

Legislative History for Connecticut Act

PA 14-110

SB262

House	6730, 6733-6736	5
Senate	1119, 1211-1212	3
<u>Judiciary</u>	<u>1318-1319, 1509-1511</u>	<u>5</u>
		13

H – 1200

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 20
6540 – 6911**

DEPUTY SPEAKER GODFREY:

The question is on moving this to the Consent Calendar. Is there objection?

Hearing none, so ordered.

Mr. Clerk, 458.

THE CLERK:

House Calendar 458, Favorable Report of the joint standing Committee on Judiciary, Substitute Senate Bill 262, AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to move the following item to the Consent Calendar.

DEPUTY SPEAKER GODFREY:

The question is on moving this on the Consent Calendar. Is there any objection?

Hearing none, so ordered.

Mr. Clerk, 491.

THE CLERK:

House Calendar 491, Favorable Report of the joint standing Committee on Judiciary, Substitute Senate Bill 456, AN ACT CONCERNING THE ADOPTION OF THE

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

SB72

Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176
SB179
SB70
SB247
SB271
SB426
SB154
SB155
SB262
SB456
SB463
SB493
SB114
SB417
SB269
SB309
HB5312

is it? Is off -- excuse me -- and House Bill 5312,
which was done under suspension with Senate "A" and
"B."

DEPUTY SPEAKER GODFREY:

Thank you, Mr. Clerk.

Just -- just for my own clarification, was --
that was 326 not 236?

THE CLERK:

Three-two-six.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Aresimowicz, what's your pleasure
on today's Consent Calendar?

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move passage of the bills on
today's Consent.

DEPUTY SPEAKER GODFREY:

Question is on passage of the bills on the
Consent Calendar.

Staff and guests please come to the well of the
House. Members take their seat. The machine will be
open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll, by --
on today's first Consent Calendar. Will members
please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted?

Ladies and gentlemen, before I call for the
machine being locked, I need to note that the board is
not completely in line with the motion. Calendar 520
"A," which unfortunately is up on the board, was --
there was no motion to put that on the Consent
Calendar. Unless there's objection, we'll just fix it
ministerially and proceed on. Is there any objection
to that solution?

Thank you all.

If all the -- if everyone has voted, the machine
will be locked. Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 1.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Consent Calendar as moved, the bills on it
are passed.

And now, Mr. Clerk, we will do Calendar 528.

THE CLERK:

House Calendar 528, Favorable Report of the joint
standing Committee on Insurance and Real Estate,
Senate Bill 480, AN ACT CONCERNING LIFE INSURANCE
PROCEDURE LICENSES AND REGISTRATIONS OF BROKER-
DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT
ADVISER AGENTS.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Insurance and
Real Estate Committee, Representative Megna.

REP. MEGNA (97th):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint
committee's Favorable Report and passage of the bill,
in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.
Would you explain the bill, please, Representative --

REP. MEGNA (97th):

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

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PART 4
1014 - 1339**

tk/ch/cd/gbr
SENATE

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April 23, 2014

SENATOR LOONEY:

Thank you, Mr. President. Mr. President moving back to Favorable Reports on the Calendar. Calendar page 16, Calendar 368, Senate Bill Number 262, move to place this item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. On Calendar page 17, Calendar 370, Senate Bill 411 would move to place this item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

And Mr. President also Calendar page 17, Calendar 372, Senate Bill Number 463, move to place this item on the Consent Calendar.

THE CHAIR:

Without objection so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page 19, under Favorable Reports, Calendar 391, Senate Bill Number 154. Move to place this item on the Consent Calendar.

THE CHAIR:

Without objection so ordered.

SENATOR LOONEY:

Thank you, Mr. President. And one additional item for the Consent Calendar, Mr. President, is on Calendar

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SENATE

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April 23, 2014

that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Madam would the people please take their conversations outside the chamber so the Clerk can so we can all hear the items on the Consent Calendar? Madam Clerk.

THE CLERK:

Items on the Consent Calendar. Page 1, Calendar Number 325, House Joint Resolution 66, and Calendar Number 326, House Joint Resolution 67.

