

PA13-111

HB6407

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 3
580 - 891**

2013

Bob Langer, Susan Giacalone, Rick Morneau, Steve Leon, Ken Braga, Jeffery Wilson, Nish Patel, Bernice Griska.

BILL BOUCHER: Good afternoon, Senator Doyle, Representative Baram and members of the General Law Committee. My name is William Boucher, and I am a special agent with the Liquor Division in the Department of Consumer Protection and I'm here today about Raised Bill 6407, AN ACT CONCERNING THE ASSAULT OF LIQUOR CONTROL AGENTS.

During the course of their duties liquor control agents are placed in dangerous situations with little to no legislative protection. They often work at night in bars and cafes in some of the worst areas in the state dealing with drunkards, drug dealers, gang members, known felons, and other individuals involved in illegal manufacturing, importation, distribution and sale of alcoholic beverages, as well as illegal gambling, prostitution, and other illegal activities.

During the course of their duties liquor control agents often work alongside both members of state and local police departments who are covered by the act, yet the liquor control agents who are exposed to the same dangers and threats are not covered. As a matter of fact, the state job specification for liquor control agents specifically states that they may be exposed to threatening situations in the course of their investigation and are required by their agencies to wear bulletproof vests whenever they are in the field.

Having been a liquor control agent for approximately 26 years, I have firsthand knowledge of the fact that liquor control agents have been assaulted when brawls have occurred while they conducting their investigations.

Liquor control agents have also been assaulted by intoxicated patrons during the course of their duties. They have been spit on, pushed, kicked, and had beer bottles thrown at them. They often work in dangerous situations where they need to place themselves in harm's way in order to perform their duties.

I have personally been involved with investigations where I have encountered liquor permittees and employees who have been armed with hand guns and other dangerous weapons and have threatened me and the other liquor agents working with me.

In summation, I feel that it is important that section 53a-167c be amended to include the liquor control agents in the protected classifications. These public safety professionals are on the frontline enforcing the state law and regulations with regard to the sale and consumption of alcoholic beverages and they are oftentimes placed in dangerous situations in performance of these duties. The proposed amendment will go a long way in making their jobs safer. It will serve as a deterrent to would-be assailants by sending a strong message that there is a severe penalty for their actions.

If you have any questions of concerns, I'd be glad to answer them now. Thank you very much.

SENATOR DOYLE: Thank you.

Representative Nicastro.

REP. NICASTRO: Thank you, Mr. Chairman.

A couple of questions, do you have arrest powers?

BILL BOUCHER: No, we do not.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 4
892 - 1204**

2013



IUPA/IAFF - AFL-CIO

50 Columbus Boulevard
3rd Floor
Hartford, CT 06106

Phone: 860-953-2626
Fax: 860-953-1978

www.cpfu.org

DS 16
LN 2

February 26, 2013

Good afternoon Senator Doyle, Representative Baram and members of the General Law Committee. My name is William J. Boucher and I am a Special Agent with the Liquor Division of the Department of Consumer Protection and I'm here today to speak in support of Raised Bill-6407, AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT.

During the course of their duties the Liquor Control Agents are placed in dangerous situations with little to no, legislative protection. They are often work at night in bars and cafes in some of the worst areas of the State, dealing with drunkards, drug dealers, gang members, known felons and other individuals involved in the illegal manufacture, importation, distribution and sale of alcoholic beverage, illegal gambling, prostitution and other illegal activities.

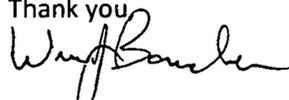
During the course of their duties the Liquor Agents often work alongside members of both the State and local police departments who are covered by this Act, yet the Liquor Agents, who are exposed to the same dangers and threats, are not covered. As a matter of fact, the state job specification for the Liquor Agents specifically states that they "may be exposed to threatening situations in the conduct of investigations" and are required by their agency to wear bullet proof vests whenever they are in the field.

Having been a Liquor Control Agent for approximately 26 years, I have firsthand knowledge of the fact the Liquor Control Agents have been assaulted when brawls have occurred while they were conducting investigations. Liquor Agents have also been assaulted by intoxicated patrons during the course of their duties. They have been spit on, pushed, kicked and had beer bottles thrown at them. The often work in dangerous situations where they need to place themselves in harm's way in order to perform their duties. I have been personally involved in investigations where I have encountered liquor permittees and their employees who have been armed with hand guns and other dangerous weapons and have threaten me and the Liquor Agents working with me.

