a first-time conviction of DUI would be a potential prison sentence of six months, 48 consecutive hours of which may not be suspended or reduced, or does provide the option of a hundred hours of community service. That's current existing law.

The license suspension that this amendment deals with is new. Currently under a first-time conviction

for driving under the influence, the license suspension is one year. So the ignition interlock language that is here is new and it does change the license suspension portion of DUI convictions.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

So -- and I understand the existing law, how it exists today is just that, with the new addition of the interlock device, but I just want to be sure for legislative record that if a defendant opts to serve the 48 hours, and we have represented many of those left opted that to go to the jail for the weekend and get out on Monday, would that scenario -- the interlock device, does not come into play, just to be sure? Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Actually, the interlock device would come into play because even if the defendant were to opt to go

to prison for 48 hours, there would still be a one-year suspension of the license under current law. So because this changes -- so you have to think of it in two ways. One of it is the prison side and one of it is the license suspension issue. And the incarceration issue, the Representative is correct. The license suspension issue, the ignition interlock language would come into play. Through you.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

That is helpful, but I do understand now what you're referring to. And could you tell me through you, Mr. Speaker, when the act actually takes effect.

SPEAKER DONOVAN:

Representative Long -- Fox. Sorry. You're in his old seat.

REP. G. FOX (146th):

Through you, Mr. Speaker.

It looks like January 1, 2012.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And again, through you, Mr. Speaker, then, I'm just wondering how, if at all, if someone has been -- has had a conviction prior to January 1, 2012, how the act impacts that versus person someone who's just been arrested prior to January 1, 2012, and then is convicted afterwards. If you could help me with that.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

With respect to the last question, I would think it would go by the date of conviction, not arrest. So if someone is arrested, say, in November and they plead guilty in January, this would apply.

With respect to how this would apply to those who are currently under suspension, or let's say for example, somebody pleads guilty in November and the effective date is January. There is a section in the bill starting at lines 178 -- or excuse me -- in the amendment starting on line 178 that does give the commissioner some discretion to address those who are currently under suspension on the effective date of

the section.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And that might be helpful then in this scenario where you have a person who's been arrested for drinking and driving, and then gets arrested again for drinking and driving, and as you know for that type of offense, there's a mandatory minimum of 30 days under our current law, which I don't think is affected by this bill or this amendment.

But my question for you, through the Speaker, is, is it allowed under this bill for that 30-day mandatory minimum to be reduced at all under the language of this amendment? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Just so I'm clear in what I'm referring to, is the Representative referring to the 30-day mandatory minimum that goes with a conviction of a license under -- driving with a license under suspension following a

DUI arrest?

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Yes. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

While that's not reflected here, it is reflected in the underlying implementer that the suspension -- the driving under suspension 14-215 is also potentially eligible for the house arrest. So it is in part of that.

Also with respect to the Representative's example -- can he -- I think he said two DUI convictions, and a second conviction there could be the 120-day mandatory minimum. The situation where I -- where we often see the driving with a suspended license following a DUI, that would mean even if you were driving to church service on a Sunday morning and got hit, you perhaps did nothing wrong at all, but if you're driving with a suspended license after a DUI arrest, then you would be subject to a mandatory

minimum of 30 days. Through you, Madam Speaker.

(Deputy Speaker Kirkley-Bey in the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

So just so I'm clear then whether it's that 30-day mandatory minimum or the 120-day for the second conviction, the implementer bill that we discussed last week along with this amendment would allow the reduction of that mandatory minimum sentence or is it just House arrest under this bill in the implementer?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

.Through you, Madam Speaker.

It's just house arrest. The sentences themselves are not reduced. Although I recognize some may disagree, it is -- but what you're doing is you're serving your period of arrest under house arrest under conditions and terms established by the Department of

Corrections.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you. And thank you, Representative Fox. And just take it one step further -- the term "house arrest," does that literally means that they are confined to their home or are they, these persons, are allowed to actually drive under conditions set by the probation department?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

Although it is part of the underlying bill, I'll be happy to attempt to answer the question, there is a section of the underlying implementer that addresses house arrest and certain conditions that can be imposed by the Department of Corrections and that can mean electronic monitoring. It can mean zero-tolerance alcohol monitoring, so that if anyone drinks at all they would then be in violation of their terms of house arrest.

And also -- while I don't have the language in front of me, it does allow the commissioner of corrections to revoke this house arrest option and send the person back to prison in the event that they don't comply.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And thank you for those answers and I guess the main question I have and I realize is part of the implementer bill, but I don't have that before at the moment. I'm just wondering, with the house arrest, I understand all these conditions that can be imposed. I just want to be sure that house arrest either allows someone to leave the house as long as these conditions are satisfied or they're simply not allowed to leave the house whatsoever because of his house arrest.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

I'm pulling out the implementer.

I don't want to give an absolute answer, but I

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believe the conditions that will be imposed are pretty strict.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you.

And I'm sure I can work -- with Representative Fox and we'll get to the bottom of it without tying up the Chamber's time. So just one last question then, the earned credit reduction time, would that apply to repeated felony convictions?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

If the Representative is referring to the persistent felony offender statutes that we have, it would apply. However, the language that also addresses the mandatory minimums with respect to those crimes would also apply.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

And thank you, Representative Fox.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Yes. Thank you, Madam Speaker.

Before I forget, I would request that when the vote is taken on this amendment that it be taken by roll.

DEPUTY SPEAKER KIRKLEY-BEY:

All those in favor of a roll call, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

The 20 percent has been met. When the roll call is taken, it will be taken by vote.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome, sir.

Is that all you had?

REP. O'NEILL (69th):

No.

DEPUTY SPEAKER KIRKLEY-BEY:

Oh, all right then. Please proceed.

REP. O'NEILL (69th):

I did wish to ask a couple of questions about the issue that we are really talking about with respect to this risk reduction. When we're talking about it, I mean, do we have any evidence that by someone taking a GED that they actually do, in fact, reduce the risk of reoffense? I mean is there actual proof anywhere that that actually works?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

What we have -- what has been represented to us and what was represented to the Judiciary Committee and has been talked about for a number of years through Connecticut's Department of Correction is that the issue of earned risk reduction credits does provide an incentive for inmates to take positive steps towards improving their lives as well as reducing recidivism.

And the fact that just about every other state

does it -- while I'm not saying every other state does it well and I think there are those that would say that Connecticut, in its past statutes where we had good time credits may not have done it as well either -- but the testimony that was provided to us was that, yes, it can work and does work.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

The reason I raised the question is that I served the ranking member of the Judiciary Committee for a number of years. We had some extensive task force work that was done during those years. I sat through many, many meetings, talked to many experts in the field after repeatedly asked the question, can you really predict who -- when you're looking at someone for purposes of an early release, however we described that program whether it's parole -- probation -- you name it -- can you really look at someone and ask them some questions, or perhaps look at their record in prison and tell us, this one is going to likely reoffend and that one is likely not to reoffend, and almost every expert -- in fact, every expert that I

can remember talking to about this would, after a certain amount of shuffling about say, no, you really cannot predict whether someone is going to reoffend based on their prison record.

And therefore, if, when we look at their record we can't tell if they are likely to reoffend, it raises the question in my mind -- and we are having this extended debate about adding -- giving people the option of getting out of prison earlier by taking some courses or involving themselves in some programming, it really raises the question of whether this actually does really accomplish the goal which is risk reduction as these credits are called. It's not just reduce the prison population to save money credit, it supposedly to reduce the risk of reoffense credit, to reduce the risk of recidivism credit.

I'm looking at Massachusetts and I guess I would ask the question of the chair, if I'm correct, is Massachusetts one of those other New England states that actually has a program that is described as sort of like this?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

According to a summary of states that I have, the answer is yes. And if I may go further I can tell you at least what it says unless the Representative has the same summary.

REP. O'NEILL (69th):

No. Actually, I'd be happy to hear what the gentleman has to say.

Through you, Madam Speaker.

REP. G. FOX (146th):

In Massachusetts, according to this summary, it says that inmates may earn up to a total of up to seven and a half days per month. And that was confirmed in March of this year.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Now, this is interesting because I just was looking at the Pew study that was done on the changes of recidivism. It's a national study and is a highly respected one by the Pew Research Center. And what

they are showing is that between the 1990s and the early 2000s -- I mean late nineties and roughly 2007 - - they took two different time periods to compare the recidivism rates and changes in recidivism rates between those two time periods. And what they discovered was that Massachusetts recidivism rate went up by 10 percent, whereas Connecticut's recidivism rate went down by 2 percent -- 2.6 percent so I don't quite see -- and granted that's a gross statement about covering the whole issue of recidivism, but it does not appear that at least the state which is right next to us, which has this program that actually has a more aggressive form of this program than the one presented to us today, does not appear to be reaping any benefit by reducing their recidivism.

If this program is helping them, there must be a lot of other things that are even more severely wrong and its getting buried in the statistics. But certainly, I guess I don't see based on that comparison -- and I've looked at a number of other states that appear to have this, and since apparently most other states do, that there's any evidence that those states that use this program consistently have a lower rate of recidivism, or are having more success

reducing recidivism than Connecticut is having.

So you know, we can talk about whether a particular violent crime should be on the list or not on the list of crimes that are excluded from consideration, from eligibility for this, but the underlying question is, does it work? Will it reduce the risk of someone reoffending when they get out of prison, which we all agree almost everybody probably will.

And so far I don't -- I have not heard or presented with any evidence or indication that it really does do that. I don't remember this being cited as a key element in any effort to reduce recidivism rates when we were talking about it for a number of years in the work that the Judiciary Committee was to through its various task forces. We had a couple of different ones.

So I'm, you know, this thing seems to have taken on this life as if risk reduction credits were the key to reducing recidivism. And I don't see it. And we are opening the door to people with these very severe crimes that they have committed that are not part of this amendment, that people who are still going to be

eligible, who have committed very, very serious, very violent crimes and they are still going to be eligible to get this risk reduction credit for participating in some programs.

The second thing I'd ask is, do we have a definitive list of the programs that are to be participated in by individuals? Do we know what these programs are going to be exactly?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Thank you.

And through you, Madam Speaker, in -- if I could give a little bit of history, it might be helpful. In 2006, the Department of Corrections introduced an offender accountability plan, which would require each offender, upon entering prison, to establish a plan that they were going to adhere to that would hopefully reach the goal that they are less likely to commit crimes in the future and make them better able to reenter society.

The -- also just -- and I'll get to some of the plans because I don't have a definitive list, but I do

have some. But also with respect to some of the history behind this. In the implementer -- excuse me -- not the implementer -- the deficit mitigation measure that we adopted back in 2009, there was a -- part of that bill included that the Department of Corrections would put together a report. And they did do so.

And they did state in that report that these programs do work. There's a growing body of evidence that indicates that recidivism is less likely and they submitted several options. And the option that this bill -- or that this amendment would offer is one of the more conservative options that they proposed.

With respect to the specific plans, I did look into some of the things that the inmates would be required to do. One of the things they do, it's -- we talk about GEDs and I know I made a reference to that last week. That's part of it, but they also have to just determine education level. Some of the individuals are beyond that. Some of the individuals are on a zero to fourth-grade reading level. There may be some substance abuse treatment programs, which many would qualify for. There's anger management programs or other programs to enable inmates to better

handle certain situations.

There was a program that I saw called, Embracing Fatherhood, which would allow inmates to improve their relationships with their children if they were in that category. There's a mentoring program for youthful offenders. There's a program called Voices that was listed on the offender accountability plan, and that's a program that, as I understand it, would allow -- enable offenders to see the impact that their crimes had on the victims involved.

So those are some of the programs. It's by no means a definitive list and I do think it changes at times. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Well, thank you, and I appreciate the gentleman's elucidation of this issue because we talk about programs, and I think that it might be helpful for everyone here, as well as elsewhere, to have a better concept of what we are talking about.

That we are saying that if you do this -- if you enter into an anger management program and stay in it for a month, I guess we can knock off five days of

your sentence and I guess, you know, anger management being something that probably takes more than a month to master, you might spend six months or a year if the anger was the problem that you have that got you into prison in the first place.

My guess is, based on our prior experiences, though, is that since people usually have more than just one episode that brings them into contact with the criminal justice system, is that they've had the opportunity to enter some kind of program, that we have a large number of diversionary programs. We have accelerated rehabilitation, which usually carries with it a requirement that people enter into some kind of program. We have probation that's given to people before they end up being incarcerated in many cases.

So someone typically has been through a lot of programs before they get to prison. I'm sure there are a few cases where it's not, but I think our experience general is that people at that through a lot of systems before we end up finally saying, nothing is really working. We're going to put this person inside of a prison cell because we know how difficult it is and how expensive it is -- and how difficult it is to deal with these problems once

they've gone into the prison system.

Madam Speaker, I would just, you know, also say that -- and I feel somewhat -- I'm not sure how to phrase this, but I feel that we should have a little brief conversation about the conversation we had last week, because the Chair of the Judiciary Committee and I had an extended colloquy about what was in the bill that we voted on. And a number of the things that were contained in there, apparently the Chair was either not fully aware of or misunderstood my questions because some of the answers that were given back, I think, have, you know, now turned out not to be entirely accurate -- about it.

I have to say I don't blame the chairman of the committee for this because the bill that we're dealing with is really an appropriations bill and even though this language originated in a Judiciary Committee bill, it appears as if this, this is an appropriations bill that should be handled by members of the Appropriations Committee to answer the questions about these programs that are encased in this appropriations bill.

And I think that that's one of the problems that I see with how this is, this process that we've

adopted this year of having people outside the Appropriations Committee try to handle the appropriations language or the bills that come out of appropriations. I certainly understand asking the Judiciary Committee chairman questions about how this system is supposed to work. The appropriations people don't necessarily know the policy.

What I think would have been a much better process is if the bill -- and there is a bill on our calendar -- I believe a file copy that exists that deals with this. That that is the bill that sets forth policies of that we have access to the information and can readily see what the testimonies were and we could prepare and discuss that bill rather than an appropriations bill, which is supposed to be an implementer, but really is doing an awful lot of other stuff.

And I think that is part of the problem that we are having -- is with this piece of legislation is that it's almost 300 pages long. It changes, in significant ways, public policy in the State of Connecticut, and it's something that I think deserved an independent discussion on its own merits.

And so I really think that whoever was designing

this bill and decided on the procedure that we were going to take here today -- and we took last week should think about whether we should be taking entire bills -- big policy changes and stuffing them in to implementers and then expecting one person to handle all the different aspects of this type of legislation. I think that is turning out to be -- based on the fact that we are having to do a redo -- a mistake in the process that we are following.

Thank you, Mr. Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative O'Neill.

Representative Reynolds, you have the floor.

REP. REYNOLDS (42nd):

Thank you, Madam Speaker.

I rise in support of the amendment before us today and I specifically wish to address the ignition interlock provision contained in the amendment. I want to begin by thanking Governor Malloy who first proposed the expansion of ignition interlock earlier this session and thank, Lieutenant Governor Wyman and Chairman Fox, who stewarded this legislation in recent weeks.

And I also want to thank, Mothers Against Drunk

Driving and Commissioner Curry, for their cooperation as well.

This amendment is a huge step forward in addressing the chronic issue of drunk driving fatalities in Connecticut. For the first time, we will be mandating ignition interlock use for all repeat offenders.

Keep in mind, Connecticut already has mandatory ignition interlock for those individuals convicted of their second, third, and subsequent offenses. So this adds the final and largest group of repeat offenders to this population. I also want to stress that Connecticut is on the front lines of bringing down the national drunk driving fatality rate. That is because Connecticut is the second worst state in the nation relative to the percentage of traffic fatalities that are alcohol related. Only one other State has a higher percentage than Connecticut. And between 2008 and 2009, the last year for which data is available, Connecticut actually got worse by a 7 percent increase.

The policy represented in this amendment is as follows: That is the belief that our history of lengthy license suspensions has proven to be failed

public policy, because three out of four offenders are driving anyway. Many of them intoxicated and because it is not performance-based, the program does little to address recidivism. That is why most states, and now, Connecticut are moving towards a system with shorter suspension periods, but much longer and mandatory and performance-based ignition interlock periods. Performance-based meaning if you continue to demonstrate a propensity to start your car intoxicated and the vehicle does not start, that data is recorded and transmitted to the probation officials in DMV, and ultimately, your ignition interlock period could automatically be extended for noncompliance. So this is a strategy, one, to reduce attempts at drunk driving, two, to reduce recidivism, and three, to ensure changed behavior on the part of the offender.

So thank you, again, Madam Speaker for the opportunity to speak in favor of this amendment. And I look forward to years from now looking back and seeing the progress in our drunk driving fatality reduction that every other state has experienced that have implemented similar provisions. Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Hetherington you have the floor,
sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

If I may address a few questions to the
proponent, through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Madam Speaker, to the proponent. It
appears that this legislation would end any required
substance treatment program. Is that correct?
Through you, Mr. -- Madam Speaker. Pardon me.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox, do you need the question
repeated?

REP. G. FOX (146th):

No. I heard the question. I'm just -- I know
the Representative is referring to the amendment. And
are you referring to the ignition interlock section of
the amendment? Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Through you, Madam Speaker.

Yes. I'm referring to the interlock section. It

appears to me that there is no longer going to be, in connection with suspension of license, any requirement that the offender under go any kind of alcohol treatment. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

Let me try to break it down with respect to how this is laid out. First, this provision as we have it here today, is only dealing with convictions.

So as many of us are aware, we do have a program in Connecticut called the Alcohol Education Program that I believe provides up to 16 classes for those who are arrested for drunk driving. And then if they successfully complete those classes and do not get arrested again over the course of a year the, case is dismissed. The classes range anywhere I think it's from 10 to 16 classes. That's for the first-time offenders, but not those who are convicted. So this is addressing those who are connected.

Now, with respect to alcohol or substance abuse treatment to those who are convicted, I believe

almost, if not a hundred percent, than perhaps 99 percent of those individuals who are convicted are placed on probation and a condition of their probation would be substance treatment and evaluation, especially in these types of cases.

So it is -- so I already anticipate that all of these individuals will continue to have some form of substance abuse treatment. It would only be done through probation following their convictions.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, currently the commissioner of motor vehicles suspends the license administratively for -- an operator's license for anyone who refuses to give consent to a blood or breath test upon arrest. I don't see that in this amendment. I conclude that there would no longer be an administrative suspension for someone who refuses to be tested. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

No, there would still be a suspension, an administrative suspension. The refusal to take the test is an automatic -- I believe it's a six months suspension that's implemented 30 days after the arrested that would still take place.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Very well. I accept the proponent's conclusion on that.

Is there any way that the Department of Motor Vehicles could confirm that an interlock device is actually installed?

Through you, Mr. Speaker.

(Deputy Speaker Orange in the Chair.)

DEPUTY SPEAKER ORANGE:

Representative Fox.

REP. G. FOX (146th):

Thank you, Madam Speaker.

In this instance, yes. Yes, they can confirm it.

With respect to the mechanics of the ignition interlock device and how that works, I know Representative Reynolds is more of an expert at that. However, the way it would -- they can confirm that it's installed and also it would be both DMV and probation who would be notified if there was any misuse of the ignition interlock device.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And I thank the proponent very much for his answers.

Madam Speaker, I'm troubled with some aspects of this interlock device. Although, the device certainly would be useful and I applaud the progress we are making on implementing the use of it, I do have some serious reservations. I don't see -- although the DMV may, by regulation I suppose, check on installation. I don't see a way that -- I don't see that confirmation is required. I don't see that confirmation is -- is received, that the device is not tampered with or removed. I don't know how noncompliance would be detected unless the offender is

arrested and is found to be driving without the device in place.

So I'm concerned about the details of this and I really would like to see this useful device implemented in a way that is more effective and I think there's some real holes in the way that we are doing it here. And for that reason, I'm going to reluctantly vote against the amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

Representative Reynolds, for the second time, sir.

REP. REYNOLDS (42nd):

Thank you, Madam Speaker.

I'm happy to respond to the last issue raised. Offenders, who are participants in the ignition interlock program, are required to demonstrate by providing documentation from the IID vendor that the device has been installed, DMV also has had some history of doing follow-up checks on that as well.

Secondly, on the issue of tampering, any attempt to temper with the device or to remove it automatically sends a communication back to the vendor

of an attempt to do¹so and probation and DMV would be informed accordingly.

Lastly, on the question of compliance, the wonderful thing about this technology is that all attempts to start the vehicle, whether sober or intoxicated are logged, and all attempts to tamper or uninstall or alter the device are logged and all of those data reports are provided to the State on a regular basis. And again, the vendor is empowered the regulation to automatically extend the duration of the IID period for certain violations to be defined in regulation.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Brendan Sharkey, you have the floor, sir.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

On the amendment that is before us at this moment. I rise in support of the amendment and I urge my colleagues to also support it.

Throughout this debate, we have heard questions

about the wisdom of this amendment and the logic behind it. I think the good Minority Leader referred to the question as to whether or not we are picking winners and losers in choosing which crimes would be eligible for the risk reduction credits that may lower an individual's overall prison time.

I would just remind the members of the Chamber that the basis for this amendment in the first place was to clarify a point that was made in the first debate on this underlying bill, which is what are the crimes that should be -- that should be eligible for these risk reduction credits. And the resolution of that question was that those crimes that are not eligible for parole, those crimes that are currently not eligible for parole shall also not be eligible for these risk reduction credits.

In other words, we've already made the policy, ladies and gentlemen, as to which crimes we -- are going to be on this list. It's those crimes that we, in our wisdom in years past, decided would not be eligible for parole with one exception, and that is home invasion which was added to the list. So when we are asking the question, well, why are we allowing those who are -- who have been convicted of sexual

assault crimes or kidnapping or other violent crimes versus those that are more -- what would argue more serious crimes like murder, well, the answer is we've already made that distinction in our other laws because those laws, those crimes that are not -- eligible for parole will not now be eligible for the risk reduction credits.

Now, if one is to ask the question, well, okay, fine, that's the reason why this is a list. These crimes are on the list and these crimes are not -- well, then a question that it seems to me that's been offered in opposition to this amendment and to this program in general is that somehow we don't know enough about the effect of these kinds of programs on recidivism.

Well, the answer, frankly, ladies and gentlemen, is that we do know. All one has to do is sit down, as all of the leaders have over the course of the last several days, with our own commissioner of corrections, who was actually appointed by the previous Republican Governor and has been kept on by our current Democratic Governor, who very, very persuasively makes the argument that if we just put someone in jail without any effort to rehabilitate

that person, the likelihood of that person repeating the crime that he or she committed goes up dramatically.

And to offer these credits is a means through which these programs can be affected. And I remembered that the commissioner used a great example. He described someone who was imprisoned for a couple of years for, let's say, a DUI charge, a third offense or fourth offense, who is sitting in his bed -- and I remember the commissioner using this example -- sitting on his bed looking at the ceiling tiles.

If you went to that person and said, look, we want you to engage in alcoholism treatment programs, the question would become, what is that person's incentive to do so? We have a program available for you. We'd like you to participate. Do you want to do it? Well, that prisoners, say well, what do I get for doing it? Not nothing really. I'm going to be here for the same amount of time, the same amount of a sentence so why should I engage in this program? What the risk reduction credit does is tell that prisoner, tell that criminal that if they engage in these programs, programs that we know that are proven -- are proven to reduce recidivism, if you engage in this,

you will get a small credit towards the amount of time that you're going to serve. That is the incentive that we are engaging in here and it's in an effort to make our society safer. It is a waste of our time and it is at a risk to our society if we are not addressing the fundamental underlying causes of these crimes.

If we don't offer job training, if we don't offer educational opportunities, if we don't offer serious psychological counseling for those who would otherwise commit sexual offenses, if we don't offer alcohol treatment programs, if we don't offer those things, we know that those people are going to come out and do the same things over and over again.

Now, if this is a question of being soft on crime, I say baloney. I say that this is about being smart about crime, about protecting our society, by making commonsense decisions about how we are going to address those people who have serious problems, serious issues. Lack of training, lack of education and other ailments, mental or otherwise that have created this situation that landed them in jail in the first place. If we ignore these things, ladies and gentlemen, we are doomed to commit them again. We are

doomed to see them again.

Keeping in mind that this is really not a budgetary issue either. We will -- the one ancillary benefit of this is that we, by lowering the recidivism rate, we will, in fact, save some money because we will have fewer people -- the crime rates drop -- fewer people go to jail. Sure, that's a savings, but one of the other benefits of this program is that the money saved in the Department of Corrections, most of that will go back into promoting and creating and offering these programs to more and more criminals who are currently in jail. That's not a bad thing. That doesn't mean that we are soft on crime. It means we are smart on crime.

I think this amendment makes the bill that we had last week that we addressed even better. It was done with consultation, with all of the experts and with other members throughout the Legislature on both side of the aisle, upstairs and here as well. And I would argue that this amendment is the right way to go and I'd urge my colleagues to support it.

Thank you, Madam Speaker.

(Deputy Speaker Kirkley-Bey and the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will staff and guests please come to the well of the House. 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 Senate Amendment Schedule "A" by roll call. Members to the Chamber.

DEPUTY SPEAKER KIRKLEY-BEY:

We're voting on the amendment.

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

THE CLERK:

On Senate Amendment Schedule "A."

Total number voting 146

Necessary for adoption 74

Those voting Yea 92

Those voting Nay 54

Those absent and not voting 5

DEPUTY SPEAKER KIRKLEY-BEY:

The amendment passes.

Will you speak on the bill as amended? Will you speak on the bill as amended?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

The Clerk has in his possession LCO 7769. I ask that it be called and that I be permitted to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 7769.

The Representative has asked leave to summarize. Is there any objection? Is there any objection? Hearing none, summarization will be permitted.

REP. HETHERINGTON (125th):

Madam Speaker, this amendment is very straightforward. It adds 15 egregious offenses --

DEPUTY SPEAKER KIRKLEY-BEY:

Just a moment, Representative Hetherington. I'm being informed of something.

The Clerk has not called the amendment yet.

THE CLERK:

Okay. LCO Number 7769, House "A," offered by
Representatives Cafero, Klarides and Candelora.

DEPUTY SPEAKER KIRKLEY-BEY:

You may summarize now, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

The bill is very straightforward. It adds 15 egregious offenses to those accepted from the risk reduction program as authorized by the underlying bill.

And if I may, Madam Speaker, when the vote is taken I ask that it be taken by roll call.

I move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question is on adoption.

Representative Hetherington has asked that when the vote is taken, it be taken by roll. All those in favor, please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

In the Chair's opinion the 20 percent has been met.

Representative Hetherington, do you have anything

further to say on the amendment?

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

Briefly, yes. This bill, as I mentioned earlier, adds 15 egregious offenses to those that would be accepted. Now in the underlying bill there are certain exceptions and those exceptions are crimes that are not eligible for parole. But that's not sufficient in accepting because these bills -- these crimes, these further crimes may be eligible for parole, but parole requires that 85 percent of the sentence be served. With these risk reduction credits that can be reduced below the 85 percent that would be required for parole consideration.

Several other fundamentals affected by this amendment, if an offender were released on parole, the parole -- the offender would be supervised by the parole board, by a parole officer and behavior would be monitored. That's not so under the risk reduction program. It's a get-out-of-jail free program.

Another fundamental: For those who are in prison at the time the bill becomes effective, for those who were in prison in 2006, five years ago, they get credit, retroactive credit for time served in prison.

And during that time presumably they were not required to take any rehabilitative programs.

The commissioner of corrections has within his or her discretion the ability to release people if the commissioner is satisfied that they've been nice in prison and now, as amended, that they have participated in rehabilitation programs, but there's no requirement that they complete those programs or that, in fact, they have satisfied any measure of whether or not they have actually been there -- they have actually been rehabilitated by those programs.

The issue of parole is a critical one here. A person on parole would be supervised, would have to meet some standards of behavior. And again, the fact that these prisoners would be required to serve 85 percent of their term before they became eligible to be considered for parole. The risk reduction credits can go below that.

There's a great deal of, in terms of minimums and maximums, there's a long way in which sentences can be reduced. For example, the crime of assault of a pregnant woman that results in the termination of pregnancy, that's a class A felony. You can get 25 years with a minimum of five that cannot be suspended.

But in between that the judge may sentence someone to 17 years, but with risk reduction credit, you can work that down progressively and be well above the minimum, but still be much less than our judicial system judged to be the appropriate punishment.

The -- it's interesting that the bill as amended does not require post conviction rehabilitative work for someone convicted of DWI, even on multiple offenses. So we've taken out -- we're not using that in the case of DWI, but when it comes to these very serious crimes, we are saying that now we are going to require post conviction courses, participation in programs and so forth even though there's no actual measure as to when they -- whether they're effective.

So you know, on one hand we're going to give up any required programs, or not require any programs. On the other hand we're going to say, well, if you at least participate that gives you credit for serious crimes, crimes like sexual assault of a minor, sexual assault with a firearm and enticing a minor.

So I would ask my colleagues in this House to join in adding these crimes, adding these crimes to the limited number that are accepted in the underlying bill and that we truly take these measures to

safeguard the people of Connecticut from some of the most heinous predators.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

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

Representative Wood.

She's not at her desk at this moment.

Representative Carter.

REP. CARTER (2nd):

Thank you, Madam Speaker.

I rise in strong support of this amendment. You know, we have a real opportunity today in this Chamber to show some leadership in Connecticut. We have an opportunity to show people of Connecticut that common sense is not dead.

If you look at the crimes that were originally covered by this bill, it doesn't go far enough. We've heard colleagues in this Chamber speak and they've said, we're making a major policy decision. And I would say, I agree with that.

This amendment gives us an opportunity to say, you know what, Connecticut citizens? You're important

to us. Taking care of you and protecting you is important to this Legislature. We're not going to save a few bucks and hang you out.

Now I know there are a lot of ways we want to save costs in this State and our budgets. I put it to you that this amendment is going to pay off huge dividends someday for our mothers, children, my daughter, my son. Because you know what? Right now with the legislation that's gone through, if somebody attacks my daughter with a firearm and has her submit to something, guess what? If that person goes to jail, they're going to get out early without parole. That's what is different. That's what this amendment does.

It says, you know what? At least when you get out of jail we're going to have you on parole. We're not just going to let you off based on good behavior. So I urge all my colleagues to support this amendment. It's important.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

The distinguished Minority Leader, Representative Cafero, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Madam Speaker, the amendment before us amends the underlying bill. And so I and others can better understand the effect of this amendment on the underlying bill, I have a question for the proponent of the underlying bill with regard to this section of the bill and that would be Representative Fox.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Fox.

Representative Cafero, please proceed.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Representative Fox, the amendment that's before us adds to the list of those crimes which would make -
- which would not allow people convicted of those crimes eligible for early release time. Currently, the bill, as has been amended thus far lists six of those crimes. One of which is home invasion.

It is my understanding through the comments by the Majority Leader and yourself that the rationale behind listing those crimes, were those were crimes within our statutes that are not eligible for parole

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with one exception. Through you, Madam Speaker, could the good gentleman tell the Chamber what of the six crimes that are not eligible for early release time do not have ineligibility for parole?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

That would be home invasion, if I understood the question correctly.

DEPUTY SPEAKER KIRKLEY-BEY:

That's the list?

REP. G. FOX (146th):

The question was, which -- if -- we have a list of crimes that are ineligible for parole. Those are included -- were included in the amendment. In addition to those crimes home invasion was included.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker.

Could the good gentleman share with us the rationale of why home invasion, which is eligible for

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parole, was added to the list of crimes which are not eligible to parole as far as those crimes that would not be eligible for the early release time?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

The home invasion was expressly set out in this statute that addresses when certain crimes are eligible for parole as well as those crimes that are ineligible and that was behind the rationale.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

From what I understand, you see, folks, this amendment adds to those lists of crimes that a person convicted thereof would not be eligible for early release time. It adds to them, because right now under the underlying bill we have six and it was represented that the reason we have those six is because they match up with the crimes in our statute that are not eligible for parole, with one exception,

home invasion.

So you see, we are now deviating from the philosophy of early release, not once, but twice. We're saying there are certain crimes that are so heinous they should not be eligible under any circumstance for early release. Those crimes are: murder, capital felony, felony murder, arson murder, aggravated sexual assault in the first-degree. Those crimes are also in our statutes not eligible for parole, but then we deviated from that policy by adding home invasion. You see, someone convicted of home invasion is eligible for parole, but we added that to the list.

So again, the purity of philosophy, the intellectual integrity of early release has now been violated twice, once by carving out an exception with regard to those crimes of which parole is not eligible and once again by adding home invasion.

So what the amendment that's before us does is make another determination that there are other crimes that we believe should not be eligible for parole. Yes, we will continue as a State to offer people incarcerated for these crimes counseling and education and everything we can do to make them better citizens

when they leave incarceration, because that's what we do. But we don't believe we have to buy them off to do it.

And the crimes that are listed in this amendment are serious crimes: manslaughter in the first degree with a firearm; assault in the first-degree; assault of an elderly, blind, disabled, pregnant or mentally retarded person in the first-degree, assault of a pregnant woman that results in the termination of her pregnancy, sexual assault in the first degree, AKA rape, sexual assault of a minor, sexual assault in the third degree with a firearm, enticing a minor, kidnapping in the first degree, kidnapping in the first degree with a firearm, burglary in the first degree, arson in the first degree, robbery in the first degree and employing a minor in an obscene performance. If you read that statute, ladies and gentlemen, it's forcing a minor against their will to perform in an obscene performance.

I believe it is good policy to add those list of bills to those things that would not be eligible for early release. And therefore, Madam Speaker, I support the amendment and would ask my colleagues to do the same.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Sharkey, you have the floor, sir.

REP. SHARKEY (88th):

Thank you, madam. Thank you, Madam Speaker.

Madam Speaker, I rise in opposition to this amendment for the same reason that I rose in support of the previous amendment. If the argument is that there is some philosophy of policy that is somehow impure, because we added one additional crime beyond those that are otherwise ineligible for parole, well then this amendment just compounds that problem.

If the argument is we should have a philosophical purity about what it is that is and is not eligible for parole, is or is not eligible for credits, well, then we're supposed to, today with this amendment, decide that these additional 14 crimes -- just like that. We now will deem that these 14 crimes in addition are so terrible that they should not be eligible for early release credit.

All of these crimes -- I believe all 14 of these crimes have their own mandatory minimum sentences and I think the public needs to remember this. All of

them have mandatory minimum sentences. Good credits, credits for recidivism prevention do not affect that mandatory minimums. Every one of these crimes will still -- and every -- anyone convicted of these crimes will still have to serve that mandatory minimum sentence.

All of them will still be subject to -- and these particular crimes that are on this amendment will still be subject when on parole to the supervision of parole officers and they will continue to be supervised once they are out of jail. But the bottom line is that if we are to accept this amendment we are falling down a slippery slope that I believe those in favor of this amendment were complaining about.

That we shouldn't be differentiating. We shouldn't be deciding. We should have a philosophical purity about what should be eligible at what should not. If we adopt an amendment that just adds 14 new crimes to the list of those that would be ineligible for these credits I believe, Madam Speaker, that we are now opening the door to any other crime and the abolition of the whole notion of this credit program that is designed to make our community safer.

And for that reason, Madam Speaker, I oppose this

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amendment and I urge my colleagues to do so as well.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Sharkey.

Will staff and guests please come to the well.

Will members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "D" by roll call. Members to the Chamber.

DEPUTY SPEAKER KIRKLEY-BEY:

Let's put a little speed on.

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

THE CLERK:

On House Amendment Schedule "D."

Total number voting	147
Necessary for adoption	74
Those voting Yea	63

Those voting Nay¹ 84

Those absent and not voting 4

DEPUTY SPEAKER KIRKLEY-BEY:

The amendment fails.

Representative Cafero, you have the floor.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, the Clerk has LCO Number 7760. Me
he call and I be allowed to summarize?

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 7760, designated
House "E."

THE CLERK:

LCO Number 7760, House "E," offered by
Representatives Cafero, Klarides and Candelora.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize.
Is there any objection? Is there any objection?

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentlemen of the Chamber, the
amendment before us simply adds to those lists of
crimes that would not be eligible for early release

the crime of sexual assault in the first agree, also known as rape.

And I move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is adoption. Is there any further discussion?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentlemen of the Chamber, in bringing out this amendment I need to comment on something the Majority Leader indicated. He talked about philosophical purity, referencing my remarks. I want to remind you that the philosophical purity I was referring to, with due respect, was that of the proponents of the bill. You see, what we believe on this side of the aisle is that no violent crime -- no violent crime should be eligible for early release. None. That is a different philosophical idea than only a few should be.

So we had an amendment that was defeated just prior to this that listed 14 of these violent crimes. That was rejected. So maybe if we do them, analyze them individually, we can make our point clearer.

In this particular case, the amendment says that sexual assault in the first degree, rape, which includes the rape of a minor, is a crime so heinous I would submit to you equally as heinous if not more so than home invasion. That it should be added to the list of those serious crimes that would not be eligible for early release.

Madam Speaker, I urge my colleagues to support the amendment and I would ask that when the vote be taken it be taken by roll.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is a roll call vote. Will those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

In the Chair's opinion the 20 percent has been met. When the roll is taken -- when the vote is taken, it will be taken by roll.

Representative Ackert, you have the floor.

Your button was pushed, sir.

Representative Tercyak.

REP. TERCYAK (26th):

Thank you, Madam Speaker.

I rise to oppose this amendment. It doesn't sound popular to oppose the amendment, I understand, but this morning in my local paper, the New Britain Herald -- many of you remember how hard we fought to save that paper, the New Britain Herald, along with the Bristol Press, but that's Bristol and you know what they're like there.