Page 5, Calendar Number 102, Senate Bill 258. Page 6, Calendar Number 143, Senate Bill 363. Page 10, Calendar Number 287, Senate Bill 257.

Page 16, Calendar Number 368, Senate Bill 262. Page 17, Calendar Number 370, Senate Bill 411, and Calendar Number 372, Senate Bill 463.

Page 19, Calendar Number 391, Senate Bill 154. Page 20, Calendar Number 411, Senate Bill 493.

Page 27, Senate Bill 101, excuse me, Calendar 101, Senate Bill 156.

Page 28, Calendar Number 105, Senate Bill 221, and Calendar Number 115, Senate Bill 291.

And Calendar Number 114, Senate Bill 295.

Page 29, Calendar Number 123, Senate Bill 290. Page 31, Calendar Number 172, Senate Bill 314.

And Calendar Number 169, Senate Bill 70. And page 33, Calendar Number 217, Senate Bill 318.

THE CHAIR:

Thank you, Madam Clerk. Please announce the pendency for roll call vote, and the machine will be open.

THE CLERK:

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SENATE

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April 23, 2014

There will be an immediate roll call vote in the Senate. All senators report to the Chambers.
Immediate roll call vote for Consent Calendar in the Senate. All senators report to the Chambers.

THE CHAIR:

Senator Frantz.

Have all members voted? If all members have voted, please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be closed and the Clerk will announce the tally.

THE CLERK:

Total voting	36
Aye	36
Nay	0
Absent	0

THE CHAIR:

Consent Calendar Number 1 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. I would yield the floor for members if there are announcements of any other committee meetings or other points of personal privilege to be announced before adjournment.

THE CHAIR:

Any members with additional announcements or points of personal privilege? Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, since there are a number of committee meetings tomorrow morning, it's our intention to begin the day with a Senate caucus at noon, and then session to follow. And with that I move the Senate stand adjourned subject to the call of the Chair.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
886 – 1483**

2014

11
cip/gbr JUDICIARY COMMITTEE

March 3, 2014
1:00 P.M.

ANDREW CLARK: All right. Thank you.

SARAH RUSSELL: Thanks very much.

SENATOR COLEMAN: Garvin Ambrose is next.

GARVIN AMBROSE: Good afternoon, Senator Coleman, Representative Fox and Distinguished Members of the Judiciary Committee. For the record, my name is Garvin Ambrose. I'm state victim advocate for the State of Connecticut.

I want to thank you for the opportunity to provide oral and written testimony in support of the OVA's three pieces of legislation, Senate Bill 261, which is AN ACT, AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR A SURVIVOR WHO'S FOUND NOT GUILTY OF MURDER OR MANSLAUGHTER OF THE DECEASED BY REASON OF MENTAL DISEASE OR DEFECT, Senate Bill 262, AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM, House Bill 33 -- 5341, AN ACT CONCERNING THE DESIGNATION OF A PERSON CONVICTED OF CRIMINAL VIOLATION OF A STANDING CRIMINAL PROTECTIVE ORDER AS A PERSISTENT OFFENDER, and in opposition to the bill currently before you as House Bill 5221, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION AND JUVENILE SENTENCES.

The three pieces that my office submitted to you can easily be characterized as technical and necessary amendments to existing statutes that would close the loopholes, loopholes that unfortunately negatively impact the victims of crime. An in-depth discussion on each is provided in my testimony and currently provided online, and I would be happy to discuss further.

In the weeks since the OVA's bills were raised by this body, there have been discussions from different agencies on how to make the bills better. In my written testimonies, you will see slight amendments to proposal language of Senate Bill 262 and H.B. 5341.

Further discussions will continue with the Department of Mental Health and Addiction Services regarding Senate Bill 261 as it relates to a parent/child relationship and declare wishes of that parent. I believe that Commissioner Rehmer has also filed testimony to that effect.

That being said, I would like to quickly focus the remainder of my time before you by providing three main points in opposition of House Bill 5221. First, I would like to acknowledge the hard work of the Sentencing Commission -- Justice Borden as the chair -- and the thoughtful negotiations and discussions that we had towards the latter end of 2013, discussions that eventually materialized into a consensus agreement on several matters concerning the proposal.

