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SB389

House	6959-6962	4
Senate	3177-3183	7
Judiciary	1889-1895, 1969-1970, 1976-1980, 2001-2004, 2040-2041, 2147-2153, 2157-2158, 3555	30
		41

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Those absent and not voting 6

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move that we immediately transmit to the Senate any items waiting further action.

DEPUTY SPEAKER GODFREY:

Without objection, so ordered.

Representative Aresimowicz, I understand we have another Consent Calendar.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

We are. We are about to list off the bills that will be included in our second Consent Calendar for the evening, sir.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

I move -- I'd to add the following to the Consent Calendar. Calendar 426, Calendar 308, Calendar 438, Calendar 488 --

SB281
SB 19
SB182
SB 330

DEPUTY SPEAKER GODFREY:

Whoa, whoa, whoa.

REP. ARESIMOWICZ (30th):

I apologize, Mr. Speaker. The first number was 427.

DEPUTY SPEAKER GODFREY:

So 427, thank you, sir. Proceed.

REP. ARESIMOWICZ (30th):

Calendar 476, as amended by Senate "A"; Calendar 445, Calendar 514, Calendar 505, as amended by Senate "A"; Calendar 455, Calendar 456, as amended by Senate "A"; Calendar 322, Calendar 536, as amended by Senate "A" and Senate "B"; Calendar 430, Calendar 520, as amended by Senate "A" and Senate "B"; Calendar 538, as amended by Senate "A"; Calendar 424, as amended by Senate "A"; Calendar 439, as amended by Senate "A"; Calendar 482, as amended by Senate "A"; Calendar 325, as amended by Senate "A."

Calendar 526, as amended by Senate "A"; Calendar 509, as amended by Senate "A"; Calendar 532, Calendar 502, as amended by Senate "A"; Calendar 421, as amended by Senate "A"; Calendar 431, as amended by Senate "A"; and Calendar 539, as amended by Senate "A."

SB 194
SB 402
SB 324
SB 45
SB 221
SB 257
SB 201
SB 389
SB 418
SB 438
SB 427
SB 260
SB 208
SB 424
SB 241
SB 14
SB 106
SB 322
SB 410
SB 217
SB 477
SB 429

DEPUTY SPEAKER GODFREY:

Is there objection to any of these items being placed on the Consent Calendar? If not, Representative Aresimowicz, would you like to move passage of the Consent Calendar?

REP. ARESIMOWICZ (30th):

Mr. Speaker, I want to remove Calendar 539.

SB429

DEPUTY SPEAKER GODFREY:

Please remove Calendar 539, Mr. Clerk.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move passage of the bills on the second Consent Calendar of the day.

DEPUTY SPEAKER GODFREY:

The question is on passage of the items on Consent Calendar Number 2.

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

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll on the second Consent Calendar of the day, House Consent 2. Please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted?

If all the members have voted, the machine will be locked.

The Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 2.

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

DEPUTY SPEAKER GODFREY:

The items on the Consent Calendar are passed.

(Speaker Sharkey in the Chair.)

SPEAKER SHARKEY:

The House will please come back to order.

Will the Clerk please call Emergency Certified Bill 5597.

THE CLERK:

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Mr. Clerk.

THE CLERK:

On page 43, Calendar 403, Substitute for Senate Bill Number 389, AN ACT CONCERNING COURT OPERATIONS.

THE CHAIR:

Good morning Senator Coleman.

SENATOR COLEMAN:

And good morning to you, Madam President. And thank you, for the recognition. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN:

Yes, thank you, again, Madam President. Will the Clerk please call LCO 5055.

THE CHAIR:

Mr. Clerk. 5055. We're going to have to stand at ease for a moment. The amendment is on its way, we hope.

(Chamber at ease).

THE CHAIR:

The Senate will come back to order. Mr. Clerk. You want to call -- oh, sorry.

SENATOR COLEMAN:

Madam President, I was seeking LCO 5055.

THE CHAIR:

Right, 5055. Mr. Clerk.

THE CLERK:

LCO Number 5055, Senate "A" offered by Senators Williams, Looney, Coleman, et al.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. I move adoption of the amendment.

THE CHAIR:

Motion is on adoption, will you remark, sir?