In summation, I feel that it is important that Sec. 53a-167c be amended to include the Liquor Control Agents in the protected classifications. These public safety professionals are on the front line enforcing the State laws and regulations with regards to the sale and consumption of alcoholic beverages and they are often times placed in dangerous situations in the performance of these duties. This proposed amendment will go a long way in making their job safer; it will serve as a deterrent to would be assailants by sending a strong message that there is a severe penalty for their actions.

If any of the members of this Committee have any questions or require any additional information regarding my testimony, I am prepared to provide you with any assistance I can.

Thank you

A handwritten signature in cursive script, appearing to read "W. J. Boucher".

William J. Boucher

H - 1157

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

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

The Clerk will please announce the tally.

THE CLERK:

Bill Number 3457 as amended by House "A" and "B." HB 6457

Total Number Voting 138

Necessary for Passage 70

Those voting Yea 137

Those voting Nay 1

Those absent and not voting 12

DEPUTY SPEAKER SAYER:

The bill as amended passes.

Will the Clerk please call Calendar Number 137.

THE CLERK:

Madam Speaker, on page 38 in today's journal, House Calendar Number 137, favorable report of the joint standing committee on Judiciary, House Bill 6407, AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT.

DEPUTY SPEAKER SAYER:

Representative Baram of the 15th.

REP. BARAM (15th):

May 2, 2013

Good evening, Madam Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYER:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Representative Baram, you have the floor, sir.

REP. BARAM (15th):

Thank you, Madam Speaker.

This bill adds the designation of liquor control agent to a list of other public safety officials and others, making it a Class C felony if you assault such an agent.

To be actionable not only does the assault have to occur, but the agent must be reasonably identifiable in a performance of their duties and there has to be an intent to prevent the agent from fulfilling their duties.

This bill, the purpose of it is to prevent harm to our liquor control agents who are oftentimes enforcing our liquor control laws. There was general testimony that many of these agents subject themselves to brawls, intoxicated patrons, pushing and throwing of different objects and even other people who have

armed weapons. The fiscal note on this bill is that it could actually result in a revenue gain of up to \$10,000. This bill is effective on October 1, 2013.

I move for passage of this bill.

DEPUTY SPEAKER SAYER:

Will you remark further on the bill?

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you, Madam Speaker.

A few questions, through you, to the proponent of the bill, please.

DEPUTY SPEAKER SAYER:

Representative Baram, please prepare yourself.

Please proceed Representative.

REP. CARTER (2nd):

Thank you, Madam Speaker.

Through you, Madam Speaker, when you talked about reasonably identifiable, would that mean that the liquor control agent has an ID or a badge or a coat? How would an agent actually identify themselves?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Baram.

REP. BARAM (15th):

May 2, 2013

Through you, Madam Speaker, many of these agents wear a coat or a shirt identifying that they are a liquor control agent, many of them have badges and like -- like type identification, so if there was any way of identifying them as a legitimate liquor control agent, then it would meet the -- the criteria of the statute.

DEPUTY SPEAKER SAYER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Madam Speaker.

And through you, Madam Speaker, it's my understand that liquor control agents while they're not police officers, what they'll often do is they'll bring in somebody to help them, we'll say do the sting, so there may be a civilian there who's sitting there buying the liquor, and the liquor control agent would come in later. Through you, Madam Speaker, would this Class C felony -- or actually would this extra protection apply to anybody other than the liquor control agent during one of those stings?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Baram.

May 2, 2013

REP. BARAM (15th):

Through you, Madam Speaker, the statute that we are amending to add liquor control agents lists about 15 designations, one of which is a peace officer or a special police officer, so that in all likelihood if a police officer did come to the scene and they were assaulted they would be covered by this statute as well.

DEPUTY SPEAKER SAYER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Madam Spector -- thank you, Madam Speaker.

I think I misspoke. I need to clear this up.

Through you, Madam Speaker, if somebody who is not a police officer is brought into the restaurant or to the establishment and they're used to by the liquor, for instance, let's say they have somebody who's really underage purchase the liquor and then the underage people leave and the liquor control agent comes back, are the people who bought the liquor in any way protected under this bill?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, this bill only addresses an individual who actually assaults a liquor control agent. It has nothing to do with who purchased the liquor.

DEPUTY SPEAKER SAYER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Madam Speaker.