Although the OVA didn't receive everything that we asked, we did -- we were able to minimize the negative impact that infinite numbers of parole hearings will have on victims by making the review process permissive rather than mandatory after denial by the board. As -- as important though, we were also able to negotiate a nose provision for the victims, as the original proposal did not include one. Justice Borden spoke to both of those provisions earlier in his testimony.

Unfortunately, the proposal before you today is contrary to the agreement that my office negotiated with the Sentencing Commission in

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 4
1484 – 1903**

2014



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

JOINT COMMITTEE ON JUDICIARY
March 3, 2014

The Division of Criminal Justice respectfully submits the following testimony on bills on the agenda for the public hearing of March 3, 2014:

S.B. NO. 261, AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF MURDER OR MANSLAUGHTER OF THE DECEASED BY REASON OF MENTAL DISEASE OR DEFECT. The Division of Criminal Justice supports this bill, which would further advance the rights of victims of crime.

S.B. NO. 262, AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM. The Division of Criminal Justice supports the intention of this bill, which is to provide notice to victims who have suffered serious physical injury when the person responsible for such injury applies for the Alcohol Education Program.

H.B. NO. 5341. AN ACT CONCERNING THE DESIGNATION OF A PERSON CONVICTED OF CRIMINAL VIOLATION OF A STANDING CRIMINAL PROTECTIVE ORDER AS A PERSISTENT OFFENDER. The Division of Criminal Justice supports this bill, which would strengthen the persistent offender statutes by adding criminal violations of a standing criminal protective order to the offenses for which the provisions of the persistent offender statute can be applied.

In conclusion, the Division wishes to thank the Committee for providing this opportunity to provide our input on these matters.



GARVIN G. AMBROSE, ESQ.
State Victim Advocate

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 3, 2014

Good day Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 262, An Act Concerning Applications for the Pretrial Alcohol Education Program.

The Office of the Victim Advocate (OVA) introduces and supports today's proposal related to notice requirements for a criminal defendant's application for the State's pretrial alcohol education program (AEP). This proposal advocates that the statute outlining eligibility for and approval of a defendant's participation in the alcohol education program, Connecticut General Statutes § 54-56g, be amended to require the defendant to provide notice of his application to the victim(s), if any, who has sustained serious physical injury as a result of the crime committed by the defendant.

As you know, the pretrial alcohol education program is a diversionary program that may be utilized by defendants charged with driving a motor vehicle or boat while under the influence of alcohol. Currently, C.G.S. § 54-56g requires good cause be shown in order for a defendant to be eligible for the AEP program when the defendant's crime caused serious physical injury of another person, as defined in C.G.S. § 53a-3. The statute does not, however, require that the defendant notify the injured victim upon his application to the AEP program. The absence of a notice requirement for this program is inconsistent with the requirements of other pretrial programs, such as the Accelerated Rehabilitation program (C.G.S. § 54-56e), Supervised Diversionary Program (C.G.S. § 54-56f), and Family Violence Education Program (C.G.S. § 46b-38c(g)). Each of these require that the victim(s), if any, be notified and given an opportunity to comment upon the defendant's application for diversion prior to the court approving the defendant's application.

Moreover, the absence of a notice requirement is inconsistent with the rights guaranteed to crime victims of Connecticut. The Connecticut Constitution ensures victims the right to be notified of court proceedings and the right to be treated with fairness and respect. **Raised Senate Bill No. 262** advances these rights for victims who have suffered serious physical

injury by requiring that the defendant notify the victim of his application into the AEP program. This notice thereby provides the victim with the opportunity to support or object to the defendant's application as well as the opportunity to attest to the nature and status of his injuries.

To clarify the scope of victims affected by this proposal, the OVA respectfully requests that the proposal be amended as follows:

On line 33, delete the word "such" and insert after the word "victim" the following language: "who sustained a serious physical injury, as defined in section 53a-3".

For these reasons, the OVA introduces and supports Raised Senate Bill No. 262, with an amendment, and urges this Committee's approval. I thank you again for your consideration of this proposal and my testimony.

With gratitude,



Garvin G. Ambrose, Esq.
State Victim Advocate