SENATOR COLEMAN:

Yes, very simply, Madam President, the amendment would provide for the elimination of the reference to investigators in Subsection 16 of Section 1 and replace that reference in Subsection 20 of Section 1. That's simply what the amendment does. I move adoption. Thank you, Madam President.

THE CHAIR:

Would you remark? Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President. I support the amendment.

THE CHAIR:

Thank you. Will you remark? Will you remark? If not, I'll try your minds. All in favor of Senate "A" please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. Senate "A" passes. Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. Additionally, the Clerk should be in possession of LCO 5494. I ask that the Clerk please call that amendment, and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5494, Senate "B" offered by Senators Coleman and Fasano.

THE CHAIR:

Senator Coleman.

THE CHAIR:

I move adoption of the amendment.

THE CHAIR:

Motion is on adoption will you remark?

SENATOR COLEMAN:

Simply the amendment does two things. First of all, in the guardian ad litem bill that we acted on early in the session, the provisions of that bill were meant to apply to proceedings in family court. Inadvertently they apply as well to proceedings in juvenile court. So the amendment fixes that.

As well, there is a provision in that same bill, the GAL bill that we acted on earlier in the session that

restricts the guardian ad litem in family court from commenting on a medical diagnosis or conclusion.

In the amendment, the GAL, guardian ad litem may comment on a medical diagnosis or conclusion if the GAL is in possession of a medical report or record from the health care provider or health care professional that treated the minor child.

And that report is consistent with the diagnosis or conclusion that the GAL reports to the court. Or in the alternative, if the parties refuse to cooperate in the payment of the bill for the medical record, with the diagnosis or conclusion, then in that instance as well, the guardian ad litem would be able to report to the court a medical diagnosis or conclusion that was rendered by the health care professional that treated the minor child. I urge support for the amendment.

THE CHAIR:

Will you remark? Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President. The amendment comports with the negotiations and discussions regarding the guardian ad litem bill passed a few weeks ago. Support the amendment, urge it's adoption.

THE CHAIR:

Will you remark? Will you remark? If not, I'll try your minds. All in favor of Senate "B" please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "B" has passed. Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. On the bill as amended, a

few of the important sections. First of all, the bill adds family relations counselors, support enforcement officers, and chief probation officers and supervisory judicial marshals to the list of officers who may administer oaths.

Additionally the bill provides that of the seven members appointed to the State Marshals Commission, by the Governor and legislative leaders, no more than four may be attorneys. And additionally, the party affiliation restriction on the members that are appointed is eliminated.

Additionally, with respect to the State Library Board, the Chief Justice would no longer be required to select a judge of the Supreme Court to serve in her place.

Furthermore, if $10 or less is found in a Superior Court facility, that amount of money would be presumed to be abandoned and may be deposited in the general fund.

Additionally, the Chief Court Administer may designate a judicial district as the venue for housing matters if the proper administration of judicial business requires such a designation.

And furthermore, the payment of fees or costs, fines, or other charges, when made by credit card would be made payable to the judicial branch rather than as formerly to the Superior Court.

Also, the bill provides -- bill as amended provides that the requirement that purchases of body armor purchased for another be transferred through that other in person.

And the bill also makes a number of minor technical changes regarding the automatic termination of bail bonds. It deletes references to the Community Service Labor Program. It includes language to automatically terminate a bond when a prosecutor terminates prosecution by entry of a nolle presequi which is a current practice in the courts.

It also clarifies that a bond and conditions of

release remain in effect until the sentence is imposed. It cross references new and amended gun violations that allow suspension of prosecution.

Section 9 clarifies when is a hearing on an emergency custody application must be scheduled.

Section 10 eliminates the requirement that a family relations investigation report be filed in quadruplicate. And Section 11 and 12 merely include conforming language.

And Section 13 repeals the Special Education Pilot Program established in 2000.

This is the Court Operations Bill. Extremely important to the Judicial Branch. I urge the support of the Senate. Thank you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President. I urge passage of the bill.

THE CHAIR:

Thank you. Will you remark? Will you remark? If not, guess I'll call for a roll call vote. Mr. Clerk, please call for a roll call vote, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call ordered in the Senate.

