

PA13-174

HB6683

House	4105-4176	72
Judiciary	4209-4210, 4233-4235, 4350-4353, 4516-4517, 4629-4633	16
Senate	4353-4354, 4414-4415	4
		92

H – 1161

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hac/gbr
HOUSE OF REPRESENTATIVES

177
May 15, 2013

Absent and not voting 9

DEPUTY SPEAKER SAYERS:

The bill as amended passes.

DEPUTY SPEAKER SAYERS:

Will the clerk please call Calendar Number 480.

THE CLERK:

Yes, on page 50 of today's Calendar, Calendar Number 480, favorable report of the Joint Standing Committee on Planning and Development, substitute House Bill 6683, AN ACT CONCERNING THE ABATEMENT OF PUBLIC NUISANCES.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Thank you, Madam Speaker.

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

DEPUTY SPEAKER SAYERS:

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

Representative, you have floor, sir?

REP. GROGINS (129th):

May I summarize, Madam Speaker?

DEPUTY SPEAKER SAYERS:

hac/gbr
HOUSE OF REPRESENTATIVES

178
May 15, 2013

Please proceed, sir.

REP. GROGINS (129th):

Thank you.

This legislation expands the existing law on nuisance abatement which is a quality-of-life act and authorizes prosecutors to bring a civil action in the Superior Court against persons or properties that repeatedly engage in a pattern of illegal activity. This bill expands the list of predicate offenses that qualify as a public nuisance. Notable among those crimes are the illegal sale and manufacture of drugs, violations of various firearm offenses, and three or more violations in one year of certain municipal ordinances including the illegal operation of a massage parlor.

This law requires prosecutors to establish, again, a pattern of criminal activity by the appropriate civil standard of proof by the -- a preponderance of the evidence instead of clear and convincing -- instead of the clear and convincing standard that exists now. If this burden is established, prosecutors can seek a variety of remedies in the form of a court order or a negotiated

stipulated agreement with the person or property in violation to stop the illegal activity.

Madam Speaker, the Clerk has an amendment to this bill which is LC -- LCO Number 6972. I'd ask the Clerk to please call this amendment, and may I be granted leave to -- of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

The Clerk will please call LCO Number 6972 which will be designated House Amendment Schedule "A".

THE CLERK:

Madam Speaker, LCO Number 6972, Calendar Number 480, designated House Amendment Schedule "A" offered by Representatives Fox, et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber -- Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection?

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

REP. GROGINS (129th):

This amendment clarifies the standard required to qualify as a public nuisance with regard to the municipal violation of the excessive noise ordinance which is one of the enumerated ordinances that can

qualify as a public nuisance. We have added that this -- that the municipality's excessive noise ordinance must be based on an objective standard. And just for clarification, this is -- only applies to nonresidential properties, commercial properties only.

DEPUTY SPEAKER SAYERS:

Representative, do you want to move adoption?

REP. GROGINS (129th):

Yes, I move adoption of this bill and urge its passage.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule "A". Will you remark on the amendment?

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, I rise in support of the amendment that's before us. Just for clarification purposes, if I may, a question to the proponent of the amendment.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Through you, Madam Speaker, I do believe this language makes it better in indicating that it has to be an objective standard versus subjective.

Through you, Madam Speaker, if you can just give us an example of what an objective standard would be or who would be determining what the objective standard would be.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, thank you, Madam Speaker.

Through you, yes, it certainly does clarify and we believe makes better this -- and clarifies this language. An objective standard would be rather than just a complaint, rather than the police officers investigating the complaint either use a device, a decibel meter to measure the noise. And they have, just for clarification, for instance, in Bridgeport they have to measure the noise before and after. So they'd have to know the reading before the nuisance abatement, I'm sorry, before the nuisance or the excessive noise and then afterwards or as a police

officer indicated to me, that if you could hear the noise from three blocks away, that would be objectively unreasonable noise and in violation of the municipal ordinance.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, through you, Madam Speaker, would that objective standard be something that then would be reduced to writing whether it was in the application for the complaint that moves forward, so then the person who is being charged with or having to respond to an abatement would be aware of the objective standard that was used?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, thank you, Madam Speaker.

Through you, yes, the application, first of all there would be a police report which I believe would be part of the evidence. You have to have three or more violations in one year. And the prosecutor's

office has indicated to me that to prove a nuisance and that you have a pattern, not a random incident or one or two incidents, but to prove a pattern of illegal activity, they would have to show very specifics on this. And if it was excessive noise and they would have to reduce, as you would say, in writing. There would be reports on specifically what the excessive noise consisted of.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I thank the Representative for her responses. Just for a further clarification, when the amendment was introduced, it was indicated that this would only apply to commercial properties. Is that also true of the amendment once it's made to the bill, does the bill only apply to commercial properties and is that why the amendment only applies to commercial properties?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

No, actually just the excessive noise applies to commercial properties. The bill could apply to, again that's only with regard to excessive noise. You could have a apartment building where a tenant repeatedly conducts illegal activity, for example, sells drugs out of the apartment building, and the prosecutor's office, if there were three or more arrests for selling drugs, would again notify the owner of the property. But as long as that owner cooperated, they would target the tenant selling the illegal activity and find some way to come to an agreement or have a court order instituted that would stop that illegal activity.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I'd like to thank the Representative for the clarification in that regard so that everyone understands the objective standard what it actually applies to.

Through you, Madam Speaker, does the Representative -- be able to provide a definition of commercial property because I want to make sure that

everyone understands that, again, people usually think commercial property is only businesses, but, in fact, it could be more than just businesses.

So, through you, Madam Speaker, if the kind Representative, if she knows the definition of commercial property, if she can share that.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. REBIMBAS (70th):

Through you, I believe it would something other than a private residence, a single-family dwelling. I think when you get into, again, apartment buildings where there's, you know, multiple renters, that that could be -- again we're only talking about the narrow definition of the excessive noise ordinance. But it would be, I think anything that was for-profit or, you know, that wasn't a private residence.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, through you, because I do want to make sure we understand what this is applying to,

hac/gbr
HOUSE OF REPRESENTATIVES

186
May 15, 2013

there is my understanding an established commercial property definition. I want to make sure that we're not altering that definition or how will this actually apply? Because if the intent is purely for commercial properties where a business is run out, then I want to make sure we know that for legislative intent. If we're extending this to the normal definition of commercial property that's out there, there may actually be residential property of a certain number of units and more, then I want to make sure we know what this is going to apply, if the kind Representative knows.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

It's my belief that this would apply to businesses. The examples that were given to me were, for instance, a bar or a restaurant or a club that has excessive noise. We specifically did not -- the Chief State's Attorney's Office had had many complaints with regards to dormitories and fraternity houses, and that does not apply, this -- this excessive noise ordinance

hac/gbr
HOUSE OF REPRESENTATIVES

187
May 15, 2013

does not apply to that. It applies to businesses, to the best of my knowledge.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Once again I'd like to thank the Representative for her response. As I think that is very important then for legislative intent that, in fact, this amendment regarding the noise ordinance, it would strictly then be for commercial properties where businesses are run. So, therefore, if there does exist any other definition of commercial property for other uses, for example, if it's four units or more, it's considered a commercial property. If it's all residential, it would not then apply to this. This would be strictly only where businesses are.

So I'd like to thank the Representative for the legislative intent in that regard. And I do believe this amendment is a good one and will make the underlying bill that much better, and I do support the amendment.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Bacchiocchi of the 52nd, on the amendment? On the bill?

Representative Srinivasan of the 31st, do you wish to speak on the amendment?

REP. SRINIVASAN (31st):

Yes.

DEPUTY SPEAKER SAYERS:

Please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

Through you, Madam Speaker, if I can ask a few questions to the proponent of the amendment.

DEPUTY SPEAKER SAYERS:

Please frame your question, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

When we are talking about an objective standard which is a wonderful way to evaluate noise as opposed to as we previously said a subjective, sometimes I wonder what is the noise level in our Chamber and wish we had an objective standard for that. What would be the objective standard you had in mind? Are there some standard procedures, protocols available by which the -- the noise standard can be evaluated?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, through you, I appreciate the good gentleman's questions. I did answer that previously that the examples that were given of a decibel meter would be used oftentimes by police, or the police investigation where they found that the noise, you could hear it for several blocks at an unreasonable hour. It's -- would go by the standard of the municipal ordinance, but it would have to be the -- the prosecutors in order to bring an action with regard to multiple violations of this particular ordinance, would have to show that the municipal ordinance they were relying on had an objective standard as I've -- as I've previously mentioned and given an -- examples of.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

And -- I did -- I do remember hearing your response previously, and that is why I wanted to

clarify the objective standard where you talked about a police officer saying that he or she heard noises that was, you know, three blocks away or two blocks away. Is that enough? Is that subjective evidence or is that objective? So that was my concern that in those kind of situations where I heard a noise, where does that qualify in your subjective objective criteria.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS: .

Representative Grogins.

REP. GROGINS (129th):

Thank you, Madam Speaker.