But our paper pointed out this morning in its editorial that there's only two kinds of people who -- there's two categories of people who have committed crimes serious enough to end up in prison. One category is people who are going to get out and the other category is people with life without parole. We're morons if we don't do everything we can to help make the people who are going to get out less likely to be committing crimes again, through education.

And by the way, let me apologize right now for disparaging people who disagree with me about this, because that's wrong. They're well-intentioned. And I'm just as far in the other direction. We are going to be letting people out. We should not be afraid that somebody will mistake what is -- what many of us believe is the only sensible thing to do, to have programming that will increase the chances that

people will be rehabilitated.

We should not be afraid that somebody will take us as somehow being sympathetic to folks who have committed crimes or to the types of crimes committed. They're either going to get out or they're there for life, in prison without parole. Those are the only two categories that the New Britain Herald and I say matter.

Thank you very much, madam.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Mikutel, you have the floor, sir.

REP. MIKUTEL (45th):

Yes. Thank you, Madam Speaker.

I'd like to ask a question to Representative Fox, if I may?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox, please prepare yourself.

Representative Mikutel, please proceed.

REP. MIKUTEL (45th):

Yes, Representative Fox, I believe I heard you say that people who are eligible for this risk reduction program, that it's not just good time behavior. That they have to participate in some kind

of program and good time behavior is not sufficient to get time off. Is that correct?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Thank you, Madam Speaker.

Through you, that is correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative.

REP. MIKUTEL (45th):

Thank you, again.

Through you, Madam Speaker, now I'd like to ask Representative Fox again, then people who commit sexual assault and eligible for early release, what kind of program today go through and at what time do they go through this program?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

Those who are convicted of those offenses, it can be a varying degree of sentences, but the more serious crimes are -- would receive the more serious and lengthy sentences.

The -- we have a program that was established in our corrections that would analyze, and it would be an offender accountability program that would analyze fairly quickly upon the inmate's incarceration what that inmate's need are, what types of -- in terms of needs, in terms of what types of programs are needed for that intimate.

I believe it's within 60 days, but I'm not certain on that. And then that the inmate would then follow that plan throughout their period of incarceration.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Mikutel.

REP. MIKUTEL (45th):

Yes. Through you, Madam Speaker.

I'm not quite sure I understand what sex offender treatment program is given to sex offenders who are eligible for early release. So is it a specifically designed and tailored program for a particular sex offender? And how long does this program last? What are the -- more details of this program so that I can feel somewhat comfortable that if you're going to release, early release a sex offender that they won't

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reoffend? Because sex offenders are -- have the highest rate recidivism of any, any criminal.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

According to conversations I've had with the Department of Corrections, sex offenders who do not participate in a type of -- in a structured plan and program do have a higher rate of recidivism. However those who do, from what they have represented, are far less likely to commit further crimes.

The types of programs would involve -- there are programs designed specifically for those convicted of sex offenses. It also would involve psychiatric counseling and other things, depending upon what was deemed appropriate in that intimate's particular situation.

REP. MIKUTEL (45th):

Through you, Madam Speaker, to Representative Fox.

It's been my understanding that there's a dearth of sex offender treatment programs both in prison and outside of prison. Are the sex -- can you give me the

assurance that sex offenders who are released under this early release program are going to be required to attend -- and will be monitored, that they will be attending these sex offender treatment programs after they get out?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

If it were part of their offender accountability plan they would have to follow that. And if, as the first question from the Representative was, is that these credits would need to be earned. And if the program is not offered that is necessary then you wouldn't be able to earn credit in that fashion.

Now with respect to the monitoring as well, I mean, the individuals, yes, it's an earned risk reduction credit that would take time off of a sentence, but they would still be on parole and then all likelihood that would be followed by period of probation, because most of these crimes would involve all of those factors.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Mikutel.

REP. MIKUTEL (45th):

Thank you, Madam Speaker.

Madam Speaker, I'll listen to the rest of this debate. I am somewhat skeptical of the sex offender treatment programs. I mean, I have studied the issue in the past, having proposed the bill 19 years ago on sexual predators and I understand that they are -- a true sexual predator is almost impossible to redeem himself or herself. So I'll listen to the rest of the debate.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Walker, you have the floor.

REP. WALKER (93rd):

Thank you, Madam Speaker.

Madam Speaker, I rise against this, this amendment. I don't think that people understand the depth of pain and the depth of problems that many of the offenders have when they are incarcerated.

We have a large population, as many people know, that are mentally ill that are imprisoned. We have a large population who served this country well, as my

good colleague from New Haven always talks about, who unfortunately have ended up in prison because they have no place else to go. There is no specific crime that is not heinous.

Anything against somebody is wrong, but the problem we have is that the offenders will be released in the system, no matter what, unless they've got life without parole. Many of the people that I have met and talked to through the reentry programs in my community are people who are struggling who have nowhere to go and the only thing they know is to try and survive and they do it in many ways that are not lawful.

This risk reduction program that we are talking about works with people to give them an opportunity to get a direction that maybe helps them make a positive change in their life. They have to go to substance abuse training. They have to go to mental health programs. They're assessed in the very beginning when they walk through the door. I have worked with the court support service division who has worked on the assessment tools that they are using with our reentry programs now.

But the final thing that is most severe is the

fact that we fund and we unfund, and we fund and we unfund. We have beds for mental health. We take the beds away. With the money that we are going to get from doing this risk reduction, it will go back to secure the programs that will keep people on the right path.

We cannot make a pick-and-choose situation here. All of the people that are going to be released into our community -- I should say specifically my community because my community gets most of them. They need the services. They need to know how to read and write so they can get a job. They need to know how to appropriately interact with their children so that they can be fathers and they can be mothers. We do not consistently fund these programs. We do not consistently provide these programs. We have to make a stand.

Are we willing to continually add prison after prison after prison so that nobody is safe? Or are we going to address the problem logically and address the issues so that these people that we are talking about right now can come into my community -- because they are sent to my community -- and they live law-abiding lives.

Education is important. Employment is important. Housing is important. Family life is important. Many of these people are kids that I have worked with, as a child in juvenile programs who then continue on that pattern into incarceration because of the fact they have no high school diploma or job perspective or any type of family perspective because they don't belong to anybody else. They've come through our foster care programs.

These are the kids that we have said we're going to help and we've dropped off. These are the adults that we need to provide mental health services to and we've put them out and say, go survive. These are the vets that have been working for our communities and when they come back to this country they don't get those services. They come back here and we put them out on our greens and make them homeless and they have to survive, too.

Let's stop making this a game. We need to have a program that is going to make sure that people can be better. As far as the sex offender programs, one of the best sex offender programs we have out here has been funded and unfunded in Middletown.

I want to reject this amendment.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative McCrory, you have the floor, sir.

REP. MCCRORY (7th):

Thank you, Madam Speaker.

Madam Speaker, I rise to just -- to offer a couple of comments in regards to the amendment and the underlying bill. As you know, Madam Speaker, I represent the city of Hartford and just last night we just had our 15th murder in this capital city.

And with that, as a father, as a parent, as an educator, as a community person who lives in my community, which is probably the community that provides the Department of Corrections the largest number of individuals who are incarcerated -- that's a fact -- you would believe that I would want my community safe.

And I would want those individuals who committed the murders this year, those 15 murders and all the murders that has happened in that community ever since I've been living here, to be incarcerated, put in jail and the key thrown away, because I'm tough on crime. I believe in that. And my neighbors, they believe in that also. They don't want to live in a community

where there's 15 murders by June 1.

They don't want to live in a community where so many, so many young people are incarcerated at early ages. They don't want to live in a community like my city where the cost of living is going up and the chances of a good living is going down. And that's the reality of the situation.

And I want those individuals locked up. Yes, I do. However, I realize that the majority of those individuals will be coming home. And the reality is, especially with the sex offenders, the majority of them will be coming to my capital city when they are let out of prison. And I have over 400 sex offenders in the city of Hartford -- 400. I don't think any community in this state can challenge that.

And we're talking about providing services. There was no one complaining about services for these sex offenders last week, last year, two years, three years ago. When these individuals need treatment, when they need an education, when they needed the services before they came home, no one wanted to give them those services, advocating, but it was dropped off at the capitol city.

They've dropped off for the last year, and years

and years, and we're saying we are tough on crime. We're not tough on crime. Not at all. Now we have an opportunity here to pass real legislation, not feel-good legislation, not Novocain legislation where we just pass things and make things feel good. We have an opportunity to look ourselves in the mirror and see what we're going to do for these individuals.

Are we going to invest in them, invest in them by providing them services while they're incarcerated before they come home? Or they're not good enough and we just write them off and continue with America's 21st century new chattel slavery, because that's what they become.

They're not coming home and finding jobs. We know that. Felony record: who's going to hire a felon? It was talked about individuals having a GED. Will a GED prevent recidivism? I know one thing, if they don't have GED they're more likely to go back to jail. That's for sure. The studies show that. So why not provide them an opportunity for a GED?

This is how the situation works, young person comes home -- you probably have a child, maybe one or two of them. They're happy to be out of jail because they served their time. More than likely it's a

nonviolent offense. More than likely its drug sales, because they can't find employment.

The little baby wants something; it's Christmastime. The man looks at his daughter's eyes and wants to provide for her, wants to have a Christmas like everyone else. He has no employment. He has a mother who's probably living on a fixed income, rent is due. What is he going to do?

You're not a man if you can't provide for your family. That's the reality. That's what we see. That's our society. So what is he going to do? He goes out looking for a job. I had this story told to me over and over and over and over again. I applied here. I apply here. I apply here. No opportunities. What are you going to do? You're going to do whatever you can to provide for your little baby. You're going to do whatever you can to keep a roof over your head. You're going to do whatever you can to make sure your mother is safe.

In this society they have no choices. They haven't learned anything. They're incarcerated -- because we don't rehabilitate. When the last time somebody said -- somebody rehabilitated themselves when they came out of prison? He's going to do

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whatever he needs by any means necessary to provide for his family.

And unfortunately the victim of a violent crime is going to be a person that lives right next to them in their own neighborhoods. And I have a problem with that because I hate to see crime. I hate to see crime on -- crime in my community. I hate to see it in your community, but I know it's going to happen. So when they do go to jail, when they are incarcerated, what are you going to do for them? 80 percent of them, dropouts in high school.

You're talking about solving this problem, let's solve this problem at the beginning. Let's give them a quality education at the beginning. We want to modify educational laws, everybody jumping up and down like they don't want to change anything. It's time to look in the mirror. Let's solve this problem at the beginning.

You see a young man, 10, 11, 12 years already involved in the criminal justice system instead of perpetuating -- and you know what's going to happen. Let's put in some prevention programs.

How many people up here are jumping up and down and saying, let's put \$10 million in a prevention

program for young person who's already in the DCF custody? Are we willing to invest in children at an early age? Or no, we're going to fight this, argue about this billion-dollar industry that we have created in the State of Connecticut and in this country. It's a multibillion-dollar industry where everybody gets paid off except the victim and the victim more than likely comes from a city like mine.

And it continues on and on again, so what are you going to do about it? Forty-five states, 45 states in the United States have this risk reduction program and not Connecticut, because we profess to be tough on crime. Let's be real and hear the argument about being smart on crime, let's get smart on it. If Mississippi can have it, Alabama, South Carolina; all these so-called tough-on-crime states, they can have it, but Connecticut don't. I think it's hypocritical. It speaks to the hypocrisy that exists in this State.

So we really want to get to the issues. Let's start early. How about the prevention programs at an early age that don't cost that much money, instead of putting someone in jail for \$40,000 a year. And trust me, if you commit a crime, you should be there. You should be there, but you should be supported before

you get there.

I don't want them there. I don't want that to be an option. I don't want to have to invest \$40,000 a year. I'd rather put 10,000 -- 3,000 dollars a year at the beginning of the stage, when we already see the systems developing at an early age.

Let's charge some of these organizations, these agencies who are supposed to protect us, protect our children and provide service for them at an early age. Let's address what they're doing, if they're doing their job right. It's easy for us to say, 25 years to life. That's the easy thing to do, but the tough thing to do is looking at the issue of the beginning of the stages and address it early, address the educational issues, why we have the largest achievement gap.

There's a relationship between education and incarceration -- if we don't know that by now. So let's talk about some of those issues and then let's address those individuals who need a second chance, who wants to come home and be a productive citizen in this society. That's being smart on crime. Dress those young men and those young women that have mental health issues.

You talk about sex offenders -- 450 in my town. There was discussion about putting a sex offender treatment program in another part of the state and everybody went haywires about it. Not in my backyard, that's what we hear all the time, but they drop them off in my front yard all day every day. Who's going to talk about that? I'm sick of talking about it. Let's do something about it.

No more Novocain legislation. Nothing makes us feel good anymore. Look in the mirror and address the real issues. So let's try to pass this piece of legislation that will at least say, in order for you to reduce your sentence you must do these things and we as a State must provide them for them.

So many times people come on -- I say, did you get your GED in jail? Well, we couldn't. It's only for people that got five years or more. So the reality is we have to put in place those programs in DOC so that everybody has an opportunity to improve their conditions so when they come -- when they come home the second chance is available and not the second chance to commit another crime.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. CAFERO (142nd):

Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Oh, Representative Cafero.

REP. CAFERO (142nd):

I only want to say, usually the Majority Leader does wrap up. I had a comment prior to that and I didn't want to interfere.

DEPUTY SPEAKER KIRKLEY-BEY:

I'm sorry.

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentlemen of the Chamber, you just heard very eloquently from Representative McCrory. I couldn't agree more. We do need training. We do need counseling. We do need education. Because as Representative Walker said, these people, these convicted felons are going to get out. They're going to get out and they're going to come back into our neighborhoods and into our communities. We do need that.

This bill doesn't talk about that. This bill

does not talk about that. This bill doesn't say what kind of programs we're going to give. It doesn't say anybody. In fact, you could be convicted of capital felony; we as a State will still provide an education for you in prison. We will still provide drug counseling or psychiatric counseling. We'll do that on our cost because we do believe what Representative McCrory said and what he has admonished, as rightfully so, is we don't do enough. That these folks get out of prison, but that's not about this bill.

This bill talks about an early release program, an incentive for them to go those things. I guess for some it's not just good enough to say, when you get out of prison and look for a job we'll give you job-training while you're in prison. We'll give you education so you can earn your high school equivalency diploma. We'll give you counseling so you can be a better person and avoid the same mistake when you get out. But we don't have to pay them for it. We're already paying for that program. We don't have to bribe them for it.

And we did, unlike those 45 states, unlike those 45 other states in the original version of this bill, the underlying bill, we picked six crimes that are not

eligible for early release. They are eligible for GED credit, a high school diploma. They're eligible for drug counseling. They're eligible for a whole host of things, but we decided by the amendment previously passed that they would not be eligible for early release. And one of those things was home invasion, a class A felony. And all we're sitting on this side of the aisle is we want to add one, rape.

Yes, someone who is convicted of rape in the state of Connecticut can receive, and we hope they do, counseling. We will provide it for them free of charge. Yes, someone who is convicted of rape who might not have a high school diploma, we'll provide that education for them, free of charge. Yes, someone who is convicted of rape, rape of a minor even, we'll provide that psychiatric counseling. We'll provide the job training free of charge. We'll pick that up. But all this amendment says, is if you're convicted of rape -- and you raped a minor, you're not going to be able to be eligible for early release credits, just like home invasion. That's all it says.

So the people who support that policy are not morons. The people that support that philosophy are not perpetrating a joke. This is real life stuff,

real life. Representative McCrory testified to that just now. This is a policy decision, folks. We just made one a half hour ago. I'm asking you to make another one. Add to the list of crimes, rape.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

Madam Speaker, as we know this is an emotional issue. We've heard a lot of emotional testimony on this particular amendment and I guarantee from what we've seen and what we know that we're going to be seeing the same debate occur over and over again with amendment after amendment specifically enumerating specific crimes that were already voted on in the previous amendment.

Now why would we do that? Why did we do that? Perhaps it's because this is an emotional argument. It's something that hits home to a lot of people. Rape is a heinous crime. It's something that none of us -- many of us have experience in our own families. Many of us know the pain that this particular crime causes.

But when we break this down, amendment by amendment, crime by crime, we continue to open up this issue that is being lost in this debate. It's an issue that was raised by Representative Tercyak, Representative McCrory, Representative Walker and others, which is that rapists in jail are going to get out of jail. They will be sent back to our society.

And all the evidence that we and every other state, all the other 45 states in this country and all of the studies that have never been done have demonstrated is that when that rapist gets out of jail he will rape again, unless -- unless he receives some kind of treatment for that condition.

Now we can argue, well, we offer these programs. We offer these programs to rapists in jail. And you know, all they have to do is just make themselves available to it. Well sure, but if you don't offer an incentive for that criminal to do that, what advantage would he have? Why would he choose to do that?

If his mindset is so wrong, if his mental state is so ill that he would have committed this crime in the first place, why would anybody believe that in a setting such as a jail for 25 years that individual is going to change his perspective on anything? Why

would that person avail himself of programs to make him better? The answer is obvious. It's ridiculous. No one is going to do that when they are faced with the reality that they're facing in jail.

What this legislation is designed to do is to prevent that rapist from raping again. This is about being smart on crime, not stupid. We're not being tough on crime when we allow criminals to commit the same crimes again and stand by and do nothing about it.

Now we are going to see this amendment -- we may see other amendments from the other side all designed to put us on the board, call for a vote and try to make a statement about where we are on crime. I would argue, Madam Speaker, that voting no on this amendment, on the past amendment and every other amendment is a vote to be smart on crime, not stupid. To be smart on crime, not tough on crime as it might be portrayed, because ultimately we have to do the right thing.

We have to prevent this from happening again. We have to protect our society and we have to do smart programs and smart initiatives to make that happen. I urge rejection of this amendment.

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DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Sharkey.

Will staff that guests please come to the well.

Will the members please take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "E" by roll call. Members to the Chamber.

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:

On House Amendment Schedule "E."

Total number voting 147

Necessary for adoption 74

Those voting Yea 63

Those voting Nay 84

Those absent and not voting 4

DEPUTY SPEAKER KIRKLEY-BEY:

The amendment fails.

Will you remark further on the bill that is before us, as amended? Will you remark further?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, the Clerk has amendment, LCO Number 7762. May he call and I be allowed to summarize?

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 7762, which will be declared House Amendment "F."

THE CLERK:

LCO Number 7762, House "F," offered by Representatives Cafero, Klarides and Candelora.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarization. Is there any objection? Hearing none, so please proceed.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, the amendment before us adds to those lists of crimes for which early release credits will not be available, aggravated sexual assault of a

minor.

I move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on adoption.

Will you remark further, Representative Cafero?

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentlemen of the Chamber, we've had an ongoing debate about smart -- being smart on crime. This Chamber, nary an hour ago, decided to pass an amendment to excluded from the ability to get early release time, home invasion. And if you listen to the arguments that have been made against the subsequent amendments, you would be led to believe that somebody who's convicted of home invasion cannot be rehabilitated, or at least is not entitled to early release time. Why is that? Why is that?

You see, it's an arbitrary choice. As a matter of fact, the six crimes that are enumerated, there's only one -- only one that carries with it life without the possibility of parole and/or the death penalty, and that's capital felony murder. All the others, the individuals convicted thereof will get out eventually. They're going to get out. They're going to get out of

jail. And all the arguments that were made to say, we need to rehabilitate these people while in prison because they're going to get out, they hold true for those as well.

And as I indicated before, all those programs, education, drug counseling, psychiatric counseling, job training, all of those will be provided to every single person regardless of the crime they committed. The only thing we are enumerating in the bill that's before us is those crimes for which early release time cannot be had.

It's said that this early release time is an incentive to get these folks involved in these programs, as if it didn't exist they wouldn't go. Does that apply from home invasion? I guess we don't care because we excluded that from early release time in the underlying bill.

So ladies and gentlemen, what I'm asking you to do is to add to those lists of crimes, not the denial of counseling, not the denial of education -- we will continue to provide that. But for someone who's convicted of aggravated sexual assault against a minor, which by our statutes says that when the victim of the offense is under 13 years of age and such

person kidnapped or illegally restrained the victim, or such person stalked the victim, or such person used violence to commit such offense against the victim, violence to commit sexual assault against a kid under 13, or if such a person caused serious physical injury to or disfigurement of the minor child while they were trying to commit sexual assault; all I'm saying is maybe we shouldn't let that person avail themselves of early release time.

Counseling, you've got it. Education, you've got it. Will pay for it. Job-training, you've got it. But it's a statement, folks. It's as if you committed aggravated assault against -- sexual assault against a minor, we're not going to allow you to get early release time.

I would urge my colleagues to think this one through and vote in favor of the amendment.

And Madam Speaker, I would ask that when the vote be taken, it be taken by roll.

DEPUTY SPEAKER KIRKLEY-BEY:

All those in favor of a roll call vote please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

In the Chair's opinion the 20 percent has been met. When the vote is taken, it will be taken by roll.

Is there anyone who would like to speak on this amendment? Anyone who wants to speak on House Amendment "F?"

Representative Mikutel, you have the floor, sir.

REP. MIKUTEL (45th):

Yes. Thank you, Madam Speaker.

You know, I've been listening to this debate on various amendments and there's an absence in this debate of the victim. I don't hear many people talking about the victim and the consequences that a certain crime has on that victim's life. And I think we need to have -- bear that in mind when we listen to these amendments that are coming out here. All of my political life I've tried to protect the victims of violent crime and so I will be giving careful thought about voting for this amendment.

But at some point individuals who commit certain types of crimes have to be held responsible for their behavior and held accountable for their behavior and they deserve to be punished. And some of these people

are better off in prison and not out in society.

Some of them are never going to be rehabilitated, sex offenders in particular. They can say all they want, but the high rate of recidivism for sex offenders is in the 70 percent range. Treatment programs do not have much of an impact, as far as I understand.

So when we're talking about protecting children against sex offenders, I have to bear that in mind and understand that my responsibility also as a legislator is to protect the welfare of my constituents.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Fox, you have the floor, sir.

REP. G. FOX (146th):

Thank you, Madam Speaker.

I would rise in opposition to the amendment, not because we all don't believe that this is a serious crime, but when we established this crime -- and I believe it was 2007 -- we as a General Assembly recognized that. And we placed upon this crime, I believe, the highest non-murder mandatory minimum that we have, which is 25 years for a first offense. And

then on a second offense we put a mandatory minimum of 50 years.

So I do believe that we, as a General Assembly, have recognized the seriousness of this crime. And in our past establishment of public policy and by the mandatory minimum that we have established of 25 years -- which I don't know how many individuals have been sentenced under this crime since it's been in place, but for those who have, the actual sentence imposed by a judge, I would guess, would be even higher than the 25 years.

And we do take this crime seriously and I think our past practice has shown that. So I would oppose this amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

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

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "F" by roll call. Members to the Chamber.

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DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted?
Check the board.

A VOICE:

(Inaudible.)

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

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:

On House Amendment Schedule "F."

Total number voting 146

Necessary for adoption 74

Those voting Yea 63

Those voting Nay 83

Those absent and not voting 5

DEPUTY SPEAKER KIRKLEY-BEY:

The amendment fails.

Representative Betts, you have the floor, sir.

REP. BETTS (78th):

Thank you, Madam Speaker.

I rise to oppose this bill. And been listening

to the debate very carefully about this. I think we have a lot of common ground, but the one problem I've had is the lack of an answer as to why we don't put violent crimes as something that we will not allow somebody to get early release on.

I think Representative Mikutel really sort of brought home to me what I was thinking, and that is we really do forget sometimes in the passionate debate how the victims and their families are affected for the rest of their lives -- for the rest of their lives. And I can just imagine the nightmares and the horrors that they have to deal with when they just innocently are assaulted or are subjected to a violent crime.

I really empathize for those folks. I really think that one of the solutions we need to do for some of the people who can be rehabilitated is to have the counseling, is to be able to have the education. And I certainly support what Representative Cafero said. Let's make sure they have those programs while they're in prison.

But I really have to sit there and remember that the people who are innocent that were violated are the ones that we really should be helping and that is the

reason why I'm going to be opposing this.

Thank you very much, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Srinivasan, you have the floor,
sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

I rise in strong opposition to this bill.

Listening to this debate last week and then today for this length of time I think one thing we're all saying in common is, something needs to be done for these people who we have incarcerated. There's no debate on that factor. We are not questioning their education that they need. We are not questioning the counseling that they need when they are in jail.

And somehow in this debate -- granted, I'm a freshman, I'm listening to this debate for the first time -- I get the distinct impression that members on the other side of the aisle feel that all of that is not being offered to our inmates. And I'm not sure where that impression comes from at all.

We are not talking about -- and as Representative Cafero very eloquently said, taking anything away from those who we put in jail, in terms of educating them,

in care of trying to rehabilitate them or in terms of giving them psychiatric help. The point here is early release, that is what we are having trouble with.

We talked about the person who perpetrated the crime, but look at the other side. Look at the person on whom this crime was committed. And you look at them, whether it be rape, whether it be rape on a minor, or if you look at all this long list of heinous crimes, one worse than the other, the 15 that were excluded, then we went down to two, one after the other and all those amendments were thrown out of this floor.

I'm appalled at that because I'm looking at not whether these people should be trained, so that as it was very eloquently said by one of the previous speakers, when they arrive at our doorsteps, which they will. We know that. One day we are going to release them and we are well aware of that, but because we're going to release them one day we release them earlier. That doesn't make any sense to me.

Release them at the right time. They have committed a crime. A sentence has been passed on them. And suddenly we are saying that for education, let's throw them a bone. Let's throw them a bone for

this and that or the other and send home earlier. Earlier for what? As we said, some of these crimes, these people are going to continue to commit, so we give them a greater opportunity. More time to rape and to continue the crimes that they've just done. I'm just not able to comprehend that part at all.

We all, as a House, seem unified that things need to change for the better. But better does not mean sending these people out of prison earlier.

I strongly oppose this bill and thank you very much, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

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

REP. ORANGE (48th):

Thank you, Madam Speaker.

Madam Speaker, I have a question for the proponent of the bill. If we could stand at ease.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox, prepare yourself.

Representative Orange, please --

REP. ORANGE (48th):

Appropriations chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Oh.

Ms. Walker, we have a question for you. Representative Walker, prepare yourself for questioning.

Representative Orange, please proceed.

REP. ORANGE (48th):

Thank you, Madam Speaker.

Through you, Madam Speaker, a question to our distinguished chairwoman of the Appropriations Committee.

Madam Chairman, we created -- the Governor, in negotiations, created the Department of Emergency Services and Public Protection. And within that merger, there are several components/departments. So it's no longer called the Department of Public Safety. It's now Department of Emergency Services and Public Protection with its own commissioner and chief of staff.

And under that -- combined several different emergency responder disciplines such as fire, police, emergency management and homeland security. These divisions report directly to the commissioner of Department of Emergency Services and Public

Protection. And I just wanted to make sure that I am correct in stating that for legislative intent, madam.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker and I thank the gentlelady for her question.

That is correct. We intended that it would be an agency that would be represented by both the state police and the fire department equally. So that the Department of Public Safety and the Department of Fire and Protection all were under one umbrella and they would work together and live wonderfully together, side by side.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Orange.

REP. ORANGE (48th):

Thank you. Thank you very much, Madam Chairman.

And thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Coutu, you have the floor.

REP. COUTU (47th):

Thank you, Madam Speaker.

Madam Speaker, I rise today with concern for this legislation. I don't know if it goes far enough and if we're doing our due diligence when it comes to public safety. And as far as I know, that's the most important issue with our residents in the State of Connecticut.

And this year we raised taxes quite a bit, well over a billion dollars. And the idea was because we had to provide core services. And not only have the public reached out and said, what's going on? If you're going to be leading potential violent offenders out, pedophiles and other people out early -- they have concern.

But also I've received a lot of feedback from corrections employees saying, these are the criminals that we really have to think, not only twice and three times and four times about letting out early, but many of them you just can't rehabilitate. So I have some serious concerns relating to this legislation.

I do recognize that there are other states that have some programs and I know Connecticut has some programs also. Now we've been working on very hard on

veterans, on our youth to make sure there's many rehabilitation programs, to make sure that they can go through educational programs, programs to help them get back into our society and be productive members of our society.

But like my colleague Mr. Mikutel said, we have to think about not only potential future victims, but those who've been victimized in the past. And when you're talking about criminals, there's no room for error. We witnessed an error, Cheshire. And everyone knows what happened in that situation.

And the first time somebody is let out of prison and something happens, they're going to look at us this year and say, you know what? You didn't provide the public safety that we demanded as citizens of the State of Connecticut. And if it's somebody in my region, somebody in my community, I'm going to hear it along with all of you.

But no matter what, anyone in this state that becomes a victim from somebody who's let out of prison early, we're all going to have ink on our fingers. And I'm going to vote no because I'm going to make sure that that ink is not on my finger and the public knows that I don't support letting out criminals

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early.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Shaban, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker.

A couple of comments in opposition to the bill.

I think two thoughts, actually. One -- two things have been lost here. First, we haven't had this amendment, or frankly, the underlying bill fully vetted in my opinion by the victim advocate group. Some of this has been commented before, but by jamming this into a budget implementer the victim advocate groups -- in fact, we have, in fact, changed our Constitution to give them certain rights, victims -- have kind of had a fastball thrown by them. And I think that's wrong and I think most people do, too.

Secondly, what's been lost in this conversation is this concept that mandatory minimum sentences is sort of a guidepost. No, it's not. A mandatory minimum sentence is exactly that, a minimum sentence. You add on top of that what the facts, the prosecutor, the judge and a full-blown court trail or a plea

bargain warrant.

By allowing an executive appointee who, you know, obviously will have all good intentions, but by allowing an executive appointee to circumvent that process, what are we doing to the whole concept of mandatory minimum sentences as a floor? Well, by creating that as the bottom, we can just rush right to the bottom of that.

When -- cut out the prosecutor, cut out the victims, cut out the judges, cut out the facts. That is wrong. I think everyone in here should consider that fact when they're pushing the button in a couple of minutes.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. Very briefly.

I was going to say I can understand the frustration that was voiced here by Representative McCrory and Representative Walker and others, but I would be presuming too much. I probably can't

understand the frustration they see when they look every day in their neighborhoods and see the terrible conditions that are brought about by the unrehabilitated persons being released to their communities or people who have never had the opportunity to avoid getting involved in crime. But nevertheless, this is -- this bill does not present the answer.

For one thing, there is the exclusion for crimes for which there is a mandatory minimum. However, the mandatory minimum is a floor and between that floor and the ceiling of the highest possible sentence there is wide latitude. So that in many cases a risk reduction program will reduce it, reduce the sentence. Reduce the sentence and never even get close to that mandatory minimum, but be far less than a judge at one point imposed.

The exception for home invasion is the exception that proves the point, that we are making certain exceptions for certain crimes and yet we are rejecting exceptions for other crimes. Why is home invasion an exception and certain egregious sex crimes not an exception? I fail to understand that.

The importance of having programs, the importance

of trying to restore people to be functioning, contributing members of society is very important, but this bill has six words that refer to programs. They say that a prisoner may be considered for credit for participation, eligible programs and activities as well as for being good in prison.

There is nothing to say what those programs are. It's nothing to say -- there's nothing to say that they have to be satisfactorily completed with any kind of evaluation as to whether or not the prisoner has actually gained anything from them. There is simply the late thought that the bill should have in it some reference to participation being considered.

It's not a question of being soft on crime or tough on crime. The question is, does this really serve anyone's interests? Does it make anyone safer? Does it give people a second chance at life? Does it make the community safer that they are coming back to? And I submit it does nothing to achieve any of those things.

What it does is simply tinker with a system that is already in place for determining sentences and imposing sentences and provides an opportunity, loosely monitored, for reducing those without any

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visible benefit. And for those reasons I would urge my colleagues to vote in opposition to this bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Cafero, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, for purposes of wrap up, but prior to that I have a question, through you to Representative Fox, with regard to the much talked about section of this underlying bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Fox.

Please proceed, Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Representative Fox, the bill now as amended, it's my understanding as it pertains to the early release credits, denies the availability of those early release credits to someone convicted of aggravated sexual assault in the first degree. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

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Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

Yes. I believe that's Connecticut General
Statute Section 53(a)-70(a).

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

So once again, Madam Speaker, through you,
someone convicted of -- in violation of Section 53(a)-
70(a), aggravated sexual assault in the first degree,
is not eligible for early release credit. Is that
correct?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. -- Madam Speaker.

Yes.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, through you, it's my understanding
that we have Section 53(a)-70(c), which is aggravated
sexual assault of a minor. It's my understanding
that, based upon this bill, a person convicted of that

crime would be eligible for early release credit. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fox.

REP. G. FOX (146th):

Through you, Madam Speaker.

Yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentlemen, you just heard all you need to know about this bill. The answers respectfully given and appropriately given and accurately given by Representative Fox are all you need to know about the arbitrary nature of the bill that is before us.

We have made a decision and heard about philosophy regarding early release credits and in this bill we have made a decision, by its passage, that someone convicted of aggravated sexual assault in the first degree will not be eligible for those early release credits, yet someone convicted of aggravated sexual assault of a minor will be. Go figure.

Does that make any sense? Does that make any sense? Is there some overriding policy, philosophy, criminal justice philosophy about that? No. It's arbitrary. It's arbitrary. That's what we're doing here today. We just pick some out. Aggravated sexual assault, no. Aggravated sexual assault against a minor, yes. Same crime, the difference is it's a minor. It makes no sense.

Home invasion is on the list. It carries with it an opportunity to get probation. It was added to the list of crimes they said weren't eligible. It was the exception to the exceptions. Arbitrary, folks.

And let's not lose sight of the fact that this thing we've been arguing about for nary two or three hours is part of a budget implementer that implements a budget that carries with it \$1.8 billion in tax increases, that implements a budget, that as we speak, is still incomplete and might be so even after we adjourn sine die, because it's dependent upon \$1.6 billion in so-called union concessions slash savings that the unions have yet to approve. It's also dependent on this body at some point, presumably between now and June 8th, voting to make up for the \$400 million that were not able to be achieved through

the union concessions slash savings, in other words, an incomplete budget.

So besides all of that we make policy decisions about letting people out who've been convicted of DUI, whether it was their first time or their tenth time out of prison immediately. We make a policy decision that somebody who might have been convicted for two years could get out in 90 days. And we make a policy decision that some people will be eligible for early release credits and some people will not. That is the flaw in this bill -- the flaws, if you will.

Ladies and gentlemen, we have about ten days to go, and from what I understand we have two or three or four more of these implementers and a lot of business that we have to conduct. I hope and pray that as we go forward that we pay particular attention to the language in all of those bills, that if we call them budget implementers they truly do implement the budget and not institute policies that have not been fully vetted and that are not just arbitrary.

And that when we scrutinize and vote for those bills we do so in a manner so there are as little mistakes as possible so we don't got to do it again. That's what I hope, ladies and gentlemen.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Cafero.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

Just briefly, I want to thank the distinguished Minority Leader for having, after the close of the debate last week on this bill, raising an issue that he identified in the debate as being inaccurate.

Because it's as a result of the Minority Leader's due diligence that we're here today reconsidering this bill with an amendment that is designed to clarify and improve the bill that we just did last week. And we're spending time today rehashing this, the specifics of this bill in an effort to make it better.

We are adopting policy to some degree, but that's what implementers are for. And the subject that was the source of the last two or three hours of debate that we've had is something that I think made sense. It's something that was part of the budget. It's something that has been asked of us by our own commissioner of corrections, who I will remind the Chamber again, was an appointee of the previous

governor, the previous Republican governor on an interim basis and who the current Democratic governor has chosen to reappoint and we have approved.

That commissioner has identified for us a program that was in the budget and is something that he wanted to see implemented in an effort to reduce -- reduce crime in our state through programs that will reduce the amount of recidivism for many of the crimes that we currently face.

And in fact, for those who might argue or suggest that this is somehow undefined, indeterminate, I would just refer to the Department of Corrections' website that has the offender accountability plan manual which lays out the specifics of this overall plan that the commissioner is asking us to implement through this implementer.

Now we've had debate about whether we should add this crime or that crime to the specific risk reduction credit program that we've talked about. I would once again argue that there is a rational basis for the crimes that we've selected as not being eligible for those credits. They are the crimes that we currently do not allow probation.

These are life sentences. These are crimes that

involve life sentences with one exception, admittedly, which is the home invasion crime. And I'll acknowledge that it's not quite clear why that was added to the list of the other crimes that are not eligible for parole. And maybe that was a flaw, but the bottom line is there was a rational basis for choosing the other crimes that we did as not eligible for risk reduction credits. It's the same list of crimes that are not eligible for parole.

Those other crimes are all crimes that are eligible for parole and we know that those individuals will one time, at some time or another, be released. And the question we face on this particular program is whether we are going to allow those individuals to be released without any -- any effort to rehabilitate those individuals. If we allow them to just sit and rot in jail, they are with no credit.

And when we're talking about credits, we're talking about no more than 10 percent -- no more than 10 percent of what the ultimate sentence is and no credits can reduce the amount of time served under the mandatory minimums. We're talking about a relatively tiny amount of credit time that we are offering as an incentive to these prisoners to get help. Whatever

help it is that they need, whether it's mental health help, whether it's job training, whether it's education, so that they do not do the same thing again. These are good programs. They are proven programs. They are for the public safety. To do otherwise would be against public safety and would be against logic.

Other states -- most every other State has adopted these programs. We are actually lagging other states, as Representative McCrory pointed out. Many of the states that you would think would be the last to offer these kinds of programs, we are lagging behind them. We need to adopt them.