THE CHAIR:

If all members have voted, all members voted, the machine will be closed. Mr. Clerk, will you call the tally, please.

THE CLERK:

On Senate Bill Number 389.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent not voting	1

THE CHAIR:

Bill passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, we have one additional item. First of all, since it appears on Senate Agenda Number 2, would move for a suspension for purposes of taking up an item off the Agenda.

THE CHAIR:

So ordered, sir. Seeing no objection, sir.

SENATOR LOONEY:

Thank you, Madam President. And the item, Madam President, appears on the second page of Senate Agenda Number 2. Substitute Senate Bill Number 229. Would move to place that item -- take that item up for purposes of placing it on the Consent Calendar. That is an act -- Senate Bill 229, AN ACT CONCERNING SUDDEN CARDIAC ARREST PREVENTION.

THE CHAIR:

Mr. Clerk, you have to call the bill, please.

SENATOR LOONEY:

Move it to the Consent Calendar, Madam President.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

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thinking, was there a study done, doesn't sound like there was, comparing the states with the maximum disclosure, like Connecticut, and by the way, did they cite other states that disclose even more than Connecticut?

Because I keep hearing that Connecticut has the maximum disclosure system. Did anybody point to, well, and we're not as good as the state as such and such from the standpoint of maximum disclosure.

SENATOR FASANO: There's a lengthy LOR report that talks about all the states and what they have and compares all the states. I think there are other states that allow as much as we do. A few, not a great majority. I can't tell you what they are, but there's a whole LOR report. They did a great job with that.

REP. O'NEILL: Okay. Thank you, Mr. Chairman.

SENATOR COLEMAN: Anyone else? Well, Senator, I'd be remiss if I didn't also compliment you on your contribution to the work of the task force. You were awesome. Just as awesome as you were when we worked together at PMD. So thank you for your efforts.

SENATOR FASANO: Thank you. It's always a pleasure to work with you, Senator. Thank you so much.

SENATOR COLEMAN: Likewise. We have concluded the first hour, and so we're going to begin to call people from the public list. And the first name on the public list is Andrew Bloom.

ANDREW BLOOM: Good afternoon, Senator Coleman.

SENATOR COLEMAN: Good afternoon.

SB389

ANDREW BLOOM: Representative Fox, distinguished

members of the Judiciary Committee. Senators and Representatives, my name is Andrew Bloom. I'm a licensed surety bail bondsman, bail enforcement agent, and one of the owners of 3-D Bail Bonds Incorporated, which employs about 20 people in the State of Connecticut.

I'm also one of the owners of the DADs Bail Bonds representing nearly 10,000 bail bonds written a year. A longtime member of the Professional Bail Agents of the United States, and founding member and current President of Bail Agents Bail Association of Connecticut.

In my career as a bail enforcement agent and as President of Fugitive Recovery Agency, I have 1,280 arrests. Bail bonds is only form of pretrial release to self-monitor and self-enforce noncompliance, nor the forms of pretrial release are held accountable when the principal fails. In many years you know I've been here testifying in support of a lot of bail legislation and bail reform. And bills that have affected the bail industry.

Today I'd now like to demonstrate my vigorous opposition to Raised Senate Bill 389. I understand it's a bill having to do with court operations, but there is one minor part in it that would affect our industry extremely adversely.

Subsection 9 of the bill makes some minor changes to the automatic termination of a bail bond part -- Section 8 -- Subsection 8 of Section 9 states that bond will not be terminated until any stays of sentencing become lifted.

Simply put, the defendant is found or pleads guilty, receives sentencing, but a judge is -- has granted this individual a stay of time for

the newly convicted to get his affairs in order. The conditions of bail have now changed.

Indemnitors or cosigners who contract the bail bonds company to provide pretrial release in the form of a surety bail bond, they expect their liability to end at the time that guilt is established.

The presumption of innocence is gone after sentencing, and releasing the guilty individual out into the public is not only a new financial risk to the indemnitors but also a public safety issue.

Allowing convicts to walk out of a courtroom with the promise that they will return to begin their sentence is unsafe and unwise. Victims will be at risk, witnesses will be at risk. Indemnitors, finances will be at risk, the public will be at risk. We must not allow convicts just to simply walk out of court after guilt has been established. There are appeal bonds available, new conditions of bail should be set.