Through you, well I think in any police investigation, there is some subjectivity. However, there's also the test of reasonableness, that you would have an officer, obviously the officer would have to give the citation or the arrest and he'd have to do an investigation. And so it wouldn't be just based on a hearsay complaint, but that the officer himself investigated and found that the situation presented. Again I'm just giving it by an example because it would really have to be dictated by a municipal ordinance. But that he found that either it

was out of range of a decibel meter of what was a reasonable standard or noise or that it could be heard not just in the immediate area, but from blocks away. So again I think it's a standard of what's reasonable here and that's what we mean by an objective standard.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

Through you, Madam Speaker, is there a difference between continuous noise and intermittent noise? Is there any such differentiation?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, through you, Madam Speaker, if I may, yes. I mean the -- the burden is not an easy burden here. We have to establish a pattern of it's not one random act, it's not noise that lasts for one minute, it's something that creates a pattern of criminal activity. Again, the example being a club that's playing noise beyond say if there's an ordinance that says, you know, you can't go past midnight or past the time that

the bar is closed, but they're playing music that's extremely loud for an excessive period of time throughout the middle of the night. That would be an example. They're not going to prosecute or seek injunctive reliefs over an isolated incident or a random act.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And, through you, Madam Speaker, my final question.

You know, when you talk about something that is as far as a commercial property where this activity happens. But that commercial property where this happens could be just on the edge of a lot of private properties, as in our small towns as we do have these various clubs, these community centers, and they are all around people's homes.

So, through you, Madam Speaker, would the private citizens, would people in the homes have any control or any say in -- in saying what, according to them, would be a reasonable noise, given the fact that they are not so fortunate to be living very close to these areas. Yes, it is a private property, but it is --

the commercial property is at the edge of their private property.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Thank you.

Through you, Madam Speaker, yes. I mean this is a quality-of-life bill. I mean this is, you know, we've expanded that to protect and enhance the quality of life for, you know, private citizens that live in areas -- I live in an area which is very close to many bars and clubs, and we've had situations where there have been excessive noise that goes, you know, into the early morning hours and it's a repeated situation. So, of course, if there's repeated complaints and investigations by the police department, based on those individual residents and those investigations result in citations of an excessive noise ordinance, again, based on a reasonableness standard, that would protect those citizens and help abate that nuisance that's caused as a result of excessive noise, a pattern of excessive noise.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And, through you, Madam Speaker, my final question. That within these so-called official time that that community center is allowed to have a band or have whatever form of entertainment they have, does this have an impact within the hours, they're not playing into the wee hours of the morning, they're not playing all night long, but let's say until 10:00 p.m. or 11:00 p.m. But even within the timeframe, is there a limit of what the noise factor can be or does this not impact the noise within the -- within the hours that they can operate?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Thank you.

Through you, Madam Speaker. It could. It really boils down to it has to be based on a municipal ordinance. So if you live in a town that has an excessive noise or a noise ordinance, it would really be -- it would emanate from what that noise -- excessive noise ordinance dictates. So it's really up

to the cities and towns to pass the noise ordinance that they believe most reflects a pattern of criminal activity or excessive noise that would interfere with the quality of life of the citizens.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker.

So if I understand that correctly then, so even within what you and I may consider reasonable operational hours, let's say 10:00 p.m. or maybe up to midnight, this could apply even if, during those hours, the noise was considered to be excessive?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Again, we have to revert back to this is a -- three or more violations of an excessive noise ordinance, the municipality's excessive noise ordinance. Every municipality has a different ordinance. So I wouldn't know what each municipality what their excessive noise ordinance dictates. It really depends on that particular municipality's noise

nac/gbr

196

HOUSE OF REPRESENTATIVES

May 15, 2013

ordinance. Is it possible? Absolutely. But again we have to revert back to it has to be a violation of that particular municipality's noise ordinance. And that has to be shown to be -- have an objective standard.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

And I want to thank the speaker for the -- for her answers.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Willis of the 64th, do you wish to speak on the amendment, madam?

REP. WILLIS (64th):

On the underlying bill. I'm sorry.

DEPUTY SPEAKER SAYERS:

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

If not, let me try your minds. All those in favor, signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

All those opposed, Nay.

hac/gbr
HOUSE OF REPRESENTATIVES

197
May 15, 2013

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER SAYERS:

The amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, a few questions to the proponent
of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your questions.

REP. R4EBIMBAS (70th):

Thank you, Madam Speaker.

Through you, Madam Speaker, the bill that is
before us amended, is this existing law or are we
creating a new law?

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, thank you, Madam Speaker.

Through you, yes, this is an existing law. We're just expanding several of the predicate offenses that would qualify as a public nuisance.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, through you, Madam Speaker, just for clarifications again, this is an abatement that only the State has the exclusive right to bring. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, that's correct.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And the changes that are being made in the underlying bill, I've noticed in several sections that the "or" has been removed. Is the intent then to make the list of requirements in order for an action for

abatement that all of the elements have to be in existence? So, therefore, making the underlying bill that much more stringent?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

That's correct.

Through you, Madam Speaker.

Thank you.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, through you, Madam Speaker, I also do see a new -- several new offenses that is -- are being added to this type of action.

Through you, Madam Speaker, if the Representative can highlight the new offenses.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Thank you, Madam Speaker.

Through you, inciting injury to persons or property in violation of 53a-179, if you just give me a moment please. There are numerous firearm offenses, Connecticut -- violations of Connecticut General Statutes 29-35 which is pistol without a permit. Then it goes on to list several other firearms offenses. If you want, I will list all of them but there are several of them. They include possession of an assault weapon, unlawful discharge of a weapon, those are several of the firearm offenses.

The illegal manufacture, sale, possession, or dispensing of drugs, and the violation of three or more municipal ordinances which specifically is the excessive noise which we've talked extensively about. Owning or leasing a dwelling unit that provides residence to an excessive number of unrelated persons that creates a dangerous or unsanitary condition that significantly impacts the safety -- health, safety, and welfare of the surrounding area, and an impermissible operation of an illegal massage parlor or a business that employs massage therapists that are not licensed pursuant to our statute.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

hac/gbr
HOUSE OF REPRESENTATIVES

201
May 15, 2013

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, through you, Madam Speaker, for clarification purposes, just making sure that the testimony is consistent, in one of the additional violations in the bill, lines 65 through 72, I believe it indicates that if there is a violation of a municipal ordinance regarding excessive noise and it applies to non-residential real property, which again if it's non-residential assuming that it's commercial, but I notice in line 67 it also says the owning or leasing of a dwelling unit that provides residence to an excessive number of unrelated persons.

Through you, Madam Speaker, just a clarification as to what that means. Are we still talking about then a business where people might be illegally residing or are we actually talking about a lawful residence where there might be excessive number of people?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Well, again, with regard to the non-residential, that applies to the excessive noise ordinance. With regard to section (b), that could be a rooming house where you are, for fire safety reasons, only allowed -- there's so many apartments and there's only allowed a certain number of persons in those apartments. And if this -- there's an excessive number of people where it creates a dangerous situation, a fire safety violation or a violation of -- that would impact the safety, health, and welfare of the surrounding areas, that would be an example of how, again, a pattern of illegal activity where, again, these are the requirements of that boarding house, they have to comply with a certain, you know, fire code safety, hazards, et cetera.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

Thank you, Madam Speaker.

And thank you for the clarification. I just wanted to make sure that the excessive noise then did, as previously provided, only to nonresidential real property and that does not then apply to section (b) regarding residence. It is two separate sections in

that regard. So thank you to the Representative for her responses.

I'd like to talk a little bit more, then, about the procedure. The criteria is clear in the bill as to what it might be that leads to an action. I want to kind of talk a little bit and focus on the procedure for the abatement action. Again, we know that it's only the State that has exclusive right in order to do that. What type of notification, if any, is allotted to the property owner?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker.

The Chief State's Attorney or one of the Deputy Chief State's Attorneys or Assistant State's Attorneys may commence an ex parte action requesting an abatement of the public nuisance, however, this must be served upon the person or property under our service requirements. They must be given notification and a hearing is provided. Due process is provided to those affected by this -- this legislation and by that hearing.

hac/gbr
HOUSE OF REPRESENTATIVES

204
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

So just a follow up, so if the landlord, in fact, is not named as a defendant, the landlord absolutely will still be notified that an action has taken place upon, let's say for example, a tenant if they're paying rent or someone who is residing or conducting a business?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, thank you, Madam Speaker.

Yes, I believe that section (c) of this indicates that any person who has an interest would be notified, but they wouldn't necessarily be named as a defendant. They would have to -- in order to be named as a defendant, the State would have to establish that you participated, caused -- or caused somehow this public nuisance to exist, that you abated the public -- I'm sorry, not abated, that you conspired to promulgate this activity.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, through you, Madam Speaker, this is I believe in the existing law that there is an ex parte -- temporary ex parte order that could be issued by a court of law if an application is made. Just procedurally, how exactly does that work in a matter of an abatement? Is the person then evicted or demanded and removed from a -- from the building based on an ex parte order?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Well, again, they would have to -- whoever this is directed to or if it was the owner of the property that caused this criminal activity or if it was directed at a tenant, those parties would be given notice. They would -- there would be a show cause hearing, which is -- we have many remedies like this that exist, not just for nuisance abatement but for other ex parte orders, and they would come in and the

State would have to prove by a preponderance of the evidence that that party caused a repeated pattern of illegal activity, whatever that illegal activity would be -- would be. And there would be a variety of remedies that could be sought by the Chief State's Attorney's Office, anywhere from just an agreement to abate the criminal activity, it could be injunctive relief, it could be to evict the tenant, it could be, you know, it could be numerous remedies.