There is a rational basis for it. It is a function of the budget that we adopted earlier in the session. And I agree with the Minority Leader that we need to make sure that we are doing this carefully, but we also need to do this logically. We need to make sure that when we adopt these bills and adopt these implementers, that we are doing them and we are implementing these policies with the good of the public in mind. I think this implementer and this bill accomplishes that goal and I urge my colleagues to support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Will staff and guests please come to the well of the House. Will members take their seats. The machine will be opened. Please cast your vote.

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.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

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

THE CLERK:

Bill 6650 as amended by Senate "A" in concurrence with the Senate.

Total number voting	148
Necessary for adoption	74

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Those voting Yea	90
Those voting Nay	56
Those absent and not voting	5

SPEAKER DONOVAN:

The bill is passed.

Any announcements or introductions? Any
announcements?

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, at this time I would ask that we --
that the Democrats meet in Room 207A for a mandatory
caucus. And barring any announcements from the
Minority Leader or their side of the aisle, I would
move that we recess subject to the call of the Chair.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentlemen on this side of the aisle,
upon recess I would ask that we have an immediate
caucus in Room 209.

Thank you.

SPEAKER DONOVAN:

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Victoria, and good luck in your future. We appreciate it.

Now, Mr. Clerk, will you please call House Bill 6650 -- or I'm sorry, it's -- yeah.

THE CLERK:

Madam President, calling from Senate Agenda Number 2, Emergency Certified Bill, House Bill Number 6650, AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS, AND CERTAIN STATE AGENCY CONSOLIDATIONS, introduced by Representative Donovan, of the 84th, and Senator Williams, of the 29th.

THE CHAIR:

Senator Harp. Good afternoon.

SENATOR HARP:

Good afternoon, Madam President.

Madam President, I move the Emergency Certified Bill and seek leave to summarize.

THE CHAIR:

Acting on approval of the bill, will you remark further?

SENATOR HARP:

. Thank you, very much, Madam President.

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This bill merges the functions of the Commission on Child Protection into the Public Defender Services Commission.

The bill expands the responsibilities of probation officers and gives them the authority to provide intensive, pretrial supervision services, when the court orders them to do so.

The bill gives the Commissioner of the Department of Corrections discretion to award risk-reduction earned credits, up to five days per month, for inmates' good conduct, retroactive to April 1, 2006, to reduce an inmate's maximum sentence, prison sentence, and make inmates eligible for release from prison under supervision.

The bill also authorizes home confinement for certain offenders.

The bill makes local and regional boards of education responsible for tuition for educational and Special Eds and related services provided to students while in juvenile detention. There are three juvenile detention centers in our state; one in Hartford, New Haven, and Bridgeport.

The bill extends the judicious Foreclosure Mediation Program by two years, until July 1, 2014.

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The bill gives the Commissioner of the Department of Motor Vehicles primary responsibility for staffing and coordinating coverage and hours of operation for six weigh stations.

The bill eliminates the Department of Public Works and transfers its personnel powers, duties, obligations that do not relate to construction or construction management to the Department of Administrative Services. It also transfers the Department of Information Technology duties to that department.

The bill transfers the duties related to construction and construction management to a new Department of Construction Services.

The bill establishes the Department of Emergency Services and Public Protection and designates it as the state's emergency management and homeland security agency. It is the successor agency to the Department of Public Safety, the Department of Emergency Management and Homeland Security, and it merges Police Officer's Standards Training, the Commission on Fire Prevention and Control, the Office of State Fire Administration, and the Office of State Emergency Telecommunications into the department.

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The bill also merges the duties of the Division of Special Revenue into the Department of Consumer Protection.

With that, Madam President, I would like to yield to Senator Coleman, for an amendment.

THE CHAIR:

Senator Coleman, will you accept the yield?

SENATOR COLEMAN:

Thank you, Madam President.

And yes, I would, with pleasure, accept the yield from Senator Harp.

THE CHAIR:

Sorry. If you could -- if you could again
(inaudible) --

SENATOR COLEMAN:

I would accept the yield from Senator Harp --

THE CHAIR:

Thank you.

SENATOR COLEMAN:

-- with pleasure, Madam President.

THE CHAIR:

Thank you.

SENATOR COLEMAN:

Madam President, the Clerk should be in possession

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of LCO 7534. I'd ask that the Clerk please call that amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 7534, which shall be the -- designated Senate Amendment Schedule "A," copies of which have been distributed.

THE CHAIR:

Senator --

SENATOR COLEMAN:

I move --

THE CHAIR:

-- Coleman.

SENATOR COLEMAN:

-- adoption of the amendment.

THE CHAIR:

The motion is on adoption. Will you --

SENATOR COLEMAN:

And I --

THE CHAIR:

-- remark further?

SENATOR COLEMAN:

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I would request leave of the Chamber to summarize the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR COLEMAN:

Madam President, this amendment arises as a result of some uncertainty that came to light in the debate on this bill in the House, and, specifically, that uncertainty had to do with the provisions in the bill that provide for risk-reduction earned credits.

There were some questions about what offenses and what crimes the offenders of which would be able to receive and be eligible for risk-reduction earned credits. And part of this amendment addresses that, to make clear that of certain offenses for which parole is not available to an inmate, those offenses would not be eligible for risk-reduction earned credits.

To go on, the amendment also provides that for about 64 sentences or 64 offenses for which mandatory minimum sentences apply, risk-reduction earned credits would not be available to reduce or lessen the amount of the period of mandatory minimum of the sentence imposed. By way of example, if I were sentenced to an eight-year sentence with a mandatory minimum of five

years, I would have to serve the five years. The risk-reduction credits that I might earn during the course of the service of my sentence may be applied to the eight-year portion of the sentence but would never be applied in a manner that would reduce the service of my sentence to less than five years, the mandatory minimum portion of that sentence.

Additionally, there is a provision in the amendment which applies to the authorization to use the ignition interlock device for convictions having to do with driving under the influence. And in lieu of a suspension of a license or privilege to operate a motor vehicle in the state, that suspension would be replaced by an authorization to require the person convicted to be suspended for 45 days but instead of a license suspension of a period of a year would be required to use an ignition interlock device in the operation of any motor vehicle for a period of one year, subsequent to the 45 days of license suspension.

And, finally, the amendment seeks to make clear that in the award of risk-reduction earned credits there must be something positive that the inmate does. The risk-reduction earned credits would not be awarded for mere good behavior within a correctional facility

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but would more than likely be applied if there was compliance with the Offender Accountability Plan that's developed at the commencement of the service of the sentence by the inmate or for the obtainment of a GED or participation in programs designed to improve the character and benefit the behavior of the inmate, such as anger management or some other form of counselling.

Those are the main features of the amendment, Madam President. I think it clears up some of the uncertainty that may have existed around these particular provisions in the main bill.

And I'd urge the members of the Senate to adopt the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President.

Once again, great to see you this afternoon.

THE CHAIR:

Thank you.

SENATOR KISSEL:

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Just by way of trying to frame this a little bit, I appreciate what's in this amendment, essentially reversing course on the underlying bill in certain categories.

But just, through you, just some -- some quick questions before a comment on the overall amendment. Through you, and -- and so I would ask to ask some questions of Senator Coleman, through you --

THE CHAIR:

Please --

SENATOR KISSEL:

-- Madam President.

THE CHAIR:

-- proceed, sir.

SENATOR KISSEL:

Thank you.

First of all, it's my reading of the underlying bill that these risk-reduction credits, this -- this Good Time credit would be applicable to inmates retroactive, at least until the Year 2006. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

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SENATOR COLEMAN:

Madam President, through you, I have some uncertainty, but I think that is correct.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Well, in my reading, I -- I don't believe there's anything in the -- in the amendment that changes the applicability of the risk-reduction credits. And so I believe that not only does it apply potentially retroactively for the last five years, but there's also some other provisions where the reachback is -- goes back even further than that.

Furthermore, who would make the determination as to whether the -- this Good Time is credited toward these inmates?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

That determination would be primarily at the discretion of the Commissioner of Corrections, with the assistance of a committee formed in order to evaluate

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the behavior and conduct of the inmate.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

And regarding the ability for an inmate or a transgressor to -- who's convicted of driving under the influence, I know the notion is that they would have home release; they could use this ignition interlock device. Would that apply even if the incident that led to the charges resulted in injury or death to anyone, as long as the underlying charge that the person was convicted of is driving under the influence?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President.

It's a very good question that's posed by Senator Kissel, and I'll attempt to address it in this manner: There are in this amendment provisions that make risk-reduction earned credits not applicable to sentences that carry a mandatory minimum sentence with

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them. So to the extent that there are -- in offenses that involve mandatory minimum sentences, as well as the offense of driving under the influence, the sentence that involves the mandatory minimum sentence could not be reduced. If it were purely applied to the sentence for the driving under the influence, the interlock reduction devices could be utilized.

I'm hoping that that answered the Senator's question, Madam --

THE CHAIR:

Senator Kissel.

SENATOR COLEMAN:

-- President, through you.

SENATOR KISSEL:

Thank you, Madam President.

It was a very long path to get me to yes. The answer is yes. But I did get to the end of that road, with the clarifications by Senator Coleman.

I know that initially when you -- when you brought out the amendment -- and let me just walk through it, because I basically spotted six points that -- that you went over. The first point is that the amendment takes out those crimes where parole is not available, and -- and that's great, because I think we as a

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Legislature have determined that for some of the most heinous crimes that a person can be convicted of, if parole should not be available -- and certainly I don't think any kind of good-credit time should be available to those individuals, either.

But it's also my understanding -- and we debated this, at length -- in light of the Cheshire home invasion and triple-homicide case, and when we worked for over a year coming up with criminal justice reforms; I mean, I recall within 72 hours, and I think it was probably within 48 hours of that horrific crime taking place, one of the first suggestions I made was that burglary, which up until that point in time was classified as a nonviolent offense, because someone was breaking into your home in the dark of night, that by its nature, whether you encountered someone in that home or not, that burglary should be treated as a violence offense. And that was important, and we -- we passed that as part of an overriding package.

Because it's my understanding, through you, Madam President, that we have a two-part program for our criminal offenders as to who can come up for a parole hearing and who cannot. And we classify crimes as violent or not violent by their nature, by the crime,

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itself, not by the underlying facts of a particular case. And for those crimes, we as a Legislature painstakingly have determined are violent, and now burglary is one of those violent crimes, you cannot come for a parole hearing until you do 85 percent of your time; those other crimes, that are categorized as nonviolent, you can do 50 percent of your time and then come up for a parole hearing.

Is it my understanding that while this amendment takes out those crimes for consideration for Good Time, where you are not eligible for parole, but does the amendment leave alone the notion that if you are convicted of a crime that is characterized as violent for purposes of a parole hearing, that you are still eligible for these Good Time credits?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President.

Senator Kissel's analysis is correct. There are, as he's indicated in his remarks, certain crimes for which parole is not eligible -- parole is not available. And for those particular crimes, the risk-reduction

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earned credits would also not be available; in other words, offenders or convicts would not be eligible to receive risk-reduction earned credits for those offenses.

Burglary is not one of the crimes that are addressed. There is parole opportunities available for a conviction for burglary, and so the risk-reduction earned credits would be available to a convict who was convicted of the offense of burglary.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. Thank you, very much, Madam President.

And I think we've already well established that there's certain crimes where parole is not available, and this amendment takes those out. But I want to drill down a little deeper, as to those crimes that are characterized as violent offenses for purposes of a parole hearing, where we as a Legislature have painstakingly put onto that list certain crimes, have reviewed that for purposes of an inmate serving 85 percent of their time before that's even

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contemplated -- even contemplated that they get a parole hearing.

And so let me just start going through different crimes that an individual could have committed. Let's say someone takes a life. Let's say someone is convicted of murder; there's various degrees, but let's say we have someone convicted of murder. Could that individual earn Good Time credits to get out early, based upon their sentence? Are there crimes that entail the taking of another human life, that still would allow an individual to be eligible for these earned, sentence credits, that should the underlying bill even as amended pass, would allow them to get out earlier than what they would have to serve right now?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

If the -- through you, Madam President -- if the inquiry is specifically about the crimes of murder, the answer to the question would be no.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

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SENATOR KISSEL:

Are there degrees of murder, that an individual could be convicted of, that are considered violence offenses, but still would allow an individual to come up for a parole hearing?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Again, Madam President, through you, to Senator Kissel, the answer is no.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Are there crimes where sexual assault is the underlying crime that would still allow an individual to come up for a parole hearing?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

The -- through you, Madam President -- the answer to that question is yes, except for the crime of aggravated sexual assault in the first degree.

Through you, Madam President.

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THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Are there crimes, such as negligent homicide where an individual through his or her actions, a life is lost, still eligible for parole?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, the answer to the question is yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Are there varying degrees of home invasion that would still allow an individual to come up for a parole hearing?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I am not extensively familiar with any degree of home invasion, other than that that's indicated in

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53a-100aa, and so for that, that is a crime for which parole is not available.

Through you, to Senator Kissel, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Are there crimes that would be characterized as serious felony offenses, for purposes of enhanced penalties, that would allow an individual to still come up for parole?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, I'm not sure that I can respond to that question. If the Senator could elaborate a little bit more, maybe with some specificity.

Through you --

THE CHAIR:

Senator Kissel.

SENATOR COLEMAN:

-- Madam President.

SENATOR KISSEL:

If the Senator knows, how many crimes on the books right now, which would require an individual to serve

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85 percent of their sentence, would still allow an individual to come up for a parole hearing?

THE CHAIR:

Senator --

SENATOR KISSEL:

Through you, Madam --

THE CHAIR:

-- Coleman.

SENATOR KISSEL:

-- President.

SENATOR COLEMAN:

Through you, Madam President.

I would not be able to provide a number to the Senator.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Would it be fair to state that there are at least dozens of these crimes?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Unfortunately, I wouldn't. If I were to respond

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to that question, I would be admittedly guessing, so I hesitate to do that in the course of this debate, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

I have a number of amendments that I will be offering, later this afternoon. I have no further questions for Senator Coleman, at this time.

I know that many in this Circle will want to ask questions on the amendment that's being brought out, but I want to comment briefly on this amendment. The amendment is being offered to the members of this Circle with the notion that it essentially is watering down the direction of the underlying bill. That's how I characterize it, and I'm not -- and it's my intention not to characterize it flatteringly.

The underlying concept is not necessarily a bad concept. The concept of carving out certain inmates in our correctional facilities to encourage them to take courses, fatherhood, high school education, prepare them to reenter society is not a bad concept.

The problem arises as to how that concept is

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implemented. We're being told that this amendment essentially turns the underlying implementer bill into something we all can live with. I cannot live with that concept.

And I have spent a huge amount of time studying this issue. I have gone out to Denver, Colorado, not once but twice, once at the behest of the Pew Foundation, the other at the behest of the National Council of State Legislatures, to study sentencing policy throughout our country.

And the notion that states should evolve towards a system where we encourage inmates to take certain programs is a good one. But throughout all of those studies, there is a bright line. There is a very bright line drawn on their policy, and that is between violent and nonviolent offenses. And that is for a variety of reasons.

In the states where this policy has actually worked, there has got to be buy-in from both political parties, and it has to be done in a fashion where the public feels safe and secure. You cannot ram this policy through and have it apply to folks that we heretofore have determined to serve 85 percent of their time because their underlying crimes are violent by

nature. That changes the discussion fundamentally, and that's what we're doing here.

And the carve out this amendment puts forward does not change that; it carves out only those individuals convicted of crimes to which they never would have been given a parole hearing.

Why did the crime that occurred in Cheshire, with Mr. Komisarjevsky and Mr. Hayes, so shock us? One of the reasons was that these individuals were on parole. Their underlying criminal behavior allowed them to have a parole hearing; in fact, at that time, being convicted of burglary, all you had to do was serve 50 percent of your time.

And where was the breakdown? The breakdown was, at least with one of the individuals, we did not -- or the parole board did not have information regarding Mr. Komisarjevsky and his zeal in preying upon houses where individuals were. He got thrills over that. You drill down a little deeper and you find out that he abused animals as a child, behavior that we in this Circle are signals that an individual has a propensity to have antisocial behavior. So this amendment would not even affect those individuals, one of which has already been convicted and put on death row; and that's

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Mr. Hayes.

So if this was the law of the land back there, those two individuals could have earned Good Time credits and gotten out even sooner. Come on.

The underlying bill creates as the arbiter of this program Commissioner Arnone. I know Commissioner Arnone. He's my constituent. He lives in Somers. Great guy. But I don't know if he's going to be Commissioner tomorrow. And guess what? I, as a State Senator duly elected by my constituents, do not want to turn my voting abilities over to someone who is a Commissioner in the Executive Branch.

We spend tremendous amounts of time in this Circle fine-tuning our criminal justice system. We debated, at length, Three Strikes and You're Out. Folks on my side of the aisle were not successful in getting that through, but we did fine-tune that section of the statutes that said if you were a persistent, dangerous, felony offender, which is similar to a three-strikes concept, that the state's attorneys have to really look at that if they're going to allow that individual to plead down to something less. And they have to put that on the record.

We created so many very important hurdles and

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considerations for our state's attorneys to go through when they even go into plea negotiations with individuals, depending what the underlying changes are. We have judges right now, right now on Lafayette Street, in Part A, where the most dangerous, felony offenders are being tried for criminal cases. We can walk there right now, where those judges and those juries in those criminal matters are weighing important considerations in trying to determine what is an appropriate sentence for an individual.

And, believe me, having served as the Ranking Senator on the Judiciary Committee for the past Eleven years, and having been lucky enough to serve on that committee for the past seventeen, I have been a part of interviewing every single judge in the State of Connecticut at least once and most twice. And for all of those judges who serve in the criminal system, I know as a fact that they spend an awful lot of time grappling with what is the appropriate punishment for each individual crime.

These are not easy decisions for individual judges or juries, and we are throwing that out the window because we are saying that the Commissioner of the Department of Corrections may come up with a formula

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that could ultimately allow individuals, as I calculate it, to earn up to sixty days, at least five days per month, times twelve, sixty days a year of good credit.

This amendment doesn't change that. It softens some of the language. It doesn't say "shall be given Good Time credit," it says "may be given Good Time credit," but we know where this train is going.

And it's retroactive. What kind of nonsense is that? This amendment doesn't change that. It goes back to years previous, to 2006, but without muddying the waters. And I hope my colleagues sort of flesh that out, later this afternoon, but let's just say what's really plain as day. The policy change is straight back to 2006. Sixty days, times five, means immediately; soon as this passes, everybody there can be given a formula and up to three hundred days out free. Someone who's got two hundred days to go, open the correction's door; here you go.

This is a money saving bill. This isn't good public policy; this has nothing to do with the public safety.

I have really studied this issue on the Judiciary Committee. I've spoken about it at John Jay University in New York City. I spoke about it, a

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summer-and-a-half ago, at the National Conference of State Legislatures, when they had their annual meeting in Philadelphia, myself and a panel of four other Legislators from across this country. And this policy - doesn't fit with the model.

The model only works when you have bipartisan cooperation. The model only works when you draw a very good line between violent and nonviolent offenders that the public feels safe with and that the Legislature feels comfortable with. The policy only works when we as a Legislature make that determination, not the Commissioner of Corrections on high.

Over the last several years, one of the things that my Democratic colleagues on the Judiciary Committee pushed, and I eventually agreed with because it made good policy, was a Sentencing Commission. We don't have to think back very far to remember that debate. We have a Sentencing Commission. It is not up and running; it is doing nothing. That was initially pushed by my friend and colleague, our new Undersecretary of Criminal Justice, Mike Lawlor.

We talked about Sentencing Commissions when we went out to Colorado. We talked about Sentencing Commissions when I spoke at John Jay University. We

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talked about Sentencing Commissions when I spoke in Philadelphia. It is an issue that is pushed by both Republicans and Democrats throughout our country.

The reason it took us years to get that policy in place in Connecticut, over and above the veto of Governor Rell -- and I will let you all know you overrode her veto -- is because we took immense amount of time to figure out who is on that Sentencing Commission. We have state's attorneys. We have public defenders. We have judges. We have people that have expertise in the field of criminal law. And the notion was that when you have any policy change in sentencing, you turn the issue over to them to take the politics out of the issue. They're the experts. They're the people that have to make the system work.

I have to be honest. I'd have to go back and troll through that statute to find out if the Commissioner of Corrections is one of the members; I'm not even sure. Nothing against Commissioner Arnone, but the Commissioner of Corrections is all about taking care of the prisoners after they've been sentenced.

I understand we want those inmates to turn their lives around. I'm the first one that says I don't need 8000 inmates in North Central Connecticut. Please

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take the nonviolent ones, turn their lives around, and make them good, law-abiding, taxpaying citizens here in the State of Connecticut.

We need more young people out there being law-abiding, taxpaying citizens, because we've lost our young people; number one state in the exodus of people between 18 and 35 years old. I'm with you on that.

Where's the Sentencing Commission in this amendment? Nowhere to be found.

I'm going to tell you what this bill does, even as amended. It puts one person in charge of our entire criminal justice system, and that's Governor Dannel Malloy. And I'm not picking on him, but I'm not ceding my vote to him on these issues. Commissioner of Corrections is going to make this policy on his own? He takes orders from his boss. I don't know whether these people are going to be given Good Time, five years retroactive or not; I guess it depends on how much money needs to be saved. I don't want dollars and cents to be the driving force in public safety.

There is a lot of information out there as to what's appropriate public policy. We can save millions of dollars, but we've got to do it right. How

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are you going to feel when we -- you pass this policy -- because I'm not voting for this -- you pass this policy to save lots and lots of money? I want to be there when it goes into effect and the prison doors open and hundreds of people are let out, and that first violent offender commits a crime on somebody's son, someone's daughter, someone's mother, someone's wife, someone's friend, somebody that you know.

If they do it, and they've served their time, at least I can sleep at night, saying, You know what? I worked hard with my colleagues to pass the laws; we did the best we could; the state's attorney looked at everything; the sentencing judge and everybody associated with the sentence had access to the person's entire history, and they made the most informed decision possible. And if that individual recidivates and commits another crime, then let's prosecute them and lock them back up.

But I am not going to cede my Senatorial privileges, authority, and ability to vote on criminal justice policy to one person, over in Wethersfield, who is going to come up with a formula for inmates that goes back, at least, if not more than, five years.

And we know this amendment does not address crimes

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that are violent. I'm not exactly sure. I think this afternoon will bring out the facts as to whether anyone who, in the course of committing a crime, killed someone will be eligible to get Good Time credits.

... Clearly through the answers that Senator Coleman gave me, predators who commit sexual assaults will be eligible for Good Time credits. People that commit dangerous, felony offenses will be eligible for Good Time credits.

What in the world are we doing making this retroactive? There is not one inmate in there that had an expectation of Good Time credits, five years ago. And there's actually no inmate in there right now that has an expectation of Good Time credits for something they did one week ago.

Now, if we're going to change public policy (a) it should be prospective. And I have an amendment, later on this afternoon; we can have that debate. If we're going to change public policy regarding sentencing (b) the experts should have their say. I have an amendment, later on this afternoon; we can have that debate.

You wanted a Sentencing Commission, Majority Party, we have a Sentencing Commission. I bought into

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that whole notion of a Sentencing Commission; don't set it aside. Those are your experts in the field. You want to turn it over to the Commissioner of Corrections? Uh-uh. .

Third major point, and then I'm happy to turn this initial discussion over to my friends and colleagues, as you want to change criminal justice policy and sentencing, vote on what the policy is. This doesn't do that. Even with this amendment, this implementer gives the Commissioner of Corrections a blank check. It cedes all of our authority and oversight over to the Commissioner, who takes his orders from the Governor.

I can't sleep with myself doing that. I know too much about the system. I've got six facilities, over 8000 inmates. I've been studying this issue, listening to both sides, going across the country, listening to experts. And there's a good way to do this policy and there's a bad way. This is the bad way.

I'm really surprised that this came out of the Administration. I thought it was going to be a lot different. When we started this Legislative Session, I was informed that there would be a study group put together, they would come up with a policy, and that that policy would come before us and we could debate

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it. That's not what this does.

They can assure me, until the cows come home. Don't worry; we won't automatically give them sixty days. What if they just automatically give them forty-five? I'm supposed to feel better about that?

This is our bailiwick. This is why we get elected. It was hard enough allowing a Sentencing Commission to have oversight over this. But even with the Sentencing Commission, I had the notion that we would ultimately review their decision-making process, and then we could pass judgment on it.

You do this, this afternoon -- something blows up this summer, you've given away your authority. You do this, this afternoon -- I'm a state's attorney over on Lafayette Street, I don't know what I'm going to do; I'm probably going to push off some of these sentencing decisions for a while until I find out what's going on.

I'm a public defender -- whoa, yeah. I am not going to accept any plea for a while, because I want to know if five years is five years. And if I can get less, knowing that, oh wow. Now with this new thing of earned credit, I go to my client. Hey, listen; if we cop a plea to this, if we add in what the Correction's Commissioner adds in, you're really only doing two

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years. Oh, we'll get to that debate, too, this afternoon.

You got that whole little, bright-line, carve-out for two years. Maybe someone is doing ninety days. Let me tell you, you can do some really bad things in this state and get a two-year sentence. You're not going to like it. You're not going to like this at all.

Don't let anybody sell you a bill of goods. You're all too smart to do this. All we can do is warn you this afternoon.

I've leave with this: The biggest thing that we learned, in light of the Cheshire home invasion, is that the decision makers at the parole board did not have access to all the information they needed to make the most, best, informed decision they could. We had debates back and forth between Three Strikes and burglary and everything else, but one thing we all agreed on, the people that have to make the decisions need access to as much information as possible. And you move forward with this, you give all of that up and you turn the system over to a system driven by cost savings and not public safety.

I'll say that again. Even with this amendment, the entire concept of public safety in our state changes

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from one where public safety is paramount, and we make adjustments regarding costs, to one where costs are paramount and we are adjusting public safety. It is the world turned upside down.

And I will grant you, there's a good way to do it, but this isn't it.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Looney.

A VOICE:

Thank you, Madam.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, speaking in support of the -- of the amendment.

Madam President, I believe there is -- there is language in the amendment that addresses and responds to many of the alarms and concerns that Senator Kissel has raised in his objection to the amendment, and that is the language on lines 37, 38, and 39 of the amendment that specify that in no event shall any credit earned under this section be applied by the Commissioner so as to reduce a mandatory minimum term of imprisonment

such inmate is required to serve by statute. That puts a very significant limiting effect on the application of risk-reduction credits.

Basically what it mean, that in many cases they will only be applied to the less serious crimes for which people may be incarcerated, because many, if not most of our most serious crimes do carry minimum mandatory terms. And if someone is sentenced to one of those terms, again, the language of the amendment specifies that under -- in no event shall any credit be applied to reduce a mandatory minimum term of imprisonment, so that there are a number of provisions in our statutes. The most serious crimes carry mandatory minimums.

Some of them are totally exempted by the -- the listing of -- of statutes on lines 7 and 8 of the amendment that -- that specify most of the -- the crimes involving murder and also the -- the home invasion crime and the most serious sexual assault crimes, but there are many others that carry minimum mandatory offenses, as well. So, for instance, assault in the first degree carries a mandatory minimum of five years when committed with a deadly weapon or dangerous instrument, ten years if the victim is under age 10 or

a -- or a witness.

We have the -- the general crime of sexual assault in the first degree carries, again, two years but ten years if the victim is under age 10, and ten years combined with a period of imprisonment and special parole.

So we have a large number of serious crimes that carry minimum mandatories that will not be affected by the flexibility granted to the Commissioner in this bill. For instance, burglary in the first degree, minimum mandatory of five years, when committed with an explosive, deadly weapon or dangerous weapon; robbery in the first degree, minimum mandatory, five years, when committed with a deadly weapon. These are all of the kind of serious offenses that people are generally concerned about, and they are addressed by putting a restriction and limit on how the Commissioner's discretion can be used.

So I believe that it is a -- the amendment is a reasonable amendment to put us in line with what most other states in the country are doing, which is to have a series of risk-reduction credits or Good Time credits.

But, again, it's important to look at the language

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of the amendment, that mere good conduct alone, without some initiative toward rehabilitation, will not be enough to access this credit. If you look at the amendment, in lines -- beginning in line 13, An inmate may earn risk-reduction credits for adherence to the inmate's Offender Accountability Plan for participation in eligible programs and activities and for good conduct and obedience to institutional rules, if designated by the Commissioner provided, first, good conduct and obedience to institutional rules alone shall not entitle an inmate to such credit.

And, second, the Commissioner or the Commissioner's designee may, in his or her discretion, cause the loss of all or any portion of such earned risk-reduction credit for any act of misconduct or insubordination or refusal to conform to recommended programs or activities or institutional rules occurring at any time during the service of the sentence or for other good cause.

So, in many ways, this amendment gives the Commissioner more control over inmates who are incarcerated, because there is now more hanging over their heads. In addition to the sentence they are serving, they are also facing the loss of their

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risk-reduction credits if they do not participate in good faith at the rehabilitation programs that could earn them those credits and if they engage in any other misconduct. So in many ways this amendment actually strengthens the hand of correction officials in being able to -- to -- to manage and control inmates, both punitively and also in terms of giving them an option and an incentive toward rehabilitation.

Because the most important thing to remember, Madam President, is, of course, that except for the most serious, dangerous, violent offenders in our system, almost everyone who goes into prison does, in fact, come out again at some time. And that's one of the reasons we have such a high rate of recidivism is most of the people who come out, historically, have not been prepared for life on the outside. They often fall back into patterns of recidivism, and that's why we have so many people going through the system again, and again, and again.

And what this program will provide is a better way to make sure that they do get some meaningful programs while they are incarcerated. This is an important element. This is a critical element of this amendment and this bill, because, as some criminal justice

scholar said at one point, in our society we have large numbers of people serving life sentences on the installment plan, a couple of years at a time. They're in. They're out. They reoffend. They come back, which is why we have such a high rate of recidivism. So many people wind up running afoul of conditions of release when they -- when they come out. And that is one of our -- one of our chronic problems. This amendment will go a long way toward dealing with some of the fundamental flaws in our system that people have been concerned about for years and years and years.

Again, most of the states across the country do have sentence-reduction programs, risk-reduction programs; for instance, looking in our -- in our own region, State of Massachusetts, inmates may earn up to a total of seven-and-a-half days per month. In Maine, as of August 2004, inmates may earn up to four days per month and an additional three days of participating in work, educational or rehabilitative programs. And they earn two days on top of that, if assigned to a community work or rehab program; total of nine days per month possible.

Some of the other states in our region, Vermont; Vermont has an automatic reduction of term of five days

per month, and inmates may earn the total of ten days per month for satisfactory and consistent work in program participation of up to five days each.

Rhode Island has probably one of the most flexible programs, that a good-behavior program alone, without participation in other programs, non-sex offenders may earn up to ten days per month. Sex offenders may earn the number of days per month as there are in years in their sentence, up to a maximum of ten days; program participation, again. Non-sex offenders may earn up to five days per month, with an additional thirty days for completing the program. Sex offenders may earn up to three days per month to a maximum of thirty-six days per year. Meritorious service provides another option for sentence reduction.

New Jersey, inmates may earn for -- one day for each five days of productive work. Additional time may be granted for work in honor camps, farms or details.

New York, for indeterminate sentences, there's one system; for determinate sentences, another. More like our system of determinate sentences in New York, one-seventh of a sentence for an inmate convicted of an eligible offense can be reduced for complying with a program requirement.

So we will be joining a national -- the national model by undertaking what is provided for in this bill and in this amendment. It is nothing in any way lenient. It is nothing that is not part of the -- of the national mainstream, and it is something that -- that will provide good public policy for the state.

In addition, much of this, Madam President, is actually based upon a plan that was devised more than three years ago by then-Correction's Commissioner Lantz, who then pointed out in -- in 2008, in a memo, that Connecticut and New Hampshire are the only New England states that do not utilize an earned-credit system as part of a risk-reduction program. The other New England states, as well as thirty-eight other states, in addition to the Federal Bureau of Prisons, utilize earned credits using their agencies' values concerning inmate accountability, community reintegration, emphasis on treatment and programs for offenders, and, in some states, recognition of the difference between violent and nonviolent offenses.

In New England, Rhode Island, as I said earlier, has the most aggressive earned-credit policy, affording offenders up to fifteen credits monthly for

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meeting a variety of program or rehabilitative requirements, in addition to good behavior.

Massachusetts actually has the most conservative policy at seven-and-a-half days per month for meeting identified requirements for their earned-time program.

Nationally, a protocol for application of earned-time credits ranges from complicated formulas to basic, straightforward applications to all offenders. And this is on a -- from a -- a letter, a memo on the issue from Commissioner Lantz, about three years ago. And she also directs people to a summary that can be viewed by accessing the national Good Time study.

So this is something that is -- that has been the basis of -- of longtime planning in our system. It is something that puts us in the line with the -- the way and the -- the best practices of national correction policy operate, and that's that we are doing nothing -- nothing more than that by adopting this amendment and this bill.

And, again, as I mentioned at the very beginning, there is a most significant limitation on the offenses that could be eligible for these credits -- is contained in the amendment -- that limits the language to make

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sure that the Commissioner does not have discretion to reduce a mandatory minimum term of imprisonment that had been imposed by the Court.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

Senator Meyer.

SENATOR MEYER:

Colleagues, I want to just elaborate on Senator Looney's comments a little bit.

Connecticut in its correctional policy is going in a disastrous direction. We today have a recidivist rate which is about the highest in the country of 60 percent; 60 percent of the inmates are recommitting, reoffending crimes. And what a public safety issue that is causing. Public safety, as Senator Kissel said, must be the goal that we're seeking here. A recidivist rate of 60 percent, under our current correctional policy, is a terrible result and is not leading in any way to public safety.

What this bill does is it gives us a chance to change people. It gives us a chance to cut the

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recidivist rate dramatically. And how is that done under this bill? It's done by a series of programs for inmates who are a captive audience and -- and will bring about in the experience of so many other places -- not Connecticut -- bring about change in people's lives and reduction in the recidivist rate and an increase in public safety.

Now, what -- what -- what are those programs that are envisioned by this bill, and envisioned, by the way, by our criminal justice coordinator, Mike Lawlor. They are looking at several things. One is education, GED programs, college programs for those who already have their -- their diploma, their high school diploma.

In New York, for example, Marist College has been a pioneer, with respect to bringing in both high school diploma courses and college courses and has changed the face of corrections in New York State; Marist College has. We can do that in Connecticut, too.

Vocational programs; we're talking about inmates who not only lack education, in the great majority, but also do not have a vocational theme in their lives. We have companies who will offer to come into prisons in Connecticut and teach a vocation. A person who has -- comes out of a prison, who can put money in a

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lawful way in his or her pocket, by -- by reason of a vocation, will, again, bring greater public safety in our state.

Substance abuse; you know, the great majority of our offenders have got substance abuse problems. A good substance abuse program in prison can make all the difference in the world in reducing the recidivist rate and giving us greater public safety. The risk-reduction program of this bill will bring us those things and help to change lives and improve the public safety of all of us.

There are -- there are two things we really are looking for here in this bill. We're looking for public safety and we're looking for safety within our prisons. Prisons right now are a desert. Prisons right now -- and I -- I know we've had Commissioners who have tried to take a -- a new look at this -- but our prisons -- and I've been in the prisons in Connecticut and many prisons in New York -- our -- our prisons are custodial and not correctional.

We call it a Department of Corrections. Baloney; it's the department of custody. We need a good, strong correctional policy. This bill takes us in that direction.

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So, you know, just in -- in brief rebuttal to -- to Senator Kissel, I -- and I respect him because he has within his Senate district a great many correctional -- so-called correctional institutions. But this is a balance bill, as Senator Coleman pointed out. It has widespread exclusions, the most important of which are the mandatory minimum sentence, which go through Connecticut's sentencing policy. It -- it also excludes all kinds of murders and home invasions, as well, as Senator Coleman well pointed out.

And there's nothing the -- the Commissioner of Corrections in Connecticut, if this bill passes, will have discretion to look at the record of the inmate, what we've learned so much from the Cheshire murders about a better use of discretion with respect to parole and now with respect to risk reduction.

So, I'd -- I just would say, in conclusion, this is a very important direction for Connecticut. We are going in the wrong direction now. This is not a gamble, just based upon the experience of other states, other countries. And the federal correctional policies will bring us in a new direction and in a new direction which I really believe will ensure a higher degree, a much higher degree of public safety in Connecticut than

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we've had before.

Take a look carefully at this bill. Don't let -- don't be fanned by the flames that we're hearing. This bill makes good sense and is good for public safety.

Thank you.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

Madam President, I can't tell you how relieved I am to hear Senator Looney and Senator Meyer address the issues that Senator Kissel raised in his discussion of the bill. I have a lot of respect for Senator Kissel. His interpretation of the amendment began to unnerve me so that I was waiting to hear a response to some of the things he said, and I can tell you from Senator Looney's addressing the issues and Senator Meyer addressing the issues, two people who have had years of experience in the criminal justice system, I am much relieved to know that we are operating under this amendment on a system that will bring us public safety and bring us a system where people who have committed a crime -- not a violent crime but have committed a

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nonviolent crime -- will, under this new proposal, be given the chance to earn credits so that they can become functional folks out in the society in which we live.

One of the other things in this bill that bothered me was the early release of people who were convicted of drunk driving. I spoke to the Commissioner about this, and interestingly enough, the folks from MADD, Mothers Against Drunk Driving, were very much a part of planning this proposal that is currently before us to deal with the folks who were convicted of crimes involving drunk driving.

Again, I'm relieved to know that there will be a system of oversight of these folks once they're released to their homes, that their participation in programs will be supervised, and that Mothers Against Drunk Driving -- Mothers Against Drunk Driving have been very much involved in planning this section of this amendment dealing with drunk drivers.