And through you, Madam Speaker, this bill says something to the effect that anything that is thrown, any noxious substance, any substance at all, that is actually thrown at a police officer, nurse, anybody who's covered by this, including a liquor control agent, would -- would be an offense that is punishable by a Class C felony or chargeable that way. Through you, Madam Speaker, would alcohol count as something that if it was thrown in the face of a liquor agent, would that be something that could be charged under this statute?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Baram.

May 2, 2013

REP. BARAM (15th):

Through you, Madam Speaker, I think that would be subject to the decision of a prosecutor in whether or not to charge somebody with this crime. My own feeling is, is that alcohol thrown in somebody's face can cause damage to one's eyes and that it could very well be a harmful substance.

DEPUTY SPEAKER SAYER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Madam Speaker.

And I thank the good Chair for his answers.

Ladies and gentlemen, as this -- this bill came to the General Law Committee, there were a few concerns along the way. You know, if we have -- if we have police officers and other members of the emergency service protected by legislation like this, the question is how far do we go? And I think that's been one thing that we've discussed so did not come through with unanimous vote. However, I think given the circumstances with these agents in the field that it is prudent to give them some sort of extra protection considering what they do for us in society. So I urge support of the bill.

May 2, 2013

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Will you remark? Will you remark further on the bill that is before us?

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

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

DEPUTY SPEAKER SAYER:

Have all the members voted? Have all the members voted? Will the members please check the board to see if your vote --

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

The Clerk will announce the tally.

THE CLERK:

Bill Number 6407.

Total Number Voting 137

cjd/lgg/cd

247

HOUSE OF REPRESENTATIVES

May 2, 2013

Necessary for Passage	69
Those voting Yea	112
Those voting Nay	25
Those absent and not voting	13

DEPUTY SPEAKER SAYER:

The bill passes.

(Speaker Sharkey in the Chair.)

SPEAKER SHARKEY:

Will the Calendar please call -- I'm sorry --
will the Clerk please call Calendar 355.

THE CLERK:

Yes, Mr. Speaker.

On page 21 in today's Calendar, Bill Number 355,
favorable report of the joint standing committee on
Planning and Development, Substitute House Bill 5598,
AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE
SERVICES AND THE DISPOSITION OF SURPLUS STATE
PROPERTY, SHORT TERM EMERGENCY LEASES, THE DEFINITION
OF EXECUTIVE SESSION AND DUPLICATIVE STATEMENTS OF
FINANCIAL INTEREST.

SPEAKER SHARKEY:

Representative Jutila.

S - 663

**CONNECTICUT
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go through the different entities here at the State and have regulations adopted, so it protects everybody involved.

It passed the House unanimously. Hoping to do the same thing in the Senate.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

If there's no objection, I refer this bill to the Consent Calendar.

THE CHAIR:

Seeing and hearing no objections, so ordered.

Mr. Clerk.

THE CLERK:

I believe its Calendar Page 15, Calendar 521, House Bill 6407, AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT, Favorable Report of the Committee on GENERAL LAW.

THE CHAIR:

Correct.

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill, in concurrence with the State House.

THE CHAIR:

On acceptance and passage.

Will you remark?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

What this bill does is, as Members are aware, we have an existing statute that provides protection to certain of our public safety employees, where if they're assaulted by individuals during the performance of their duties. There's a -- there's a -- a long list of different professions or jobs in -- in our State Government that we've delineated that they deserve extra protection if they are assaulted. It -- it establishes a Class C felony if an individual citizen assaults a person in -- during the person's performance of his job.

In this situation, what this bill does is it adds the profession of Liquor Control Agent to this protection, so if they're targeted during their job, when, you know, many of us are aware Liquor Control Agents have many situations that are risky, in the sense that where they happen to be, you know, raiding a facility or the like, if there's a liquor problem and if the problem were to assault him, this provides extra protection, as we provide for our peace officers, police officers and the like.

I think it's a sound bill and I urge the Chamber to approve this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I also rise in support of the bill.

As Senator Doyle had stated, there are -- it's an existing statute. It affords protections to those individuals that are responsible for enforcing the laws of the state of Connecticut that we pass here in this Chamber. This has -- affords the additional protection to those Liquor Control Agents, who may be in a situation where after they've identified themselves, readily identified themselves through either identification or a badge, if they were assaulted, that assault now would carry a higher penalty, like it would if you assaulted other public safety professionals.

I urge the Chamber's adoption.

Thank you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, I have a few questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Mr. President.

I believe in your remarks, as well as Senator Witkos' remarks about public service agents or law officials,

if you will, this then -- well let -- let me -- let me
take a step back.