The -- the policy behind the remedy is to stop the criminal activity. They could even enter into a stipulated agreement and negotiate the outcome. So there are many possibilities.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

The bill that's before us is actually changing the standard, and I do know that the Representative just stated this new standard would be a preponderance of the evidence opposed to the previous standard of clear and convincing. If the Representative would be so kind, especially for non-attorneys to explain what the standard of proof is for a preponderance in the

evidence and how that's different from clear and convincing.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, through you, Madam Speaker, preponderance of the evidence is the normal course of civil burden of proof, and it's a tipping of the scales in favor of the opponent. Clear and convincing is a much higher standard, and we usually deal with that in instances where there are forfeitures. There's no forfeiture here. For instance, a termination of parental rights, that would be a clear and convincing standard. But this would be in any -- in most civil actions, the majority of civil actions like negligence suits, personal injury, is a preponderance of the evidence which is the normal course and burden of proof in a civil standard.

The other standard, which is why this proposed change is what it is, is an overly burdensome standard when you look at the remedies that can be sought. And so it's the more appropriate standard. And any of the parties can present a defense. It holds equal for the

defendants, they can present a defense and prove by a preponderance of the evidence that they are not responsible or they have not caused this illegal activity.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And for further clarification, so, for example, in an ex parte order which assuming that a court would then grant an ex parte order without a hearing, without due process one would say, in that regard -- or let me take that back.

Not without due process, because if it's an ex parte that's ordered -- an ex parte that's ordered and it's a judge's opinion regarding that, but certainly the person who is the defendant hasn't had any opportunity to respond and give their defense. But yet, they would be subject to the ex parte order which means that essentially they could be abated from their home, if we're talking about excessive persons allegation or from their business, if it's a business that they're running in that regard. My concern is if we're lowering the standard, that standard has been

lowered to a preponderance of evidence even in an ex parte action. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP GROGINS (129th):

Well, again, this -- these orders would only be temporary. There would be a show cause hearing held before the Superior Court judge, and the court would then determine whether the temporary relief requested should be granted. So there would be notice and there would be a hearing on this, and then the preponderance of the evidence comes forth. At the time of the hearing the State would have to prove, A, the pattern of criminal activity by a preponderance of the evidence in that the relief requested should be granted, and then the defendants who have received notice of this would be able to rebut that presumption by a preponderance of the evidence.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Assuming that a court does order the ex parte order, how long does the court have to schedule a hearing in that matter?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, through you, Madam Speaker, I believe it's ten days.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

That's concerning. That's concerning because what we're doing is we're lowering a standard and there's a ex parte opportunity here for a court to enter an order. And although ten days may not seem like a lot of time, it certainly is a considerable amount of time if this is a business owner that needs to operate a business and potentially could be the only income that they have. It could have a detrimental effect. Also we're having a court then making an order that the person hasn't had an opportunity to respond. And once again, for any type

of business, just the mere impression that there may potentially be illegal activity occurring, may actually chill the business that that person is in.

Then applying that to a residential dwelling, if one of the allegations is excessive persons in a home, so let's say, for example, this person had family members from out of the country coming and visiting or friends from out of state that came and visited. And again, there has to be three times and a violation of an ordinance, and potentially that could happen three times in any given year. With an ex parte order provided by a court, essentially now you're displacing people from their home. Ten days of displacement from a person's home is a considerable amount of time assuming again, especially in light of the fact if they had children and other responsibilities.

Through you, Madam Speaker, what is the purpose or issue that the current law had regarding that standard of proof that's brought this language before us here today?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, if I may be corrected. I apologize, I misread it. Again this is the existing law now. But it's five business days after the service of this -- of this notice. So it's not ten days and I apologize for misreading it. Again I'm focusing on the changes only. This is an existing law that has already been voted on and passed by this Chamber a number of years ago. So it's five business days.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Certainly I accept the correction regarding the date that the hearing was to be scheduled. But let's then assume current law that it's five days. I don't believe five days is any less of an issue or a consideration when it comes to a business owner that has to close down their business for five days based on an ex parte order that was decided by a court without the person having been heard in a court of law.

Or taking my example of the residential property, again that's five days that the person is being

removed from their home which they may have other responsibilities and lawfully depending on whether or not they own the property that they may have to maintain or pay the rent that they lawfully were able to prior to an ex parte order. So just assuming it's five days, it's still five days. But again, my main question was what is the problem with the current law that now we're lowering the standard to simply a preponderance of the evidence opposed to clear and convincing evidence?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, in response to your concerns, first of all the temporary would -- relief most likely sought through the temporary orders would be the abatement of the public nuisance. So if you have, for instance, a bar where there's drug selling going on, then -- which is one of the new enumerated offenses, then it would be requesting the court to order an abatement of the drug selling. And certainly we don't want, I mean one day is too long to have illegal activity like that. So I think it's up to the

court can either order the temporary orders or can deny the temporary orders and still have the show cause hearing.

It's up to the court to determine the severity of the action and to determine the severity of the public nuisance to determine whether or not a temporary order should be acted on before the hearing which is scheduled within five days. And the reason for preponderance of the evidence is, again because the relief requested can simply be relief when we're just asking for the abatement of that public nuisance. It is overly burdensome and inappropriate and not consistent with all other civil law with the exceptions of extraordinary circumstances like in the -- the type of hearing where you have a termination of parental rights and a parent is forfeiting their rights to a child, that is clear and convincing. But based upon the relief requested which could just be an abatement of illegal activity or activity that's substantially impacting the surrounding neighborhood, again you have to show a pattern. This isn't easy to begin with in terms of proving this kind of an action. You have to establish a pattern. This isn't an

isolated incident, this is repeated criminal activity.

So I hope that answers your questions.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I'd like to thank the kind Representative for her explanation in that regard. My concern is we might not just be abating the action in and of itself. And maybe just for clarification, through you, Madam Speaker, the bill that's here before us, is there the ability to actually remove a person from the business or from -- from the business, an actual physical person, not just the illegal action?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, my understanding is when you get to an order, a substantial order like that, it would have to be after a hearing. My understanding is that the initial orders, and again this is how it was explained to me, as required by the existing law that it would be an order to abate the

criminal activity. That when you get into remedies like closing down a business, removing a person from a property or evicting that person, that is after a full hearing. That's my understanding.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I thank the Representative for that. And I guess just to further clarify for legislative purposes, then there is no way, no how, not through an ex parte motion of any sort that any person would physically be removed from any either business or unit for any circumstances whatsoever under this bill without an actual hearing taken place where the defendant then would be able to provide evidence and defenses?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Again that is my understanding. The Chief State's Attorney's Office has testified on this bill, and I believe you are a member of the Judiciary

Committee, and, in fact, the Ranking Member, and so there was the opportunity to ask those questions. I've never brought one of these actions because I'm not a State's Attorney. But my understanding in questioning the State's Attorney's Office was that those more substantial remedies would come after a hearing and that the initial temporary orders are more for the request of the abatement.

Because again I can't foresee, there's the existing law here where a judge is making that determination and that determination exists in law now. So I believe it would be up to the court, but again my understanding from questioning on the temporary order before the hearing is those extreme remedies do not come until a later point. That's my understanding.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Then again just to clarify then the legislative intent because as I read the plain language of the statute, there is nothing here that would prevent a judge for entering an ex parte order removing someone

hac/gbr

218

HOUSE OF REPRESENTATIVES

May 15, 2013

physically. But based on the testimony here today on the floor of the House, because that's then the legislative intent that's going to be referenced in the plain language of the statute, certainly not necessarily questions that are done during a public hearing, because a public hearing's purpose is to strengthen a bill or certainly highlight any weaknesses in the bill. So I'd like to rely on the testimony that is being provided here today for legislative intent when the plain language of the statute really is silent one way or the other in that regard. So again just clarifying it then through the testimony here today is that there is no ex parte order where a person could physically be removed from their business or residential unit prior to an actual hearing in that regard. And I'm happy to hear that because that was one of my concerns.

Through you, Madam Speaker, does the Representative know how often or whether or not this bill was utilized since its initial passage?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, I'm not sure if the exact number of times it's been utilized. I don't think it's utilized that often. Although with the expansion of these crimes, it may be utilized more often because the prior crimes were murder, manslaughter, those were some of the notable crimes. And I think it's very difficult when you have a business to prove or to have three murders occur within one year or three manslaughters, you know, I think that that standard was extremely high.