The other part of this amendment that I am especially pleased to see is the ignition interlock equipment that will be mandated for people -- I can't remember if it's on the second conviction or the third, but whatever -- people who were convicted of drunk driving will be mandated to install these ignition

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interlock devices. And I am thoroughly convinced that this is the only way we are actually going to save lives.

With all the legislation we have on the books about license suspension and about fines, about jail sentences, nothing stops people from drinking and driving. But this interlock ignition won't allow the car to start if the person's blood alcohol is over 0.08. That, in itself will, in spite of all the laws we have fought to put on the books, that one issue that is in this amendment will save more lives than anything else we have done in the area of drunk driving. And I am so pleased to see that in this amendment.

So, Madam President, this is a very good debate. And in the long run and in the -- at the end of the debate, I'm convinced that the people who are involved in dealing with these issues, who have addressed these issues in this amendment are continuing to keep us in a society that is safe and, I believe, will be better because of this amendment.

Thank you.

THE CHAIR:

Thank you, Senator.

Senator McKinney. Good afternoon --

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Thank you.

THE CHAIR:

-- sir.

SENATOR MCKINNEY:

Thank you, Madam President.

Madam President, I -- I sat here somewhat frustrated and almost agitated at some of the characteristics about the amendment and the bill before us. My good friend, Senator Prague -- and -- and I would love for her to sit in the Circle and listen -- said that this involved nonviolent offenders. Let me read for you, Senator, the offenses and the criminals who are given early release, even under this amendment.

Manslaughter in the first degree causes death with intent to cause physical injury or with intent to cause death of another person. Someone who commits manslaughter in the first degree is entitled to early release.

Let me read you another one: Assault of a pregnant woman, resulting in termination of her pregnancy. Someone who does that is entitled to early release. This is not Republican spin. This is a fact, Senator.

Let me read you another one: Sexual assault in the first degree compels another to have sex by use of force; that's rape. A rapist is entitled to early release. That's what this amendment does. That's what the underlying bill does. The language cited by Senator Looney does not change that fact. Rape has a two-year mandatory minimum. If you are a rapist sentenced to jail for ten years, you are entitled to early release. The only thing Senator Looney cited to you is that you're not entitled to get below two years. But a rapist is entitled to early release under this bill; that's a fact. That is not a nonviolent crime.

So, you know, let's be honest about why this amendment is on the floor. This bill came to us from the House of Representatives, and members of the House asked the Chairman of the Judiciary Committee, who I like and whom I respect, Can a murderer get early release? And he said no. But the language of the bill before us says yes. Can someone who's committed a capital felony get early release? He said no. But the language of the underlying bill says yes.

The good Representative has acknowledged that it was mistaken. So we have an amendment here to correct that. So here are the crimes which are being exempted

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from early release: Murder, capital felony, felony murder, arson murder, aggravated sexual assault in the first degree -- that's rape with a weapon -- and home invasion. That's it; one, two, three, four, five, six. Those six crimes are exempted from early release. Every other crime on the books, Senator, every other crime is subject to early release.

The comments that were made by other Senators in this Circle to lead you to believe that violent felons could not get subject to early release are wrong and misleading.

Let me also posit another example, which I think even undermines the very argument that you can't go below a mandatory minimum, because the issue on that is with respect to the risk-reduction credits. There's also another piece that the Governor has given us in Section 20, that allows for probation officers to evaluate someone who is sentenced to two years or less. And what we've said is someone who is sentenced to two years or less, the probation officer can make recommendations that they serve only ninety days. There's no exception in this language for a probation officer for a mandatory minimum of two years; so, yes, under Section 20, if you have a crime with a

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mandatory minimum of two years, say rape, you can get out if your probation makes the recommendation and someone agrees, after ninety days.

That is exactly what this language says. And guess who gets to make all of these decisions? Not us. We're allowing it to happen.

In 2010, a 40-year-old man was sentenced to two years for sexually molesting a young girl over a five-year period, from age 6 to age 11. That gentleman is subject to get out after ninety days if this bill passes.

You want to know why we're upset? Because I don't care if every other state in the country does it; I don't give a darn whether New England does it. We should not allow violent criminals to get out of jail early, period.

The policy before us says, Oh, we want prisoners to be good. And Senator Looney said this doesn't just require them to be good, it requires them to be good and enter into programs. Really? We have to provide an incentive for someone who has committed rape to be good?

Here's what we should do. Right now, they're only required to serve 85 percent of their sentence. We

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should say. If you're not good, you're going to serve a hundred percent, not let them out early.

Of course they should be good. That's like my kids coming up to me and saying, Hey, Dad, we did what we're supposed to do, now do we get something special? No. You're supposed to do that. Well, if you're in prison, you're supposed to be good and follow the guidelines and do what you're supposed to do; you're in prison. And you're in prison for committing a violent crime against a person, a family, and society.

I represent a town that has a prison in it. There are violent people there. The people in Newtown don't rest as easy as other townspeople, with that prison there. I can tell you, they're going to a lot less easy knowing that these people are going to get out early. Senator, do not listen to some of the things that have been said about this bill; they are not true.

We provide programs to criminal because we know they are going to get out of jail. And when they get out of jail, we want them to be productive members of society. We collectively, regardless of what you think the right penalty should be, all, I think, believe that everyone except for the most heinous, the murders, et cetera, deserve a second chance. And when they get

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out of jail, we want that second chance to happen. And, God forbid; we don't want them to commit another crime.

So we as a society have made a decision to use taxpayer dollars to provide programs. We have to provide an incentive for a prisoner to avail themselves of these programs, when all the programs are going to do is help them? We have to say, Oh, Dear Mr. Rapist, please, we're going to let you out early if you just take these programs? They should take the darn programs, and if they don't, shame on them. And if they commit another crime, go back to jail again. That's what our policy should be.

We're coddling prisoners, violent criminals and saying, Oh, please be good in prison. Oh, please take these programs, and we'll let you out early. No; that's terrible policy. It is a terrible policy, and I don't care if we're the only state in New England to do what we do, but we should keep doing it.

They let hundreds and hundreds of prisoners out in California because of an overcrowding situation, and crime went up. Duh; of course.

Assault in the first degree is a violent crime. Someone who commits assault in the first degree is entitled to early release. Fact.

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Assaults of an elderly, blind, disabled, pregnant or mentally retarded person in the second degree, Section 53a-60b, is entitled to early release.

-- Strangulation in the second degree; 53a-64bb, is
-- entitled to early release.

-- Threatening in the first degree; 53a-61aa, is
-- entitled to early release.

Promoting prostitution. We've had people in this Circle who worked very hard to prevent human trafficking. But guess what, Senator? The people who engage in human trafficking, who are in our jails, get early release. Yes, they do.

Kidnapping in the first degree, you're eligible for early release.

Arson, you're eligible for early release.

Have I mentioned a nonviolent crime yet? Should I read all of the rest of the violent, terrible crimes that we are saying people who are only required to serve 85 percent of their sentence can now get early release off that 85 percent?

And here's the kicker. Guess what, Mr. Rapist, we're going to give you time back, retroactively to April 1, 2006. What a nice state we are. We're going to give a rapist Good Time, retroactive to 2006.

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Now, you know what? I know you're mad at me for saying that. I know you're saying, Why is he doing that? Why is he shoving it in our face? Because it's true. Somebody in this Circle get up and tell me that a rapist is not entitled to early release, and I will sit down and be quiet, because it's in the bill.

So I'm going to say it now. I'm going to say it tomorrow. I'm going to say it every day I'm lucky enough to be a State Senator, this State Senator does not believe that someone who commits the crime of rape should ever, ever, period, exclamation point, be entitled to early release. No Good Time. Quite frankly, the fact that they're going to get out of prison one day, I'm a little nervous about.

What is the public policy? Please, somebody, when I'm done, get up and explain to me the public policy, the public safety policy behind letting these violent criminals, people who've committed manslaughter, kidnapping, rape, arson, what is the policy behind letting them out early for being good boys and girls in prison?

We're trying to save a buck? That is a terrible policy, and I'm fired up because I've heard representations about what this bill does, that aren't

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true. If you agree with the policy -- I think Senator Meyer agrees with the policy -- good; stand up and say why. I have no objection with that. I have no objection with that. I disagree with it, but that's what this great Senate is about, that we get to debate these differences.

But to suggest, to suggest that in Section 22, Subsection D, lines 37 to 39, that you can't have your mandatory minimum go below that somehow means that people who commit crimes that have mandatory minimums aren't subject to early time is false. This language means that under no circumstances can your sentence be less than what the mandatory minimum is. It does not mean you are not eligible for early release.

So I'll go back to my example. Rape is a two-year, mandatory minimum; there are higher mandatory minimums if the person is under 16 and under 13. It's a two-year mandatory minimum. If you're sentenced to six years in jail, you as a rapist can get early release time and get out early; you just can't get out before two years. That's all this section does.

Now, I say that with an asterisk, because we have Section 20, which allows for a probation officer to make

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a recommendation that anyone's been sentenced for two years or less, to get out after ninety days. And I can, Senator, give you a list, because it's a long one, of all of the crimes we found that have been committed in the State of Connecticut and people have been convicted for two years or less.

A 60-year-old, Manchester man repeatedly raped two young girls, one of whom he raped from the time she was 4 until she was 13. The prosecutor said it was the worse sexual assault case he had handled in his fifteen-year career. He plead guilty to two counts of first-degree sexual assault and was sentenced to seventeen years in jail. Under this bill, he gets out almost three years earlier.

Why? Why, for what? Why do we want to get this gentleman out of jail three years earlier? He's lucky he only got seventeen. Think about it. My God; I have a 10-year-old daughter, and if he ever did that to -- him -- one of my daughters, I would kill him, if you didn't get to him first, Senator.

A 40-year-old, Norwalk man, in 2010, was convicted of sexually assaulting a minor repeatedly, when she was between the ages of 6 and 12.

And you know what? I said it before; I'll say it

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again. I know I'm making you feel uncomfortable, but I don't feel sorry about it. I hope you do. I pray you do.

This is the policy that the Governor has given us and the House has passed. Do I think he wants to be nice to these people? No. Do I think the effects of the policy is that he is? Yes; it is undeniable.

A 40-year-old, Norwalk man convicted of sexually assaulting a minor repeatedly, when she was between the ages of 6 and 12, was sentenced to two years for risk of injury to a minor.

Now, my first reaction to that is who is the judge only giving this guy two years? But the -- but the -- the likelihood is, without having talked to the prosecutor, is that a decision was made that the trauma of putting this young girl through a trial was such that getting a plea deal and putting this man behind bars for some time outweighed the damage that would be done to that young girl of going through a trial. That's probably what happened or maybe there was some evidentiary issues.

But a 40-year-old man repeatedly sexually assaulting a young girl between the ages of 6 and 12, he got two years, Senator. And under Section 20, a

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probation officer could say after ninety days, I make a recommendation that he be released.

I have no problem voting against this bill. My conscience is as clean as it possibly could be. I've never stood in this Circle and said, You're soft on crime; we're tough on crime, like a debate that's been posited around our country so long. But I will stand in this Circle and state the facts before us and my opinion on what is the right policy. And the facts before us are undeniable that individuals who commit heinous, violent crimes will be entitled to early release.

Good credit, risk-reduction credits, you can call them anything you want; it means they get to get out earlier, five days for every thirty. And the kicker, the insult to those families and those victims is that the person who has been in jail since 2006 gets almost three hundred days off their sentence, retroactively.

I love this debate because this is -- this is what we're elected to do. Do -- do we have -- do we have more important responsibilities than the protection of the people of our state, through public safety? We do a lot of extraordinarily important things here, but are there any that more important than public safety? I

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don't think so.

The bill before us, the amendment before us, the direction we're given makes our state less safe. It makes our streets in our neighborhoods more dangerous. It just does. I don't think anybody can get up and say it doesn't.

Steven Hayes was released from prison, I think five times. Mistakes are going to be made. Bad, really bad people are going to be let out of jail early. And nobody wants it but we know that one of those really bad people is going to do something really bad again. And that's going to be, that really is going to be on our conscience. It really is going to be on our conscience if somebody gets out because their probation officer thinks they should get out after ninety days.

And, again, I would -- I would urge -- I don't think, Madam President, I don't think there's a point to engage in a colloquy with Senator Coleman about the intent here but -- because I think -- I think the intent is pretty clear by the -- by the breadth of the language in this amendment and in the underlying bill.

But there are -- there are two very distinct policies we're talking about here, and I think it's important to mention them. One is the risk-reduction

credits. Those are the credits for early release for people who have committed felonies, very violent and nonviolent, where they can get five days per month off of their sentence, and it's retroactive to 2006.

There is a second policy here. And that policy deals with anyone who has been sentenced to less than two years, two years or less. For those people -- and they are not nonviolent offenses; they include violent offenses like sexual assault, rape in the first degree -- for those people sentenced to two years or less, they are eligible -- not that they're going to get it all the time -- but they are eligible for release upon the recommendation of the probation officer after ninety days. Those are two separate sections of the statute.

And as I read the section with respect to two years and ninety days, if you've been sentenced to eight years, suspended after two, you're eligible. So you can be convicted of sexual assault in the first degree, rape, which has a two-year, mandatory minimum. You can be given a sentence of, say, six years, suspended after two, and the probation officer can be snowed by you and make a recommendation that you be released after ninety days. If you think that's the right public policy for

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the State of Connecticut, vote yes. My vote will be red.

Madam President, I understand we're on the amendment. I understand that this amendment was an -- attempt to fix some really egregious errors that came from either the Governor's Office or downstairs -- I don't know who.

I also want to thank Senator Prague, because we had a discussion last night about the section regarding release of people who have been convicted for drunk driving. Senator Prague has long been -- before I entered the Senate -- a leading advocate against drunk driving. And as I talked to her last night, she acknowledged and agreed that that section was embarrassingly weak, embarrassingly weak.

The underlying bill, given to us from the Governor's Office and passed by the House, said that if you've been convicted of drunk driving, you can just get out of jail and go home; no monitoring; no requirement for an ignition interlock system; none of that. It was all stuff that could happen but things that I think Senator Prague and I and many others agree should happen.

And so with respect to the interlocking ignition,

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now that is now mandatory, and I want to thank her for getting it in the bill. But, however, you're still confined to your home without any monitoring, whatsoever, under this bill. And there's still a lot of areas that need improvement with respect to that DUI section. This is better but it still doesn't go far enough.

So we're going to debate this amendment, and then I think on our side we will offer amendments to find out more about what types of criminals should be awarded good credit, risk-reduction credits or early release. I don't really care what you want to define it as; it's called getting out of jail earlier than you're supposed to.

But, remember, this amendment you're voting for and the underlying bill will allow someone who has committed manslaughter, which is causing the death of another, to get early release. It will allow someone who has committed assault in the first degree, which is causing serious physical injury to another with the intent to cause serious physical injury, to get out on early release. This will cause someone who commits an assault on an elderly, blind, disabled, pregnant or mentally retarded person, to get early release. Such

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an inhumane and disgusting act by somebody to assault someone with mental disabilities or a pregnant woman, but they're going to get early release.

Threatening, assault, strangulation, arson -- and I know I've said it a lot today, but you're going to hear me say it a lot more -- sexual assault in the first degree, kidnapping. Sexual assault in the first degree, compelling another to have sex by force; having sex with someone under the age of 13; it's rape, and under this amendment and under the underlying bill, you allow that rapist to get early release.

That is an abominable policy. That's as bad a policy as I've ever seen in the State of Connecticut, and I cannot and will not ever support that. And I will talk about this today and tomorrow and every day I'm around here, because this stuff has got to stop, and it's got to change.

I would dare say that maybe if some of us had been invited into the room when these bills were being drafted, we might not have had the policy written the way it is, but that's water under the bridge.

I would -- I would urge my colleagues, we don't have to do everything the Administration wants. We don't; we actually are an equal branch of government.

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And if you don't like this policy, why don't we PT the bill, sit down over the weekend.

I'm not saying every single one of these crimes has to come off the list, but the most violent ones should. And why don't we work on that as Democrats and Republicans? I know -- I know there's a bipartisan group here that disagrees with this policy. I just can't figure out why we won't change it.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I rise for the purpose of a question to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

Senator Coleman.

SENATOR McLACHLAN:

Thank you, Madam President.

Senator Coleman, the amendment does remove the severe crime of murder to qualify for this particular

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program of early release credits. Can you share with us the difference between murder and manslaughter, as manslaughter, as I understand, will still -- should this amendment be adopted, then manslaughter would qualify for the early release credit program?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

To Senator McLachlan, through you, the general difference between murder and manslaughter is that murder is an intentional act; in other words, it is the taking of the -- of a life with the intent to take that life. Manslaughter is an accidental or negligent act; in other words, without intending to take a life or -- or harm someone, an accident; a person is responsible for an accident that does result in the loss of life of another.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

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That's not my understanding, so let me read Section 53a-55 to -- to see if I'm missing something. It says -- this is manslaughter in the first degree, which is a Class B felony -- causes death with intent to cause serious physical injury or with intent to cause death of another person while acting under extreme emotional disturbance or extreme indifference and recklessness.

Through you, Madam President, I -- I don't read that to be accidental.

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, I'm confused. Is that a question or is it a comment?

THE CHAIR:

Senator McLachlan, will you --

SENATOR McLACHLAN:

Thank you, Madam President.

I -- I probably should have phrased that more carefully, as a question.

I think I heard you say that your perception was that murder is -- is intention to -- to cause death and

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manslaughter is accidental. And when I read the description of manslaughter in the first degree, which is known as a Class B felony, I don't see that anywhere close to being accidental. And I'm confused why something as severe as manslaughter is not included in your amendment.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

My response to the initial question was that in general terms, murder involves the intentional taking of a life, and in general terms, manslaughter involves the accidental taking of a life. And in general terms, I would stand by that comment, specifically with respect to the statute regarding manslaughter that the Senator is referring to. In that statute there is no intent, particularly in the first part, to take a life.

And in the second part of that statute, there is, I suppose, what would be considered mitigating circumstances that probably diminish the intentional aspect of the act.

Through you, Madam President.

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THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you, Senator Coleman for your response,
and -- and I'll just make some comments on the -- on
the amendment before us.

I guess we just have to agree to disagree that
the -- the case of manslaughter should not be exempted.
My -- my perception of this whole bill before us and
the amendment before us is perplexing to me. And my
colleagues have already stated -- Senator Kissel,
Senator McKinney -- have already expressed grave
concerns about a -- a weak criminal justice system in
Connecticut.

And I've heard comments from Senator Looney and
Senator Meyer, saying that this is a proactive way to
address our criminal justice system. I just have to
disagree with -- with both of you on that viewpoint,
in that how can we possibly consider that an early
release for a violent felon is the answer to our
criminal justice problems in Connecticut?

Now, I'm not a lawyer, and I probably say that more
than anybody in this Circle wants to hear. And I look

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at -- I look at bills and -- and our Penal Code probably much differently than a lawyer does.

And as I went home last night, I think the staff was -- probably got a chuckle out of my 1 a.m. e-mails requesting some amendments to the -- the underlying bill before us. Because when I got home last night and looked and studied the Penal Code again -- now, keep in mind, this is as a layperson studying the intricate detail of our Penal Code -- and I -- and I looked at it, after a long day here at the State Capitol, and saw how many violent offenses were going to qualify for early release credits, I got angrier and angrier and angrier, until my wife came out of the bedroom, after two o'clock in the morning, and said, Are you coming to bed? I said, I was preparing for tomorrow.

It is -- it is beyond perplexing why we're having this discussion. It is beyond perplexing how anyone can make a statement or believe, for that matter, that the high recidivism rate in the State of Connecticut -- I think I heard someone say the highest in the country, nearly 60 percent of those in the Connecticut prison system are repeat offenders -- that somehow we're going to fix that problem with early release, because that's the bill before us. That makes

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no common sense, whatsoever.

I'm not a criminal justice expert. I don't have the -- the long experience of -- of many of us here in the Circle who have been studying the criminal justice system for years, but this is just a little common sense, telling me that you can't for a minute tell me and really believe that I'm going to be convinced that early release fixes repeat offenders. It doesn't. Not going to happen.

And, furthermore, what is meritorious service for a prisoner? Meritorious service? I thought we were talking about Veterans or something, Memorial Day awards. Meritorious service for a -- a great student getting ready to graduate high school, but we're talking about meritorious service for prisoners?

Some suggest this is national model that is all over the country, successful; I submit to you this is a very bad model. I think this is wrong-headed.

When I was a young person -- and I don't remember the details -- but I remember growing up in the late-sixties and seventies. And I believe it's the -- it's the seventies -- and then perhaps Senator Meyer is going to correct me on -- on this statement -- but New York had an early release program.

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And I remember, as a child who knew nothing about the criminal justice system, my only connection with New York was my sister lived in the City. And I can't forget the comments that we would have at the holiday dinner table when my sister returned home from New York City for holiday dinner, talking about the crazy early release program in New York and how it was a disastrous failure.

So we have another idea here about early release. I'm assuming that the experts who've designed this program didn't do the disastrous model that existed in New York around the seventies, but how do you justify early release when California has recently done it -- I think that's the state that has had a -- a major early release program -- and it is clear to all who are watching that it's a big failure?

This is not public safety; it's all about the money. Yes, it's all about the money.

And Senator Kissel, thank you. Thank you. Thank you for spelling out so clearly that the State Legislature of Connecticut is a separate branch of government and should not cede the decision making of penalties for crime. That's not a bureaucratic decision. It may be a judicial decision, but we have

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spent years -- "we," meaning my predecessors -- designing carefully, sentencing guidelines and minimum sentences.

And in one swift vote, right before Memorial Day weekend, 2011, bureaucrats are going to suck up all of that responsibility and start pushing green light and launching prisoners out of jail. It's mind-boggling.

Senator McKinney has read off the many very violent offenses that are not part of this amendment. And, frankly, we have a number of amendments to offer a little later today -- and I suspect it's going to be much later today -- to talk about the severity of some of these individual, very violent offenses that should not and should never qualify for early release.

Manslaughter; Senator Coleman says that, in general purpose, that's an accidental death. Okay, death is death. You caused it; you stay in jail for all your sentence. That's the way I look at it.

Assaulting a pregnant women -- a woman who -- whose pregnancy is terminated as a result of that; strangulation, sexual assault, kidnapping, an act of terrorism. Are we serious; an act of terrorism?

Now, I understand if you read down into the Penal Code, terrorism sorted down the -- down the list a ways,

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but still, Governor, Legislators, can you just imagine for one minute now, just imagine someone is in a Connecticut prison, convicted of, quote, an act of terrorism -- that's in the Penal Code -- and they get early release.

Now, I guarantee you that early release is going to show up on page 1 of the hometown newspaper where that clown did his act of terrorism. Now, how are you going to explain that to the people on the street? How do you explain that?

Manufacturer of bombs -- you can't make this up. I guess it's clear I'm a no-vote on the amendment.

I agree with Senator McKinney, that if we could take this long list that Senate Republican staff -- you know, they must have been up all night. God bless our staff, and I know that the -- the Democratic side of the aisle feels the same way, that we can't get anything done effectively in this Legislature without dedicated staff. And -- and our Republican staff must have been up all night, because the volumes of -- of documentation that was ready for us this morning when we walked in the door was amazing.

But this list, which I sure would like to share with whoever is making the decision on what goes in this

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bill, I think you ought to be added all these things into your amendment.

A violent felon in the State of Connecticut should never, ever, ever qualify for early release, whether he's meritorious or not.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

I rise to support this amendment, and -- and I rise to do it not because I'm an attorney, because I'm not. But I guess I'm a person who believes in redemption. I don't know, it's core to the religious beliefs that I have, but I also believe in experience. And I also believe that you really need to know what you're talking about when you make statements.

For example, the Commissioner of Corrections already has the ability to release folks early. So the Commissioner already has that ability. It's not a program. So -- so to say, Let's not give it to him; he's already got it. So it's -- we do it with probation

and parole. It's already a system. It's already done. So to say what we sentence is something that we should do, and only that, is not the way it currently happens. That's not the way the system works.

So, one, the Commissioner already has that authority, not for a Good Time credit but that authority after they've served their minimum mandatory, which is basically what this amendment is saying. So it really isn't changing much of what he can already do or she can already do.

Now, I've been hearing -- and this bill doesn't contemplate doing what we used to do. We used to have a Good Time program that actually gave people more credit and allowed them to go to high school, take college courses, and for murders.

I have a friend -- and I think this is the reason that I felt like I had to speak about this -- I had a friend. When I -- when I first came to New Haven, someone who was a pillar of our community, eventually, had been sentenced to murder during the Black Panther time in New Haven. He had felt this man was an informant and because of whatever happened, there was a murder; I don't know if it was an A, B or C, but he basically went to prison. He finished his college

during prison, through classes that were offered, and he earned Good Time credits; and he was released early.

Well, did he go back to a life of crime? No, absolutely not. He became a pillar in our community. Because of the grades that he got in college, he was able to go to Harvard. He came back and he helped the state develop its Alternative Sanctions Program. And the programs that he developed are in place today, and they're the programs that actually have less recidivism than our correction system has.

And when we look at studies, we look at who's the most successful person who comes back into our community; because that reality is they do come back to our communities. Unless we send them to life without parole, they come back.

So the question is: Are they going to come back ready to be competent members of our society or are they not? And the studies have shown that those who go to end of sentence -- that means they served every bit of time that they were sentenced -- are the ones that recidivate. They are the ones that go back and forth and are in the revolving door. The ones who are supervised afterwards, like my friend, are the ones who are most likely not to recidivate and become

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contributing members of our communities.

And so the question is -- and, you know, that isn't common sense now; is it? It really isn't common sense. It's kind of like the Chinese-torture puzzle, where you pull against something and you expect to yet your fingers out, but sometimes that isn't what works.

And we have studies to show that end-of-sentence doesn't work; it actually makes people worse and assures that we are going to have them in our system longer. We know that. We've done the studies. Those people that have looked at it know that. And based upon my friend, who died last year, after having had the rest of his life dedicated to upholding the law and to helping people become competent, contributing members of their community, I would say that the thought that people must serve the end without supervision is wrong, that they're examples over examples that show that people who are released early and supervised and learn skills are going to more likely be contributing members of their communities.

And maybe it doesn't matter to you, but it matters to me, because my community is a major sender to prisons. And I don't want them back worse; I want them back rehabilitated. And if you send them to

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end-of-sentence, oftentimes they don't do that. They don't have to participate in those programs, and I probably won't make a bit of difference to you, but it make as difference to me.

When I first started running, I went to some of my neighborhoods where there is a lot of drug dealing, a lot of shooting going on, because people shoot in New Haven. We have the fourth -- we're the -- we have -- we're a city that is the fourth-highest gun violence in the country. And when I asked people, What do you think about our system and people getting off the street? They said, Yes, they get them off the street but they come back. And they come back at end-of-sentence without supervision, not ready to live in my neighborhood.

So your recipe doesn't work for my neighborhood, and doesn't work where there is real violence. We need for people to be in programs, and we need for them to come out and to be supervised and to be helped to become the contributing members of our community, like my friend, Warren Kimbro.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark

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further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

I rise in opposition to this bill. And in listening very closely to the previous speaker, I am touched by her experiences, for sure. And I do agree that we need to do more while individuals are in prison to give them the tools to do better when they get out.

I had a very interesting experience, when I was the Ranking Member of Human Services, so many, many years ago, when we visited our juvenile detention center in Middletown and listening to the teachers that actually taught these students while they were incarcerated. And they told me about the vast improvements they can see on their academic skills, when they were there. And their great lament was 'sometimes they even brought them up two or three grade levels while we're there, because they were forced to go to class every day while they were there. And they were concerned, because when they were to leave, they would go back to their neighborhood, and they wouldn't show up for school. They would become truant and, ultimately, probably drop out of school.

And there, their plea to us was: We could use them to be here longer; if we just had them for a year. So the whole object of this early release system, I don't believe is about helping our incarcerated; it's about helping our bottom line, helping our budget.

One of the disturbing aspects of this, as was the disturbing access of our budget bills, was that a lot of these new taxes or these new programs are retroactive. Our state Income Tax is retroactive. Our Death Tax is going to be retroactive. There's going to be a lot of pain and a lot of reaction by the public.

But this particular bill is also retroactive. And the only reason for that is not to give individuals more skills and training but, in fact, to talk about reducing the bottom line and giving the Commissioner of Corrections the authority over serving sentences for all of these crimes that were enumerated by our Minority Leader.

The Governor directs, of course, the Commissioner. And, of course, they react to the budget office, not the judicial system. And if there was one area that we need to be careful about is our public safety. Just like the federal level, it's our national

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defense, and I would maintain also our educational system, and also having a safety net for those that truly need it.

So in this case, I think it is very short-sighted to be looking at this area of government to try to save the bottom line. It should not be the dollars and cents; it should be about public safety.

I have to say that, also, I was -- had to draw my attention to some of the comments made earlier about our good Majority Leader, talking about Connecticut having a high rate of recidivism, that 60 percent of our offenders were habitual, that that distinguished ourselves. However, this particular program, this Good Time's credit is really a concern, because the carryover of pain and suffering of the victims that these individuals perpetrated their crime on have a pain and suffering that goes on for the rest of their lives and puts the public at greater risk.

We have only to look very close to us at the State of New York. Many of us that live close to the state have been active visitors to New York City. And I can tell you, for over the period of the last 20 years -- 27 years, I have watched that city go from a terrible decline, to the highest murder capital in the world,

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to the highest crime rate in the world, in fact, personally having a friend that was eight months' pregnant being knocked down by someone on the street, and for so many that were just accosted by squeegee wipers at every intersection, until finally new administration came in and said, We're going to get tough on crime. We have to do it for the sake of economy, the health of New York City. And that's exactly what they did; they took out the squeegee wipers. And guess what? Other, larger crimes started to go down.

And, in fact, the best place to provide an education is a place where you know they have to actually take advantage of it. And oftentimes, unfortunately for our worst offenders, it is behind bars.

Now, if we could say that we give them early release in a different way and say, You know, you've got five years, its minimum mandatory two, well, you know, we're going to cut a year off of that. But you know what we're going to do? We're going to keep them in our correctional facility for that one year and we're going to give them intensive training, education, and a family reentry program. That might make more sense,

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because then we know exactly what's going on; we have more oversight.

One of the areas that I am particularly disappointed in -- and as Ranking Member of Transportation, I just can't even believe this -- I, you know, I'm mad at MADD, Mothers Against Drunk Driving. They innocently bought into this plan, and they were assured that there would be -- guess what -- some treatment opportunity for the individuals that had three, four, five times drunk driving arrests. And they were under the impression that there would be ignition lock systems in here; and, in fact, this bill passed the House of Representatives without that in there. I -- it's incredulous to me.

So, were they duped? Was it a mistake? How many people in this building and organizations have looked at this particular piece of legislation to review it for anything that was missing? I am incredulous.

I have sat through how many public hearings where we had parents and relatives bring the pictures of their loved ones that were tragically killed on the roads because of drunk driving; not one, two, or three. And we've all had family members that had a situation or problems like that.

In fact, I can think of one particular close friend who actually had to spend a bit of time in jail, and it was for that situation, just the thing that turned him around. It was extraordinary, the change; it was such a shock to the system. Sometimes that's what it takes. But for us to just say it's home arrest?

And I'd like to see in this legislation where there is some sort of program to help them get sober, something that works.

I don't have to go any further to go on and talk about some of the things that, in here, really bother me, both as a mother and a grandmother, such as the assaults on elderly, blind, disabled, pregnant, or mentally retarded, and, certainly, the cases that involve the rapes or the molestation of young girls. Not only will they be scarred for -- scarred for the rest of their lives; so often their lives have been changed forever and that they can never be regained. And those scars last, oftentimes much longer than the -- that the stint in jail.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark?

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Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

On this amendment that has to do with criminal justice and criminal justice policy, it is no surprise to me that it evokes emotion and passion, and that has certainly been evidenced in this particular debate.

On the side of the opponents of this amendment, I admire the passions of -- of Senator Kissel and Senator McKinney and others. And in this forum I fully recognize that it is oftentimes the case that in order to make our point, we rely upon the most extreme of examples. And I think that has been the case this afternoon.

When opponents say "early release" they say it in a manner which suggests that the wholesale release of prisoners, not just prisoners, the most hard-core and violent prisoners is going to occur tomorrow. And, Madam President, I would suggest to you and the members of the Senate, in order for that to happen, those people who are in a decision-making position, those people who have been today pejoratively referred to as "bureaucrats," would have to take complete leave of their senses in order for that to occur.

And say what you might about our Commissioner of Corrections and other corrections officials and probation officers, your opinion regarding their quality and their expertise is your opinion. But I think there are certainly others who acknowledge that these individuals are top-caliber people and they're not going to make -- having learned from our past experiences in this -- in this state -- they're not going to arrive at decisions concerning the award of risk-reduction credits or the release of inmates very lightly. The public policy regarding risk-reduction credits is, number one, to enhance public safety.

And I think most of us would think that the safety of the residents, overall, of the State of Connecticut is of paramount importance, and it is; I agree with that, but also consider the safety of the individuals who work inside the correction facilities. Their safety is as important too. And if there is a system that encourages discipline on the parts of inmates, a respect for authority, an adherence to some structure, I think that enhances the safety of the people who are entrusted with overseeing the custody of the inmates in Connecticut's correctional facilities.

Further, part of the public policy behind

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risk-reduction credits has to do with the reenforcement or positive behavior. Senator McLachlan asked the question, How can an inmate achieve meritorious service? Well, one example that comes to mind immediately is the inmate that intervenes and prevents serious injury to a correction's officer who is being attacked or assaulted by a group of other inmates.

Reinforcement of positive behavior adds to and contributes to the structure and the discipline that is necessary to operating an effective and constructive correctional system. Further, public policy surrounding risk-reduction earned credits has to do with motivating participation in programs that increase the likelihood of successful reintegration.

In the climate that we find ourselves in, insofar as criminal justice system is concerned, there is a get-tough-on-crime mentality. There is a lock-them-up-and-throw-away-the-key mentality; and I think I understand and appreciate that.

But there are a number of purposes to sentencing. And included among those purposes is the goal or objective of rehabilitation, because we have to recognize, as Senator Harp so aptly pointed out, redemption is good and possible, and for however long

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a period of time the majority of the inmates in our correctional system are sentenced to, eventually they are going to return to our communities. And when they return to our communities, I think it is in all of our best interest to do all that we can to make certain that they returned in the most positive manner, the most positive -- with the most positive attitude that they can, so that they can be contributing members of our communities and our societies.

As Chair of the Judiciary Committee, it's days like this that I really appreciate Senator Looney and Senator Meyer and others who've spoken in support of this amendment, because it makes my job a little bit easier, because they made some very effective arguments. And I'm grateful to them for that.

But I'd like to elaborate or at least return to some of the points that were raising during the course of the debate on this amendment. Early release does not mean that prisoners are going to be immediately released. It does mean, as the bill says, that prisoners are able to earn five days for every month that they serve. They have the potential to be able to do that. That is not automatic, and I think much of the debate that has occurred today seemed to suggest

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that that was -- the award of risk-reduction credits was going to occur automatically.

And that seemed to be the case, particularly with respect to the retroactive nature of the risk-reduction credit system. The bill authorizes the Commissioner to go back to April 1, 2006, but that doesn't mean that every single inmate is going to receive credit for the time that they served from April 1, 2006. Again, I think the people in decision-making position would have to take leave of their senses in order for that to occur. I don't believe as a practical matter that it's going to happen; it's not going to occur like that.

And with respect to some of the offenses that were discussed during the course of the debate, all of them carry mandatory minimum sentences. And I just think that the way the debate unfolded, it was somewhat misleading, because people may have been influenced to believe that the application of risk-reduction credits would somehow diminish the length of the mandatory minimum sentences that would be served by inmates convicted and sentenced for those particular offenses.

What I'd like to try to do is to clarify that on some of the offenses that Senator McKinney mentioned in his comments, I think it's important to note that

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for manslaughter in the first degree, the maximum sentence is forty years. And I guess I wouldn't necessarily suggest that someone who is convicted of manslaughter in the first degree is going to automatically receive the maximum sentence. The minimum, mandatory minimum sentence on manslaughter in the first degree is five years. So I wouldn't suggest and I don't think -- I don't believe that Senator McKinney wants you to believe that someone who is convicted of manslaughter in the first degree is merely going to receive a five-year sentence.

In most cases when there is a mandatory minimum sentence involved, most people who are sentenced for manslaughter in the first degree may receive twenty years, five years of which is not suspendable or reducible, so that the application of risk-reduction credits would go against the maximum twenty years and not against the five-year mandatory minimum.

The same is true for the fall of a pregnant woman. The maximum penalty for that is twenty-five years; the mandatory minimum for that is ten years. So a person who commits such an offense is going to serve ten years, at least ten years. And any reduction brought about by the application of risk -- risk-reduction credits

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is going to be off of the back end of probably a twenty-five year sentence.

Assault in the first degree, depending on the conduct and the victim, the mandatory minimum could be two, five, or ten years; the maximum that a person who commits such an offense would be subject to receive, as a sentence, would be twenty-five years. Again, the risk-reduction credits would be applied to the twenty-five years, not to the mandatory minimum portion of the sentence, which could be two or five or ten years.

My point is that when we talk about an early release, yes, this amendment does involve that potential. But we're not talking about early release any time in the near future. We're usually talking, in the case of violent offenders, about twenty-year sentences, twenty-five-year sentences, forty-year sentences, and in some cases, sixty-year sentences.

And I hope that my colleagues would agree that even under a system of risk -- risk-reduction credits, as contemplated in this amendment and in the bill, it would take a fairly considerable amount of time in order for sixty years, forty years, twenty-five years to be reduced to the point where the inmate is going to be released.