Liquor control agents are -- work for the Department
of Consumer Protection. Is that true?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

The answer is yes.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And do they have arrest powers?

Through you.

THE CHAIR:

Senator Kane.

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

They have powers of arrest, I believe, for the
Department -- they don't -- they don't have explicit
arrest powers. They have authority to enforce the
laws of the Department of Consumer Protection.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And when these liquor control agents -- I'm -- I'm assuming the scenario we're talking about is, for example, if they're doing, let's call it a sting of under -- of bars or restaurants that may be possibly serving underage customers. And they would typically enter an establishment with the local police force. Is that true?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

The answer is -- you -- you accurately describe the typical situation, is they are -- they are accompanied -- it's prearranged. You know, they -- they -- they may do a -- a sting to, you know, to look for underaged dealings, but the DCP Liquor Control Agents consult ahead of time the local police, they go in together in a collaborative effort.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

So then if a Liquor Control Agent enters an establishment with the local police, would there be an instance where they would feel their life or their --

feel in jeopardy or feel bodily harm or cause of injury if they're working with the local police department?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

Of course, I can't determine each situation, but I would say it's possible they could feel their life is at risk, but I mean, of course, there would also be the police could be inside or out, it depends where the police are. But, you know, if you're in a -- if you're in a -- it could be in a situation where you're in a crowded bar and the Liquor Control Agent goes in ahead of the police conceivably and it's a raucous situation and they're basically trying to shut down the facility. I could envision a riot or certainly a situation that you could be fearful for your life, because you're changing and destroying the whole evening to some people. So it's possible.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Do these Liquor Control Agents carry a badge or some type of identification?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

The answer is yes. They have badges and they also have I.D.'s with them at all times.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Are they allowed to carry a weapon?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

They do not carry weapons, but as we stated, they're usually accompanied by police, who do carry weapons.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Has -- in the Public Hearing testimony, was there instances where these type of agents have been assaulted in -- in such a way as to be covered by the underlying legislation.

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

I -- to be honest, I don't remember the specific testimony. It was -- my recollection is that -- certainly the risk, and I don't remember if it was specific details of an incident, but there is potential risk.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I guess I'm trying to ascertain where the necessity of the legislation and where the bill may have come from. So usually, as we all know, a lot of our legislation comes from a constituent or comes from an occurrence or comes from one of our agencies. Did -- I'll ask that. Did this bill come from the department?

Through you, Madam -- Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

The bill came from an -- a Liquor Control Agent for the department, but if the -- if Senator Kane will permit me, I would like to yield to Senator Witkos, who would like to weigh in on, I think, the

circumstances of -- of the act, the profession of the Control Agents.

So at this point, I would like to -- Mr. President.

THE CHAIR:

Senator Kane.

SENATOR DOYLE:

No, no, excuse me, Mr. President.

I would like to yield to --

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes, thank you, Mr. President.

I would like to yield to Senator Witkos.

THE CHAIR:

Senator Witkos, do you accept the yield?

SENATOR WITKOS:

Yes, I do.

Thank you, Mr. President.

I've been involved over my 28 years in law enforcement in many operations involving, jointly with the Liquor Control Commission. And generally what happens, if we're doing an undercover sting with a minor, they'll come in. They'll identify themselves. The targets will be picked. They'll be checked for identification. They'll have their normal identification, which shows that they're underage. They'll go into the establishment. They'll attempt to purchase alcohol. If they're able to purchase the alcohol, whether it be a grocer or a restaurant/bar, they won't consume it, and then they'll walk out.

Later on, after we've -- all the locations have been done, generally the -- the -- and they'll be witnessed by an undercover Liquor Control Agent at the time. The police will not be in the establishment. Once the sting operation has concluded, the Liquor Control Agent is accompanied by the police officer, but the police officer stands in the background and it's the Liquor Control Agent that goes up and asks to speak to the person on -- that has the permit and then instructs them that a sting -- sting operation was done on -- conducted on their premises, they violated it.

And then they go through -- from there go on and tell them what the penalties are of the violation, which could include seizure of your -- your permit, a shutdown, et cetera. And they would be told in the -- the very near future what would happen.

And so you can imagine as the police are standing behind, this is the person that's telling them the news that their livelihood may be cut off for a certain period of time so there's -- it's very possible that somebody could lash out.