And I think that the new law is a good law and helps the Chief State's Attorney's Office. Again, there's illegal activity that really impacts the neighborhoods and the community at large, and it's more than just murder or manslaughter. I think that the notable new additions to this law are very important in terms of helping and improving the quality of life of the citizens in Connecticut.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I'd actually also agree with the additional violations that have been added to the bill, the

current law that we have. Again these are illegal activities and rightfully so now there's a standard put in place and people shouldn't be doing it. And wherever we could stop it, we want to make sure that we could do it because again one of the standards in this bill is public safety. It has to be a detriment to public safety.

With that said though, my concern is then what the need is in changing the standard to a lower one of having to prove preponderance of the evidence opposed to clear and convincing especially in light of the fact that I haven't heard any testimony regarding the need for it. Whether a municipality -- State in any way in a particular case or matter couldn't meet a clear and convincing, therefore, now we need a preponderance of the evidence.

And the fact that it hasn't been used that often, we might be opening the door then for more actions. And I guess it's the unknown because the bill is before us here today and if it passes, it's merely a preponderance of the evidence. So potentially there could be more people faced with this type of action because the standard has been lowered that the State has to meet. So although I do believe that the bill

hac/gbr

221

HOUSE OF REPRESENTATIVES

May 15, 2013

before us has very good intent, the current law is a very good one when used appropriately and responsibly. I'm still going to keep an open mind and listen to the dialogue and the exchange regarding the changes that are before us, specifically the standard that needs to be met because it's certainly not one that should be taken lightly but for any concrete evidence of the absolute need then to lower that standard. It's a little concerning.

So I'd like to again thank the kind Representative for her responses and thank you, Madam Speaker, for the opportunity.

DEPUTY SPEAKER SAYERS:

REP. GROGINS (129th):

Madam Speaker --

DEPUTY SPEAKER SAYERS:

I'm sorry.

Representative Grogins.

REP. GROGINS (129th):

Thank you, Madam Speaker.

I just want to -- if I could just respond with regard to one of the issues raised by the good Representative.

DEPUTY SPEAKER SAYERS:

Please proceed, ma'am.

REP. GROGINS (129th):

Thank you.

Just with regard to the testimony of the Chief State's Attorney, they did indicate at the public hearing with regard to this nuisance abatement legislation that there is a need to lower the standard and that the current standard was overly burdensome to them. And again they felt that it was more appropriate to have the consistent standard of preponderance of the evidence which is the appropriate standard for most civil actions.

So thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Willis of the 64th, please.

REP. WILLIS (64th):

Thank you, Madam Speaker.

May I direct a question, actually clarification to the proponent of the bill?

DEPUTY SPEAKER SAYERS:

Please proceed, ma'am.

REP. GROGINS (129th):

Thank you very much, Madam.

As you know in statute -- existing statute there is protection for farming operations, protection from nuisance. And my question to you is will this legislation change anything regarding nuisance noise that someone might claim from either livestock or farm machinery and accept, in other words, keeping with the acceptable farming practices?

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, again we're talking about a non-residential property, so I don't know if the farm would be considered a residential property. And also it would have to be a violation of an existing ordinance in the town that was shown to be -- have within it an objective standard. So there's a requirement of this, it would have to be a pattern, it would have to be a non-residential property, it would have to be a violation of already an existing law that the police could pursue with or without this. So it really would have to be shown that it was a pattern and a violation of that ordinance, and that that ordinance had objective standards.

DEPUTY SPEAKER SAYERS:

hac/gbr
HOUSE OF REPRESENTATIVES

224
May 15, 2013

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker, I think I need a little bit more clarification. Presently farm operations are exempted under our nuisance law, so the question is would that change that -- would this legislation change that exemption?

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, I'm sorry, I was -- I didn't hear the whole question. I apologize. Would you repeat that.

DEPUTY SPEAKER SAYERS:

Representative Willis.

REP WILLIS (64th):

Through you, presently state statute protects farming operations, they have an exemption on nuisance. So the question is, would this proposal do anything to change that existing exemption in state law?

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

There's nothing in the bill that says it would change the existing exemption.

REP. WILLIS (64th):

Thank you very much. And I thank the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Representative Kupchick of the 132nd.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker.

I just wanted to make some comments about the nuisance ordinance and I understand there are some concerns about how it may impact businesses or residences. But if you look at it, you know, when Representative Grogins originally brought this up, and I supported it last time, I didn't really think it would be impacting my suburban town. But actually this would be helpful in a suburban town like Fairfield.

We have a issue that I actually introduced a bill that didn't make it that was going to limit the hours of operation of hooka lounges because understand state law hooka lounges don't serve food and don't have liquor permits, therefore, they can stay open for as long as they like. And we have a nuisance hooka

lounge in our town. We have three hooka lounges, but only one basically is being run by a 23-year-old person. And it is basically a party place. And they are allowed to bring in alcohol and food and basically have a party in a residential neighborhood.

It has been a persistent problem in my community that has really made it very difficult for our local law enforcement who have to field the calls night after night after night of noise of -- of crimes of fights in the street, people drunk on people's properties in this vicinity, all kinds of activity. And this goes on until 3:00 and 4:00 and 5:00 o'clock in the morning. And they have really nothing that they can do about it because they're running a business and they're not breaking any real laws, so to speak. And so this would be very helpful in a situation like that in our community and to our local law enforcement.

And I realize there are some concerns, however, this -- these types of things can happen. A 22-year-old young person who may have sort of unscrupulous ideas can open up anything they wanted and they could say it's a tire shop. And then they could have parties there every night of the week. It's really a

quality of life issue, it assists with our local law enforcement because they can't just walk into places because of a complaint. They have to have something to back it up. A police officer can go into a bar and, if it's after hours, because they are breaking a violation. If there's a report of underage drinking, they can come into a saloon or a bar because there is something to back it up. And right now in this instance, they really can't just sort of walk in because they know there's activity going on there that is a nuisance to the community.

So I am supportive of this bill and I think it will help communities more than they realize. And I thank Representative Grogins for her work on this.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you.

Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Madam Speaker.

I just want to try and square some of the answers that I think I've heard the Representative give to questions asked. And it has to do with whether this involves residential real estate. And so if I could,

through you, is this intended to provide nuisance relief to non-residential property only?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, for clarification, the non-residential component only applies to the excessive noise. It could provide relief if you have drug selling going out -- occurring in an apartment building. I can only do this by way of example. If you have drug selling in an apartment building and it's a repeated act where the police are called and they make arrests for sale of drugs in, say, a particular apartment, then the Chief State's Attorney and, of course, if there were three of those in one year or a combination of these violations in one year, with the exception of the excessive noise, that the police could go in and ask for a temporary order abating that particular nuisance whether it be abating, asking the court to stop the individual from drug selling or if the owner of the apartment building is somehow conspiring or involved in the act of drug selling, then it could conceivably apply in an

apartment building which would be a residential situation. That would be an example.

Again the excessive noise only applies -- that violation only applies to nonresidential properties.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And so with regard to the language on line 13, which says includes single family as well, if the gentle lady would know if a tenant of a single family home were found to be guilty of some of the claims in this bill, who would the relief -- who would the State be looking to get the relief from, the individual charged or the property owner?

Through you, please, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, thank you, Madam Speaker.

From the individual responsible, it's very clear at the end when we talk about the show cause hearing, if the owner of the property or person who has interest in the property is not named as a defendant,

meaning they -- the State would have to prove that they were somehow involved in say drug selling or the illegal activity. Then if they could not prove that, then they would only name the individual charged.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

And so with regard to the new language relative to gun offenses, one of them is a permit to carry offense, as I understand it. So if a tenant lost the right to carry, in that case it would be -- you'd have to have lost that light -- right three times not one time or have a number of other offenses in connection with that. And those charges then would be directed at the individual not at the property owner?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, that's exactly correct.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

hac/gbr
HOUSE OF REPRESENTATIVES

231
May 15, 2013

I haven't had a lot of time to research each of these gun offenses. I have looked at some of them and I think some of them are very serious. But I think most people in the Chamber probably know that the bill that we passed earlier this year was a pretty expansive piece of legislation. And I know that leadership is trying to work out some, what I think some would like to refer to as wrinkles, but I think the net effect of some of those resolutions may be that some of the people that we didn't intend to have implicated in this bill may be implicated in this bill.

I'm aware of one individual -- on circumstance already where someone who has had a pistol permit removed but was renewed in a number of successive years now because of what has happened, having it revoked. And so these things give me some pause as we start to put these numbers down on pieces of paper and in statutes now that may have an effect that we didn't intend to have them have.

So, for instance, my son doesn't live with me, but if for some reason he had a violation and lost his permit to carry or my daughter or whoever, you know, I think the implications could be pretty real that the

hac/gbr
HOUSE OF REPRESENTATIVES

232
May 15, 2013

State could be looking for some relief from me as the property owner. And I see the gentle lady shaking her head, so maybe that's not the case. But I do hope that in passing this bill today we're not further impacting what I think are most lawful citizens. As I said, I have looked at some of these statutes. I consider sawed-off shotguns to be, you know, a problem no matter who owns them. And some others, there are some trafficking statutes in here as well.