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Senator Looney commented that we're not the only state that engages in some system of credits for purposes of release; in fact, there are forty-five other states that have some form of Good Time credit or risk-reduction credit. And in New England, only Connecticut and New Hampshire do not have such a system. Hopefully, we're about to take a step in the State of Connecticut to reutilize some form of incentives for the motivation and participation in programs that will lead to the likelihood of greater, successful reintegration on the part of people leaving the correctional system in the State of Connecticut.

The important point is, number one, wholesale releases of prisoners is not going to occur tomorrow; and, number two, we have, I think, individuals whom we can trust in division make -- decision making authority regarding the execution of risk-reduction programs, early release programs, home confinement programs.

And as others have said during the course of this debate, I think this amendment and the underlying bill represent some balanced approach to corrections and criminal justice in the State of Connecticut. And I would ask the members of this Senate to support the amendment.

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And, Madam President, when the vote is taken on the amendment, I would ask that it be taken by roll.

Thank you, Madam President.

THE CHAIR:

It will (inaudible); there will be a roll call vote, after discussion.

Will you remark? Will you remark further?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise to support the amendment. Senator Coleman just mentioned that forty-five states have some form of sentence-reduction program to help with reentry, to help prepare prisoners to go back into the community, ideally not to commit additional crimes. And I just want to mention some of those states: Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wyoming; I mention about half of the states. But I did mention some states that might surprise some people, I would think.

But, you know, just because forty-five other

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states are involved with this doesn't necessarily mean that it's perfect. Senator McKinney said, What's the policy? What's -- what's the point of this? What is the policy? The policy, Madam President, is that we know that unless someone is sentenced to life in prison without the chance of parole, that they're going to spend the rest of their lives in jail, we also know that at some point they are coming back into the community. And it's up to us to do the best we can to make sure they don't go out and reoffend and commit another crime.

Unfortunately, in the State of Connecticut, the recidivism rate is very high. What we need to do -- and we were in this Circle, just a few years ago, talking about the importance of reentry programs and the importance of connecting folks who are serving time in prison to the information, programs, jobs, et cetera -- that they need to have the best chance of not reoffending.

So the early release program that we have here before us in this legislation does not simply reward folks for behaving in prison. If that was the impression, that's wrong; it has to be more than that. Yes, of course they have to follow the rules. They have to behave. They have to do everything that's required

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of them in prison. Yes, they have to, but they have to do more. That's what this legislation says. They have to do more, and that includes participating in the reentry programs that will give them the best chance of not reoffending, not hurting us in the communities, not committing more crimes that hurt families and cost us all as taxpayers. That's what this does.

Senator McKinney said that the fact that they're going to get out of prison some day -- referring to folks who've been sent away for committing crimes -- the fact that they're going to get out of prison some day makes me nervous. Well, it should, especially if there has been no incentive for them to participate in any way in the types of reentry programs that can protect the rest of us, that have the best chance of turning this person around from a life of crime to getting back on the straight and narrow. That's what these reentry programs are about.

Senator McKinney said, Well, you know what? We don't need this. And if someone just commits another crime, then just send them back to prison. Tell that to the person against whom that crime was committed.

Our job here is not to just simply shrug and say, You know what? Send them off to prison; don't worry

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about when they're going to get out. Yeah, they're going to get out sometime, and when they get out, whatever. And if they commit another crime, well, yeah, all right now we're going to send them back to prison. That's what-ought to happen.

What happens when we do that is more people are victimized, are harmed. The costs are greater to all of us personally as a society, as taxpayers; that's wrong when we know how to do better. That's what this legislation is about.

I would ask my colleagues on the other side of the aisle, because Senator Kissel mentioned this. He said, Well, you know, when it comes to public safety, we just need to spend what's necessary to keep us safe -- he didn't say that word for word, but I'm paraphrasing. I don't necessarily disagree with that.

But I'd be very interested in how my Republican friends feel about their budget, which cuts \$81.7 million more than Governor Malloy's budget and the budget that we passed here earlier. So while they're talking about being tougher -- and we'll see amendments here, later today, which will have price tags and cost the state more, because they're not

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investing in the reentry programs and providing the incentives necessary to turn people around from a life of crime; they're not doing that -- they're going back to the 1990's model, which we already tried -- and where in states like California they've had judges say, You know what? You got to turn loose 40 percent of the folks in prison -- tried that, didn't work in California. No, we're going to see amendments that are going to talk the talk -- talk the talk about being tough on crime.

At the same time they'll saying, Oh, we can cut \$81 million more from corrections. How did you do that? You don't do that. You're not being honest with the people of Connecticut. If you're tough on crime, let's see the hundreds of millions of dollars more that you would spend. But you're not saying that, are you? You're trying to have it both ways, the tough-on-crime initiatives from the 1990s that failed, at the same time you're saying you won't spend a dime to pay for them. As a matter of fact, you'd spend \$81 million less. How do you do that without releasing prisoners; without the reentry programs; without the tough standards? I'm sorry; it doesn't add up.

Madam President, that's why I support this

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amendment, because this is about strengthening our
correction's system. This is about turning around
those who have committed crimes. This is about being
serious about it. This is about being honest about the
- costs.

Thank you, Madam President.

(Senator Duff, of the 25th, in the Chair.)

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark
further?

If not, Mr. Clerk, please announce the pendency
of a roll call vote.

THE CLERK:

An immediate roll call has been ordered in the
Senate. Will all Senators please return to the
Chamber. An immediate roll call has been ordered in
the Senate. Will all Senators please return to the
Chamber.

THE CHAIR:

Have all members voted? Have all members voted?
Please check the board to make sure your vote is

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accurately counted.

If all members voted, the machine will be locked.

And the Clerk will take the tally.

THE CLERK:

Mr. President:	.
Total number voting	34
Those voting Yea	20
Those voting Nay	14
Absent and not voting	2

THE CHAIR:

The amendment passes.

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President.

For purposes of an amendment; if the Court Clerk
could please call LCO 7563.

THE CHAIR:

Would you repeat that LCO number, please?

SENATOR KISSEL:

Yes, sir, Mr. President.

LCO Number 7563.

THE CHAIR:

7563; Mr. Clerk.

THE CLERK:

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Mr. President, the Clerk is in possession of LCO
Number 7563, which shall be designated Senate Schedule
Amendment "B" --

THE CHAIR:

Senator Kissel.

THE CLERK:

-- (inaudible) which have been distributed.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President.

I move adoption of the amendment, waive the
reading, and ask leave to summarize.

THE CHAIR:

On adoption, please remark.

SENATOR KISSEL:

Thank you, very much.

A very interesting debate on the merits of the
underlying bill, thus far, but we have been told, time
and time again, that the risk-reduction credits, which
I would consider Good Time, which I equate with early
release, does not apply to violent crimes. What this
amendment does is clearly specify an area of the law
that is probably one of the most violent crimes one can

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imagine.

What this amendment does, it says, If you want to go down this road and allow the Commissioner of Corrections to come up with a formula to grant early release to certain convicts, that as a matter of public policy, that early release will not apply to individuals convicted of sexually assaulting children, 15 years old or younger.

I'm a dad. I've got two, wonderful children. My son, Nathaniel, who is 15 years old, is a freshman in high school. And my son, Tristan is 7, and he's a neat little kid; and, he's a first-grader. There are lots of moms and dads in this Circle. And if you're not, you know in your districts there's lots of moms and dads.

When we get done today or early tomorrow, whenever, we're going to go to events in our districts celebrating Memorial Day and honoring our Veterans. We may be in parades, and as we march, we look down those streets, and we will see those bright, shiny faces of those little kids.

And it is such a nightmare to think that in our state there are individuals who prey on little kids. I know some of the victims of those crimes. They haunt

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those children for the rest of their lives. They steal their childhood. They are very bad people, and no one can tell me in this Circle that is not a violent crime. I don't, as a matter of public policy, believe that we should set up a construct that would allow the Commissioner of Corrections to grant them early release.

And let me be very clear about how this is going to operate. We've debated the underlying bill and amendment as if it's all these crimes and all these convicts are doing time from this day forward. There are people at the tail end of their sentences that have committed these horrific crimes. There is somebody sitting in a jail cell right now who is looking at about a year to go on a long bid, because he probably raped some little girl or some little boy. And if you do the five years retroactive -- let's say it's not even three-hundred days, one-hundred-fifty days because this guy had nothing better to do over the last five years than take these courses, because there's nothing else to do. A lot of these courses are so booked it's hard to get in because it gives them something to do.

Do you think he really wants to turn his life around? I don't know. But do you want to pass a law

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where that guy gets out in half the time, from this day forward; in other words, instead of finishing out -- out that term, the Commissioner of Corrections is going to give him Good Time. Good Time; you're a good person.

The other thing about sexual assault -- and, again, I had indicated in the previous debate that I'd gone to these conventions and seminars, in Colorado and New York and Philadelphia -- is that when it comes to breaking the cycle of recidivism and setting up these programs -- and, again, I am fundamentally not against this concept for nonviolent offenders, prospectively, so everybody knows the rules of the game. But in all of these national meetings, they segregate away sexual predators. That's a different group of person.

See, for a lot of the other violent crimes, comes with the 18-to-40, you know, when people are strong and they can go out and be those predators. But guess what? Their ability to perpetrate those crimes goes down the older they get. Not so with sexual predators; that's a different kind of individual. That's why it's mind-blowing to pick up the paper or see on TV or hear on the radio, stories of people in their sixties and seventies that still prey on other individuals, still commit rapes, still target little kids. That

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doesn't -- that kind of crime, that kind of problem in that person's brain and psyche and soul doesn't really go down with time.

There are things that you can do, but as a matter of public policy, you want to tell me the underlying implementer doesn't affect violent crime? It certainly does.

And the point that Senator McKinney so eloquently pointed out, in response to Senator Looney, yeah, for a lot of these crimes, there are mandatory minimums. And I hear from many of my colleagues, they hate mandatory minimums. Right now, I'm thanking God we've got mandatory minimums, because if we didn't have that, there would be no bottom to this argument. But with these, we give judges and juries latitude to -- to sentence, and there are varying degrees.

I would suspect that the vast majority of individuals serving time for any of these crimes is somewhere in between; if twenty is the maximum and ten is the -- and two in the mandatory minimum, you know, seven, ten, fifteen-year sentences. And we by the underlying policy are saying, Hey, want to go out there, hide in the woods, see that little kid coming home from school, drag them some place and rape them? Yeah, take

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this course; you get some mandatory -- you know, your risk is going down, I guess. We'll give you some Good Time, let you out early. No, I -- I don't buy that.

I told you all before, I don't have a problem and, nationally, there are arguments. See, that's the -- the problem is with some of these arguments in favor of the underlying bill. There's some -- some credible truth to some of it, but then it's sort of like glossed over with a real overreach in this policy.

We haven't drilled down deep into all these other states, even just the New England states. Who makes these determinations? What level of prisoner is being affected by these programs? What are the net results? What are the -- what are the victories that they've had and what are the real bad consequences they've had?

Well, before we change our criminal justice policy 180 degrees because we've got a new Governor, I'd feel a lot better if we eased into it prospectively with nonviolent offenders. I know you all want to chime in on this issue, but let's make it real clear, going out of the gate. You want a set of crimes and you feel comfortable? Let's -- let's work together; don't all have to -- to go in this direction.

I can't think of anything more clear than all the

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crimes delineated in this amendment that are sexual assault on children, 15 years old or younger. They don't deserve getting released from prison early. I don't care what classes they take, and I haven't seen a lot of credible evidence in the national studies that says that taking classes dramatically reduces the incidents of recidivism of people that prey sexually on minors.

The way you watch those folks is that they have to check in with their probation officer. They have to be monitored, gainfully employed, a lot of things, but staying out of mischief in prison? No, don't kid yourself; that's not the silver bullet.

Mr. President, I urge everyone here; please support this amendment. Send a message. We are an equal branch of government. We can set parameters on this policy, just like the Executive Branch.

And when you march in those parades and you go to those events, you look into the eyes of those kids. You look. Because God forbid one of these folks gets released early and in that hundred days, two-hundred days, three-hundred days, how many hundreds of days they get out of prison early, God forbid they attack some child in your district.

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Mr. President, I move adoption of the amendment.

THE CHAIR:

Thank you, Senator.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

A few questions, to the proponent of the amendment, if I may?

THE CHAIR:

Please proceed, sir.

SENATOR COLEMAN:

Through you, Mr. President, to Senator Kissel.

I'd like to explore your understanding of early release, and just so that all the members of the Senate are clear regarding that.

Is it your understanding that under the risk-reduction earned credit system that's contemplated by the bill as amended, that those credits are automatically awarded to inmates?

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President.

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I am really glad that Senator Coleman has asked me that. My understanding of the underlying bill is that the Commissioner of Corrections -- and I don't really believe that the underlying bill says anybody else has to inform his decision-making, but my guess, folks from the Administration will -- but the Commissioner of Corrections will come up with a construct, some kind of formula which we have to do a trust fall on, because we don't know what that is right now. So today we're being asked to allow a public policy we're in the dark on, and that public policy will be some formula where then the Commissioner of Corrections will start going through, inmate by inmate by inmate.

The only ones that are excluded -- the only ones that are excluded are those inmates that are serving sentences for crimes that make them ineligible for parole. I'm guessing that's a very narrow group of inmates. Everybody else, then, will be on some sort of Excel spreadsheet. They will have when they were sentenced, the length of the sentence, and where they are in the process.

Then I'm guessing that the Commissioner of Corrections and his staff will then start marching down

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that list and determining what those inmates did for the last five years. Did Inmate A take any programs? Did Inmate B -- or did they have meritorious service? And then, depending on the formula, out of those thousands and thousands -- and I think we have about 17,000 inmates, and let's say if you slice off the folks that are in there for crimes that do not make them eligible for parole, I'd be very surprised if that's over a thousand -- so let's say you have 16,000 inmates. Then you start seeing how the formula impacts them.

Now, I will grant Senator Coleman this: The mere fact that they stay out of trouble in this correctional facility would not necessarily allow them any Good Time credits. But my experience, in having toured facilities in my district -- and I have six of them, including Northern and death row -- that they're doing, most of those folks are in there doing some kind of programs, whether it's alcohol education, drug rehabilitation, GED. In fact, there's so many people lined up to do fatherhood, they don't have enough counselors and teachers to present that.

So after you do all of that, then the current Commissioner will say, Okay, out of all the remaining 16,000 inmates, this is what we come up with, as of this

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day. Maybe Prisoner A has a hundred days. Maybe Prisoner B has zero days. Maybe Prisoner C has fifty days.

I don't think the formula will have anything to do with the underlying crime, whether it was violent or not violent, because it doesn't say that anywhere in the statute. It won't have anything to do with where along in the process that individual is, recently sentenced or sentenced twenty years ago. It'll merely say we plug in this information; this is the amount of time that they have credited to them, going forward.

And out of that list, there will be, my guess is, hundreds of individuals that because some period of time is being reduced, they will be able to get out of jail at that time. Let's say you have two hundred days credit, you have a hundred days to go; here, open the door and you go. You have a hundred days to go, you get fifty days' time; okay, in fifty days, out you go.

And that'll just continue and continue, because on that Excel spreadsheet, we're going to push them all out. There will be new ones coming in, and as soon as the new one comes in, they will be able to earn up to five days, every given month, which is the equivalent, in my calculation, sixty days a year. So, essentially,

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we're creating a construct where it would be possible, should these inmates do what they'll told to do, for them all to be able to serve ten months on a one-year, ten months on a one-year, ten months on a one-year; because they have a possibility of shaving off sixty days if they do what they're supposed to do. That's how I see it.

So it's not automatic, but as of the day this passes, the doors will open and there will be hundreds of individuals what will be able to walk free that otherwise would not be able to walk free, immediately, soon as they run the calculations in the Excel spreadsheet, it -- it's a mathematical certainty.

Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

Yes. The question was: Was it your belief or understanding that these credits will be awarded automatically? I'll try a different approach; however.

If a person is convicted of sexual assault in the first degree, would you agree that sexual assault in

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the first degree is Class B or can be a Class B felony?

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

I -- I see no reason to doubt the Senator's delineation that that's what it is.

Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

And would you agree that the maximum penalty or the maximum period of time that a person can be sentenced to for a conviction of sexual assault -- assault in the first degree will be twenty-five years?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Absolutely. And I'm sure that this underlying policy would apply to someone who commits sexual assault in that -- was it a first degree, with a maximum sentence of twenty-five years? Would apply for anyone doing it right now or someone who did it, maybe,

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twenty-four years ago, and it's like finishing up their twenty-five-year bid.

And maybe it was so horrific that they got the maximum sentence, and they're just waiting that last year and that this bill, with the good credits, at least going back five years, will allow an early release for that individual.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

And for a follow-up question to that response, through you, Mr. President, to Senator Kissel.

Under the example that you just cited, would that person who was, under your scenario, being released have served twenty-four years?

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

My understanding, the underlying bill as amended would apply, going forward, and claw back five years under a formula, a formula which we are being asked to vote on blindly -- blindly, changing our criminal justice policy blindly.

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And under my scenario, let's say someone got the maximum sentence of twenty-five years, that must have been some really bad sexual assault. And, by the way, those folks are out there, because there's a guy who FOI'd me who is in for, like, seventy years on some kind of sexual assault; so I can't even imagine what that gentleman did. But under this scenario, right now, someone could be just finishing up a maximum sentence, and because there's a five-year reachback, and depending on the formula and the Excel spreadsheet, that individual, depending on the month, might be able to walk out immediately as opposed to another two hundred days or three hundred days. That's my understanding of how this could work.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

My question was: Would that individual in your scenario have served twenty-four years prior to the application of the risk-reduction credit, and --

SENATOR KISSEL:

Yeah.

SENATOR COLEMAN:

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-- I -- I think the answer to that question would be yes. But I'll go on to another question.

Under a conviction for sexual assault in the first degree, isn't it the case that the mandatory minimum on such a conviction would be ten years?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

I absolutely agree with Senator Coleman that the bill as amended says that the risk-reduction -- which that's a really great term, "risk reduction" -- the Good Time, the early release would not apply to the minimum mandatory portion of the sentence. I understand that.

But what I'm saying is it's my understanding, not just anecdotally, but once upon a time I practiced criminal law and I was a Special Public Defender, and quite often I represented inmates that actually committed crimes within correctional facilities. Because while I was public -- Special Public Defender is when all those riots were taking place, the -- the greatest one of which was the riot at Carl Robinson where an inmate was killed and a building was burnt to the ground. Oh, yeah; that was right before we had

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truth in sentencing. Yes, I remember that time.

But what I'm saying is yes, it would not effect the mandatory minimum, but most often than not, the sentence tends to be somewhere above the mandatory minimum but less than the maximum.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

Another question: Do we agree that the most that an inmate could earn in terms of credits would be sixty days per year?

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

My calculation is sixty days.

I will throw this out at you. I talked to the Commissioner of Corrections, in the last forty-eight hours, Commissioner Arnone. For some reason, he seems to think the way they're doing the calculations, it's fifty-one days a year, but the plain language of the statute tells me five days per month, times twelve, is sixty. So I would say, yes, Senator Coleman.

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SENATOR COLEMAN:

And --

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

And under that calculation, based on that premise, sixty days per year, do we agree that it would take approximately six years for an inmate to earn a year's worth of credit or approximately a year's worth of credit?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Mr. President, yes.

But, again, I would say this formula applies five years retroactively. So if one is going to get to six -- at that sixty days per year, in the best case scenario, which I will duly admit, I'd bet you very few people will get the whole three hundred days in the retroactivity; but, yes, six years, but going back to April 1st of 2006. So one could, I believe, in a -- in a best-case scenario -- and I view it's best-case for the prisoner, not for us -- that a year from now, someone

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could have a whole year lopped off their sentence.

Yes.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

And, thank you, Mr. President.

Another question: Assuming that a person earns, even retroactively, the credits that you assume that he would be earning, do we agree that the amount of credits that he would be earning would be subtracted from the maximum sentence that he was sentenced to? In other words, if the sentence was twenty-five years, the three hundred and sixty days or however many it works out to be would reduce the twenty-five-years portion of the sentence and not the ten-year mandatory minimum portion of the sentence?

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President.

And at this point in time, not to be a stickler, because that's, that's not my nature, but I had said this bill was sort of like the world turned upside down.

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By the way, that's what the British -- there was a song called, The World Turns [sic] Upside Down; that's what the British played when the Americans finally won the Revolutionary War. I believe I'm being questioned on the underlying bill, and I think the questioning needs to be limited to the amendment, which simply carves out sexual assault on a minor.

So I'm just merely, very progressively asking, through you, Mr. President, is this eventually going to lead to a question on the amendment?

Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

The question is directed to the amendment.

SENATOR KISSEL:

Okay.

SENATOR COLEMAN:

Senator Kissel's amendment has to do with sexual assault in the first degree. The hypothetical that we've laid out is the conviction of an individual for sexual assault in the first degree, and the maximum sentence that we're dealing with is the maximum

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sentence of twenty-five years for a person convicted of sexual assault in the first degree.

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

To the -- to the extent that Senator Coleman is saying what the minimums are, mandatory minimum and what the maximum is, I would grant Senator Coleman that whatever his notion is as to what those parameters are, I would be in agreement with that. But the amendment says that we're carving out individuals from this early release policy that's sexually preying on our kids, 15-year-old kids or younger. And I'm also saying that there are individuals in our correction system doing various sentences, and they're at various stages of those sentences. So I understand that's a -- a low end and a high end.

My personal experience is that they weighed what actually took place, the age of the child, the vulnerability of the child, whether the child was physical maimed; all of those things go into what the judge decides is an appropriate sentence and that there are people on various areas of that scale. So, yes,

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I -- I agree with everything that Senator Coleman has said thus far, yes.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

And a very important question, Mr. President, through you, to Senator Kissel.

Now, assuming the same scenario, maximum sentence on the conviction of sexual assault in the first degree, maximum sentence being twenty-five years, also assuming that the inmate receives all of the credit going back from April 1st, in the Year 2006, and those credits are applied to the maximum sentence of twenty-five years.

SENATOR KISSEL:

Uh-huh.

SENATOR COLEMAN:

Does the Commissioner open the cell door and the prison door and the inmate walks out? Is that your understanding?

Through you, Mr. President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you, very much.

My understanding is that depending upon the formula he puts together, and let's assume the ratio that you and I have agreed upon, that it takes about six years to accumulate about a year's worth of Good Time, then on a twenty-five-year bid, six times six times six times six, at sum you could accumulate a little more than four years of Good Time, so that the Commissioner of Corrections, under the underlying bill could create a formula where that person, even serving the maximum that we as a Legislature said was twenty-five years, could get out in a little bit more than twenty years.

And what I'm saying is that there's people that may commit that crime right now, and you're right; they're not coming into society on a maximum sentence until about twenty years from now but that there could be someone convicted twenty-four years ago, doing a maximum bid that might be able to get out rather quickly. It all depends on when the crime -- when the person was convicted and what the length of the sentence was for that individual.

And whether there's some sort of other review process, I don't necessarily see it; I see it that we

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are trusting the Commissioner of Corrections to come up with a formula and then just start plugging in the numbers. That's -- that's what it comes down to.

Through you, Mr. President.

THE CHAIR:

Senator Coleman.

Through you, Mr. President.

Is it not the case that the Commissioner's jurisdiction and decision-making authority has to do with whether the risk-reduction credits are awarded or not rewarded and not anything to do with whether the inmate is released from incarceration?

THE CHAIR:

Senator Kissel.

SENATOR COLEMAN:

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Could Senator Coleman please -- please repeat the question?

SENATOR COLEMAN:

Certainly.

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Senator Coleman.

SENATOR COLEMAN:

The question -- I'll try to make it as simple as I can. Isn't it the case that the Commissioner's discretion has to do with whether or not the credits are awarded or not rewarded and has absolutely nothing to do with whether the inmate is released or not?

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

My understanding of what we're debating right here is this: This is a Majority Party bill. I don't know whether that Senator Coleman negotiated with the Governor or not. All I know is this: What the bill does is it allows early release. It's being put forward to the public and to this Chamber that not -- that violent offenders will not get out of jail early. They will. My amendment says these are violent offenders that I don't believe should get out of jail early.

Now, you -- we can talk the formula all afternoon. I don't know the formula. The Commissioner of Corrections knows the formula. Guess what? The

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Commissioner of Corrections comes up with a formula tomorrow and changes it six months from now, I think under the underlying bill, we've given him that authority.

So I think the Governor, and the Commissioner of Corrections, and a handful of other people are going to come up with a formula to get to where they want to go. And I think it's driven by dollars and not by public safety -- with all due respect to the President of our Chamber -- dollars.

And I'm saying there's no doubt in my mind that this bill, should it pass, will allow for sexual predators of minors to get out of prison early. And whether that happens tomorrow, when the bill -- whenever the bill is signed into law -- because someone who has, like, got thirty more days to go on their bid, and when you go back five years, they've got a hundred and fifty days, so open up the door -- or whether that's someone that's out there, going to commit a crime tomorrow -- the sentencing doesn't happen for two years, they get ten years -- but guess what? What the bill does is it changes what we know to what we don't know.

What we know right now is if it's a nonviolent

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offense, you're in for 50 percent of that time. We know that. And then the person can maybe apply for parole. But at least we know 50 percent. And for violent offenses, like these, we know they're doing 85 percent of their time.

And you know who else knows that? The state's attorneys know that, the public defenders know that, and the judges know that. So when they plug in the information regarding how diabolical was the crime, how maimed was the child, how devastated was the family, how the child lost their entire youth and innocence, they peg that number knowing that in 85 percent of that time, that person may come up for a parole hearing. And they all figure out what's appropriate.

And what the bill does is it says, Now we're going to add a new person to the mix, the Commissioner of Corrections and Governor Dannel Malloy; two new people. And they're going to add this other element. And this other element is going to change everything else, for violent and nonviolent offenders alike.

And I'm just putting forward to this Circle that, God, and can't we just agree that this group of individuals shouldn't get out of jail early?

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That's my answer to that question, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

And, my goodness, how I appreciate Senator Kissel's passion on these kinds of issues, and in that passion and his detailed response, he made reference twice to the parole board.

And my question, the couple of preceding questions had to do with exactly that. Who has the authority to release the inmate; is it the Commissioner or is it the parole board?

Through you, Mr. President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

It's my understanding that currently individuals can apply for parole, if it's a violent offense, at 85 percent of their time, and if it's a nonviolent offense, at 50 percent of the time.

And now we're going to superimpose upon that construct all of this Good Time. And I think when you

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do that, all of a sudden people are getting out of jail substantially sooner than we have creating in our statutory constructs, painstakingly by how we craft our criminal laws, and that it's a moving target now. And it's going to move. It's going to move. Don't kid yourself.

If you're okay with that, that's okay. If you're okay with this policy, that's okay. What I said to everybody before was, I have studied this issue. Other states have these programs. Some of them only apply to nonviolent offenders. Other ones pick and choose and they some -- you know, this is the worst of the worst. And I would be surprised if all those states include all of these kinds of offenses.

But then you have to say in our system, we're sort of leaving this formulaic construct to the Commissioner of Corrections. I got to be honest, without doing legislative research, I would have to go and see. All right, Alabama; you know, Senator Williams said Alabama. All right, Alabama; who makes the decision in Alabama? Who makes the decision in Alaska? Who makes the decision in these other states? My guess is that the Legislature did not unilaterally turn over all its authority in all of those states, which is what

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we're being asked to do here.

But, yes, you are correct, Senator Coleman. If you apply for parole, the Board of Pardons and Paroles would sit down and either through Internet, camera interviews, and things like that, make a determination.

But this, for so many instances, allows an early release, whether you're granted parole or not -- whether you're granted parole or not.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

So let's assume that a person is awarded all of the credits, and let's even go so far as to assume that that enables the inmate to go before the parole board at a time somewhat earlier than would otherwise be the case. Does the parole board automatically grant parole to this individual?

Through you, Mr. President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Finally; finally, you heard it. You heard it. I like the way he put it, but it took a long time to get

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there.

On the question, I will say this: Parole board doesn't grant parole automatically. But you know what was telling in that question? Somewhat earlier; it rang crystal clear, like a bell. Under this, under your scenario regarding sexual predators of children, Senator Kissel, if that individual was able to somewhat earlier go before the parole board, would it be automatic? And my answer is no.

But guess what? You're going to pass a law that allows people to prey upon our children to go before the parole board earlier. We can call it "somewhat earlier" and we can create constructs, formulas for these people, but fundamentally you're setting in motion something that are going to allow nonviolent offenders as well as extraordinarily violent offenders to get out of jail early, earlier than they do today.

And I've said all along, you don't want to work together across party lines. You want to bring us in, you want to start prospectively, you want to start with nonviolent offenders, there's merit to that. But if you got to bring everybody in, including the worst of the worst, uh-uh. Uh-uh. Uh-uh. I am not going to go home and hug my boys tonight, I am not going to march

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in those parades and look at those kids and know that if someone was convicted beyond a reasonable doubt of stealing that child's youth and preying on them and destroying that family, that they get to go before the parole board somewhat earlier.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

I thank Senator Kissel for his responses to my questions.

Ladies and gentlemen, I would oppose the amendment. I think that there are more than sufficient safeguards in the process in order to make certain that the alarms and the cause for concern that Senator Kissel has expressed in the advocacy of his amendment is not going to occur.

Not only does the Commissioner have the authority to make an award of risk-reduction credits or not, when they do make -- when he does award those credits, its reply -- it's subtracted from the maximum portion of the sentence. And the only significant is that -- to that is that an inmate may have an opportunity to appear before the parole board sooner than otherwise might be

the case.

From that point on, the parole board engages in the process that the parole board engages in. And all those things that are of concern to Senator Kissel would also be taken into consideration by the members of the parole board.

The inmate -- and this is why I have such difficulty with the references during the course of this debate to early release -- the inmate is not guaranteed a parole just because he's appearing in front of the parole board. The parole board will take into consideration all of those things that are of concern to Senator Kissel. And it is very likely that the parole board will send the individual back to prison. That happens oftentimes in parole board hearings.

What we're talking about in the underlying bill and what this amendment seeks to address is risk-reduction credits. And all that risk-reduction credits are, as has been explained before, are incentives to make certain that inmates are motivated in order to participate in programs that are going to serve toward their rehabilitation and to make more certain than not that when they are released, they can

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be constructive and productive and not return to
prison.

I would urge a vote against this amendment,
Mr. President.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

I think that there's no part of our job as elected
officials which is more important than that part of our
job which calls upon us to keep faith with the people
of the State of Connecticut.

And through you, Mr. President, to Senator Kissel,
I have some questions which I'm hoping will educate me
about whether his amendment, what effect his amendment
would have on what I feel is the fundamental obligation
I have to keep faith with the people of the State of
Connecticut.

And through you, Mr. President, to Senator
Kissel -- and I'm no expert in this area, Mr. President.
I have a -- a passing understanding of the mechanics

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of how all these things work together, probation and parole and early release and truth in sentencing.

But through you, to Senator Kissel, under the bill as amended, it is the case that someone sentenced as a sexual predator, already sitting in jail, where the judge and the prosecutor and the family all were told that they would serve 85 percent, at least 85 percent of the prescribed sentence, under the bill before us, might it be possible that the perpetrator of the crime would be eligible to be released prior to the completion of that 85 percent?

Through you, Mr. President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

That is correct.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Mr. President, regardless of one's views of the wisdom or lack of wisdom of the policy put before us, I'd have a real hard time going home and looking in the eyes of a family which has been victimized by a sexual predator and say, You know, when you went to court that

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day to see that person who destroyed your life go to jail, you were told, you were promised by the State of Connecticut that that individual would serve at least 85 percent of whatever the sentence is. And when the judge fashioned the sentence and when the prosecutor recommended the sentence, they did so with the understanding there were certain ground rules. And I'm not going to go home to my district and look anyone in the eye and say, Guess what? We changed the rules, and you thought that creep was going to rot in jail.

And I -- and I -- and I appreciate redemption. I appreciate the opportunity for people to have second chances, but if a sexual predator ruins the life of your child, it's real hard to get by that and wish for them. I -- I mean, I think it would be very difficult for someone to find that in their heart when they look at a child who has been -- who has been fractured and forever, forever tainted by a predator.

And I think for us to change the rules, such as to allow someone who has done that to get early is breaking faith, and breaking faith in a way that will shake to the very core the confidence of victims of these crimes about whose interest the system is

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designed to protect in the very first instance.

And I support the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you.

Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, I've been listening very intently to this debate.

I'd like to ask Senator Kissel, through you, Mr. President, a question.

THE CHAIR:

Please proceed.

SENATOR PRAGUE:

Senator Kissel, I have just had an extensive conversation with Mike Lawlor, whom you know very well and served under and on the Judiciary Committee. I'm sure that you respect his knowledge of our judicial system.

Senator Kissel -- and I want to say this loud and clear -- Mike Lawlor, who used to be Representative Mike Lawlor, Chairman of the Judiciary Committee, said loud

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and clear that nobody gets paroled or pardoned if the victim objects or a family member objects. That is the policy of the State of Connecticut, that the victim can object or a family member of the victim can object. And I think that needs to be stated, loud and clear, because that is a very critical part of our system of justice.

Senator Kissel, you didn't mention that, I -- for whatever reason. But I think that must be part of this debate and certainly something that all of us in the Circle should know and that those folks listening at home also need to know.

Thank you, Mr. President.

And I don't know whether Senator Kissel wants to answer me or not, but --

SENATOR KISSEL:

Yes, I do.

SENATOR PRAGUE:

-- whatever.

THE CHAIR:

Thank you, Senator.

SENATOR KISSEL:

Yeah, let me (inaudible) --

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Senator Kissel.

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SENATOR KISSEL:

Thank you, very much.

And I -- I am -- I'm so happy, Senator Prague, that you asked that question. Because let me tell you, when it comes to debating, Mike Lawlor is one heck of a debater, and he knows the criminal justice system up one side and down another. But I know a little bit too.

We got sidetracked when we talked about parole hearings. People serve out their time; they apply for parole. They may get it. They may not get it. And if Mike Lawlor says that if a victim goes into a parole hearing and objects, and it's his experience that a -- a simple objection immediately kiboshes any granting of parole, who am I to say that's not the case? I'm very surprised if all it takes is a victim to say no; I think that would really reduce the parole board's workload if victims out there knew. Just phone it is, say no, and they're -- out they go. But let's grant that.

What I'm saying is what you're voting on, Senator Prague, is not a parole hearing. There is no construct in here where victims get to say yes or no. You're giving the Commissioner of Corrections blanket authority to come up with a formula to knock out time, to release folks early, who commit violence offenses.

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It happens if they serve out a hundred percent of their time. Their sentences will be reduced, whether they're granted parole or not.

Let me walk you through this. You got the violent crime against the kid. The person is given twenty years. The family is devastated. So that person is not given parole. Right now, they do the twenty years; right? We'd all say that; they do the twenty years.

But you're putting this new provision into law, where if they take the classes and they do no harm in the Department of Corrections, they could earn up to sixty days a year. Sixty days, times twenty years, that's probably knocking about almost three -- over three years off their sentence.

The victim said no parole. You're going to vote for this, and that person gets out in seventeen years instead of twenty. That's what I'm saying. Michael is right, which Michael said, Undersecretary Lawlor. I have the greatest respect for him. But it's one thing to put out here a question and then answer it.

I'm putting a question out here and answering it for you. We're not voting on how the Board of Pardons and Paroles operates. We're voting on Good Time, risk-reduction credits, if you will, getting out of

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prison early; totally different.

And make no allusions about it; this is about saving money. And the only way you'll save money is if people get out of prison early. And you just passed a budget where you said you're shutting down prisons. And how you going to shut down prisons unless people are getting out? It doesn't work any other way.

I understand that encouraging people to take programs is a good thing. What I'm saying is, Okay, nonviolent offenders. But for these folks? Not -- not -- not right.

So to the extend he set up a question and he answered it for you, he's correct as far as he went. And I have the utmost respect for the Undersecretary regarding criminal justice. But this is above and beyond that. This is a whole nother layer where people get a get-out-of-jail-early card, depending on how they fit into the Commissioner's formula. It's as simple as that.

Thank you, Mr. President.

THE CHAIR:

Thank you.

Senator Prague.

SENATOR PRAGUE:

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Mr. President, I want to continue my discussion with Senator Kissel. Thank you.

Senator Kissel, I was also talking to our Commissioner of the Department of Corrections. It will be his discretion to determine which people would participate in this program. And there are some people, that you have described, that I dare say would not be given the opportunity to participate in this program. It is not open to everybody; it is only open to those people within the Commissioner's discretion that would be appropriate to put in the program.

We don't know it all here in the Senate. We have a Commissioner at the Department of Corrections who with other experts will decide who is eligible for this reduction program. I trust, Senator Kissel, that this group of people will use their discretion, will be just as sensitive as you are, and the rest of us around here, to whether somebody is appropriate or not.

And having had this discussion with these two men, who know far more than we do about our correction's system, I have faith, also in light of the fact that other states have done this successfully, that our program that's being proposed will work. So I don't think that what you're saying is complete enough to give

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both sides of the issue.

I don't want people released who are dangerous, and that's not going to happen. I don't want people paroled if the victims object or family members object; that's going to be respected.

So I'm more comfortable with voting for this because other states have done this successfully. And we have men in charge of this program who are competent, who are experienced, who care just as much about public safety as we do.

So, through you, Mr. President, thank you, Senator Kissel, for your effort.

And having said my piece, I'm going to sit down.

Thank you.

SENATOR KISSEL:

Mr. President.

THE CHAIR:

Thank you, Senator Prague.

Senator Kissel.