A couple times that I've been present, there were voices raised. Tempers were, but, you know, I was quick enough to step up so nothing actually -- there were no hands on, but that may not necessarily be the case. So I think that those people that are working in their official capacity after they've shown their identification, they're accompanied by the police, but they should be afforded the same protection as the police officers with them on that operation.

That's really the premise why it came to the Committee.

And I'll yield back to Senator Doyle.

Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

And I appreciate the indulgence of Senator Kane.

I'm not a police officer and Senator Witkos is. And I hope he helped explain -- do -- did a better job explaining the circumstances of the -- and the job responsibilities of the Liquor Control Agent than I did.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

He did and, in fact, you know, Senator Witkos did such a good job, I was going to ask him a few more questions about the actual occurrences, but I'll stick with the underlying bill for a moment, if I may, Mr. President.

The Class C Felony that we have on the books currently for public safety, emergency, medical, public transit personnel, among others, as it states, that is set in statute to put these individuals who typically put themselves in harm's way, to put them at a higher standard or different level. Am I correct in that assumption?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

You are correct. The concept is in all these different professions and we're, of course, we're seeking to add the Liquor Control Agent, but these individuals are doing their daily responsibility and the fact that they put themselves at risk during their job, they should have extra protection. Rather than if you or I were assaulted, they're assaulted as a result of their job performance.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Well, could -- and maybe this certainly is a little bit different, but I can understand the -- in an alcohol situation where people may act differently than if they weren't under the influence, but, you know, what about a Health Inspector? I mean, they can certainly shut down an establishment just as easily as Liquor Control Agent.

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. -- through you, Mr. President.

The question to be all -- to be honest, this bill seeks to just add Liquor Control Agents. I'll have to take a look because I -- if the question is whether Health Inspectors are here, I'm not certain if they are. I have -- if the -- if the Chamber can stand at ease for a second.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

SENATOR DOYLE:

Through you, Mr. President.

I don't think -- and if -- if --

THE CHAIR:

The Senate will come back to order.

SENATOR DOYLE:

Sorry.

Through you, Mr. President. I apologize.

I think the question is most the Health Inspectors are municipal officials. I don't think they're specifically identified in here. It does mention in Line 23, health care employee. I'm not certain if that's a -- it sounds like it's different than the municipal Health Inspectors.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And I'm -- I'm guessing they're not either. I guess the point I was trying to make is when we promote this type of legislation, certainly what we've agreed on already is public safety officials, like Senator Witkos, as he said, served 28 years. Those type of individuals I believe should have that higher level and standard for protection than the average person, but I guess what I'm saying is, are we opening a Pandora's box by including non-public safety officials.

And I -- I understand your argument that they are put into a situation, which may be hazardous at times, but

I can also see them walking into a very sophisticated or upper end restaurant or something -- a family restaurant. I mean it could be anywhere if you serve alcohol. It doesn't have to be a nightclub, if you will.

For example, I know it happened in one of my home -- one of my towns in my district, there was a sting operation that took place at about eight or 10 different establishments in -- in the town. Eight of which, I would argue, that are for -- serve a population that is older than even you and I. And typically it is a much -- a calm place or a very lucid place that -- that individuals would enjoy a nice meal, maybe have a -- a drink or two and then, you know, it's nothing like a -- a night club situation or where there's younger people involved.

So I guess what I'm trying to say is, are we expanding that policy to individuals who, again, may put themselves into a dangerous situation on -- on occurrence here or there, but not necessarily on an every day basis, like a law enforcement officer or a firefighter?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

While I appreciate the comments of Senator Kane and I -- and I -- the fact pattern he explained, you know, if it's an older establishment or the -- the customers could not be risky, but I think we have to pass legislation that addresses the, you know, the worst-case scenario.

And - and I can -- the fact that I can -- and Senator Witkos did also -- you know, depict certain situations that could get violent because you're shutting down, you know, I depicted, you know, an active night club, but you also could -- which there certainly could be

violence, but also certain individuals, not all, but certain individuals losing their livelihood for a week or something could become violent.

And -- and I just think certainly not every situation will necessitate this protection, but if there are any situations a person doing his job, I think it's appropriate.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And I believe that you mentioned that there was testimony from an -- an agent or maybe there was more than one, because I think the bill came from the agency. So were there multiple instances where this occurred, that this is an issue, I guess? You know or is it just, you know, there was a one-time thing and then all of a sudden we -- we need the legislation?

I'm -- I'm just curious how often this happens.