If a judge wants to give someone time to get their affairs in order, the judge can set new conditions as the original bail bond was written under far different conditions. This bill is not safe for the public the way it is. We must drop the change regarding stays. Thank you.

REP. FOX: Thank you, for your testimony. Representative Gonzalez.

REP. GONZALEZ: Thank you. And thank you for coming. You said here in your testimony that the indemnitor or cosigner will be financially burdened by this bill? Can you explain why?

Because I thought this the insurance company had to pay.

ANDREW BLOOM: There's a common misconception that it's the bail bonds company, the big, fat bail bonds company or the big, fat insurance company that is getting rich on the back of everyone, the backs of everyone that -- we're the ones that pay this, and we're the only victims when the court orders a bond forfeited.

There are indemnitors on bail bonds that ensure that -- that hold the bail bonds company and the insurance company in the state harmless. So there's an indemnitor on the bond. That's going to be the sister of defendant who has bought her first home, the first person in her family to graduate from college from the City of Hartford.

She's grown up there, and gone out and bought a home, and her brother gets arrested, perhaps, and she puts up her home as collateral, and then that defendant is just allowed to walk out of the courtroom, and disappears, and now she's the one who's going to lose her home. It's her who is the victim here, not the big, bad bail bonds company.

REP. GONZALEZ: But you say that -- that after -- after the person find guilty, and correct me if I'm wrong, the person is found guilty, and that the judge would give them time if they're guilty, but give them a couple of days so they can go and resolve, I don't know, some issue that -- that happened.

So the person is free but has come back and turn himself in. During that time if they disappear, that means that even that the court was the one that allowed him to go, you will have to pay?

ANDREW BLOOM: As of right now, the way the law reads, as soon as somebody is sentenced, the bond is released, the liability is released for the indemnitors, and the defendant, it's up to the court to make sure that the defendant starts his sentence. If the court decides at that point to allow somebody to leave, that's upon the court, not upon the indemnitor's back.

The indemnitor's back should not be broken by the fact that the judge decides to let somebody walk back out of that courtroom. If the judge decides to let somebody walk back out of that courtroom with the new proposed bill, there's one little line in there that says until any stays of execution are released.

So in this case we've got judges that are going to look at this, and say okay, we've been -- we've been doing this all along, and it's been on our back. Now we'll be able to put it back onto the indemnitors' backs and we can just let somebody walk out of the courtroom, and then punish the indemnitor who bet wrong by betting on them -- by betting on their loved one that they would return to court.

REP. GONZALEZ: Why do you say that this bill is bad for the public safety? What do you mean by that?

ANDREW BLOOM: If somebody is a witness in a case or somebody is a victim in a case and they testify against this person, and they're allowed to just walk out of a courtroom, their safety is at issue. They've just been up there. They've spilled their guts in front of their -- you know, they're the accuser in front of this person who is now convicted, and now this is a convict just walking out onto the streets.

For any case where a convicted individual that is receiving a jail sentence to be allowed to walk out, if they fail to appear, it should be the U.S. marshals going after them. They're a convict. It's no longer a bail issue, and it's no longer an indemnitor's issue. Once they're convicted -- found guilty, if there's a finding of guilt, the case should -- if they're going to jail, they should go in.

REP. GONZALEZ: What about the presentencing report? Doesn't the court need time for it or what do you suggest?

ANDREW BLOOM: Again, if a presentence report is issued, number one, why not do that presentence report when they know that -- when the case is going on.

If they know that this individual is being sentenced or they know that they're going to be offering this person a sentence, if there's a deal on the table that gives this person a sentence, then part of making that deal should have been making that presentence report prior to making any deals. So allowing somebody, again, out on the street without taking them in is unsafe.

Perhaps they could create some form of release similar to an appeals bond if somebody needs to be out on the street. But there's no reason, if they're going in for six years for a judge to allow them out on the street and they're doing that, and this bill would allow them to do it, and put the financial burden onto the back of the indemnitors.

REP. GONZALEZ: Sorry, and that's the only part from the bill is Section 9, line 8, that's the only thing that you're complaining about, right?