SENATOR KISSEL:

I -- I want to thank you, Senator Prague, for your kind words. Back when Cindy and I had my oldest child, Nathaniel, you were kind enough to lend us a playpen and a bassinet, so I know you care about kids.

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But let me just leave you and without -- and I don't want to go over the top. I understand where you're coming from, and you are a smart cookie. I'm going to leave you with one seed to germinate on, to think about. If this bill, that you're about to vote in favor of today, did not lay upon the entire parole process and is different than the entire parole process, why did you just vote on an amendment that carved out crimes that don't even entitle you to parole? That was the amendment Senator Coleman just offered. That was one of the flaws in the House. If it had anything to do with parole, they wouldn't have worried about that. But they just carved those crimes out. Think about that.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Roraback, for the second time
(inaudible).

SENATOR RORABACK:

For the second time, I thank you, Mr. President.

Briefly, there's no one in this Circle I trust more than Senator Prague. Senator Kissel is a close second, but there's no one I trust more than Senator Prague.

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And I trust Undersecretary Lawlor. I've worked with him for seventeen years and never found him to be anything other than forthright. While we disagreed on many issues, I -- I trust him.

But I think Senator Prague got at the very heart of the issue that concerned me, breaking faith with the victims of these crimes. And I understood Senator Kissel to answer my questions, the bill before us would allow this program to release people imprisoned today, when their victims were told that the perpetrators would serve a minimum of fill in the blank, whatever it was, fifteen years, twenty-two years, twenty-nine years. They went home. The judge told them. The prosecutor told them. And as I understand the answers to my questions, if this bill passes without amendments, those people could be let out earlier than what was told to the victims.

So I've called it an amendment, Senator Prague, which will make it very clear that under this program -- not parole, not probation -- under early release, no one is going to get early release unless the victim -- unless and until the victims of the crime consent to it. And I think that's particularly important for the people that are in jail today, when

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the victims were told something. And if we pass this bill, we are essentially saying, You know, sorry, victims; we lied to you. But we're the Legislature; we're allowed to lie to you. We're allowed to change the rules, going forward, and that's the way it is.

So I look forward to the debate on that amendment, because I think it's really important for us to keep faith with victims, and that's my highest priority.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Roraback.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, and speaking in -- in opposition to the -- the amendment, I think that the important thing to focus on is that the underlying bill, as amended House Amendment -- by Senate Amendment "A," actually provides, in many cases, for incentives for rehabilitation and an attack on recidivism in the offender population. Because, in reality, the provisions of the -- of the release portions, the earned credits for risk-reduction credits will in some cases make -- make no difference in terms of the possible

earliest release date for which an offender might be eligible.

So, for instance, under current law for someone who is convicted of a, what's designated as a nonviolent offense and is eligible for parole after -- and is sentenced to more than two years -- that person is currently eligible for parole after serving 50 percent of his sentence for a nonviolence offense. So it -- and he will not at that point -- and let's assume that somebody was serving a four-year sentence for a nonviolent crime. Under current law, he's eligible for parole after -- after two years.

Under the provisions of the bill as amended, after -- after four years, he would only have earned potentially eight months of -- of risk-reduction credits at the rate of sixty days per year. So in many cases, we would have offenders who are currently eligible, at least for consideration of parole, at an earlier date under current law than they would be eligible for by any additions or any changes made under -- under this bill.

Even if you're looking at someone, for instance, for the -- the longer sentences to which the 85-percent rule currently applies, as we were talking about

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earlier, the case of let's suppose somebody who has a twenty-five-year sentence, that person would have to serve twenty-one-and-a-half years or over twenty, more than twenty-one years in order to be -- have reached the 85-percent threshold.

We also talked about in terms of calculating how much risk-reduction credits someone serving a twenty-five-year sentence could earn, and we talked about that being at the max, about four years. That pretty much sum -- puts somebody at about the same point, where they would be under this -- under this program or under the current 85-percent rule for an eligibility for parole, under the -- under current law for violent offenders.

So the -- the first date at which someone might be eligible for consideration of parole, in many cases, is not going to be impacted by this bill at all. What is being impacted is the power of the correction's department to incentivize offenders to improve themselves while in prison with the -- the carrot and the stick of awarding credits or withholding credits. It really is not, in many cases, going to make a difference on the actual release date of the offenders. We just hope, as we said at the beginning, that it will

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mean that the offenders coming back into the community will be better prepared for life in that community.

And, therefore, I would urge rejection of the amendment, Mr. President.

Thank you.

THE CHAIR:

Thank you, Senator.

Senator Boucher?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

If -- and I'll ask a rhetorical question -- if as Senator Looney has said, that the underlying bill and the current law is such that you won't get to parole sooner, why did the majority exempt home invasion? Think about that. You're saying that we cannot exempt people who sexually assault kids because it won't result in any difference in their sentence.

And -- and -- and I disagree with that analysis, and I think the facts show that someone will get out earlier under this. But let's assume you're right; don't exempt people who sexually assault kids, because they won't get out earlier. And we want to be able to incentivize them to take these programs.

Why did you exempt home invasion? We know why you did. You didn't want to be tagged with coddling people who killed the Petit family. It makes no sense. It makes no sense to say we shouldn't exempt someone who sexually assaults kids, because under our current policy we're incentivizing them for good behavior and to take these programs, when you, yourselves, exempted people who commit the crime of home invasion.

Yes, you exempted murders and capital felony and felony murders, and -- and one would hope that none of those individuals ever get out of jail, so the programs don't matter. But in addition to those crimes, you exempted home invasion. So I think you're caught on your own argument here. If you had a pure policy whereby everybody in jail would be given this incentive, everybody with a date-definite to get out of prison; that's what this is about.

And, you know, I respect -- I listened to Senator Harp -- I respect her position. I think it was the fairest presentation of the policy here, on your side, which was this is about people who are going to get out of prison. And we want those people when they get out of prison not to commit another crime again.

And, to be honest, there are not a lot of people

in prison from Easton, Connecticut, a town I represent, because it's only 10,000 people in Easton. So maybe it's less of a concern for my district, but we want those people to come out and not commit crimes. And we believe these programs will prevent that.

The difference here is this: One, philosophically we believe that for some people and certain crimes, there should never be the possibility of early release; difference number one. Difference number two: You believe you have to provide incentives to a prisoner for them to (a) be good in prison and (b) take a program.

In other words, under the -- under the -- the version given to us by the Governor and supported by you, someone is sentenced to twelve years in jail for a heinous, violent crime, and they can get out about a year-and-a-half to two years earlier, if they're good in jail and they attend these programs, despite the promise made to the family and the victims that they'd serve twelve years. I think on our side of the aisle, we would say, You can do twelve years in jail if you're good and if you go to programs, but if you don't, you can spend more time in jail. Those are the two, fundamental, philosophical differences.

But with all due respect, the very argument offered by Senator Looney in opposition to this is completely undercut by your own exemption for home invasion. You acknowledge that individuals who are sentenced to jail for home invasion should not be entitled to this. And then you say, But we're not going to exempt individuals convicted of sexually assaulting a kid, because the very program we're offering is better for them. It's 100 percent undercut by your exemption of home invasion.

That's why we wanted to offer these amendments. And that's why we'll continue to offer these amendments, because we now lay on the table before you, you voted to say people who are convicted of home invasion should not be entitled to early release. And you're now going to say that people who sexually assault kids should. That's exactly what we've laid before you here, if you vote against this amendment.

And I urge adoption.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

If not, Mr. Clerk, please announce the -- oh,

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Senator Coleman. Senator Coleman.

SENATOR COLEMAN:

Mr. President, I'm not sure that I requested a roll call vote on the amendment, but I would like to do this at this time.

THE CHAIR:

Thank you, Senator.

A roll call order -- a roll call vote will be ordered.

Mr. Clerk, please announce the pendency of a roll call vote.

The machine will be open.

THE CLERK:

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

THE CHAIR:

All members -- have all members voted? If all members have voted, please check the board to make your vote actually recorded. If all members voted, the machine will be locked.

The Clerk will take the tally.

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THE CLERK:

Motion is on adoption of Senate Amendment Schedule
"B."

Total number voting	33
Those voting Yea	14
Those voting Nay	19
Those absent and not voting	3

THE CHAIR:

The amendment fails.

Before we continue -- before we continue with the debate, I want to remind Senators of Mason's Rule 124, which does not permit Senators to question other Senators' motives, and that we can -- that we continue this debate on the merits and on the bill and not the motivations of each other.

Will you remark further?

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

I rise for purposes of an amendment.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Yes, Mr. President, I rise for purposes of an

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amendment.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

The Clerk is in possession of LCO 7559. I would ask that the Clerk call the amendment.

I seek leave to summarize, and I would ask for a roll call vote.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7559, which will be designated Senate Amendment Schedule "C." It is offered by Senator McKinney, of the 28th District, et al.

THE CHAIR:

Senator Welch.

And a roll call vote will be ordered.

SENATOR WELCH:

Thank you, Mr. President.

We find ourselves in -- in a very difficult situation -- and I move adoption of this amendment.

THE CHAIR:

On adoption, will you remark?

SENATOR WELCH:

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Thank you, Mr. President.

We find ourselves in a very difficult situation, and that is drawing bright lines. And we find ourselves in this position because we've been given a bill, we've been given a concept that hasn't had public hearing, that hasn't gone through the Judiciary Committee, yet radically transforms our public safety process.

Now, I still have a lot of questions with respect to what that process is, but in an effort to scramble, to protect the citizens of Connecticut, I offer this amendment which, in essence, draws one of those bright lines. And that bright line is that we would exclude any violent crime from this risk-reduction, good-credit, whatever-the-appropriate-name-is process.

I offer this amendment because I'm troubled with the line that we have currently drawn, because it presents a situation which is unfathomable to me. And that is that an individual could come to me today, point a gun at me and say, Senator Welch, I'm going to kill you. And he pulls the trigger and he misses, but he strikes somebody else, a family member, one of my kids, and takes that person's life. That act would fall outside of the current bright line that we

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have drawn, being the bright line of murder. And I think we need to lower that bar for the purposes of protecting our citizens.

And, with that, I would encourage my colleagues to support this amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

A lot has been -- I rise in favor of the amendment -- a lot has been said today about the whole concept of redemption, and I think everybody sitting in this Chamber today and under this gold dome is an optimist and does believe in the human spirit, and does believe in redemption. But I think it's not -- it's not for everybody. I think it's for the majority of people.

We understand human nature. We understand that some people are different and some people are motivated in -- in very different ways than the normal human being. And, thankfully, there is a science out there

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called "psychology" that helps us understand that people act in a variety of different ways under different circumstances and help us to understand why bad behavior, deviant behavior may exist. And that gives us, in turn, an ability to intellectually, as well as in practice, deal with the way that people behave in poor ways.

The theme that's been discussed here, and as Senator Kelly [sic], I think, touches upon, is -- is aren't we, by asking what we're asking in the underlying bill, playing Russian roulette? I don't think we need to be or should be throwing the dice, to find out who is acceptable, who is redeemable, and who is not, because we all note that we are capable of speech. We're capable of influence, capable of influencing other people to think we're much better than we really are.

And perhaps people coming out of the prison system have had some more practice at that, than some of us. I -- I don't know because I haven't spent much time in the prison system.

And, Senator Harp, I know you deal with this a lot more than most of us around the Circle, certainly me. But I also do read the newspapers, and I do know that

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terrible things happen. So with this amendment that Senator Kelly has put forward, I think it addresses the negligent homicide, manslaughter, murder difference. I think this is something that's worth considering because it will -- it will help us understand how to deal with the underlying bill.

In our community, there is a wonderful group called Family ReEntry. I work with them. I support them. I don't work with them nearly as much as I'd like to because of time constraints. The whole idea behind this groups mission is to take people who are coming out of prison system, reform them, give them the skills, give them the confidence that they can become productive members of society once again. That -- and get them a job, which is the greatest social program known to mankind. That is exactly where we want to be. It's where all 36 of us want to be.

But they'll be the first to tell you this program does not apply to everybody. Should we be rolling the dice? With some people, it's painfully obvious mistakes were made. Nonviolent criminals are -- are the best kind of candidates for this group. In fact, they are the only kind of candidates by their own mission statement. And yes, those are the ones that

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are typically the greatest success stories. We know that recidivism is entirely too high in the state of Connecticut. I've read it -- in one report, it's as high as 70 percent, 60 percent has been throw around today. I'll take the midpoint there, 65 percent.

Again, do we -- do we want to be taking the risk when for years, if not decades, we built this system of criminal -- criminal justice where we have clearly delineated rules and punishments in place, minimum sentences in particular. And if we're going to mess that system, are we doing the right thing because all of those years of experience in debating and refining the system based on the reality of the time gets thrown out the window.

An amendment, such as this one, addresses a small sliver of it, but it's one that I think we have to consider very, very carefully and I urge all of you to think about it and support it. Thank you. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

Speaking in opposition to the amendment. I got a letter from a constituent urging support for the underlying bill. And in the course of that letter, she pointed out to a case in Connecticut where a 14-year-old girl had been -- appeared to have been acting as a lookout for a robbery by her father, which resulted in the death of somebody in a taxicab. And I had the displeasure actually of meeting that 14-year-old in Niantic recently, and -- and she is serving a very long prison term as a lookout for her father in what turned out to be homicide.

This amendment before us offered by Senator Welch would, I believe, in anyone's fair mind, objective mind would -- would really provide a problem for that 14-year-old. That 14-year-old -- one size doesn't fit all. That 14-year-old is the kind of person who would be helped and society would be similarly helped by having a risk reduction program.

Let me also follow up on something that we've been talking about this morning and this afternoon with respect to recidivism. When I was a federal prosecutor and before a defendant would be brought to us for arraignment, we would be given something called a rap sheet, and a rap sheet is the list of crimes, arrests

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and convictions of the defendant coming -- coming before us who has been arrested and is now going to arraignment, and that rap sheet was very important in terms of us deciding what bail to recommend and ask for to a judge. And as I looked at these rap sheets over the years I served as a federal prosecutor, I saw the same people coming back time and time again. And then after five years as a prosecutor, I saw the -- I was prosecuting some of the same people time and time again. The recidivism was extreme in our -- in our justice system. And I think some of you will point it out -- Senator Frantz pointed out, he thinks the recidivism rate in Connecticut is not 60 percent, as I cited before, but perhaps 70 percent.

When I left the United States Justice Department, a professional basketball player named Bill Bradley and I formed a nonprofit organization to deal with recidivism. We called it the South 40 Corporation after the south 40 acres of a farm remaining uncultivated and unplowed. And we viewed prison life as a part of American life that remains uncultivated and unplowed. And we took on recidivism by raising money through a combination of government grants, and private gifts, and foundations gifts to set up

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encounters with inmates while they were still in prison preparing them for jobs, the job market. And we were able to raise enough money -- and this program by the way still continues today -- we were able to raise enough money that we were able to give stipends to employers if they would hire that ex-inmate, that ex-offender, and then after six months, we would -- the employer was required after receiving the stipends to determine whether or not to keep that ex-offender on the job, and so many -- so many, of course, did. The recidivism rate was -- declined dramatically through this kind of program.

And again, I think that this bill, the underlying bill, goes so much in that constructive direction and Senator Welch's amendment goes the opposite way in taking a one-size-fits-all approach to any violent crime. So I urge -- I urge rejection. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Suzio.

SENATOR SUZIO:

Thank you, Mr. President.

I rise in support of the amendment. I have to admit I cringe when I hear the phrase "risk reduction"

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in the context of someone who has committed a violent crime and who is about to be released into the community. And I think risk reduction for whom? For the community they're about to be released into? For the victims of their crimes? Do you think any of those communities feel safer with a -- with someone who has been convicted of a violent crime being released into their midst years earlier than perhaps they would have been. Or how about the victims of a crime, particularly women who have been victims of rape.

How do you think they feel when the rapist who raped them is released back into the community? Do you think they feel safer? Do you think there's less risk in the community with the rapist back in the community? I personally know three young women who were raped when they were teenagers, and I can tell you, ladies and gentlemen, they are serving life sentences. Nothing is ever going to change that. How do you think women, especially women who were victimized and raped when they were teenagers, feel when the adult males who preyed upon them are released back into the community? Do you think they feel safer?

A few hours ago, Senator Harp in this debate spoke very eloquently about rehabilitation and redemption,

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and I join her in agreeing -- I believe in rehabilitation and I believe in redemption. But ladies and gentlemen, rehabilitation and redemption are written in the heart. They're in here. They might be manifested by external actions, but you can't really see them.

I want to read to you what criminals, criminals convicted of a violent crime have to do or can do to earn free time under this program. Under Subsection B, it says, "An inmate may earn risk reduction credit for adherence to the inmate's offender accountability plan and for participation in eligible programs or activities, good conduct and obedience to institution rules." Well as Senator McKinney said, you're supposed to be doing that in the first place. All I know is this, and I think most people who might be listening to this debate might think this, if you're locked away in prison for many, many years under very restrictive circumstances, and you have the chance to earn your way out of prison, one, two, maybe three or four years earlier than might be normal, wouldn't you be doing everything you could to get out and get your freedom whether you have a change of heart or not, whether you're really rehabilitated or not?

The motivation to -- for good behavior is the reward of early release. It may or may not reflect a real change of heart, a really rehabilitated person. I know this, too, I know that when it comes to sex crimes the rate of recidivism is extremely high and it's not the exception, it's the rule.

As legislators, we have a great responsibility to our communities, and to me, one of the highest responsibilities we have is the responsibility for the safety of our communities. I'm not a lawyer. I don't pretend to understand the intricacies of the law and I don't pretend to understand much less the intricacies of the parole system and the system we have in place to allow people to serve less than their full jail time. And again, I would bet that 99 percent of the people who are citizens of this state don't understand those details either and probably don't care about those details. But I can tell you this, as an elected legislator, I view it my number one responsibility to see to the safety of our citizens and our children.

And I'm extremely reluctant to support a law which is going to release into the community not people accused of violent crimes, people convicted of violent crimes. I think it's a violation of our oath to do so

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and I personally don't want any part of it. Again, I've known people, young people who have been the victims of terrible, violent crime and they are still living with the results, 10, 15 and 20 years later. Whatever the situation of the rapist who raped them, free or in jail, those women are living with it for the rest of their lives. And when and if any of the perpetrators of those crimes are release, their suffering and their pain will be magnified again.

So I want to rise up strongly in support of the amendment on the floor that will stop the release, the early release under this program, the risk reduction program, of violent -- perpetrators of violent crimes back into our community. No way, no where. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

Just -- I think sometimes when we have discussions like this, we do it in the abstract and sometimes we don't know who we're dealing with, you know, individually. Years ago before I was ever elected, I

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did some tours of the prison facilities. Tucker Dole was a state representative. He's a friend of mine. He was here one term and he got invited to tour the prison because it was the -- you know, we were in Stafford closed to the prisons in Somers and Enfield. And he worked with me in the insurance office. And he said, God, I want to go up there. Do you want to come with me? I say, yeah. I was kinda curious so we did, we went up.

And during one -- and I went up quite a few times after that. I went to -- I got to know the athletic director up there, a guy named Dave Muska. And I went to have a sports banquet every year. I went up a couple times to that. They have a boxing show. I went up -- once to that. But anyway, on one of the tours, Carl Robinson took us around and that's one of the gentleman who is -- the prison is named after -- one of the prisons is named after Carl Robinson -- a huge man, a former professional football player, a very interesting guy. So anyway, as we're walking up, he's taking us to the solitary units and they're not down in some dungeon somewhere, they're -- I don't know how it's arranged now, I haven't done this in awhile -- but it's a double-decker cell block, and these are the most

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violent offenders and they're out one hour a day. They take them out into the yard and they allow them to get some exercise.

So anyway, we're going in there, the three of us, and we have to wait to get into this cell block, and one of the inmates is coming in and the corrections officer tells us to wait because he's coming in from his exercise. He gets up to a rung above us and he spits on the warden. Maybe in a polite place like this, you shouldn't say that, but that's what happened. And of course, the corrections officers are on both sides of him and they grab him, and he says no, take him up. He said put him back in his cell. He said to me, see that man. I said, yup. He said we've got to let him out of here, he served all his time. He said he is so violent and so dangerous that he can't even function in the regular prison population let alone in society.

He said, he's going to be out there in a couple of months with my wife and your daughters and your mother. He said that's pretty frightening. I just took one look at this guy -- and I was a pretty macho guy back then. I thought I was a pretty tough guy. This guy was a scary, scary guy. Let me tell you.

So I think we've got to put this into perspective

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so we know who it is that we're dealing with. And when he took us on the tour, you know, I saw some of the older inmates and you watch all those prisons movies, and I said, boy, those are some tough -- tough looking guys. And he said, oh, those guys are no problem. He said, this is their home. This is where they live. They -- they become acclimated to being here. They're no problem. It's the young offenders that are the problem. These guys kind of stay near their cells to stay out of trouble.

So anyway, I think you have to be careful when you're -- when you're talking to people -- and early release for some of the crimes that are listed on the sheet that we received, and because of where I live -- I live next to Senator Kissel's district -- we have a lot of corrections officers who live in Stafford and they live in Ashford so they're friends of mine. And one of them, we call him Bosco, great big guy. He's retired now. But when I first met him, he had -- he had just gone back to work. He had huge scar down the length of his leg, and I said what did you do to that inmate to earn that. Well, he said, I didn't do anything. He said, I didn't even know the guy. He said, I was just the next correction officer that he saw after something

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happened to his cellmate that he wasn't happy with. And he wasn't going for his leg. He was going for his neck, but Bosco is a very strong, 250-pound guy, he warded him off and as the guy was falling, he cut his leg.

All right. These are all, I'm sure, entertaining stories, but that's what -- that's what we're talking about. That's what we're talking about. In -- and you know, sometimes, it's a good idea to leave them in there longer, because one of things that corrections officers will tell you is the older inmates are not trouble. It's the young males who are the problems because they have all that testosterone, and they have all that heat and passion. The older ones, you know, they mellow out. So maybe it's good idea that, you know, they stay in where there's some control instead of being out with all of our families.

Some of these folks are so violent that they can't even contain them within the prison. If any of you know corrections officers, I defy you to find one without injuries. Go home and ask them. And this is a controlled environment that they're working in. They all have injuries. So you know, whether we can debate sometime whether they deserve to get out in 20 years

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or not, but I couldn't do that job. The tension in those places, you could cut it with a knife. These are scary places to work and you've got men and women working in these places. You've got women working in some of the cellblocks. And I've taken some tours recently where we went into one of the cellblocks, one woman alone in the cellblock. She's the corrections officer. You've got to be pretty brave.

But I guess my whole point in all of this, we've got to kind of say this -- this is not just a matter of what they're sentenced to. It's a matter of who they are in a lot of cases. And you know, it really comes down to the fact that you can't rehabilitate some people. You know, you've got to give up on some. Because they have forfeited their right to live among the good and decent folks. So I mean I know that rehabilitation is a good plan, but I know that also that some of these people will game this system because they're convicts, they're ex-cons or cons. This is what they do. They con you. They're good at it.

If any of you have taken any time to watch the parole hearings, and they're on the Connecticut Network if you ever sit down to watch them, some of these guys look like Eagle Scouts, but they're not. So you're

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going -- this just gives them another opportunity to game the system. It just gives them an opportunity to enter society in a lot cases where they forfeited their right to be in society. Thank you very much.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Markley.

SENATOR MARKLEY:

Thank you.

I, too, rise in support of the amendment. And I want to return to sometime that Senator Coleman said earlier in this discussion, which was giving discretion about the earlier release would not necessarily result in mistakes being made. And it's odd, there are moments in this process when I feel like I've gone through the looking glass, and I guess in some ways, that's one of them, and the reason I feel that way, I've talked about discretion before, especially on the Human Services Committee, where it has occurred to me that we have greatly curtailed the number of decisions which we allow to be made by administrators, by executives.

Gosh, we had a bill not too long ago that we had to do that had something to do with, if I recall, with

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changing reporting requirement from 30 days to 45 days because we weren't giving enough time for certain work to be completed, and it's the kind of the thing that I see and I think why are we controlling -- micromanaging these kinds of decisions. That, to my mind, is a trivial decision. That's exactly the sort of thing that we should be letting alone, and yet, it seems to me that we tighten the screws on those kinds of decision making by our administrative officers.

And yet, here we are today on the most important side of our responsibility on the incarceration of violent criminals, saying let's trust this system to make decisions, and we can -- we can do it because we're confident that the people that are making the decisions are going to make good decisions. I don't doubt that people try to make good decisions, but if I want to start giving latitude, if I want to start extending discretion to the executive branch, I think we should start way at the other end of it on the purely administrative functions that we seem to be so determined to control, and that the last thing we should give discretion on is the release of violent criminals.

And I, again in the looking glass world, I feel

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like the people we represent would be amazed at the odd priorities that we are showing by relaxing requirements for sentencing of violent criminals while tighten requirements for reports and guidelines and transfers of children from one institution, and all kinds of things, which I would like to -- which are also important, but I think we ought to trust people to take care of, and this is the last side of where that trust should be extended to.

And the second thing I wanted to mention -- Senator Harp mentioned it before in her speech, which I think has been on many of our minds about redemption. I believe in that very much but I believe that part of redemption is realizing that really never can sufficiently pay ourselves for the things which we have done wrong. And I think those in prison, especially those in prison for serious crimes, that have come to see the seriousness of what they've committed will acknowledge that there is no term to that punishment. There is no moment at which they can be said to have paid back the price for their crimes, and there are some crimes -- there is crimes that fiscal restitution can be made for, but there are many other crimes of the sort that have been mentioned here today

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that no kind of restitution can be made up for it.

The time itself cannot redeem, that nothing in this world can redeem, although our hearts can change. And I think those are people who should they have to serve the limits of their confinement even when they have changed and even when they have realized -- and even when they have reached the point they would never transgress so again, will not, in fact, object to what they have been sentenced to.

And I don't think that -- I don't think that we should make this change. And I think that Senator Welch's amendment in this particular case, again, continues what has been started by the amendment that Senator Looney offered cutting out certain aspects of this change. It extends it to -- in an reasonable way to further violent crimes and I think, again, the people of the state would thank us if we were to vote for this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Mr. President.

I rise in opposition to the amendment, and I guess I'm hoping against hope that we could cease to refer to this amendment or the -- the bill as amended as an early release bill. I think that's a very misleading reference to that bill for many of the reasons I've indicated in previous debate and discussions regarding the issues connected with this bill. This is I think more aptly to be described as a risk reduction earned credit bill or a bill that provides incentives and motivations for inmates to participate in programs and services that make it more likely than not that when they are released they can stay out of our correctional system.

I'm intrigued by Senator Guglielmo's comments. I, at one time, worked in a correctional center and maybe it will come as a surprise to you -- some of you, but there are some individuals that I encountered in the correctional center that made me say to myself thank God for prisons. But this is not a bill that has anything to do with those individuals nor with the individuals that Senator Guglielmo described. If those particular inmates are so recalcitrant and so hardcore, they're not going to be earning risk reduction credits, and the commissioner is not going

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to award risk reduction credits to them. And they're not going to make it to the parole board.

But the significant fact about what Senator Guglielmo said is those inmates are going to max out, too. And under law, there is going to come a time when the correctional system cannot hold them and has to release them. And wouldn't it make sense, if we could -- while they are in custody, if we could reach them or provide them some incentive in order to participate in programs that may improve themselves and improve the likelihood that they'll be able to adjust to the community that they're released to and thereby contribute to the overall safety of that community.

In any event, I rise, Mr. President, to oppose the amendment because I think it's hopefully clear to a majority of the people in this Senate that there are a number of safeguards and protections in the system that is devised and contemplated by the bill as amended in order to make it so that at every step of the way there will be judgment exercised by the commissioner, by probation officers, if that is the case, and by parole officers. And so that as the descriptions suggests, the amount of risk that may occur to the communities will be adequately assessed and the

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decisions will be made accordingly by the commissioner, by probation, by the parole board. Consequently, although this amendment may be well-intended, I would oppose it because of the safeguards and the protections that already exist in the bill as amended. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I, too, rise in favor of this amendment. And just rather quickly, but in deference to Senator Guglielmo's remark, I think he used the term "bad guys." I think anyone who commits a violent crimes is not a good guy. And if you look up the definition of violence, it's the use of physical force to cause injury, damage or death. So I wouldn't so that Senator Guglielmo's comments were incorrect. I would say he hit the nail on the head.

And these individuals should not be allowed to earn risk reduction credits under any program because in doing so they will be released earlier than their sentence that they were given. So we can use words to call it anything we want, but it's the same thing. And

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what we're doing with this bill is allowing violent offenders to be released from prison earlier than they would under their normal sentence. So I, too, rise in favor of this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

If not, Mr. Clerk, please announce pendency for a roll call vote.

THE CLERK:

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

President in the Chair.

THE CHAIR:

Have all members voted? Have all members voted? If so, the machine will be locked.

And Mr. Clerk, will you please call the tally.

THE CLERK:

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The motion is on the adoption of Senate Amendment
Schedule "C."

Total number voting	33
Necessary for Adoption	17
Those voting Yea	14
Those voting Nay	19
Those absent and not voting	3

THE CHAIR:

The amendment fails.

Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. I waited for you to
come back before I stood.

Madam President, I think that this bill does do
things that in my view are against public policy if one
believes that people should be punished for the
offenses that they commit. And we have by virtue of
this bill and the amendment taken out victims' rights.
And we have, Madam President, included a number of very
violent and offensive behavior and allow these
convicted criminals to have the privilege, if you
would, of early release.

I know my good friend Senator Coleman who I respect

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tremendously when we served on P and D, and I do on Judiciary, I do take some issue with his belief that that this is not an early release program. This is risk reduction. Madam President, they are getting out early. It is what it is.

Madam President, when we include as many offenses as we have included, I think we have gone too far; therefore, I'd ask the Clerk to call LCO 7558.

THE CHAIR:

Mr. Clerk, will you please call 7558.

SENATOR FASANO:

Thank you, Madam President.

THE CHAIR:

No problem.

THE CLERK:

LCO 7558, which will be designated Senate Amendment Schedule "D." It is offered by Senator Fasano of the 34th District, et al.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

I would like to move the amendment and request permission to summarize.

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THE CHAIR:

The question is on adoption.

Will you remark further, sir?

SENATOR FASANO:

Thank you, Madam President.

Madam President, what this amendment does is it talks about Section 53-192(a). Madam President, 52-192(a) of the Connecticut General Statute is trafficking in persons, a Class B felony. Madam President, this circle has taken a stand against human trafficking. This is a huge, huge problem nationwide and a significant problem here in Connecticut. And I'll tell you what's really scare, the whole concept is scary, but when you look at the figures and you look what we're talking about, 50 percent of human trafficking are children, are children. Eighty percent are women and children. Seventy percent of the women are committed to the sex industry, and that's a broad scope. The 30 percent remaining of the women are forced labor.

This is a very serious issue. This is -- kidnapping is bad. This is beyond kidnapping to me. This is a type of issue that touches the very soul of who we are as a nation, and we are as a state. And

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to say that if you get arrested for human trafficking and you are found beyond a reasonable doubt, convicted under that section, but you behave in jail, and do a couple programs, we're going to let you go early. Forget about parole boards. You automatically get this reduction. I think that's wrong. I don't think that's right.

This crime affects women and children the most. This is slavery. It's what it is. There's no other term for it. It's kidnap and slavery. And if we say as a policy in the state, yeah, it's bad, but you know what, if you serve your time, we're going to give you a little break in jail. Just because you're good in jail, we're going to give you incentive to be good in jail, we'll let you out early. We're going to incentive to get out early just to be good, follow the rules, take a couple of classes, and that's good enough to let these people out when what they've done is stripped someone from wherever they are, kidnap them and force them into a position that they don't want to be in. Most of the time it is illegal in terms of the work that they put them in.

And we're going to say, as a state, we're going to bunch that up with other crimes, nonviolent crimes

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and give you the same -- same goal. As a public policy, that has to strike most people as just being simply wrong. And all this amendment does is say as to this crime, as to this human trafficking element, as to this specific inhumane act, we are not going to apply this bill to those people. Let it stay the way it is. That makes logical sense and it's good sound policy.

Madam President, I look forward to having this amendment pass. Thank you.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Madam President, I rise to oppose the amendment for many of the same reasons why I opposed the previous amendments. I think the system that is set up can work rather effectively. There are safeguards and protects insofar as concerns the decision making of the people involved in the system be it the commissioner, probation officers, parole board members and parole officers all along the way. I don't think that any of the individuals who will be exercising decision-making

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authority regarding this system are going to do it lightly.

And for that reason, I stand in opposition to the amendment and urge a vote against it.

Additionally, Madam President, I am informed that the amendment has to do with human trafficking, and one of our members has done a considerable amount of work on the subject matter of human trafficking and I'm not sure if she wants to comment, but if she does, I would yield to Senator Stillman for the purposes of comment on the amendment.

THE CHAIR:

Senator Stillman, will you accept the yield?

SENATOR STILLMAN:

Yes, thank you, Madam President.

I would like to make some remarks on this amendment and I thank Senator Fasano for his concern and passion about this subject, as well. We all know that human trafficking a vile, violent, debasing crime, and that the targets are children and mostly women. There are men that are trafficked as well. As someone who has been introduced really this whole concept of the fact that the state should play a roll in sort of mirroring federal law and making human trafficking a crime here

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in Connecticut as well, it's my understanding from some of the work that I've done through the years that those who are convicted of human trafficking usually end up in federal prison.

And I believe that the bill that we're -- the amendment that we're talking about and the processes that we're talking about in terms of the -- the criminals that are locked up in our Connecticut prisons, there would not be anyone that was there due to a crime of human trafficking. So for that reason, I believe that this amendment, as well-intentioned as it is, I don't think that it's relevant to the -- to the underlying bill. And again, I -- so I would like to urge rejection of this amendment. I think that it's -- as I said, that it is a reflection of the discussion that we're having today because it's in reference to Connecticut prisons and not federal prisons.

So again, this is a very important issue and one that I hope that everyone will continue to be concerned about, but that is my opinion and I urge rejection. Thank you.

THE CHAIR:

Thank you.

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Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

On my amendment for the second time, first, yes, you're right, human trafficking does usually deal with across state lines. No question about it. But (inaudible) penalty there for federal. Federal are guidelines that do not move. They are federal guidelines. No discretion by the judge. No ability to have a bill like we had before us. They take crime very serious. You commit a federal felony or a federal offense and you get hit with a federal crime, that's where it is. The judge is not even given the opportunity to move those sentencing because there are guidelines and they have to stay within a very short purview of those guidelines.

And I'm glad in this case that most of those cases may be federal because I wouldn't want to have a state -- I wouldn't want to have somebody who was human trafficking who had the ability to get this program. And if it's a good idea that there are federal laws, then I say let's adopt them. By not having it included in this bill, let's make sure that they don't get a

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lesser sentence should they be here in Connecticut. They don't give them breaks in federal government, why are we giving them breaks in state government.

I don't understand it. I have a question though for Senator Coleman, if I may, through you, Madam President.

THE CHAIR:

Senator, I believe this is on your amendment.

SENATOR FASANO:

Yes.

THE CHAIR:

Then through you to Senator Coleman.

SENATOR FASANO:

Thank you, Madam President.

Madam President, Senator Coleman indicated that there were safeguards in the bill that would protect against my concerns raised in this amendment which is giving a reduction in someone convicted of human trafficking. I'm wondering if the good Senator with respect to the bill, what are those safeguards that he could show me in the bill before us that do give me that protection? Through you, Madam President.

SENATOR COLEMAN:

Through you, Madam President, to Senator Fasano,

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the safeguards that I'm referring to have to do with the decision making authority and the discretion that is entrusted to the various individuals who are part of the system and that would include the commissioner. The commissioner has the discretion to award or not award risk reduction earned credits to an inmate. The -- even if he does award risk reduction earned credits to an inmate, the most effect that those credits would have may be to allow the inmate to go before the parole board somewhat earlier than might otherwise be the case. And once in front of the parole board, it's not automatic that the inmate is going to be granted parole and released.

As a matter of fact, somebody during the course of this debate made reference the parole board hearings being broadcasted on CT-N and I watch those from time to time and it seems to me that more often than not, the parole board rejects petitions for parole. It's not always the case, but the point is it's not automatic just because an inmate gets an opportunity to address and apply to the parole board that that inmate is going to be released on parole. Those are the safeguards and protections that I was referring to, Madam President, through you to Senator Fasano.

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THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

I thank the good Senator for his answer. Thank you very much.

That just demonstrates further what this bill does, understand what we're talking about. There are two components. They are not mutually exclusive. They work together. There is the reduction in prison sentence and there's the parole board. On the parole board after, what, 85 percent of your time served, you go in front of the parole board to get out early. So if you're given a sentence and there's a reduction in your sentence, you get to go to the parole board earlier. That's what it does. As a sentence gets reduced, obviously, the 85 percent moves up, you get to the parole board.

Now, if the parole board says no, your sentence continues to go down under this bill. So if the victims show up at the parole board and say, no, we don't want this guy on the street. No, he's dangerous. Well, you know, he just keeps getting those reductions and no matter what --

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THE CHAIR:

Senator -- Senator, is this on the amendment?

SENATOR FASANO:

It is. Absolutely.

THE CHAIR:

Okay. Thank you.

SENATOR FASANO:

It's the safeguards that Senator Coleman said that are in the bill and that therefore the amendment is not a good amendment. I want to show there are no safeguards, which makes the amendment very applicable.

THE CHAIR:

Then please proceed.

SENATOR FASANO:

Thank you, Madam President.