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

I'll be honest. I don't have those facts. I mean, it's -- so I can't answer that.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And I guess I will sum up by asking in regard to the sting operation, the Consumer Protection Agent, the Liquor Agent, when -- are they -- I know they are provided a badge and -- and I.D., I believe. Are they announcing themselves as a Liquor Control Agent or are they acting undercover or do they use someone else to act undercover?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

As Senator Witkos depicted, he gave an example of a situation where they send in a minor who purchases illegally. The Liquor Control Agent is not in the facility. After -- or in the bar -- whatever. After it happens, then the Liquor Control Agent comes in, clearly announces himself as an agent, shows the badge and says, I am Liquor Control Agent from DCP. You have just failed.

So they are announced. You know, and it's at that point, you know, if the assault is made, that's where we address. They've disclosed certainly who they are, what their job is, and if the passion of the owner results in assault, that's what were addressed.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I -- I have a situation I mentioned in one of the towns that I represent that -- what -- what I was told, and, of course, there's two sides to every story, maybe three, but I was told that the two agents came in, ordered water, caused some kind of a ruckus or something and a bit of a distraction. Two underage teen -- let's say teens, certainly they were under -- under 21, came in, ordered a beer, and then the Liquor Agent came back in and said, got you. I mean, I guess that's what -- that's what I was told in a situation that occurred in -- in my district. So I'm wondering if they are posing, if you will, as patrons themselves or are they coming after the actual decoy, if you will, for lack of a better word?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

That, if -- if, in fact, it's true, I'm not questioning the Senator, but the facts as depicted is not the standard situation. The -- and I -- I would submit, if that's the case, they should not be in there causing a ruckus ahead of time. Their job -- the traditional -- I can't say always, but traditional responsibility is they're observing the situation, so they can come in later and enforce, you know, and -- and after witnessing the violation, they come in and -- and present the enforcement.

So if that happened, that does not sound standard or appropriate to me, but -- and, of course, that owner, if you're a particular owner, that's what happened, he could always appeal it. And he would have the administrative appeal to try to pursue, you know, its own remedies of due process.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

One last question, if I might.

You mentioned that the -- the assault could take place from the owner of the establishment. So it's not just the patrons in the establishment. Certainly the owner could take the law into his own hands for -- I guess, but I -- I think that they would put themselves at great risk if they were to do that and possibly lose their permittee. Are you aware of a certain circumstance where, as you mentioned, the owner got violent or caused harm to one of these liquor control agents?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

I apologize. I am not specifically aware. That's my hypothetical situation. I can envision that, but I don't have a specific example.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Do you know if that permittee would lose their permittee if that were to occur or is that something based on in the law -- in the courts?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

That would just be -- I think -- it would be -- you would be charged with a separate offense for the criminal assault. And then -- then you would determine -- I think the circumstances are separate. You've assaulted the Liquor Control Agent and then you have the other DCP violation of serving underage, hypothetically. So they're really two separate crimes and you're getting the enhanced penalty for the crime.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And one more question, if I might.

When it says reasonably identifiable Liquor Control Agent, can you -- can you speak to that at all? Because earlier in -- in our discussion we talked about a badge or a form of identification. What does it mean when we say reasonably identifiable?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

Well it's the reasonable standard is the standard, as the Senator knows, that a reasonable person would be able to, under the circumstances appreciate that the person's a DCP Liquor Control Agent. And what that really means is I -- I would think the Liquor Control Agent has to walk in and announce who he is, why he's there, show the badge. I mean you can't just walk in and just say you're under, you know, you -- you have to prominently, so -- so reasonable -- it's a reasonable person of standard. So an objective person would be able to determine that it, in fact, is a Liquor Control Agent.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I thank the good Chairman for his answers.

I also thank Senator Witkos for accepting the yield and talking about his services as a law enforcement officer and his time served when he worked in these type of situations.

I still am a little bit concerned as to putting these individuals in the same category as we do police officers and other public officials or public servants. I don't know if they carry that same type of danger in their job as a police officer who puts on a badge and a gun every day and I don't know if they should be in that same category as those individuals because I think it's a far different job and I haven't heard anything that says this is an occurrence that happens all the time. In fact, there's probably not a lot of testimony to that regard.

So I'm not quite sure if I will be voting in favor of the legislation. I will certainly listen to the rest of the debate.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill?

Senator Kissel.

SENATOR KISSEL:

Thank you, Mr. President.

I don't have any problem with the underlying bill, but I was looking for a bill that was germane to an issue that has cropped up in my district.