ANDREW BLOOM: Yeah, actually the rest of the bill, I've read it, and it's actually a well thought out and a well put together bill. Unfortunately that one portion, that one line which is on line 330 in the actual text of the bill, that one little part that is added in there, and stay of such sentence, if any, is lifted, that little part kills the bill for me. And if that part was removed, it's a well put together bill. The language is great, and it could be very advantageous for court operations.

REP. GONZALEZ: Thank you.

ANDREW BLOOM: You're welcome.

REP. FOX: Thank you. Thanks for your testimony. Are there questions? Thanks a lot.

ANDREW BLOOM: Thank you, Representative Fox. We're going to switch back and forth between the public list and the public officials' list. The next name on the public officials' list is the Victims' Advocate Garvin Ambrose.

SB381

GARVIN AMBROSE: Good afternoon, Senator Coleman, members of the committee.

Before the record, my name is Garvin Ambrose, State Victim Advocates. We're also a member of the task force that was created under Public Act 13-311 to create a task force to balance the public's right to know what the victim's privacy under the Freedom of Information Act.

In the posts that we were charged with or that we were mandated to be in as a statutory member, the OVA worked diligently to develop a proposal that satisfied the mandate of balancing the victim privacy with the

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a very, very serious surgery, brain surgery, and he is going to be on the field umpiring this year. Thank you.

SENATOR COLEMAN: Do any other members have questions? If not, thank you both.

DAN SCAVONNE: Thank you very much.

SENATOR COLEMAN: Yeah.

JOE TONELLI: Nice meeting you.

SENATOR COLEMAN: Next speaker is Liza Andrews.

SB31

LIZA ANDREWS: Good evening, Senator Coleman, Representative Fox, members of the committee.

My name is Liza Andrews and I'm the communications and public policy specialist for Connecticut (inaudible) and Domestic Violence. And I'm here tonight to oppose Section 5 of Senate Bill 389, which will severely limit access for domestic violence victims seeking civil restraining orders.

The language of the bill proposes altering the statutes so that courts no longer will be required to schedule hearings on all restraining order applications, which they do currently have to do, even when the affidavit that accompanies the application does not meet the requirements of the statute.

While that sounds logical, the problem is that many victims who go in to seek restraining orders go to the court pro se and may have limited understanding of the process or requirements for seeking such an order.

Judicial estimates at approximately 80 percent of litigants in family court are pro

se. Victims who do not have the assistance of either a domestic violence advocate, legal aid attorney or private attorney often struggle to adequately explain their situation on the one-page affidavit that accompanies the application.

This is particularly true for victims experiencing stalking or a pattern of threatening, two elements of domestic violence that are both difficult to recognize and explain.

Once at a hearing a judge will ask the questions necessary to determine that victims meet the statutory requirements, and often find additional elements of abuse not expressed in the affidavit.

This is essential to ensuring that all victims, including those who are less articulate or knowledgeable about the judicial system have equal access to the protections afforded under the law.

Evidence has shown that the time during which a victim is leaving an abusive relationship is the most dangerous time. If a victim is seeking a restraining order, then she or he is probably considering ending the relationship.

It is critical that the court be responsive to this fact and ensure that all victims have sufficient access to retraining orders and continue to see the court as a viable source of protection.

I also just want to quickly state CCADV's support of Senate Bill 31, and funding for legal aid attorneys, I think as you've heard from other speakers tonight they play a very

In addition, with help from legal services, she was able to seek (inaudible) for legal status, which will help her maintain a safe, independent life. Without the assistance of the dedicated and compassionate lawyers in Connecticut Legal Services, this individual would not have had the same result or the opportunity to live safe from violence.

Because of the collaborative effort of New Horizon and legal services, she no longer is depending on her abusive husband.

Those are just two examples of the kind of work that New Horizons Domestic Violence Services and Connecticut Legal Services do together every day to benefit low-income victims of domestic violence.

I'm here in support to H.B. 31 in hoping that they vote yes and the services continue in place.

SENATOR COLEMAN: Thank you very much for being here. We really appreciate your testimony.

Are there questions for Ms. Campos?

Thank you again.

VIAMARA CAMPOS: Thanks.