So I think those are exactly the kind of things that we should be getting after. But I did notice that the permit to carry statute was in here, and I think that, in light of what else has been passed, I think could be somewhat problematic in terms of this legislation. But, you know, at this point I'm sure it's not going to get removed.

So, thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Smith of the 108th.

REP. SMITH (108th):

Thank you, Madam Speaker.

Just a few questions, if I may for the proponent.

DEPUTY SPEAKER SAYERS:

hac/gbr
HOUSE OF REPRESENTATIVES

233
May 15, 2013

Please frame your questions, sir.

REP. SMITH (108th):

I was looking, thank you, Madam Speaker, I was looking at lines 15 through 18 and it talks about the violations have to be three or more violations. And my question is do the violations have to be same violation as enumerated in section (c) where there's one through -- there's 14 different potential violations, do they have to be the same violation? So, for instance, take number five in that list, number five three times or any one of the 14 that are listed?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

If's any one of the -- there has to be three of any one of the 14.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

And the reason I ask the question is because throughout the language of the bill it talks about

hac/gbr
HOUSE OF REPRESENTATIVES

234
May 15, 2013

establishing a pattern of behavior. And I'm wondering if that, in fact, will establish a pattern of behavior? It certainly establishes a pattern of violation of different, I guess what we consider nuisances. But it seems like the rest of the statute, the rest of this section, talks about the same violation. So I'm just wondering if the good Representative thinks there's an inconsistency there or was it intentionally drafted this way?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Yes, through you, Madam Speaker, the intention again is, you know, not every situation is the Chief State's Attorney or the Assistant State's Attorney going to pursue. It's for things that are really problematic. I mean that's their intent here. So when you have a bar that has repeated violations, they're not just limited to violations of just drug sale. If there was sale of weapons, if there was -- if you can show a pattern of serious criminal activity or with regard to the -- the ordinances again showing a pattern of -- of violation of three of those

ordinances, a bar that repeatedly has excessive noise that substantially and significantly impacts the surrounding neighborhood by an objective standard.

So, no, I don't think that there's an inconsistency here. It's -- I think that the interpretation here may be literal that they're going to be pursuing every instance, they're really -- they have communicated to me that they're -- they're going to be looking to -- for a relief of nuisances that are serious nuisances.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

I thank the Representative for her answer and to help clarify that issue in my mind. And I apologize in advance, this has probably been answer because it seems like an obvious question, but I was out of the Chamber for a bit and just came back in. So on line 68 it talks about excessive number of unrelated persons. And to the extent that it has been asked and answered I apologize, but if it hasn't I'm wondering in terms of excessive, what are we talking about in terms of numbers?

Through you, Madam Speaker.

hac/gbr
HOUSE OF REPRESENTATIVES

236
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker.

Yes, I did previously answer that. That's, for example, and again, you know, we would have to look at the particular fire codes and so on, but if you had an apartment building where there were only supposed to be a certain number of residents and you had an excessive number of residents that causes issues that impact the health, safety and welfare of the rest of the residents in that building and the surrounding neighborhoods, that's when you would have -- that's when this might kick in.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

And again I appreciate the clarifying answer. And it seems to me with the answer again we're looking back to a -- an objective standard which is what we're trying to establish here versus a subjective standard which says, oh, that seems like a lot of people, I'm going to issue a violation versus, well, this is a violation of the fire code or the building code or

hac/gbr
HOUSE OF REPRESENTATIVES

237
May 15, 2013

something of that nature which would establish more of an objective standard which also I'm more comfortable with.

If the good Representative knows, in terms of the clear and convincing evidence standard that's current law, do we know how long that's been on the books as that clear and convincing evidence standard?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

I apologize. I do not know when this law was enacted. It's been a few years though.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

And I'm aware of the fact that the clear and convincing evidence standard is a heightened standard and we normally do not see that in civil-type proceedings. You see it in fraud, that comes to mind, fraud cases. But for the most part it's a preponderance of the evidence standard. So I can understand the movement here to a lower standard perhaps. And I think some of the questions I had were

answered previously. I did hear where the question was raised and answered, you know, have there been issues brought to our attention where the police were unable to stop a public nuisance because of the heightened standard. And I believe I did not hear any testimony or response where that was an issue with the police other than we're not aware that that is an issue. So I just want to make sure my understanding of the answers that I think are accurate.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, thank you for the good gentleman's question. It was the testimony of the Chief State's Attorney that this -- that clear and convincing was an overly burdensome standard and that there were issues with it, I don't recall if they gave specific examples. But they specifically requested that this be -- the standard be lowered to be consistent with the rest of the civil standards.

Again except in those exceptional circumstances as you've indicated, fraud, termination of parental rights where there are forfeitures and things of that

nature, this is just simply the abatement of a public nuisance, a simple -- a civil remedy which again can run the gamut of just stop the criminal activity to some -- something more severe if again there's repeated -- the -- the defendant's repeatedly ignore -
- I think it starts off with a much more simple request, stop the activity, remove the tenant, have the tenant stop the drug selling, those kind of things.

And if there's repeated, that we keep coming back into court and the tenant or, for example, keeps ignoring the court orders, then we go to a more severe remedy. But again the beginning is the -- the intent that I understand from the Chief State's Attorney's Office is that they just want to simply stop this pattern of illegal activity. And so that would be, again, should be I think the appropriate standard, a preponderance of the evidence.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you.

And I'm just, as the good Representative knows, I'm sure that we have private nuisance actions as well

hac/gbr
HOUSE OF REPRESENTATIVES

240
May 15, 2013

where, you know, if my neighbor was engaged in a type of conduct which I thought was a nuisance, I could bring a private nuisance claim. I haven't had a chance to look up the private nuisance standard. I also think it's a preponderance of the evidence, but I'm not positive and I'm just wondering if the Representative knows whether it's a heightened standard or the same preponderance.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

I can't say with absolute certainty, but I believe you're right. I think it's a preponderance standard.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

All right. Thank you for that. And I think it is, but I'll double-check that as well. I was looking at lines 242 to 246 where it talks about the affirmative defenses that the one, you know, we have - - if someone is charged with this public nuisance violation, they have the right to raise an affirmative

defense that they took reasonable measures to abate the nuisance but were unsuccessful.

And my question, through you, Madam Speaker, to the proponent is what effect will that have? For instance, if the person does raise that affirmative defense, says, listen, I've tried to stop this, I wasn't able to stop it, nonetheless it's still going on. What effect, if any, will that have in the proceeding?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, my belief is that if a party named can show that they took reasonable steps to abate the nuisance and couldn't stop it, then the order would not be directed against them or the relief requested would not be directed against them, that that would be an affirmative defense.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you.

And I was hoping that would be the answer because otherwise what purpose would it serve. If you raise the affirmative defense, that I tried everything I could possibly do to stop it, nonetheless I was unable to stop it. And the court decided, well, that's nice, but we're still going to issue some type of order, the affirmative defense would have no substance. So for legislative intent purposes, it's -- I'm glad to hear that if a reasonable attempt to abate the nuisance is, in fact, put on the record, heard by the court, the court finds it to be true, then at that point there would be no right to proceed with the -- an abatement order against that person based on the affirmative defense.

And that's my understanding of it, and I think that's what I just heard. I guess I'll ask one more time for clarification purposes, is that accurate?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, I believe that's accurate, yes.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you.

And finally just because I'm not all that familiar with this section of our law, are -- is the court allowed to award any type of costs, fines, damages, anything of that nature, or is it strictly an injunctive relief where, listen, you need to stop doing that or is there a fine associated with that?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

To the best of my knowledge, I believe it's more injunctive relief. I don't think that there's attorney's fees or anything like that, any fines but I can't say that with absolute certainty.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

And the reason I ask is I know some municipalities would sometimes bring a -- a cease and desist order type of claim where they can request that

hac/gbr
HOUSE OF REPRESENTATIVES

244
May 15, 2013

a -- a fine be imposed of 100, 200, \$250 a day until the situation is resolved on the municipal level. And I wasn't sure whether -- I know this references other statutes and I didn't have a chance to look at it. And I know the good Representative has answered the question, so I won't ask her again. But that is one of the questions that seems to be outstanding in my mind as to whether there's any relief other than injunctive relief that the court can order. So if we do get an answer to that, I'd love to hear it.

But I thank the good Representative for her answers. And thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Miller of the 122nd.

REP. MILLER (122nd):

Sorry. Thank you, Madam Speaker.

I have a couple of comments. I've had some trouble with a couple of places in Stratford. One on the Housatonic River, there's a restaurant and they had an outdoor band out there and the noise carried right down through Milford and Lordship area. It was just a loud band and the way the river is set up, it's just a corridor for that noise. And we did have

hac/gbr
HOUSE OF REPRESENTATIVES

245
May 15, 2013

trouble trying to slow them down with the activity that was going on there. And actually -- we actually threatened with a possibly taking of their liquor license which brought them a little more around to our way of thinking, and they cancelled the band outside.