So if the Clerk could please call LCO Number 6864.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 6864, Senate "A", offered by Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I move adoption of the Amendment and ask leave to summarize.

THE CHAIR:

On adoption.

Will you remark, sir?

SENATOR KISSEL:

Thank you.

The liquor laws in Connecticut are extremely complex and trilevel between retailers and distributors and wholesalers. And under the statutory construct that we have, there's very strict rules if you miss paying for a shipment of beer or wine or liquor that comes to your store, you're allowed, to my understanding, a 30-day grace period, but then you can fall into default and then there's a very complex notice requirement where you are -- basically put on a list where other folks are alerted and again, to my understanding, not to extend you any credit until the debt that you owe has been certified as paid off. And we don't really have that in other areas of commercial activity.

In other words, if I have a shipment of televisions and I want to give that to, let's say Bradley's was still in existence so we're not using a company that's around today, but I extend that to -- to Bradley's and they owe me \$10,000 and they're late after 30 days in giving me the \$10,000. Well I may call up the president or the manager of that store. May work it out and they may say, can you extend us the credit and it's my commercial decision, my business decision. Do they have a good history with me? Are they struggling? Are they saying listen we're about to do a weekend sale and we're going to just crank these TVs right out. Even, in fact, if you give us a little bit more, that'll help our cash flow. I make that determination.

But when it comes to alcohol sales in Connecticut, it is strictly controlled. So there is at least one retailer in my district that felt that the system is too complex. I mean he utilized the term black listed, but that if you, for whatever reason, fall behind, it makes it very difficult for you to catch up if you are not allowed to have credit extended to you until you make that up. And in fact, if there's some sort of large notification system promulgated by the Department of Consumer Protection notifying everybody that beware of this particular package store.

And so that's what we're talking about. We're talking about stripping that section out. And that's what this amendment does.

And I'm asking for support on this amendment so that we can sort of unfetter the chains a little bit regarding the extension of credit for folks that are struggling in this economy.

And when we do vote on the bill, while I have had discussions with Chairman Doyle, and he said that perhaps we could revisit this in the future, it is important for at least one constituent in my district that we have a vote on this. So I would ask for the vote be by roll.

Thank you, Mr. -- Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

With all due respect to Senator Kissel, this is a very complicated issue and I think at the present time I'm not comfortable supporting a change, you know, without a public hearing and without in -- more in-depth issue.

So Senator Kissel, as a Member of the General Law Committee, I would be willing to look into this bill next year, give it a public hearing, and really appreciate more where we're headed. So unfortunately, I will urge the Chamber to reject this amendment.

Through you, Mr. President.

THE CHAIR:

Thank you.

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Could we just stand at ease for a second?

THE CHAIR:

Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senate will come back to order.

Senator Kissel.

SENATOR KISSEL:

I think that we've reached a -- a little bit of an agreement regarding this. I have an assurance from Chairman Doyle that if this bill -- this bill issue will have at least a public hearing next year. So I would like to without -- hopefully, without objection, withdraw my request for a roll call and simply ask for a voice vote.

THE CHAIR:

So ordered.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

A quick question for Senator Kissel.

Through you.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you.

Indeed, Senator Kissel you are correct in pointing out that our liquor laws are very complex. And what little bits and pieces I do know about them, they are confusing to say the least, but with your proposal here, and I know there's going to be a voice vote on this, just so that I know what you're talking about specifically. And we all do have people in our district and in our business lives who do go to seven and eight and nine creditors at a time looking for just a little more credit, just to get through the next month or two weeks or whatever the case might be. Do you envision in this proposed amendment, a limitation either proportionate to the size of the business, in other words, percentage wise or a maximum dollar limit that you would recommend in extending credit to someone and getting them off that black list.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Well what we -- what I attempted to do by this amendment was essentially strike out Subsection B of Section 501, Section 30-48 of the general statutes. And what this section does, and I've read through it and believe me it's a thicket -- it's some thick legislation. It's some thick statutory wording here. Is we have this multitiered system and it is so strictly controlled that the rules of the game are defined in statute.

So you get 30 days. Then you get 10 days from a notice being sent to you by the delivery -- deliverer of the product, whether it's a wholesaler or someone else, distributor. And then you have a certain window to cure. If you haven't cured or paid the debt by that time or challenged the amount, say no I did pay you, here's the receipt. Then the notice, from my reading, then goes to the Department of Consumer Protection.