So as the sentencing goes down, the person gets out earlier. So when you have a crime like human trafficking, you have a crime for which someone is kidnapping a person, ripping children out, bringing them into a slave camp, if you would, we're going to say, yes, it's okay, that sentence can go down. And the safeguards that are talked about is the discretion of the commissioner.

Why isn't that our obligation? Why isn't it up

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to us to say we think for this crime this is what you pay for? We set it in statute -- this is the amendment -- but we set it in statute, and now we're letting the commissioner come out with some other rules so we don't really don't mean what we said in statute. So there are no safeguards for a crime like human trafficking. It doesn't deserve the dignity of a reduced sentence. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

I rise in support of the underlying bill in opposition to the amendment. And I would like to clarify a couple of statements that were made -- correct, rather, a couple of statements that were made by the proponent of the amendment. The federal system does, in fact, allow good time up to I believe it's 53 days a year. It also has several programs for drug and alcohol rehabilitation that provide time off a sentence. As a matter fact, Senator Gomes and I, who represent Bridgeport, the mayor of Bridgeport recently took advantage of some of those

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programs while he was in federal prison and was able to take some time off of his sentence.

The federal judges have great discretion under Supreme Court precedent to deviate from the guidelines, specifically deviate from the guidelines that were discussed. This is in the federal system a great deal of discretion in sentencing and calculating prison terms. In addition, I believe Connecticut is one of certainly the minority of states that does not have a system such as we are proposing here today. I realize that may be on the underlying bill, but regarding whether the federal system had it, it's instructive to note that other states have it as well.

So I would oppose this amendment for that reason.
Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark --

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And I stand in strong support of this amendment and I thank Senator Roraback for meeting with Undersecretary Lawlor because he really just explained

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to me how this whole process is going to work going forward and I think that that's helpful to the debate as we continue with potential amendments. And I think it's good to discuss these amendments and how they will affect sentencing policies in light of what Senator Coleman keeps bringing out as to the parole board -- Board of Pardons and Paroles.

And so in support of that, the amendment, let say someone is convicted of human trafficking, a really bad crime, I mean really, essentially, kidnapping and holding someone against their will and forcing them to do some kind of labor that they don't want to do and so I would consider that a violent crime and someone gets 10 years. Under the amended bill proposed by our friends and colleagues in the majority party, out of that 10 years, now, let's say the individual does the first year, they get the two months credit, the full 60 days. Now, their sentence is cut back from the top to an effective 9 years and 10 months and they're eligible for their parole hearing on 85 percent of 9 years and 10 months.

And it moves that way. So then, let's say, another year goes by, another -- the inmate does everything they're supposed to do, another two months,

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so now that inmate is eligible for that parole hearing at 85 percent of 9 years and 8 months so it keeps ratcheting it down from the top. Granted, to Senator Coleman's position, that he takes great comfort that that will act as a buffer or another review process, but at the same time, the concerns expressed by myself and my colleagues and Senator Fasano in offering this amendment, is that in these serious crimes as the inmate begins to serve his or her sentence, their effective sentence as well as the time frame to which they are eligible for a parole hearing gets reduced.

So if it's a nonviolent offense or a violent offense, you're taking the good time, the risk reduction credits from the back end and pulling that down towards the time the inmate is in. So when Senator Fasano says, this is a horrific, violent crime and as a matter of public policy, there is no grounds where we feel it is appropriate for this person to get to that parole hearing any sooner than eight and a half years in or the specific 85 percent of that 10-year sentence, I agree with him.

I see where the majority party is coming from on the bill, but make no mistake about it, it will reduce sentences. It will do what we're concerned with and

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the majority party posits that they feel that as a matter of public policy, they would rather take any risks associated there with and incent inmates to take these programs. The last thing I'll say is this, in touring the correctional facilities in my district and talking to the teachers and the counselors, there are a lot of these programs, we don't even have enough staff to accommodate the inmates that are in there that want to take them. GED, fatherhood initiatives, others, there are waiting lists to get into these programs. Also, for certain kinds of offenses, I don't care how many programs people take, the recidivism rate doesn't necessarily go down.

The policy has to be precisely targeted and I do believe the policy is far too broad and on the specifics of the crime that Senator Stillman has worked so tirelessly over the years raising its elevation, public knowledge regarding it, the fact that children are brought into bondage against their will to be made to do things that they -- some of them are unconscionable, and that capturing these human traffickers and meting out a sentence, I think that's a very important public policy message and very important criminal justice end that we shouldn't waiver from.

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And the last point is this: You know, again, the fact that this is retroactive and that there could be people associated with the victims that went to trial just a year ago believing that those convicted would do 85 percent and now that's all going to change, we actually have a constitutional right to protect -- it's in the constitution that victims have rights. I really -- I wonder when the day will come when if you're going to forward with this and tinker with these policies when some victims' advocacy group is going to sue the state and say, we have rights, too. Because on the Judiciary Committee, time and time again, we grapple with the notion that we have not enough meat on the bones regarding victims' rights in the state of Connecticut.

We keep doing a little bit. We try to make them part of the process, but again, it may be true that at least in the instances that Undersecretary Lawlor is aware of that if a victim expresses an objection to an individual being granted parole, there is no such mechanism in the risk reduction credit system where a victim could perhaps annually state to the corrections commissioner, I'm sorry, our family is completely devastated. Our daughter lost 10 years of her life and

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it's inappropriate no matter what this inmate is doing to keep lopping off two months of his sentence every year that he goes to your classes.

So that's the debate as I see it going forward above and beyond, and that's just on the crimes, above and beyond all of the other problems I see in how this has been put together and who we're giving authority to. Again, turning over all criminal justice sentencing authority or vast amounts of it over to the executive branch, I think is unwise of this Legislature and not the direction that we should go. And with that, Madam President, I am happy to support Senator Fasano's amendment regarding human trafficking. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

I just to know because I listened to the debate and I heard Senator Stillman indicate that largely when Connecticut people are sentenced for human trafficking it is a federal offense and they're basically sentenced

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under federal law. And so with that, I'm just wondering how many -- if I can ask through you, Madam President, to Senator Fasano, how many Connecticut residents are sentenced for the crime this amendment attempts to exempt under Connecticut law? Do you know the number and the impact? Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

No, I do not have the number of people who were just subject to Connecticut incarceration as a result of that crime. Thank you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

And for that reason, I would -- I believe this is useless amendment. It certainly gives a great opportunity to talk about we dislike human trafficking, but it's a federal offense by and large. It doesn't impact here in the state. We've spent a lot of time talking about something that is probably never going

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to be an issue unless we ultimately ignore that the greatest penalty is a federal penalty and so -- I'm going to ask that we have a roll call vote, because I haven't heard that. And hope that the next amendments we have at least impact Connecticut residents and our criminal justice system.

THE CHAIR:

Thank you, Senator. There will be a roll call vote.

Will you remark further? Will you remark further?

If not, the machines will be open. Mr. Clerk --

Oh, sorry. Senator Kelly, did you want to speak?
I apologize, sir.

SENATOR KELLY:

Thank you, Madam President.

You know, I often speak just about the commonsense of things and it struck me hearing the debate that when it comes to human trafficking if it's a federal law that preempts Connecticut law, why do we have Connecticut law on the subject? Why are going to give, quote/unquote, risk reduction credits to someone who could be in a Connecticut jail for something that's been federally preempted? Did I miss it? I mean, did I

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miss something here?

We're saying we don't need this amendment because it's not applicable to anyone in Connecticut because the federal government does it. Well, we have a Connecticut law and we're going to let somebody out early because they're in a Connecticut jail, which gets me to my next point. We hear this is not about early release. It's a risk reduction credit. Once again, commonsense, I think commonsense leaves the room, too, often in this chamber. We've heard this week about undocumented workers and a person without legal status, illegal immigrant, revenue enhancements or tax increases and tax expenditures or tax cuts. We don't like in politics to call things what they are. It is what it is. An earned income tax credit are for those people who don't have earned income. And then when we go back to our district and talk to our neighbors, we wonder why they don't get it. Why do they have contempt for the legal process and for the legislative process when we don't even speak the English language as it was meant to be?

What we have before us is an early release bill, plan and simple. That's what it says. That's what it does. I'd like to ask a question to the proponent of

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the amendment.

THE CHAIR:

Senator Fasano, prepare yourself.

Please proceed, Senator Kelly.

SENATOR KELLY:

Senator Fasano, where does it say in the bill anything about victims' rights?

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

I don't believe there's anything in there regarding victims' rights. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Senator Fasano.

That's right. When I read the bill, I didn't see anything about victims' rights either. Yet, we've heard eloquently about how this all to help the individual, the perpetrator not the victim. Somehow in the discussion, the conversation, if you will, we've lost sight of those individuals who have been harmed.

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We talk about redemption. I think that's a very important human element, redemption and forgiveness.

I --

THE CHAIR:

Senator Kelly, is this on the amendment, sir?

SENATOR KELLY:

Yes, it is.

THE CHAIR:

Proceed, sir.

SENATOR KELLY:

Yet, we don't look at the redemption for the individuals who have been harmed. What about them who have permanently oftentimes scared? The focus ought not be one way. There is more people involved in a crime than the criminal. And whatever happened to the saying if you do the crime, you do the time.

I don't like the bill. I think the amendment is a good amendment and I would urge adoption. Thank you.

THE CHAIR:

Thank you, Senator Kelly.

Senator Kane, good afternoon, sir.

SENATOR KANE:

Good afternoon, Madam President.

I, too, rise in support of this amendment and the

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reason is just in deference to Senator Harp's remarks saying that this amendment is useless. Senator Harp, we debated for an hour yesterday about digital copiers and you're going to say that something in regards to human trafficking is useless. If you would like a link, I have a Department of Public Health study and report as early as June 2010 that says this is the second largest criminal enterprise in the world. In 2009, because we have the statute here, 53a-192a went into effect July 1, 2010 so this is a very recent problem.

And I'll tell you what the report says.

Connecticut is very seriously involved in human trafficking for four reasons. We are in close proximity between New York City and Boston. We have two interstate highways. We have an international airport and three marine ports, and industries that give rise to this problem. So please don't say it's useless when we're talking about human trafficking after we debated a copier bill for an hour yesterday.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

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If not, Mr. Clerk, would you please call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, will you announce the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "D."

Total number voting	34
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark further? Will you remark further?

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Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I rise for the purpose of an amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

The Clerk is in possession of LCO 7530. I would ask the Clerk to call the amendment and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5730, which will be designated Senate Amendment Schedule "E." It is offered by Senator McKinney of the 28th District, et al.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I move adoption.

THE CHAIR:

The question is on adoption.

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Will you remark further, sir?

SENATOR KANE:

Thank you, Madam President.

We just discussed, which I did get a little fired up about, but human trafficking and how important the issue really is. I would like to now discuss another issue that goes along the same lines which is the crime of prostitution and this amendment speaks to that. We all know the kind of work that Senator Stillman in regards to human trafficking. I, myself, Madam President, had a bill last year that had bipartisan support in both houses that dealt with a safe harbor for exploited children.

We've learned during the process that kids, children are forced into prostitution. We know that the law says that anyone under the age of 16 cannot consent to have a sexual relationship. That these children would not be criminals or treated as criminals, but treated as victims, as what they are, because they are coerced. They are forced into this trade. So last year we passed a bill out of the Childrens Committee through the Human Services Committee. It went through both chambers unanimously, I believe, that had to deal with this issue.

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So human trafficking, prostitution, all these things go along the same line. They're all awful, terrible, criminal enterprises that effect many, many lives. And they're probably -- this issue, this problem is in probably all of our districts at some point or at some level. This amendment speaks to this and I would urge adoption. Thank you. And I'd ask --

THE CHAIR:

Thank you.

SENATOR KANE:

I'm sorry. I would ask for a roll call vote.

THE CHAIR:

A roll call vote will be ordered.

Will you remark?

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Madam President, I rise merely to urge rejection of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

A roll call has been ordered already.

Will you remark further? Will you remark further?

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If not, Mr. Clerk, will please call for a roll call and I will open the machine.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted?
The machine will be locked.

And, Mr. Clerk, will you call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment
Schedule "E."

Total number voting	34
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark further? Will you remark
further?

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Senator McLachlan.

SENATOR McLACHLAN:

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR McLACHLAN:

I rise for a point of an amendment, please.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Madam President, the Clerk should have LCO Number 7573. I would ask him to call it, please.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7573, which will be designated Senate Amendment Schedule "F." It is offered by Senator McLachlan of the 24th District.

THE CHAIR:

Senator McLachlan, please proceed, sir.

SENATOR McLACHLAN:

Thank you, Madam President.

I move the amendment and seek leave of the chamber to summarize.

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THE CHAIR:

The question is on adoption.

Will you remark, sir?

SENATOR McLACHLAN:

Thank you, Madam President.

I would like a roll call vote when this ready.

THE CHAIR:

A roll call vote will be ordered, sir.

SENATOR McLACHLAN:

Madam President, the purpose of this amendment is plain and simple. This clearly identifies that a persistent, dangerous felony offender, which is found in the Connecticut General Statutes Section 53a-40, really the worst of the worst, violent felons in our penal system shall be excluded from this risk reduction program. Now, it's a broad description when you look at this section of the statutes, but let me just share with you some of the highlights. Those convicted of manslaughter, arson, kidnapping, robbery, sexual assault, aggravated sexual assault, sexual assault with a firearm.

Madam President, I mention this as commonsense because this General Assembly had vision to clearly identify those persistent, dangerous, felony offenders

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by carving it out in statute so that we had a very clear description, how will the court system deal with those offenders in such a way that their violence will be clearly dealt with with a stronger arm than those with those violent -- less serious offenses. Now, I must be persistent in saying that we're talking about persistent, dangerous felons.

THE CHAIR:

Can we keep our voices down in the back. I apologize. Senator is trying to bring out an amendment.

Please proceed, Senator. Thank you.

SENATOR McLACHLAN:

Thank you, Madam President.

When I think of the description in statute of persistent offenders, persistent dangerous felony offenders, I can't help but think of the legislation that I proposed for the three years that I've been here at the General Assembly, and had been talked about for many, many years prior to my arrival, and that is something known as three strikes. Now, granted three strikes goes far beyond what this section of our General Statutes does. Three strikes is a very severe penalty, but so is the description in our General Statutes of

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persistent offenders.

I understand those who have studied the issue of the criminal justice system and I was very pleased to hear stories of success for those who served time in jail and came out after a long term and became pillars of society. I think that's a great success story to share. Unfortunately, I'm also hearing stories about 60 percent of our prison population is repeat offenders. We have to identify, we to accept, we to acknowledge that we may some good ideas to work for rehabilitation of our prison population, but we have to acknowledge that with these very violent persistent offenders, severeness in their penalty should not be dismissed.

I don't believe that those that are convicted under Section 53a-40 should be given the extra bonus credit of time off for good behavior. And I think if you ask anyone on the street, anyone, any of our residents of Connecticut who don't understand the criminal justice system, but you plainly explain to them that we have a statute here in Connecticut that treats persistent, dangerous felony offenders more severely than others, then those people, those residents would tell you that's a good idea. And if

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that's a good idea, and I believe it was when it was placed into law by this General Assembly, then that is all the more the reason for us to exclude that population from this special bonus program for the prison population.

Persistent, violent offender, no bonus. No bonus for early time off. The bonus you get according to our statute is a more severe penalty and rightfully so. So, Madam President, I urge adoption of this exception to the proposed program. I hope that we can have some bipartisan support. It's clear to me that persistent, dangerous felony offenders don't deserve the special program that's being offered in the underlying bill. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Madam President.

Madam President, I rise to oppose the amendment. A person convicted as a persistent, dangerous felony offender is either to subject to a maximum penalty of 40 years or 60 years, and under any system, they're

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going to serve a very long. I urge rejection of the amendment.

THE CHAIR:

Thank you.

Will you remark further?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Through you, a few questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

The amendment, I should say.

Through you, Madam President, to Senator McLachlan, what defines a persistent offender? Through you.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you, Senator Kane, for the question. Probably the highlight is the opening points of the Connecticut General Statutes, but the individual

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stands convicted of manslaughter, arson, kidnapping, robbery in the first or second degree, assault in the first degree, home invasion, burglary in the first degree or burglary in the second degree with a firearm. It goes on to talk about other felony convictions including sexual assault in the first or third degree and aggravated sexual assault in the first degree, or sexual assault in the third degree with a firearm.

It's extensive. It's all inclusive of what commonsense tells us should not be part of any bonus credits for early release in our criminal justice system. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Through you to Senator McLachlan, a -- well, first of all, the description of what the laundry list of crimes is pretty impressive and strong. But these individuals that commit these crimes, through you, Madam President, are they -- how are they different from let's say -- let me rephrase the question -- from a repeat offender? Is this something that could happen in their first offense? Is it something that's

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happened over a number of offenses? I'm trying to delineate the differences. Through you.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

It's my understanding that the statute allows the judge in a trial to hand down a penalty that is more serious than the traditional penalty for that crime and so there are cases where a judge may raise the penalty for the particular crime because it fits into this statute. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And these offenses that you speak of -- well, actually, let me take a step back. The underlying bill goes -- if this bill goes through, the underlying bill would put this program into place retroactively, so -- and through you, I don't know if Senator McLachlan knows this, but to -- if what date it goes retroactively to. Through you.

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Senator McLachlan.

SENATOR McLACHLAN:

It's my understanding -- through you, Madam President, that the underlying bill is retroactive to 2006.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So in Senator Coleman's remarks, he said that these are obviously persons who would serve sentence. So under this bill, could you foresee what type of reduced sentence would this type of individual be able to get or what type of reduction based on this risk reduction we're talking about, and if you could give me a scenario for these types of offenders. Through you.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you, Senator Kane. The -- I think the experts in this circle who have been studying this for a long time, those like Senator Coleman and Senator

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Kissel. In a colloquy, they talked about what is the amount of time in the look back, and it seems to me that those who are in prison now for a long period of time, their look back credit could be as much as 300 days when this bill passes, and it then it continues to develop -- accumulate additional credits as we move along. So it's my understanding that in a very short period of time after this bill passes, some of those who fall within the persistent offender -- persistent, dangerous felony offender statutes could find as much as one year already shaved off their term that they're serving. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And -- so basically, if we pass this bill, we're talking about very serious criminals who have committed these crimes. In the very strong verbiage we have in the language that you're providing, we would be giving them automatically, if you will -- well not automatically, but certainly be allowed a year off if this bill goes through. Through you.

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Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Through you to Senator Kane, thank you. I think that's a good question. The underlying bill because it has a look back credit going back several years, those who have been in prison for a long period of time may qualify for substantial credit for time off in that last description that I had for you, and I believe that to be just under a year almost from the day that this bill passes is the potential credit for early release that may be made available to them should the underlying bill be approved by this Legislature and signed by the Governor. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I thank Senator McLachlan for his answers, and I will be in support of his amendment. Thank you.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

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

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, will you call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "F."

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Those absent and not voting	1

THE CHAIR:

The amendment fails.

Will you remark further?

Senator Boucher.

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SENATOR BOUCHER:

Good after -- evening -- well, good after -- yeah, good after-evening is probably the right word for this time of the night.

THE CHAIR:

Close enough, Senator. Close of enough.

SENATOR BOUCHER:

I -- Madam President, I have an amendment and if -- and it is LCO 7562. Will the Clerk please call the amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7562, which will be designated Senate Amendment Schedule "G." It is offered by Senator McKinney of the 28th District, et al.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Yes, Madam President, I move adoption. I also ask for a roll call vote and seek leave to summarize, please.

THE CHAIR:

There will be a roll call vote. And the question

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is on adoption. Will you remark, please?

SENATOR BOUCHER:

Yes, thank you.

This particular amendment excludes from the list that would be receiving the various services outlined in this bill, as some have characterized as early release, to Section 53a-70, 53a-70b, 57 -- 53a-70c, 53a-71 and a few others that are listed here. Most of them having to do with sexual in the first degree, sexual assault with spousal and cohabitation, in others words, domestic violence and sexual assault, sexual assault on a minor, sexual assault in the second degree and other such like crimes. The reason for this is we don't really have to outline, as was mentioned before, some of the most horrific cases that many of us subscribe when we think about rape in the state of Connecticut. Some of them are too horrific to go in great detail, but all of us know about them, such as the Petit case.

But there has been a number of others that are right here, right near us in the city of Hartford and surrounding cities that were very recent, such as the kidnapping and the rape of a couple of women just in downtown Hartford on an early Saturday morning where

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one of them was put in the trunk of a car while he raped her friend in the backseat. We've had other terrible cases such one called the baby shower rape when an individual took one aside, put some what's a date rape drug in a cup of beer, actually, and took advantage of them at that particular event.

We have so many domestic violence that are associated with sexual assault on spouses, and also a stabbing in New Britain just in 2010. There has been so many that I could go on this afternoon, but I won't. But there are few that take and should be noted particularly. One of them was the one in Waterbury where there was a raping and then unfortunately a murder of a 16-year-old as well as the UConn rapist that was later caught by DNA. And not mention this one particular that many folks do not realize. It was quite infamous at its date. It had to do with a lab technician at Yale University and it happened to be a case of a missing person originally. They thought it was a kidnapping because it was very close -- to this young, brilliant young researcher, very close to her wedding, and unfortunately, they couldn't find her, and later found her stuffed in the wall of that research facility in -- at Yale University. Later to be found

that someone that worked with her was the perpetrator. What most people don't realize that she -- it was an attempted rape as well.

And so many of these things have been in the minds of all of us here. And I have to tell you there are only two things that rise to such a level of the work that we do in this General Assembly that actually keep me up at night. One of which you all know and that is the way in which one is affected by illicit drugs and how it affects the safety of our community, the cost to DCF and DSS, and also the cost to our families. And the second is crimes perpetrated against our children.

There is a case, a very notorious case in Florida where a young girl, 10-years-old. Her name was Jessica Lunsford. Not only was she sexually assaulted, abused. She was also buried alive. It was so horrific, and we later found of course that drugs had something to do with a good number of these things.

And as we've been talking about this situation, there is also case of a man raping an 11-year-old here in this area of Hartford. And what's interesting about that case is that that never was brought to light because the little girl, at 11-years-old, hid this fact from her parents and others for two years until it could

no longer be hidden because she became pregnant. When the Department of DCF found -- Children and Families found this out, the individual then was prosecuted.

And this -- this is a real problem for me, I have to tell you, because we've had -- during the discussions this afternoon, we've talked about the fact that -- that this is really not early release, but as Senator Kissel explained to us not long ago, this, in fact, a bad bill, but it's also made worse by the fact that you could actually get parole for those cases that are heinous at a much earlier time. And what I'm talking about here is cases that don't necessarily rise to the same degree that might be very readily be brought before the courts in such a case like this or actually not the courts but the Department of Corrections, such as this 11-year-old girl. The individual here in this case got seven years. The mandatory time for something like that was two. And so conceivably, he could get two years time off.

You know, I have to tell you that these young children whose lives are ruined do not get any time off. In fact, their lives are changed forever. There is a personal story here. I had and have luckily three children. When I was giving birth to these three

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children, my OB-GYN had been in practice for 45 years. He was 75 years old and his neighborhood where he practiced had become a big city, and that city had changed dramatically. It had become an inner city over those years. I loved this OB-GYN so I didn't have my babies in the suburban, very nice facility, but where he still practiced every day.

So I was in an inner city hospital, and in each case of those three births within seven years of each other, my roommate, a double room, on the side of the room was a bed with a 12 or 13-year-old young girl. It was extraordinary to me that I was having my baby with someone that was literally a children themselves and -- and in one of those cases, when I woke up, I heard the TV on and it was playing cartoons, which really brought it home. This was a child having a child. It was heartbreaking.

And in all three of those cases, not -- was there a parent that ever visited? No. There was one baptist minister and there was, in one case, a young man. But in each of those cases, I felt that a crime had been perpetrated because this child then had no prospects going forward. They were exceedingly poor, not yet educated, and now had this huge responsibility ahead

of them. So a crime had been perpetrated. They had lost a great deal of prospects for their future and it was not a benefit, and they would have to carry the sentence they had for the rest of their lives if some extraordinary circumstances could come in there and really improve the situation for them and that child.

So I really feel that in this case in particular that giving extra time off, no matter what the circumstances or the kind of intervention, isn't fair. It's patently not fair. And when we say that yes we're going to give the victims and the victims' families the opportunity to make a decision on this, I don't agree with that. I think they should serve out the maximum term and that's why I really advocate for this particular amendment, because they've taken time out of that other individual, but particularly these young children, and particularly young girls, who oftentimes are -- most times I would say, particularly an 11-year-old. They had nothing to with this. They're not in a position. A 12-year-old is not in a position to make an informed judgment and consent. They're not mature enough. They're being taken advantage of. They're being assaulted. It's wrong. And we should exclude those types of crimes from this particular

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legislation.

So I hope I get some -- at least some support on this particular one and hope that they'll vote in favor.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Madam President, I urge rejection of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman.

Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And through you, if I may, to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you very much.

Through you, Madam President, Senator, I just want

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to make certain the laws -- the crimes that are involved in this amendment, are they crimes in all cases against a minor or do they involve crimes against adults as well.

SENATOR BOUCHER:

Well, it's a comprehensive amendment. In fact, it includes quite a number of different things, but yes. We're including the sexual assault in the first degree, Class B and A felony, which compels another to have sex by use of force and have sex with someone under the age of 16 or has sex with someone mentally incapacitated, which has a mandatory minimum of two years, but also if the person is 13, it would be a minimum of give years, and under the age of 10, maximum -- or minimum of 10 years. And then it goes on to also include other such ages, but then it also includes domestic violence with sexual assault associated with it, and the other things we just mentioned as well. The various cases that I was bringing up also are inclusive in some of these exclusions.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, yes, I noticed you mentioned the infamous case of the Yale researcher who was killed by a colleague a year or two ago, and unfortunately, her body was stuffed behind the wall at the lab where it was undiscovered for a few days. Through you, Madam President, when a person who has been convicted of a crime against a minor and serves their term in jail, and let's say for argument's sake, it may be five, six years, oftentimes, their victim may still be a minor. I've heard of crimes where assaults on infants even. It's just unbelievable some of the heinous things you hear about.

Is there is any -- through you, Madam President, is there any protection for the victims against their -- the perpetrator for the crimes that were in prison and once those perpetrators are released from prison, are there any protections available to their minor victims who might still be minors even after the criminal has served their term in jail? Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Madam President, I would believe that the courts

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would have set up some sort of protective order possibly in not having contact or what have you. It's hard to say. It probably depends on each case. And rightfully so, it could very well be a 5-year-old who someone is serving a 10-year maximum sentence, if they could be essentially 15 and still a minor, or a 6-year-old and someone a minimum 10-year sentence, they could still be a minor. That is a very true.

And as far as the case that we were talking about, the Yale case, the very sad notation was they actually found her body the day of the wedding, the day that her wedding was supposed to take place. It really, really affected the sensibilities of most of the people in Connecticut as do some of these cases. And that's why something like this needs to be thought out carefully because there is a public perception harm and of safety and if we -- as I said, there is certain things, particularly as it regards to minors and children, especially in these days, and the more of these released -- and we hope that the vast majority never do this again and take advantage of the services, but for those because there's such recidivism here, we are also exposing the public and our young population at great harm and risk just as we're getting to a point

where we're actually are seeing a reduction in crime.

This could very well change the landscape here especially as we're looking at other bills that might liberalize a lot of other things, in particular drugs, where we can actually have an increase in crime, and a lot of these crimes go hand and hand. The Jessica Lunsford case was very clearly a gentleman that was high on drugs and the things that he did this 10-year-old, we don't even want to talk about in civilized society. So my concern is that if, in fact, there is a great deal of return to these crimes that can be perpetrated on very young children. It's probably common knowledge that that -- a problem from those that target young children, they go back and target those younger children again. As those individuals grow up, they lose interest and so on.

So it is truly something we should be concerned about and we can't go overboard in our protection in that regard. Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

If I may, again, through you, to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

It's my understanding that a great deal of emotional trauma is suffered by the victims of sexual crime particularly -- no matter what your age, of course, but particularly, I would think if you're minor and -- I -- through you, Madam President, would -- would -- in the bill, the way it's proposed for every six-year prison term potentially somebody could earn almost a year of early release, so someone could be convicted to ten years, they could be out a year and a half earlier roughly, if they earned the credit under the bill as proposed.

Would -- does the early release of the perpetrators of the crime basically inflict more trauma on the -- on the victims? Is there -- is there any kind of study that you're aware of that's been done as far as the traumatic impact, in fact, of the release of the perpetrators of the crime on their victims? Through you, Madam President.

THE CHAIR:

Senator Boucher.

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SENATOR BOUCHER:

Through you, Madam President, I am certain that there is very extensive research and data on this. I'm not prepared to have it handy for you today, but I do believe that you basically have taken the childhood away from a young person that's experienced anything like this and that -- that is part of the reason why this should be excluded from this, because if it's about getting time off for being good and good times, the families and these children are not experiencing good times. And often, they will not come forward. They don't want to expose their children to a process that can be even more damaging, and as such, there could be very few people particularly if they are low-income and they don't have the resources, and they don't make themselves available to free legal resources, to come forward and really speak to this.

It may very well be the individual is a model, model individual in our prison system; however, when it comes to being released into the community, and their exposure to certain things that put them at high risk such as alcohol and drugs, it can very often happen, and does, that it can be a repeated offense. And as I said, if we have more of this out in the public just

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as we've increased our safety, we could be undoing that harm, and I don't think it should be left to judgment on this. I think that we should be very clear about how we feel about protecting our very youngest children, particularly when it comes to sex crimes. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I don't have any more questions for the proponent, although, I will say, I will be supporting the bill. I think crimes of a sexual nature against minors are particularly heinous and should bear the heaviest consequences for the perpetrators. I also am aware -- my wife is in the medical field, and she's worked with the victims of sexual crime before. I know that the recidivism rate of sexual predators is very, very high. And I'm somewhat skeptical about people who abide by prison rules whether they necessarily will be abiding by the normal rules of sexual conduct, and I'm totally opposed to their early release if they victimize a two, three, four, six, ten-year-old child. To me, they should serve their full prison time. And

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so I will be supporting the amendment. And thank you very much.

THE CHAIR:

Thank you, Senator Suzio.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

Just one question, through you, to the proponent of the amendment and I want to --

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Thank you, Madam President.

I want to commend Senator Boucher for doing such a wonderful job bringing this amendment out and being very articulate.

When I had a chance to speak with our new chairwoman of the Board of Pardons and Paroles, she said that when she first started off as a prosecutor in Florida, she was given a choice as to what area she wanted to focus in and she wanted to do it in domestic violence and she felt that those cases were more interesting to her because you got to work very closely with the victims, and the victims really had to brave

things to even more forward with the charges and respond to the situation.

And it strikes me in listening to your colloquy with Senator Suzio that at the heart of the one of -- one of the concerns that you and one of the reasons that you want these particular crimes not to be involved in the risk reduction credits, or the good time, or the early release, however we want to call it, is because of the nature of the victims of these crimes. And would that be a correct characterization? Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Absolutely, that is the case. When there is a sexual assault in a domestic situation with a spouse and unfortunately also embedded in this is incest, which there is sexual abuse perpetrated on children within a family, what is absolutely the most tragic is when someone, a trusting individual in a family perpetrates this crime on a child. It can be truly devastating. It can go on for years. And it -- and it, of course, it changes their life forever. It

is -- it is just inconceivable.

But what is also very compelling is the fact that there are cases that rise to such a level -- and I had that in my district as well where there was a teacher, a well-regarded, wonderful teacher, everyone loved, and the shocking headline was that she had killed her husband with a gigantic candlestick holder and they just didn't know it. And guess what? She got off of that crime because the children came forward and talked about the years of abuse that this woman had sustained. It was an amazing case, but over time, they get accustomed to that abuse and tolerate more and more, and to such a point in some cases there is such violence that deaths occur, and in this case, on either side.

It's very -- and by the way, it's not just on women. There are many men. You don't hear about it very much because it's something that they don't to talk about, but men are also victims in -- oftentimes in these case.

So I -- it is a devastating thing. It also shows absolutely no economic boundaries or income levels because it can happen in the most affluent locations. It can happen and be seen in low-income locations, as well. It doesn't matter. It's a matter in society and it's a statement of what we say about how we care about

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those in society and what our laws look like. And in this particular case, you know, the stronger our law, the more I think it speaks to the fact that we care that much more to keep them safe.

We do care about improving and -- and certainly rehabilitating individuals, but I see it better in the context of doing that within a correctional system rather than even outside until they've served their full term, because it sends a very, very strong message. And I think we should continue to do that with these particular crimes that, as I said, could last a lifetime, and they don't get any good time off with regards to it.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I appreciate that response. Again, Senator Boucher, your encyclopedic knowledge of celebrated crimes in Connecticut is quite impressive and your passion regarding the frailty of the victims of these crimes is palpable. And I'm very happy to support your amendment on this bill. Thank you, Madam President.

THE CHAIR:

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Thank you.

Will you remark further? Will you remark further?

If not, Mr. Clerk, will you call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "G" LCO 65 -- correction -- 7562.

Total number voting	34
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

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The amendment fails.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I've definitely got a sense in this building that we're moving right along. If the Clerk could please call LCO 7624.

THE CHAIR:

Mr. Clerk.

Senator, would you read the number again, please.

SENATOR KISSEL:

I know you folks have it because I have a copy here.
LCO Number 7624.

THE CLERK:

Madam President, I have been informed that that LCO number has not been filed in the Senate Clerk's office as of right now.

SENATOR KISSEL:

How can I have a copy?

THE CHAIR:

Okay. Well, the Senate will stand at ease for a moment, please.

(Chamber at ease.)

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THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7624, which will be designated Senate
Amendment Schedule "H." It's offered by Senator
Kissel of the 7th District.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I move adoption of the amendment, waive reading
and seek leave to summarize.

THE CHAIR:

The question is on adoption.

Will you remark, please?

SENATOR KISSEL:

Thank you.

What this bill -- what this amendment does is -- I
call it the driving under the influence fix, what it
does is sets down some parameters that I think are
important to the underlying bill. First of all, it
would allow the home release if the sentence is less
than one year, it's my position that if someone is

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sentenced to a time of more than one year, that is a persistent drunken drive and will pose a threat. And at some in time while a home release may be appropriate for certain individuals at a certain point in time, the fear of behind bars has got to be there. And so one would have to have committed several drunken driving activities and then convicted to have to face prison, but at some point, I think that the underlying crime is so dangerous to society that we should do that.

It also does two other things. It would require GPS monitoring and it require alcohol monitoring of all individuals regarding the underlying bill. The underlying bill as this time just says that the GPS monitoring and the alcohol monitoring are permissive and I know that there's enough folks in this circle that feel very seriously about driving under the influence that as a matter of public policy that monitoring should be required as opposed to permissive and I would hope that circle would adopt the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

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Okay. For clarification, as you can see on the board, the -- it is Senate Amendment "H."

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I rise again to urge rejection of the amendment and ask that when the vote is taken it be taken by roll.

THE CHAIR:

It will be taken by roll call.

Will you remark further? Will you remark further?

If not, Mr. Clerk, will you call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, will you call the tally.

THE CLERK:

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The motion is on adoption of Senate Amendment
Schedule "H," LCO 7624.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Those absent and not voting	1

THE CHAIR:

The amendment fails.

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Moving right along. The Clerk has in his
possession LCO Number 7456, and I would ask that he
please call that amendment.

THE CHAIR:

Mr. Clerk, 7456.

THE CLERK:

LCO 7456, which will be designated Senate
Amendment Schedule "I." It is offered by Senator
Kissel of the 7th District.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much, Madam President.

I move adoption of the amendment, waive reading and ask leave to summarize.

THE CHAIR:

The question is adoption, sir, will you remark?

SENATOR KISSEL:

Thank you very much.

Very briefly, this amendment addresses one of the essential points of concern that I have with this 180 degree change in our criminal justice policy. What this would state is whatever construct the commissioner of the Department of Corrections comes up with would then be handed back to we, as legislators. It would go to the Judiciary Committee being the committee cognizance, and there -- this amendment states that that committee would have a hearing to discuss and vote on that proposal. If they did not, it would be viewed as disapproved. Assuming that the Judiciary Committee approved it, it would then be sent to the General Assembly to be voted on by both the House and the Senate. If we did not take action, it would then go back to the commissioner for revision unless we did take action and vote affirmatively to support the proposal.

This is such a dramatic change to our criminal

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justice policy and sentencing procedures that I believe that we, as legislators, should take the responsibility for the course and direction that our state is going. And I think it's our duty to review that policy and act on it accordingly and have a rigorous debate in this chamber and the House of Representatives regarding it, and I would urge my colleagues to support the amendment. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, I rise in support of Senator Kissel's amendment. I think it is our responsibility to review so that we know what we're doing as a Legislature. We know it's a policy that we have out and the protections that Senator Coleman talked about that are in this bill need to be reviewed by us to ensure that they meet with what we believe to be the appropriate policy. For those reasons, I support Senator Kissel's amendment.

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THE CHAIR:

Thank you, Senator Fasano.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I think amendment is unnecessary. I urge rejection and ask that when the vote is taken, it be taken by roll call.

THE CHAIR:

Thank you. The vote will be taken by roll call.

Will you remark further?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I rise in support of Senator Kissel's amendment. I thank him for bringing forth a good idea. I think it goes to the point of assuring that the Connecticut General Assembly stays engaged in the process of such a very important issue. I thank him for bringing this forward and I urge adoption. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark

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further?

If not, Mr. Clerk, will you call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, will you give us the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "I," LCO 7456.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	13
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

The amendment fails.

Will you remark further?

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Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

The Clerk has in his possession LCO 7383. I would ask that the Clerk please call that amendment.

THE CHAIR:

Mr. Clerk, 7383, please.