And also in Bridgeport I know there's a number of places on Barnum Avenue that have problems. So I know you don't talk about it in the bill about restaurants and nuisances in the neighborhood from the restaurant, but if there's a couple of incidents, two or three incidents, they can always go to the Liquor Control Board and possibly ask them to -- to send them a warning that they're going to pull their liquor license and that sometimes gets their attention. So how would this impact with that type of situation?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, I don't think -- I don't think that they're inconsistent, if I understand your question. I mean, first of all, not all the businesses that could conduct illegal activity have liquor licenses. So we're addressing any business

hac/gbr
HOUSE OF REPRESENTATIVES

246
May 15, 2013

that repeatedly has a pattern of illegal activity.

But I think that they -- that might be another remedy that the public could go through or the liquor -- the Liquor Control Board could be involved with. But again that doesn't apply to all businesses that conduct illegal activity. For instance, the illegal operation of a massage parlor which we passed a law last year, you know, that remedy wouldn't be available in that situation.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (122nd):

So then, through you, Madam Speaker -- through you, Madam Speaker, so it would have no impact on those situations?

DEPUTY SPEAKER SAYERS:

Representative Grogins.

REP. GROGINS (129th):

I don't believe so. I believe both could be done. They could -- it's one or the other that -- or both. I think that the Chief State's Attorney could file this action, this civil action. And I think that the Liquor Control Board, if they were alerted could get involved as well. I think they're not

hac/gbr

247

HOUSE OF REPRESENTATIVES

May 15, 2013

inconsistent and they could both happen or one or the other could happen.

REP. MILLER (122nd):

Thank you.

And, through you, Madam Speaker, I just wanted to end up by saying that maybe it will be a double-play for those people who are creating nuisances whether it be from a legal bar or illegal, but, yes, thank you so much for your answers.

And, thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Will you remark further on the bill as amended?
Will you remark further on the bill as amended? If not, will staff and guests please come to the well of the House, will 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 of Representatives is voting by roll, members to the Chambers, please.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that 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:

Madam Speaker, Substitute House Bill 6683, as amended by House Amendment "A":

Total number voting	136
Necessary for passage	69
Those voting Yea	131
Those voting Nay	5
Those absent and not voting	14

DEPUTY SPEAKER SAYERS:

The bill passes as amended.

Representative Nafis.

REP. NAFIS (27th):

Thank you, Madam Speaker.

The Clerk is in possession of today's goal list and supplemental goal list which lists the bills to be referred. I move that we waive the reading of the

S - 665

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 14
4130 - 4472**

gdm/cah/meb/gbr
SENATE

98
June 1, 2013

SENATOR LEBEAU:

Thank you, Madam President.

I just want to thank the chairs for bringing this bill out. As Senator Cassano mentioned, what are the chances of -- of losing a Ghanian kid one year in Manchester and the following year in -- in East Hartford. It's just a -- incredible coincidence. And I -- and I think that the -- the efforts and this bill will go a long way to prevent this in the future. And that's what we're here for is to -- to, first of all, be concerned with public safety and the wellbeing of our -- of our students in our schools. So I thank them for their efforts on everybody's behalf, and particularly the children.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Hartley.

SENATOR HARTLEY:

If there's no objection, Madam President, I would request that this be added to the Consent Calendar.

THE CHAIR:

Seeing no objection, seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, have an item to add to the Consent Calendar, Calendar page 18, Calendar 620, Substitute for House Bill Number 6683. Would like to place that item on the Consent Calendar at this time.

THE CHAIR:

gdm/cah/meb/gbr
SENATE

99
June 1, 2013

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, some additional items to mark go at this time.

Calendar page 7, Calendar 460, House Bill 6506 is marked go.

Calendar page 11, Calendar 505, House Bill 6406 is marked go.

Calendar page -- Calendar page 5, Calendar 355, House Bill 6023 marked go.

Calendar page 18, Calendar 617, House Bill 5441 marked go.

Calendar page 18, Calendar 624, House Bill 6151 marked go.

Calendar page -- Calendar page 10, Calendar 495, Senate Bill 840 marked go.

And Calendar page 31, Calendar 268, Senate Bill 975 marked go.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Calendar page 7, Calendar Number 460, Substitute for House Bill Number 6506, AN ACT CONCERNING STATE-FUNDED CHILD CARE FACILITIES, Favorable Report from the Committee on Education.

THE CHAIR:

gdm/cah/meb/gbr
SENATE

159
June 1, 2013

Thank you, Madam President.

Madam President, if the Clerk would list the items on the first Consent Calendar and then if we might call for a vote on that Consent Calendar.

THE CHAIR:

Thank you.

Mr. Clerk.

It's not open, I'm not opening it. I'm waiting for you to call the (inaudible).

THE CLERK:

On Page 3, Calendar 209, Senate Bill 1033.

Page 5, Calendar 355, House Bill 6023.

Page 7, Calendar 460, House Bill 6506.

On Page 11, Calendar 505, House Bill 6406.

On Page 18, Calendar 617, House Bill 5441; Calendar 620, House Bill 6683; Calendar 623, House Bill 6365.

And on Page 19, Calendar 624, House Bill 6151.

On Page 20, Calendar 635, House Bill 5926.

Page 23, Calendar 659, House Bill 5358.

On Page 26, Calendar 680, House Bill 5666.

And on Page 29, Calendar 182, Senate Bill 1000.

Page 33, Calendar 384, Senate Bill 1067.

And on Page 36, Calendar 649, House Bill 5113.

THE CHAIR:

Thank you.

gdm/cah/meb/gbr
SENATE

160
June 1, 2013

Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call on Consent Calendar Number 1 has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

On the first Consent Calendar of the day.

Total Number Voting	35	
Necessary for Adoption	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would please call as the next item Calendar Page 10, Calendar 495, Senate Bill 840 from the Finance, Revenue and Bonding Committee.

THE CHAIR:

Good evening, Senator Fonfara.

SENATOR FONFARA:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 13
4200 - 4477**

2013

that, I will begin with our first public official. It's Kevin Kane, the chief state's attorney.

KEVIN KANE: Thank you, Representative Fox and Senator Coleman, Senator Kissel, and the rest of the Members of the Committee for having us here today. I'm Kevin Kane, the chief state's attorney. With me at the table is Deputy Chief State's Attorney Len Boyle. We've submitted written testimony about, concerning several bills that are on the agenda for today, but we're here to testify primarily about two of them.

HB6695

I'm going to testify about 6683, the nuisance abatement bill, and also 6698, the grand jury bill. And Len Boyle is here, because he's worked hard over the years on the grand jury bill.

Regarding 6683, nuisance abatement, this is an important bill to improve the quality of life in our, particularly in our urban areas but also in any areas where there are neighborhoods that are affected by quality of life crimes, which can be addressed very, very well by nuisance abatement in buildings. They're all, as I said, quality of life crimes.

The principal impact of this bill is to add certain municipal ordinances to those crimes which we may seek nuisance abatement on and also gun violations, firearms violations in cities. We have buildings where there are numerous firearms violations over the years, if we can bring a nuisance abatement action. And the goal is just what it says, to abate a nuisance to a neighborhood and a danger to a neighborhood.

It's not to take property away from landlords.
It's not to take property away from owners.
It's to find ways to, A, give incentives and
let the law have some, a little, some ability
to get civil actions against the owner of a
property to abate that nuisance. Historically,
we've worked with landlords, because we don't
want to close down the property and make it
vacant or cause it to be abandoned.

What we want to do, and the goal is to stop the
criminal activity that's injuring the
neighborhood there. One of the concerns is
this. One of the municipal ordinances that
will be brought into this is a noise ordinance.
And the way it's drafted on line 66 and line
43, 143 of the bill, it's limited to noise
violations in nonresidential buildings.

We have a significant number of cases,
particularly in the New Britain area and down
in Fairfield, of rental property being used
constantly for loud noises, loud parties. It's
hurt the, the neighborhood is really impacted
in a very negative fashion by this. And we're
asking that the, my suggestion is the
nonresidential limitation be removed so it can
apply to residential properties too.

The goal of this, as I said, is not to take
property away, not to cause people's property
to become abandoned but to be able to abate the
problem that's negatively impacting on the
quality of life in the area where the crime was
committed. And these are serious crimes
relating to, not just crimes as we think of
crimes but crimes relating to noise ordinance,
blight, health conditions, conditions like that
that negatively impact on the property.

The second bill, and it's a bill that is very,
very important also, as are all of the bills

HB 6698

27
cip/jf/gbr JUDICIARY COMMITTEE

April 15, 2013
10:00 A.M.

though. Otherwise I would think we'd see more prosecutions than we do.

REP. MORRIS: Okay. Thank you so much. Thank you. Thank you, Mr. Chairman.

KEVIN KANE: Yeah.

REP. FOX: Representative Grogins.

REP. GROGINS: Good afternoon, Attorney Kane, Attorney Boyle. Hi. I just had a question with regard to nuisance abatement, and thank you for coming to support that bill.