And then what they do is they put you on this list. I'm not going to call it a black list, like my constituent does, but it's a list that alerts everybody that you're in arrears. And everybody out there is now forbidden to give you anything on credit. It's cash on the barrel head from that point forward, until you make up that amount that's posted to be due. And then when you prove that you've made up that amount due for that case of wine or truckload of beer, then within a certain period of time, that your name comes off and then the providers of the merchandise can then go ahead and provide it to you with 30 days' credit to pay the bill.

We don't have that anywhere else, that I'm aware of. Business folks out there can cut deals however they want, but in Connecticut our liquor laws are so strict and so ancient, decades and decades old, that this has been the law of the land for a long time. And so what my constituent is asking is unfetter the chains. As far as a credit limit, it would be left to the free marketplace. If the person delivering that case of wine that didn't get paid after 30 days said, you know what I'll give you another case of wine. Pay me in two months. You've been a good customer of mine. I trust you on this one. They take that chance.

Under our laws, they can't do that. They are forbidden. They are absolutely by law forbidden to do that. They cannot extend credit once you're on this list.

SENATOR FRANTZ:

Thank you.

Through you, Madam President -- Mr. President, actually.

Okay that makes the amendment crystal clear and what you're dealing with in the amendment then is the -- the binary outcome of either you're on a list or you're off the list. It has nothing to do with the setting of credit limits, which somewhat fits into that category. That once you're off the list is up to the free market makes it crystal clear.

Good amendment. If it was a roll call vote, I would vote for it.

Thank you.

THE CHAIR:

Thank you.

Thank you, Senator.

Will you remark further on the amendment? Will you remark further on the amendment?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, nay.

SENATORS:

Nay.

THE CHAIR:

The nays have it.

The amendment fails.

Will you remark further on the bill? Will you remark further?

Senator Doyle.

SENATOR DOYLE:

If there's -- if there's no objection, I would move the bill to the Consent Calendar.

THE CHAIR:

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 13
3813 - 4129**

Seeing and hearing no objection, so ordered,

Mr. Clerk.

THE CLERK:

On Page 25, Calendar 602, House Bill Number 5614, AN ACT CONCERNING A STUDY REGARDING THE AVAILABILITY OF ELECTRONIC BOOKS TO USERS OF PUBLIC LIBRARIES, Favorable Report of the Committee on GENERAL LAW.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes, Mr. President.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill, in concurrence with the House.

THE CHAIR:

On acceptance and passage, in concurrence with the House.

Will you remark, sir?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

As under our rules House "A" has already been adopted; therefore, the House "A", LCO 6850 is a strike-all amendment. And this -- this was a bill that an issue was raised in the Committee. There was a lot of support -- bipartisan support over the issue of our public libraries getting access to E-books, as our technology increases.

You know, growing up it was all -- it was always hard copy books. E-books is the new technology. And our public -- our State and public libraries -- our

Would move to place that item also on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, now would ask the Clerk to call the items on the first Consent Calendar, so that we might proceed to a vote on that Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 5, Calendar 278, Senate Bill 709; Calendar 333, House Bill 5759; Calendar 334, House Bill 6396; Calendar 340, House Bill 6211.

On Page 8, Calendar 357, House Bill 6349 and Calendar 398, Senate Bill 1065.

On Page 11, Calendar 457, House Bill 5564 and Calendar 462, House Bill 5908.

On Page 15, Calendar 516, House Bill 5500; Calendar 521, House Bill 6407.

On Page 19, Calendar 558, House Bill 6340.

Page 21, Calendar 574, House Bill 6534; Calendar 575, House Bill 6562; and Calendar 577, House Bill 6652.

Page 23, Calendar 587, House Bill 6465; Calendar 589, House Bill 6447.

On Page 24, Calendar 599, House Bill 6458.

Page 25, Calendar 602, House Bill 5614.

And on Page 29, Calendar 622, House Bill 5278;
Calendar 625, House Bill 6624.

Page 39, Calendar 223, Senate Bill 954 and Calendar
227, Senate Bill 819.

And on Page 46, Calendar 100, Senate Bill 273 and
Calendar 137, Senate Bill 837.

THE CHAIR:

Mr. Clerk, please call for a roll call vote and the
machine will be open on the first Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Members to the Chamber. Immediate roll call has been
ordered in the Senate on today's first Consent
Calendar.

THE CHAIR:

All members have voted, all members have voted.

The machine will be closed.

Mr. Clerk will you please call the tally.

THE CLERK:

On today's first Consent Calendar:

Total Number Voting	34
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease.

(Chamber at ease.)