THE CLERK:

LCO 7383, which will be designated Senate Amendment Schedule "J." It is offered by Senator Kissel of the 7th District.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I move adoption of the amendment, waive the reading and ask leave to summarize.

THE CHAIR:

The question is on adoption.

Will you remark, sir.

SENATOR KISSEL:

Thank you very much.

What this amendment does is it eliminates that portion of the underlying bills that allows the

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commissioner of corrections to apply this risk reduction credits, the good time or the early release proposal retroactively. It states that this bill will be effective but only prospectively. The reason for that is there are no inmates that did anything over the last five years with an expectation that they would receive any kind of credit whatsoever. If the underlying purpose of this bill is to change the behavior of the inmates, and we're being honest about that, which I believe we are, then it should only apply prospectively.

No one's behavior has changed if they didn't know that they were being, quote/unquote, graded on it or urged to do one set of actions as opposed to another. In effect, it will be affecting these inmates unfairly. Maybe some of them decided to take multiple courses because they would be bored stiff. Others only one course because they felt very seriously about it, and yet, perhaps the ones that took multiple courses just to kill time will get a better reward as far as good time as opposed to the inmates.

If we're going to have a thoughtful public policy determined and administered by the Department of Corrections then it strikes me that that public policy

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should be effective prospectively only, not retroactively, and if it is indeed effectively retroactively, then I believe that sends a message that one of the major components of the underlying bill is to save money and not change the behavior of inmates in our Department of Corrections and I would urge my colleagues to support the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kissel.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Madam President, I rise to oppose the amendment and I think it's important to point out that the retroactivity in the underlying bill regarding the award of risk reduction earned credits comes about because April 1, 2006, was the date of the implementation of the offender accountability plans, which were -- the plans were developed for each inmate indicated what they needed to do while they were serving their sentence in terms of improving themselves and making progress as productive and constructive individuals. The whole purpose of the risk reductions

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credits is tied and correlated to the offender accountability plans, and therefore, I think it makes some sense to allow for retroactivity.

But again, as we've said, over and over again during the course of the debate, does not necessarily mean that the inmate is going to receive risk reduction earned credits, which will be at the discretion of the commissioner of corrections. I urge rejection and ask for a roll call vote when the vote is taken.

THE CHAIR:

A roll call vote will be ordered.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

Briefly in support of the amendment. We've had an important debate today, sometimes a little louder, and I take some blame for that, maybe a lot of blame for that. But Senator Coleman's point is I think a good one but I would argue speaks why we should adopt this amendment. The changes that were made in 1994, I believe it was, were changes that instituted things like 85 percent of your sentence would be required and the people who had been sentenced to the crimes

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subsequent that and since 2006, and the families and victims of those crimes were operating under a system. They knew what was expected of them, as Senator Coleman said, of the people who were convicted and sent to jail.

But much more importantly, the victims of these crimes and the families and friends of the victims of these crimes were given in effect a promise. In our criminal justice system, we don't sue John McKinney versus, you know, John Jones. It's the State of Connecticut, because someone who has committed crime has committed a crime not just against the victim, but a crime against society.

And so to say that we're going to engage in a policy of risk reduction credits is a policy debate we've had today and one they'll have in the House again, and clearly one that looks like it's going to pass, but to apply those credits retroactively I think does nothing but to add insult to the injury of the victims and families of those crimes. And applying the policy going forward would seem to be a fairer way of applying a policy; all be it one I'm not comfortable with for violent criminals, still is a better way to do it, and that's why I would urge adoption of the amendment before us. Thank you.

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THE CHAIR:

Thank you, Senator McKinney.

Will you remark further? Will you remark further?

If not, Mr. Clerk, will you open -- will you call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, will you please tell the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "J," LCO 7383.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Those absent and not voting	1

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THE CHAIR:

The amendment fails.

Will you remark further?

Senator Kane -- Senator Kissel.

SENATOR KISSEL:

Thank you.

While I have no further amendments, there is one other point that I have to do regarding legislative history and then I'm happy to yield my microphone to Senator Kane. There was one question that came up. I think it's important since this bill does seem to be ready for passage out of this chamber anytime soon. A question, through you, Madam President on the underlying bill to Senator Coleman.

THE CHAIR:

Senator Coleman.

Please proceed, sir.

SENATOR KISSEL:

In the instance where we have someone convicted of a crime, and let's say they're serving eight years suspended after two, that's the sentence. There's no mandatory minimum. Would the provisions regarding reducing that two years to 90 days apply to that individual or because the sentence is eight years

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suspended after two that that two-year provision would not apply to that individual? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Through you to Senator Kissel, the credit can only be earned while a person is in the custody of -- in the actual physical custody of the commissioner of corrections, and that means while they're actually incarcerated. That is the only time that the credits could be earned, and therefore, if there is a period of incarceration under this scenario that Senator Kissel lays out for two years, that is the period during which the credits could be used. And so the reduction, if any, would occur to the two-year sentence that the individual is serving. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

But there's a provision that says that upon meeting certain requirements that I believe a probation

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could look at an inmate that's serving two years and release them after 90 days. Now, one way to read that is only for individuals sentenced up to two years, but I'm concerned about a situation where the sentence is higher than two years but suspended after two years.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, to Senator Kissel, the question is an excellent question. I'll make an attempt to respond to the question. And the sentence is actually -- the effective sentence is actually eight years and so consequently I'm not sure if the provisions of intensive probation would apply to the individual that is so sentenced because I think intensive probation provisions would kick in if the sentence was two years or yes. Through you, Madam President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

That explicitly answers my concerns that the eight years and the intensive probation, even if it was a

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sentence suspended down to two, the intensive probation sections of the underlying bill would not apply. Since I probably won't be speaking on this bill any further, everybody in this circle knows all my concerns regarding this. I think I articulated them as passionately and as well as I could earlier this after, but I will leave you all with this:

This is our responsibility, not the corrections commissioner, not the executive branch. We need to have our hands on this every step of the way and a 180 degree shift in our sentencing policies here in the state of Connecticut really demands our attention and I object for all the reasons that I stated throughout the over six hours of debate that we've had on this bill this afternoon.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kissel.

Senator Kane.

SENATOR KANE:

Thank you, Madam Chair -- Madam President. I apologize.

THE CHAIR:

It's okay.

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SENATOR KANE:

I rise for the purpose of an amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

The Clerk is in possession of LCO 7588. I would ask that the Clerk call the amendment and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7588, which shall be designated Senate Amendment Schedule "K." It is offered by Senator Kane of the 32nd District, et al.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Senate Amendment "K," it might be good luck. I move adoption.

THE CHAIR:

Good luck.

The question is on adoption. Will you remark?

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SENATOR KANE:

Somehow I didn't think that was -- Madam President, this amendment actually passed in the Appropriations Committee about a week with bipartisan support. Obviously people on both sides of the aisle represent small towns, small communities throughout the state of Connecticut. I know we've been debating all day in regards to the judicial branch and criminal justice, and although, obviously, the concerns that we have on our side of aisle, in fact, probably both sides of the aisle are very strong and very important, this, too, is in the underlying bill.

And what this is, Madam President, is our small towns house -- some of them, in fact, I have list of about 56 of them, house resident state troopers, and the state troopers are just that, state troopers. They are state employees that oversee the security and safety of our smaller communities. So yesterday or maybe the day before, I put in a call to my first selectman in the town of Bethlehem, who is also a Waterbury police officer by trade, and I asked him a question about the underlying bill, and how this bill puts a mandate on our small communities, meaning currently, under current law, the towns pay 70 percent

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of the overtime costs for resident state troopers. The underlying bills requires these towns to pay 100 percent of the overtime costs burdened by the towns.

Now, there has been some question in regards to this and I started talking to my first selectman, as I mentioned, and he said, look, we don't give these guys overtime for nothing. If we give them overtime, it's for a real purpose. As a matter of fact, usually there's an incident that takes place. So would they rather the resident state trooper the scene and evidence be ruined or lost. A lot of our towns -- and there was a question. I apologize, Madam President. But there was another question about how the towns used these state troopers, but if there is a fair or an event or something held in these communities, they get reimbursed. The state gets reimbursed for that time by the organization that holds their event in the community. So that should not be a concern either.

What he also told me is that board of finance was debating whether to scrap the whole program all together, and he argued no, no, no. We want to keep the resident state trooper. But think about it, Madam President, in the little town of Bethlehem -- .

THE CHAIR:

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Okay.

SENATOR KANE:

-- could be covered by the Litchfield barracks so will all joking aside if Bethlehem were to do away with this program, then the state would have to pick up the entire cost so that's a greater cost for the state of Connecticut. They would have to pay 100 percent of everything, let alone 30 percent of overtime. That's all we're talking about.

Not to mention the public safety concerns that would arise because these communities would be left without that resident state trooper. And if I might, Madam President, a lot has been argued about the underlying bill and the budget that communities are made whole, and partly so, with ECS and, you know, with certain -- MM&E and things like that. But these communities don't have that. There is no hotels. There is no cabarets. There is no retail. There's no commercial vehicles. There is no increased sale taxes. They don't have any of that. So they don't have any of those revenues.

So Madam President, if you look down the list, and I went to the legislative library, and the latest I have is from 2007 to 2009 so I would imagine these costs have

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increased now that we're in 2011 with inflation, but Bethany is going to cost \$66,000; Brooklyn \$65,000; Burlington \$96,000; Columbia \$47,000; Ellington \$168,000; Mansfield \$168,000; Marlborough \$65,000; North Stonington \$104,000; Old Lyme \$69,000; Prospect \$37,000; Westbrook \$102,000. This is big money for these small communities. These communities don't get their fair share of state dollars.

They don't have the proposed hotel tax, cabaret tax, increased sale tax, commercial vehicle tax that a lot of the municipalities have. And they're going to be burdened by this. In fact, there was a front page article just yesterday in the Republican American about this very same issue. Trooper Pay Left to Locals, state law hits 56 towns for collective \$840,000. So Madam President, this should be passed by members of both sides of the aisle. We all represent these communities. We all represent these towns. The bill is being fixed now anyway. It's got to the House. We should do the right thing for these communities. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kane.

Senator Harp.

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SENATOR HARP:

Thank you, Madam President.

I rise to oppose this amendment and I'm going to ask the maker of the amendment if there's a fiscal note.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Yes, \$840,000, pretty much. But if I may finish, we have a so-called or supposed surplus that would certainly cover this. We also added money the other day in another implementer that we did for all types of different -- in fact, I remember asking you the question about the implementer the other day about adding dollars, about adding new spending so certainly there are ways that we can reduce somewhere else or use that surplus because this is very important to public safety. Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Madam President, another question, through you.

THE CHAIR:

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Please proceed.

SENATOR HARP:

And I guess we can surmise, but I'll just ask it, is this amount in the budget?

THE CHAIR:

Senator Kane.

SENATOR KANE:

No, Madam President, through you, and nor were many of things that I questioned Senator Harp about the other day in another budget implementer. Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

I rise, as I said, to oppose this. A couple of things happen when you -- when we participate in overtime. One, we don't control the overtime as a state and there have been many bills that have talked about spiking and the problems that we have with spiking. We don't control, as well, which means basically that the overtime contributes to the costs that we all have to pay. The other thing is that while this is a cost that these communities will have to take on, the other grants that go to communities have

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remained stable by and large. So while their aren't hotels and the restaurants, there are ECS dollars. There are PILOT dollars. And the reality is that all of our large communities pay for their own policing. We're only asking in this case that overtime be paid when 100 percent by the small towns.

THE CHAIR:

Thank you.

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

And I rise in strong support of the amendment.

Madam President, I represent 15 small towns up in Litchfield County and few of them ask much of the state and few of them get much from the state. Madam President, because of -- and you can look at the data. The Department of Revenue Services will produce data, how much income tax revenue is generated from each of the communities I represent and how much does each of those communities receive back in the form of state education aid, or PILOT aid or Mohegan aid, and it can five cents on the dollar, seven cents on the dollar, nine cents on the dollar.

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The communities that choose to have a resident trooper are already undertaking to pay 70 percent of the cost of that trooper. The state's contribution is 30 percent, Madam President. It's not -- for the state -- \$820,000 for the towns, it a hit, and it's a substantial hit. And we've heard pronouncements, Madam President, how important it was for us to respect municipal aid, to hold towns harmless. In fact, we went through backflips to find a way to restore the MM&E cut, but when it comes to the small towns, maybe people think they're not paying attention or maybe people think we don't have enough votes to -- to matter, but we are paying attention.

It's a disservice to our communities to ask them to pick 100 percent of the cost when much of the benefit is flowing to the state of Connecticut when a state trooper is on the job so I urge support of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Through you to the proponent, if I may.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you.

Through you, Madam President, to the proponent. Senator Kane, most towns I believe have completed or are close to formulating their budgets for the coming year, what is your understanding or impression of how this expense has been accounted for by the small towns who would be effected by this change in the state reimbursement? Through you, Madam President.

THE CHAIR:

Senator Suzio -- Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Well, you know, Senator Suzio, I gave a list of a number of towns that all of us represents that are big hits to their local budgets. You're right. I served on my local town counsel in Watertown for six years and we would be putting -- our budgets go out now prior to the state even implementing their budget. So it's -- it's, you know, like throwing darts at a dartboard sometimes. It's very difficult, but my fear

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is that these towns will cut the program entirely and then the state is going to have to pay the whole thing, because these are state employees. They're state troopers. The state should be paying for it.

The towns, as Senator Roraback said, pay 70 percent so that other 30 percent is miniscule compared to what it would cost if the state had to cover 100 percent so it is a big hit to these municipalities, these small towns. I mentioned earlier Ellington \$168,000; Mansfield \$168,000. These are huge dollars. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, I know in the some of the towns in my district the budgets have already been passed and this was not anticipated. Is that -- through you, Madam President, is that your impression of most towns that they've passed their budgets based on the historical reimbursement and not anticipating the change? Through you, Madam President.

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Senator Kane.

SENATOR KANE:

Thank you, Madam President.

No, the change is in the budget.

SENATOR SUZIO:

Okay.

SENATOR KANE:

And that's the problem, and that's why I want to fix it here today because, again, in speaking to my first selectman, their boards of finance want to do away with the program altogether, which again, not only adds additional burden and cost to the state of Connecticut, but lessens the public safety on top of it. I've heard so many times in this building and different committees, you can't put a price on safety. You can't put a price on our kids. You know, you hear it over and over and over. Yes, we're doing it here. So it is in the budget. I'm trying to fix it. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And through you, I think you Senator Kane for advocating for this and I have one small town in my

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district and -- Middlefield, and I know there's a state trooper there so this would certainly be important to them and there is dozens and dozens of other towns in the state. Thank you for pointing this out and advocating this change.

THE CHAIR:

Thank you.

Will you remark further?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I rise in support of this amendment. I'd like to thank Senator Kane and others who have been out front paying attention of this. Both of the two small towns in my district, New Fairfield and Sherman that have resident state troopers over the last several years have expressed concerns about the cost of the program and administratively they apparently tried to increase their cost last year and that effort was rebuffed, I think, by many legislators across the board, across the state. It is -- it is a challenge for small towns and I'm grateful that we're having an opportunity to talk about this.

The problem I think is for local municipalities

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to hear a message from the Legislature that came through loud and clear that we're holding municipalities whole in the state budget. That's what chief elected officials kept hearing. What it really meant was it was the education funding, but that's not what they heard. They heard we're being held whole in the -- in the budget process, and it's these sort of hidden costs, if you will, deep down in the dungeon of the budget, if you will, that is where the nickel, dime happens and Senator Kane has talked about over \$100,000 to come communities. My two communities are less than that, but nevertheless, this is an unbudgeted item and they're going to have to cut one of their other programs somewhere to find the money the money to pay this cost. It's disappointing.

I think it does raise one other issue. And that is that our budget process here at the state capitol does not marry well with the local municipal budget process and I know there's been talk about that for years. Maybe this is just one more example of how budgeting here at the state capitol probably needs to be more in sync with the 167 towns in the state of Connecticut -- 169 towns in the state of Connecticut. All of those other budgets that have to be put in place,

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maybe we ought to try move into their schedule so they can effectively know how much money is going to available from state government. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

If not, Mr. Clerk, will you please call the roll vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all -- oh, there you go. All right.

Have all members voted? If all members have voted, the machine will be locked.

And, Mr. Clerk, would you please call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "K," LCO 7588.

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Total number voting	34
Necessary for Adoption	18
Those voting Yea	13
Those voting Nay	21
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark further? Will you remark further?

Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President. Good evening.

THE CHAIR:

Good evening.

SENATOR HARTLEY:

If I might change the conversation a little bit with regard to this very comprehensive bill that's in front of us, and -- which deals with a lot of very important aspects not the least of which are some consolidations of departments, which were done for very important reasons and that not only is for efficiencies, but for delivering better and more appropriate services as we go forward.

I would like to direct my remarks, if I might,

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Madam President, to the proponent of the underlying bill with regards to Section 133, which specifically talks about the merged and the new entity that we will know as DESPP, which is the Department of Emergency Services and Public Protection. And just for a point of information, if I might, Madam President, and that is that after much deliberative process to come up with the right structure that will indeed deliver most important services of public protection to our citizens, we have a department, as I indicated, which is DESPP, but the reorganization to my knowledge has delineated six divisions and those are the Divisions of Emergency Management, a separate division of Fire Investigation and Communications, a third and separate division of Scientific Services, a fourth division of State Police, and fifth division of Police Officers Standards and Training, which we refer to as POST, and the last division under DESPP is the Commission on Fire Prevention and Control.

It is my understanding that these are all separate division which report independently and directly to the commissioner not through any other division that I've mentioned but independently, directly to the commissioner. Thank you, Madam President.

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THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

I believe that is the case.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

That was a question. And yes, indeed, I'm grateful to the chairwoman of Appropriations, and thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Through you to the proponent of the bill, I have some questions I'd like to direct to Senator Coleman.

THE CHAIR:

The bill --

SENATOR SUZIO:

Oh, I'm sorry. We're on the bill so we're not on an amendment.

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THE CHAIR:

We're on the bill, and it's Senator Harp.

SENATOR SUZIO:

Right. I would -- I'm sorry. Through you to Senator Harp, then. No.

In fact, you'll be happy to hear -- it's Section 28. I'd like -- through you, Madam President, I'd like to direct questions to the appropriate person I guess I would say for Section 28 of the bill.

THE CHAIR:

Please proceed.

SENATOR SUZIO:

Thank you.

Section 28 deals -- effects -- pertains to education and it appears to add a whole new category of institutionalized students who are going to be incorporated into Section 28. Would you mind -- through you, Madam President, Senator Harp, would you mind summarizing the effects and the intention of Section -- the new addition to Section 28 as contained in this bill. Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

Actually, what this portion of the bill does is to clarify the responsibility for educating children who are in our detention -- juvenile detention centers or facilities. And currently, the state has three detention facilities. One is in Hartford. One is in Bridgeport and the other is in New Haven. And what this does is to say that the towns in which the juvenile detention centers reside will be responsible for providing the educational -- education and special education and related services to the children in those detention facilities. It further gives them the ability to charge tuition to the children who come from towns other than those three towns, Madam President

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And through you, again, if I may, to Senator Harp, can you explain to me since this does pertain to education -- to the best of my ability, I sit on the Education Committee -- this was not presented to the Education Committee at all during this session.

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Through you, Madam President, if you could explain that.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you. Through you, Madam President, I believe -- I'm really not certain. I don't sit on Education, but I believe that this is part of the overall juvenile justice implementation. There are savings for that and there is an impact of bring the 17-year-olds into -- making them children again and I think that's related to that and that is sort of the nexus to the budget. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And again, if I may, through you, this particular addition does have a direct and immediate impact on local boards of education, both those in the three cities -- one of which is a city that is your district, New Haven, Hartford is another one, and as you pointed out, Bridgeport -- and it has the potential significant impact on them. It apparently wasn't in statute before

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and that's why it's being added here so what I'm -- what I want to ask is again, I know that when I was on the Education Committee, it wasn't brought through, and I don't recall being on the Appropriations Committee, that it was brought there either.

Why was it not brought before the Appropriations Committee, if I may ask you, through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, I believe that the bill itself wasn't, but the population, the educational services, all of those things are things that were discussed through the overall public hearing process so while the bill itself wasn't specifically brought to the Appropriations Committee -- and I can't say for the Education Committee because I don't sit on it -- it was something that was discussed through the budget process.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

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Thank you.

And through you, Madam President, the new section that's been added, as I understand it, and I think as you just mentioned requires the local boards of education in the communities where the institutions are located to be responsible to provide the educational services but the communities from which the students were detained -- taking advantage of the educational services would be responsible financially for the cost of that education. Is that an education recapitulation of the -- of the provision? Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President, I believe I understand it in the same that you do.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Now, one of the things that I would find particularly troubling especially if I were in New Haven, Hartford or Bridgeport is the local boards of

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education there have the responsibility to incur the cost, provide the educational services and then apparently bill for those services to the -- to the locations or the districts where the students receiving the benefits would have ordinarily been residing if they can be determined. Is that a correct understanding? Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President, that is the correct understanding and I -- the reason that's it's important to the towns in which these institutions reside is that currently they are undertaking those same services and there is no real provision for them to be reimbursed when they know the district from which the child comes.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, so are you -- through you, Madam President, are you, Senator Harp, saying that there is a statutory requirement of

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New Haven, Hartford and Bridgeport to educate the students who are incarcerated in these detentions centers pursuant to their educational responsibilities. Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

I believe that they are currently providing those services and occasionally on a spotty basis they are reimbursed but there was no statutory to require the reimbursement and I believe that that's why we have this bill before us so that it's really clear who is responsible for what. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, so basically, if I understand correctly, we have a created a new statutory mandate on the cities and towns who are sending the -- from whom -- from where these students are -- reside who are now being held in these detentions center. It's a new statutory mandate imposed on those

cities and towns. Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President, you may call it a statutory mandate if you want. I think it just clarifies who has the obligation and responsibility to pay for the education if a district other than the district in which the child resides refuses to pay.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President, the -- it -- the added language clearly identifies the host district -- I'll call it the host district -- as being responsible to provide the education services and the district of residence to be financially responsible. It doesn't address the mechanism of billing or invoices and collecting those -- those monies that are due, and -- so through you, Madam President, what is the arrangement that would normally be involved here between a district like New Haven, which may have perhaps hundreds of students that are being educated

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this way, and it could be a very expensive arrangement.
What is the mechanism for New Haven to be reimbursed
for the costs it's incurring under this program.
Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

The school district may charge tuition.

THE CHAIR:

Senator Suzio --

SENATOR SUZIO:

Thank you, Madam President.

Can the -- through you, Madam President, can the
good Senator identify for me how many students who are
currently in these detention centers who have a nexus,
a place of residence, and therefore, the City of New
Haven, City of Bridgeport, and the City of Hartford
would be potentially liable completely for their
education, which is my understanding of what this bill
says. If the nexus can't be identified, the host
cities have to pay and it's their responsibility.
Through you, Madam President.

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Senator Harp.

SENATOR HARP:

Thank you, Madam President.

I don't know the number, but it's a very small number. And it basically -- I think the bill says that the -- the average cost per pupil for the previous year, the town like New Haven would be responsible and all the costs above that, the State Board of Education will pay on a current basis.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Yes, and I know that in New Haven, I think, the cost is at least \$12,000 a year, if not more to educate a student in the public schools so it can add up pretty quickly and can be a very large liability for the city, and it's probably even more expensive because these are tutored services. These are not services in the normal district classrooms. So I would be very concerned the enormous financial liability, which this is writing into statute now for these cities and towns, which I'm not whether they've been doing without the mandate or not.

But let me ask, what is the emergency nature of

this? Why couldn't this go through the normal procedures here? There doesn't seem to be anything that is urgent about having to put it through a bill like this, which is an implementer bill, you know, done -- and circumvents procedures and go through the normal committees. May I ask if you could explain that? Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President, my understanding that it missed the committee deadlines because it was approved by the State Board of Education and went through that approval process and it took longer than they thought to have it go through all of the processes through the State Board of Education, and that's why we got it late. But they felt that it was important enough for it to be considered in this general assembly, and as an emergency, because it settles disputes among communities and the state about who should pay for the education of these children.

THE CHAIR:

Senator Suzio.

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SENATOR SUZIO:

Through you, Madam President, you just brought up a topic, I was going to ask. Has there been any history of dispute or disagreement about how these students should be handled from an educational point of view and the cost of educating them. Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

The bill came to our attention from the State Board of Education because they have been called on to mediate some of these disputes and recognized that wasn't an adequate statute, and provided the statute to clarify who was responsible for educating the children in our juvenile detention centers.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

In terms this issue, I understand that there's a been a conflict or a series of conflict and disagreement, I think it's certainly a good thing to

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enact some kind of a law that will resolve the differences.

SENATOR HARP:

Are you done with me?

SENATOR SUZIO:

I'm sorry.

SENATOR HARP:

Are you finished with me?

SENATOR SUZIO:

I have one more question for you and then I -- but again, what I'm concerned about this -- apparently this has been going on for many years, and here we are at the tail end of the session addressing it under an emergency provision, I would prefer to see it pass under the normal procedures here. Again, if I could ask the proponent -- and this the last question that I have for her -- is what is the sense of urgency? Why could this not go through at the next legislation session through the normal routine? Thank you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

As I mentioned before, the bill was detained

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through going through the State Board of Education process, and it was the sense of those who have worked on the overall changing of our juvenile justice system that it was really important to clarify the responsibility for providing these very important services to our young people and that's why it found its way in this bill. Through you, Madam President.

THE CHAIR:

Thank you, Senator Harp.

Senator Suzio.

SENATOR SUZIO:

Thank you.

And thank you, Senator Harp.

Madam President, the Clerk has an amendment -- excuse me -- LCO 7443. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk, will you please call 7433 -- 43.

Sorry.

THE CLERK:

LCO 7443, which will be designated Senate Amendment Schedule "A." It's offered by Senator Kissel of the 7th District.

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Senator Suzio.

THE CLERK:

Didn't I say L? Madam President, just for clarification, Senate Amendment Schedule "L."

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Madam President, I move adoption by roll call vote and seek leave to summarize.

THE CHAIR:

The question is on adoption. You will have a roll call vote.

Will you remark, sir?

SENATOR SUZIO:

Thank you.

Very briefly, Madam President. This -- this amendment would strike Section 28 and basically allow these issues to be resolved through the normal process and procedures here at the General Assembly. I believe it has potentially significant impact on many school districts, although, primarily it would Hartford, New Haven and Bridgeport, but there is literally dozens of those communities that could be affected by it. Apparently, this is a situation that has been going on

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for years and there has been, apparently some dispute, but I think it would be best if the Education Committee in particular were involved with the Legislature.

By doing it this way, the Education Committee has no input whatsoever and yet it has a profound impact potentially on dozens of local school districts. So that is why I seek to do this unless there was some overriding irreversible emergency situation, I don't see why a situation that's been going on for years shouldn't be resolved with the normal processes and procedures here at the General Assembly. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Suzio.

Will you remark?

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

I rise to oppose this amendment. I think all this portion of the bill does is to ask towns to ask the districts in which these juvenile detentions centers to provide educational services to children oftentimes who are desperately in need them, and then ask the towns from which they reside, who are responsible for

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providing the educational services, to pay back the towns. It's something that the State Board of Education asked us to move forward on and I would urge rejection of this amendment.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Stillman.

SENATOR STILLMAN:

Thank you, Madam President.

I rise in opposition to this amendment because on a couple -- for a couple of reasons. One of them is that there was input. The House chair of the Education Committee is the subcommittee chair for education on Appropriations so I'm sure he's well aware that this in this document. And the other thing is that there aren't any -- number one, there aren't any cost savings because all of this -- all Section 28 and 29 do is require the State Department of Education cover the excess cost grant in this particular case, and its minimal according to the fiscal note.

And so -- and thirdly -- even though I said only two -- but thirdly, we need to resolve this. The next

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school year starts in the beginning of our fiscal year, next year, so I -- as much as we always like to see subject matters that are pertinent to our committees go through the entire committee process, sometimes that's just not possible, and obviously, according to Senator Harp, the department came to the Appropriations Committee after our deadline, but having that input from the Education Committee cochair, Representative Fleischmann, in my mind, goes a long way to me feeling assured that this is an appropriate item in this bill.

And so with that, I urge rejection. Thank you.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, would you please call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted?

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If so, I will close the machine.

Mr. Clerk, will you call the tally, please.

THE CLERK:

The motion is on adoption of Senate Amendment
Schedule "L," LCO 7443.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	13
Those voting Nay	22
Those absent and not voting	1

THE CHAIR:

The amendment fails.

Will you remark further? Will you remark
further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

The Clerk has an amendment, which is an LCO 7687.
If the Clerk could please call the amendment, and I may
be permitted to summarize.

I'm trying to keep up with Senator Kissel. Thank
you, Madam President.

THE CHAIR:

Mr. Clerk.

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THE CLERK:

LCO 7687, which will be designated Senate
Amendment Schedule "M." It is offered by Senator
McKinney of the 28th District, et al.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

I move adoption.

THE CHAIR:

The question is on adoption.

Will you remark, sir?

SENATOR RORABACK:

Thank you, Madam President.

For anyone who was watching the debate between Senator Prague and I hours ago, this amendment simply will allow the state of Connecticut to keep face with victims of crime whose perpetrators of the crime were sentenced, the victims had a clear understanding of what the sentence would be. This amendment clearly says that before anyone participates in this risk reduction program, the victims of the crime will give their consent. I move adoption, Madam President, and ask that when the -- when the vote is taken that it be

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taken by roll.

THE CHAIR:

The question is on adoption, and you will have a roll call vote.

Will you remark further? Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Madam President, I would urge rejection of the amendment, and ask when the vote is taken, it be taken by roll call.

THE CHAIR:

There will be a roll call.

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

I just for the record want to state that Mike Lawlor told us clearly that the victims have the last say at the parole. These folks don't just automatically walk out of prison. They have to go through the parole process, and if the victim or a member of the victim's family objects, the person is not released.

THE CHAIR:

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Thank you, Senator Prague.

Will you remark further? Will you remark further?

If not, Mr. Clerk, will you call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

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

Mr. Clerk, will you please call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "M."

Total number voting	35
Necessary for Adoption	18
Those voting Yea	13
Those voting Nay	22
Those absent and not voting	1

THE CHAIR:

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The amendment fails.

Will you remark further? Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Hello, hello.

THE CHAIR:

Good to see you again, sir.

SENATOR FRANTZ:

And you, too, Madam President.

It's been quite a day and quite a debate. I feel like I've been law school all in one days time. Incredible.

On to a slightly different angle on the budget, and I see a Senator walking around the room who might actually be able to answer a question through you, Madam President, if he's at a microphone.

THE CHAIR:

I believe -- Senator Maynard, the question is going to be asked to you.

SENATOR FRANTZ:

Senator Maynard is not the proponent, but I believe it is legal to ask another member of the Senate a question.

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THE CHAIR:

I believe so.

SENATOR FRANTZ:

Thank you.

And through you, Madam President, to you, Senator Maynard, as the cochairman of the Transportation Committee, on -- in the bill lines 1800 to 1804 has some language about state troopers stationed at the weigh station inspection areas throughout the state of Connecticut, and what I wanted to do was ask you the question, through you, Madam President, is, in fact, that the intent the way it's written here, which says that the commissioner shall assign one trooper, I assume that's a state trooper, to each weigh -- weighing area working shift. It's a little funny on the language end of things. It's not the first time I've read a funny sounding sentence up here.

But is that, in fact, what your seeing as the intent?

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes, through you, Madam President, I appreciate the question. Regrettably, we -- English is a second

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language for the LCO's office so -- I'm sorry. I'm only teasing about that. But that is the intent.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, Madam President, thank you to the Senator for that answer and clarification on that.

I do have an amendment, which the Clerk has, and I'd like to call that. It's LCO Number 7757.

THE CHAIR:

Mr. Clerk, 7757.

THE CLERK:

LCO 7757, which will be designated Senate Amendment Schedule "N." It is offered by Senator Frantz of the 36th District, et al.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Yes. I'll move adoption and seek to summarize.

THE CHAIR:

The question is adoption. Will you remark, sir?

SENATOR FRANTZ:

Thank you, Madam President.

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Just very briefly, I know many of you the weigh station situation in the state of Connecticut. In our neck of the woods, down in Southwestern Connecticut, we are in a very, very sensitive area and we're very, very close to New York City, and as we all know, I-95 is a conduit to various cities in particular Boston, Hartford and a few other smaller cities along the way. And there is a great concern down there. I spent a lot of time there myself -- relatively speaking no one spends a lot of time at weigh stations -- but relatively speaking, an inordinate amount at that station hearing the war stories about what is found not only in terms motor vehicle violations, but also in terms of contraband.

And it's not just drugs. It's weapons. It's weapons that are quite scary. It's all those kinds that were outlawed here back in 1994, I believe it was, that they'll find in the backs of these trucks. And in our particular weigh station, we have a state trooper presence the entire time. In fact, 100 percent state troopers when the weigh station is open. So they have an uncanny way of getting into the back of these trucks and spotting people coming down the highway who aren't necessarily required to pull over in the weigh stations

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and get inspected who look suspicious, are suspicious and then find that indeed they have, in addition to a violation, which allows them to pull them over, they have something in the back of the car.

The Department of Homeland Security has identified various places in our area as sensitive points. We need to be aware that there are -- there is always that possibility of a weapon of mass destruction. Not necessarily something big, but something that's concealable that could be put into a suitcase or briefcase and smuggled in. So I can tell you from our perspective down there, it is a great comfort to have state troopers there.

This -- this amendment simply asks for an additional state trooper for the weigh station located in Greenwich and in Union, and also in the City of Danbury. I think that police presence is three-quarters of the battle if not, in fact -- if not, in fact, more, because when people they're going to be facing state troopers driving in a state like Connecticut, they're going to behave themselves and probably not do what they originally wanted to.

And Madam President, if I could request a roll call at the appropriate and thank you for considering and

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supporting it if you will.

THE CHAIR:

A roll call vote will be ordered.

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

This negotiation has been -- occurred over many years and we finally have some resolution to it. This would actually interrupt it, so I urge rejection of this amendment. I also want to bring to everyone's attention that the DMV officers are as well sworn personnel.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I stand in support of this amendment and was pleased to cosponsor with Senator Frantz. I thank him for his leadership on this issue. You know, this has been a particular concern post-9/11 that we understand perfectly well that Connecticut, and actually Southwestern Connecticut, we believe Danbury

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Connecticut is the gateway to New England. And if you look at the amount of traffic that comes out of Pennsylvania and New York and New Jersey and heads through Connecticut to points further northeast, it's an incredibly busy highway.

And in the past up until this budget cycle, it has been the policy of the state of Connecticut to staff the Danbury weigh station with state police and some Motor Vehicle Department employees. Now, the concern, of course, is that state police are more qualified to deal with some of the dangerous situations that they've come across in the weigh stations over the years. And so this concern came up last year and it was deferred to continue operating the way it way, and now here we are again, once again concerned about security of our borders and the operation of the weigh stations.

I'm hopeful that this body will consider that we continue operating the security function of the weigh station as it is currently operating and has done very well instead of reducing the current coverage that's available to us at our state borders. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

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Will you remark? I guess so.

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I, too, rise in support of the amendment. I would like to thank Senator Frantz and Senator McLachlan. I don't believe I spend as much time at weigh stations as Senator Frantz, but I can understand his concern and I will be voting in favor of the amendment. Thank you.

THE CHAIR:

Will you remark?

Senator Duff.

SENATOR DUFF:

Thank you, Madam President.

Madam President, I rise to oppose the amendment on the heels of what Senator Harp said. There is an agreement that's in place and many of us have been working hard over the years to continue to keep the weigh station open. This, I think, would get in the way of that agreement and in future agreements that we can bring together with state police and DMV. They all work very hard and I believe that the job will get done with the agreement that's in place right now through the budget and through the proper funding that we have

in the budget. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff.

Will you remark? Will you remark?

If not, Mr. Clerk, would you please call for a roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? If all members have voted, the machine will be closed.

And, Mr. Clerk, will you announce the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule "N."

Total number voting	35
Necessary for Adoption	18
Those voting Yea	13
Those voting Nay	22
Those absent and not voting	1

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THE CHAIR:

The amendment fails.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would urge approval of the bill, as amended, and ask for a vote.

THE CHAIR:

Okay. That was fast.

Oh, Senator Williams.

SENATOR WILLIAMS:

I agree with the majority leader. Thank you.

THE CHAIR:

Happy Friday.

Mr. Clerk, will you please call for vote and open -- call for a roll call.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has finally been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Wait a minute. We had a slight problem on the

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floor.

Senator Gerratana.

SENATOR GERRATANA:

Madam President, I pushed the wrong button by accident.

THE CHAIR:

Okay. We've done that before.

SENATOR GERRATANA:

Okay.

THE CHAIR:

Okay. Okay.

We're going to call for a new vote, please. The Senate has been called for a new vote. So the machine is going to be closed and we reannounce again for a new vote.

No, I don't know if I --

Now -- now the machine will be locked.

And, Mr. Clerk, will you call the tally.

THE CLERK:

The motion is on passage of House Bill 6650 as amended by Senate Amendment Schedule "A."

Total number voting	35
Necessary for Adoption	18
Those voting Yea	21

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Those voting Nay 14

Those absent and not voting 1

THE CHAIR:

Senator McKinney, you are my hero.

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I move for immediate transmittal
of Emergency Certified House Bill 6650 to the House of
Representatives.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, for purposes of a referral
of a bill to committee.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes, thank you, Madam President.

Madam President, the item on -- it's calendar page
33, Calendar 293, Substitute for Senate Bill 1103,
Madam President, I would move to refer that item to the