HB6683

Are you familiar, you talked about excessive noise and things like that being a problem, but are you familiar with, in some of the big cities, some of these clubs that, you know, they have illegal operation, drug operations inside, or there's persistent assaults and shootings? I know we had a problem with that in Bridgeport. I mean, do you think that this bill would help address those concerns as well?

KEVIN KANE: Yes, I do. There are properties around that law enforcement is all very familiar with where crimes are constantly recurring. There are numerous arrests. They have a negative impact on the neighborhood, and there are other types of conduct you're talking about. Yes, I think this would have an impact, to help the neighborhoods.

REP. GROGINS: And have you had trouble, I mean, do you think there's a real need for this? Like have you had trouble in the past closing down or addressing, you know, the issues in these kinds of businesses that repeatedly have illegal activity?

28
cip/jf/gbr JUDICIARY COMMITTEE

April 15, 2013
10:00 A.M.

KEVIN KANE: When they fall within the scope of the present statute, we have not had too great a problem to do it. But this will bring other activity into the scope of the statute and I think will, it's appropriate, very appropriate to do that.

REP. GROGINS: Okay. Thank you so much.

REP. FOX: Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman. Good morning.

KEVIN KANE: Good morning, Senator.

SENATOR MCLACHLAN: Thank you for being here. On the issue of nuisance abatement, what is your feeling about the limitation of enforcement action only for state official, not for municipal official?

KEVIN KANE: The limitation, a municipal official, this, I'm not sure I understand fully. The, it's a state prosecutor that, who can bring the nuisance abatement action but can do it based on the complaint and information supplied by the municipal officials, either municipal law enforcement officers or code enforcement officers.

Now it doesn't permit the, I understand. Now I understand your question. As you're, you're asking me why have the chief state's attorney or a state's attorney be the only officer in a, authorized to bring a nuisance abatement action? Why not have the towns and the, towns be able to bring their own nuisance abatement action? Is that the question?

SENATOR MCLACHLAN: That's correct. Thank you.

KEVIN KANE: I'm not too sure why that restriction was enacted initially. I think it may be because a concern about overuse as a nuisance abatement action inconsistencies in different areas or whatever, and I don't know the reasons for that.

I think it can work well, because these are related to, the thing that triggers the ability to bring a nuisance abatement action is three or more arrests in a particular property, piece of property. Those arrests are for criminal violations normally. And I think the belief was that prosecutors were in a position to better assess that.

SENATOR MCLACHLAN: Thank you. Thank you, Mr. Chairman.

KEVIN KANE: This issue did come up, and I remember having a discussion with somebody from one of the cities in this state -- I can't remember if it was New Haven or Bridgeport -- I think it was one or the other -- where there was a request -- this was two or three or four years ago, and I remember having a discussion with somebody about it in more detail than I can remember right now where an effort was made to amend the statute to permit that.

And I'm trying to remember, and I can't, but I remember ending up after the discussion feeling that the way the law is written now would be better than the prospects under, and I can't remember the reasons.

SENATOR MCLACHLAN: Thank you, Attorney Kane. Thank you, Mr. Chairman.

REP. FOX: Thank you. Are there other questions or comments for the chief state's attorney? If I may, there's a number of bills on today, and I

HB 6698

It's getting to police agencies from somewhere,
so --

SENATOR SMITH: Well, I agree with you it's complicated and, you know, but I think we'll have to take a harder look at it. I appreciate your testimony. And thank you, Mr. Chairman.

REP. FOX: Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chair, and good morning. I'm just looking through the testimony regarding this bill that's before us, and I just want to thank you for bringing this to our attention. It's certainly long overdue that people start having real conversations about how to address a deficiency that existed that it seems that no one was properly addressing.

With that said, I'm looking at, for example, I'll take the 211 United Way testimony. They indicate here than rather than creating a new phone line, we respectfully suggest that working with, I guess, the 211, and then they go on to state some statistics. In 2012, they received over 41,000 for mental health related resources. Under the bill that's before us, are you looking to establish a new phone line? What kind of structure are you foreseeing?

JAMES MCGAUGHEY: Yeah, it's not a, this information referral system would not be a phone line. It calls for establishing linkages between the Department of Mental Health and Addiction Services and the probate courts directly.

I think the parallel would be, maybe not a perfect parallel, but there are general diversion staff from DMHAS located in basically all the courts where people are, people who are arrested are brought before those courts, and

they can get, become involved and offer services to individuals and, as an alternative to incarceration.

I'm not suggesting that there would necessarily have to be DMHAS staff permanently stationed in every probate court. But when there is a situation where somebody who sort of fits the profile that's being described in the bill, somebody with, somebody who has not remained engaged in treatment but has a need for such treatment, that DMHAS would then become involved and make available to that individual those additional services that are available to some degree now but not in a comprehensive and/or, they aren't as available as perhaps they need to be.

They're sort of like as resources allow they're available. This would say this is much more of your job. Make these things available. Engage these people. You know, don't let them fall through the cracks. Follow them through the entire, you know, for some period of time, make a commitment to this person.

Instead of blaming them for being noncompliant, let's look at our system and see what's, where the gaps are in our system and try and fix that. And the evidence is that when that happens, people who are difficult to serve can, in fact, succeed, can stay out of trouble and build lives that they are happy with, so --

REP. REBIMBAS: And I believe I'd agree with everything you just said. I'm also looking at the testimony provided by the probate court administration. And it seems like there's already a collaboration taking place between DMHAS and the probate court system to address some of the issues that you're identifying that this bill before us would be doing.

Do you see this as something that would enhance the current system? Are you looking to establish a new one that mirrors it? What is the intention?

JAMES MCGAUGHEY: Well, I'm, I think you're referring to the Melissa's Project.

REP. REBIMBAS: Melissa's Project, correct.

JAMES MCGAUGHEY: Yeah. The, all I would say is that that's, that, Melissa's Project doesn't necessarily add services. The difference between what's being proposed in this bill and that project is this directs that those services actually be offered to these individuals. You have to look at pure, Melissa's Project is sort of an enhanced case management process, which is, I think, quite helpful to people, but it's not, it has, it's one dimensional.

It looks at that case management, a professional relationship just saying, well, okay, let's, how about somebody who's actually been there and done that and lived through what you're living through becoming involved as in, as a peer engagement specialist with you, somebody who's actually had additional training and so forth and has, and can really relate to you and explain to you how to deal with all of this stuff? And it's a much more successful effort if that's present.

Similarly, let's not put people into temporary housing situations that they have to transition to and from before they can get to having an apartment, because a lot of times that never happens. They become homeless again. So let's start with that. Let's start with a house. Let's start with some housing that, you know,

helps you identify where you belong in the world. It's a place to be.

And also it's a, it gives you a stake in the community. It gives you something that is better than living under bridges and places like that so that you now have a place, that you have, you feel some proprietary relationship to and you want to keep it.

You want, and that gives you an investment that you want to protect, and you'll stay, you're much more likely to stay involved in treatment, because something that's relevant to you is at stake. So that's the difference. It's like there's, it's a comprehensive approach, not just a one-dimensional approach.

REP. REBIMBAS: Let me --

JAMES MCGAUGHEY: And it could certainly build on that.

REP. REBIMBAS: Maybe let me clarify --

JAMES MCGAUGHEY: Yeah.

REP. REBIMBAS: -- my question, because I don't think there is a person that would disagree that we don't want people becoming homeless --

JAMES MCGAUGHEY: Mm-hmm.

REP. REBIMBAS: -- falling through the cracks, not getting the services that are absolutely needed. And my understanding is this case management, again, is working with the departments you're highlighting that have that mentorship or resources or services, and that's DMHAS.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 14
4478 - 4765**

2013

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Testimony of
 The Permanent Commission on the Status of Women
 Before the Judiciary Committee
 April 15, 2013

Re: **S.B. 1158, AAC Victims of Sexual Exploitation and Human Trafficking**
H.B. 6683, AAC the Abatement of a Public Nuisance
H.B. 6696, AAC Enhanced State Efforts to Prevent Human Trafficking
H.B. 6702, AAC Domestic Violence and Sexual Assault

Senators Coleman and Kissel, Representatives Fox and Rebinbas, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) regarding several bills before you today.

S.B. 1158, AAC Victims of Sexual Exploitation and Human Trafficking
H.B. 6683, AAC the Abatement of a Public Nuisance
H.B. 6696, AAC Enhanced State Efforts to Prevent Human Trafficking

Impact on CT Women¹

- Between 2008 to 2011, 100 human trafficking victims were identified by State agencies. Of the 100 victims, 82 were children.
- Between 2009-2010, 109 human trafficking victims were identified by non-governmental entities.
- 100% of the above victims were female.

Since 2004, PCSW has convened the Trafficking in Persons Council (Council) to study the issue of human trafficking and make recommendations to the state Legislature. The Council has made recommendations that resulted in the establishment of criminal penalties and civil remedies, victim-friendly curriculum for training of providers, state agencies, and law enforcement, and, funding for housing and public awareness and education.

¹ PCSW, *Trafficking in Persons Council Annual Reports 2008-2011*, Department of Children and Families, *Welcome to DCIF's Response to Human Trafficking and Sexually Exploited Children and Youth*, August, 2011, Paul and Lisa Program, International Institute of Connecticut, Inc.

PCSW Testimony
 Before the Judiciary Committee
 April 15, 2013
 Page 2 of 2

PCSW urges passage of three bills before you today - S.B. 1158, H.B. 6683, H B 6696 – which will assist in combating human trafficking by limiting a traffickers ability to profit from criminal activity, and raise public awareness and education. Specifically, the bills would

- Increase criminal penalties for persons patronizing a prostitute under the age of 18 (H.B. 6696),
- Allow the Superior Court to vacate criminal convictions for prostitution involving victims of human trafficking (H B 6696),
- Require the forfeiture of criminal assets derived from commercial sexual exploitation of a minor (S B. 1158),
- Increasing a town's ability to shut down business that trade in humans, i.e. prostitution and massage parlors, by including the issuance of three citations as grounds to bring a public nuisance action (H.B. 6683), and;
- Require bilingual public awareness and education about services for human trafficking victims (S B. 1158).

H.B. 6702, AAC Domestic Violence and Sexual Assault

Impact on CT Women

- Twenty-six percent of Connecticut women and 10% of Connecticut men are sexual assault survivors²
- 40.8% of rape survivors were raped by an acquaintance, 13.8% by a stranger, and 2.5% by a person in authority³
- Of those victimized by an intimate partner, 85% are women and 15% are men. In other words, women are 5 to 8 times more likely than men to be victimized by an intimate partner.⁴

PCSW urges passage of H B 6702 which would provide additional protections for victims of domestic violence and sexual assault by enhancing restraining order protocol and allowing victims of sexual assault to terminate rental agreements.

We look forward to working with you to address these important issues. Thank you for your consideration.

² Connecticut Sexual Assault Crisis Services (CONNSACS) *Sexual Assault in Connecticut Fact Sheet*

³ Connecticut Sexual Assault Crisis Services (CONNSACS)

⁴ Lawrence A. Greenfield et al. (1998) *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Bureau of Justice Statistics Factbook, Washington DC: U.S. Department of Justice. NCJ #167237

Testimony in Support of HB 6683 An Act Concerning the Abatement of Public Nuisance

April, 15, 2013

I am unable to attend the public hearing on Monday, April, 15, 2013 on a law concerning a public abatement nuisance ordinance but I want to make my support for such a law on the record. Recently the state and the city of Bridgeport passed laws to ensure that businesses which advertised as massage parlors were in fact legitimate massage parlors and not fronts for sexually oriented establishments. These actions were initially successful and at least in the case of Bridgeport all of these bogus massage parlors were shut down. Now, however, these businesses have begun to reopen and when shut down by the police just wait a short time and reopen again. This is possible because the penalties for reopening a bogus massage parlor are insufficient to deter their reopening even after they have been closed down. We can not expect the police to constantly monitor these establishments taking away from the many other important duties placed on most understaffed police departments. What is needed is an adjustment to existing law or an new law which will have sufficient penalty too discourage these business owners from reopening. Closing this loophole is important because nothing undermines the public faith in government more than a law which can easily be evaded. I respectfully request that you give this very important issue relevant too the quality of life in our communities your most earnest attention.

Donald Greenberg

265 Balmforth St

Bridgeport Ct. 06605

203 576-1123 or dwgreenberg@fairfield.edu

Support for the Nuisance Abatement Bill HB-6683: forum on April 15, 2013

I support the Nuisance Abatement bill because I don't feel that any urban center is well served by allowing the types of businesses that are commonly used as to be fronts for illegal operations to open up shop within their borders. That fact is especially true for Bridgeport. We have enough problems with violence, crime, corruption, low property values and high taxes and we simply do not need to subject our City to any more circumstances that will attract more crime into the City.

These folks can try to justify it any way they want to but the reality is that these establishments attract more violent crime and drugs into their path. It's just the nature of the beast. We are trying as a citizenry to assert our unified voices, and we need the legislators to do what we elected you to do: listen and act on behalf of the electorate you serve.

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State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. NO. 6683: AN ACT CONCERNING THE ABATEMENT OF A PUBLIC NUISANCE

JOINT COMMITTEE ON JUDICIARY
April 15, 2013

The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT for H.B. No. 6683, An Act Concerning the Abatement of a Public Nuisance. The Division wishes to thank and commend Representative Grogins and others who have devoted much time and effort to this legislation, which would enhance and strengthen the Nuisance Abatement and Quality of Life Act codified as General Statutes Section 19a-343 *et. seq.*

Nuisance abatement combines civil remedies and innovative problem-solving with traditional policing and criminal prosecution to address quality of life issues in our communities. Prosecutors work with police departments, city and town government agencies and department sand community groups to clean up problem properties, or "hot spots" that are magnets for illegal activity.

The Nuisance Abatement and Quality of Life Act authorizes prosecutors to bring civil nuisance actions against persons or properties involved in specified types of illegal activity. The act requires a minimum of three arrests or the issuance of three arrest warrants indicating a pattern of criminal activity on the property during a one-year period before a nuisance abatement action is brought. The law specifies ten areas from which arrests must be made to precipitate a nuisance abatement action: drug trafficking; illegal gambling; prostitution; obscenity involving minors; illegal liquor sales; motor vehicle "chop shops"; inciting injury to persons or property; murder; sexual assault; or felonious assault.

Nuisance actions are filed in the Superior Court for the Judicial District where the property is located. The prosecutor will seek court orders or negotiate a stipulated agreement for whatever relief is necessary to stop the criminal activity underlying the nuisance. Many remedies may be possible, ranging from screening prospective tenants when, for example, the nuisance property is an apartment building, to as severe as closing a business operating on the property.

H.B. No. 6683 strengthens and enhances the Nuisance Abatement and Quality of Life Act by expanding the categories of predicate offenses or violations for which a nuisance abatement action can be brought. Notable among the new categories is the addition of firearms violations and the issuance of three or more citations for a violation of certain

municipal ordinances. In terms of municipal ordinances, the bill targets properties that generate excessive noise, create dangerous or unsanitary conditions from overcrowding, and massage parlors that essentially serve as a front for prostitution. The inclusion of municipal ordinance violations represents a bold initiative to build stronger partnerships with municipalities and municipal regulatory agencies to utilize nuisance abatement to address quality of life issues. Since its inception, nuisance abatement has been built on a state and local partnership that brings together police and prosecutors; the extension proposed in H.B. No. 6683 will further extend this approach and provide an even stronger tool for use by both state and municipal authorities.

H.B. No. 6683 further strengthens the Nuisance Abatement and Quality of Life Act by imposing a more appropriate burden of proof upon the state in bringing nuisance abatement actions. The bill requires the state to prove the existence of a nuisance by "a preponderance of the evidence" rather than by the more burdensome requirement of "clear and convincing evidence" incorporated in current law. The Division would recommend one revision to the bill as written, the deletion of the word "nonresidential" on lines 66 and 143. This change would allow for nuisance abatement actions in response to excessive noise generated from a residential property. The Division has received frequent complaints about college students generating loud noise at all-night parties in residential properties rented by those students. The removal of the word "nonresidential" in lines 66 and 143 would allow for nuisance abatement actions to address such quality of life problems.

In conclusion, the Division of Criminal Justice wishes to extend its appreciation to the Committee for this opportunity to provide input on H.B. No. 6683. The Division would be happy to provide any additional information the Committee might require regarding the Nuisance Abatement and Quality of Life Act or to answer any questions the Committee might have. Thank you.

TO: Connecticut State Legislators RE: Support of HB 6683 Nuisance abatement legislation
4/15/13

In 2012 we were able to get new legislation passed which concerned the issue of the massage "therapy" spas which impacted our quality of life here in Bridgeport.

This legislation allowed police to shut down illegal massage parlors that engaged in prostitution and human trafficking; In addition this law helped promote legitimate massage therapy businesses. It provided our police force with an excellent tool to close down the illegitimate businesses operating as fronts for prostitution,

Police used the new Massage law to close down 10 illegitimate businesses in Bridgeport; However some of the massage parlors reopened after a few weeks, The police revisited the once closed parlors, and closed them a second time This occurred again, when the same ones reopened again. Such repeated police activity in a city like Bridgeport is clearly a huge waste of time and energy. Monitoring these businesses and continuously going in to make arrests, etc. becomes drain on already strained police department resources; Clearly the massage parlor bill which was enacted, is only one step in the right direction of eliminating illegitimate businesses that repeatedly engage in criminal activity and it is clear to see that this legislation sadly does not have enough clout to give law enforcement officers the power to shut down these places permanently,

Since we as taxpayers both in Bridgeport and the State of Connecticut support a quality of life for our neighborhood and our city we are asking you to support the nuisance abatement law which reinforces the capacity of our police to shut down these establishments which are involved in criminal activities, such as prostitution, human trafficking, drug sales, and violent behavior in a family oriented neighborhood. This proposed law about nuisance abatement not only protects our families and children, but also encourages law and promote economic development in our cities and towns by attracting legitimate businesses.

Thank you for your attention and your support in this very important matter.

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