SENATOR COLEMAN: Dan Toner.

DAN TONER: Good afternoon, Senators, Representatives, members of the Judiciary Committee, this audience, and perhaps most importantly the people that we're all here working for, the residents of this great state.

SB389

I'm here to express strong opposition to Raised Senate Bill 389, it's AN ACT CONCERNING COURT OPERATIONS.

I'm extremely proud to have been a bail agent for almost 19 years. I began as an entry-level bail agent, and building went up working all the way up to building one of Connecticut's largest retail bail operations.

They have offices in Hartford, New London and New Britain, employ more than 20 people, most of whom are the chief breadwinners for their families.

I've been a strong advocate for bail reform for many years. I present today, however, as a citizen of this great state who happens to have extensive knowledge of bail operations.

Commercial bail is the only form of pre-trial release that monitors, insures compliance and guarantees defendants' appearance in court, all at no cost and at no risk to the taxpayers of Connecticut.

All other forms of pre-trial release leave it to the luck and at the expense and burden of the taxpayer. Basically you know, hopefully the police are lucky enough to stop and abscond a fugitive on a good day and bring him into custody at the expensive of the department and the taxpayer.

I agree there's absolutely been some bad press about bail agents. however, we also must agree that we work in very ugly circumstances in the worst parts of town, and bring defendants back in criminal cases to be adjudicated.

Raised Bill 389 on the surface appears fine.

However, and this is a big however, there are 10 words in the 8th item of the first paragraph of the section that completely changes bail.

It reads, number eight, "Is sentenced by the court," and these are the 10 words that are so important, "and a stay of such sentence, if any, is lifted."

The bail contract is written and executed under the presumption of innocence. The risk to the indemnities of any bail contract is drastically and completely changed when a principle is no longer defended but becomes a convict.

He or she is no longer presumed innocence, they've been found guilty.

When I started writing bail it was a bail agent's responsibility to assure a defendant's appearance in court until the case was adjudicated. So as soon as a defendant was found guilty the agent had fulfilled the obligation to the state.

It changed to until the defendant was sentenced several years ago, which significant altered the agent and in fact the inseminator's responsibility. Now we're looking to change it to them being sentenced and any stay lifted.

I've got about one more sentence, so there may legitimate reasons why a court is compelled to stay a sentence, however, it should be at his or her discretion and not at the expense of the bail indemnitors and bail agencies.

I thank you for your time and attention and

I'd be happy to answer any questions you may have.

SENATOR COLEMAN: It's probably obvious, but explain to me how the bail agent is impacted if a sentence is imposed and then stayed.

DAN TONER: Well, right now they're saying that we we would -- as 389 reads that the bail agent and indemnitors would be responsible, so quite often a judge may sentence somebody to some time and allow that person the weekend or a month or a year, whatever he chooses to for the defendant to get -- or actually the convict in this case to get his affairs in order.

And we're concerned that allowing -- that absolutely could make sense to the judicial process, but to the bail agent, we have fulfilled our obligation in my opinion to bring it to fruition and then to adjudication and then sentencing.

SENATOR COLEMAN: Okay. I see that point of view.

have you experienced any difficulties with that scenario?

DAN TONER: We personally have not. This is brand-new wording, as far as the stay goes. Obviously when they changed it from adjudication to sentencing there was some issue there, because judges would give people extra time and quite frankly, again I'll assure anybody that I've underwritten, I'll assure their appearance in court.

But once they become a convict, that's a whole different -- you know, we operate under the presumption of innocence.

SENATOR COLEMAN: Any others with questions?

Thank you very much.

DAN TONER: Thank you all very kindly for your time.

SENATOR COLEMAN: Celestina Harrington.

CELESTINA HARRINGTON: Good evening.

Good evening, Senators, members of the Judiciary Committee and Representatives and to the audience. Allow me to acknowledge the persons of attorney (inaudible) I just met her, I'm sorry.

But anyway it's -- to make the story short, my name is Celestina Harrington, and I am here to tell you how legal services helped me and my children and to testify the support of the H.B --- Senate Bill 31, AN ACT CONCERNING CONTINUED DELIVERY OF LEGAL SERVICES TO THE POOR.

When my husband and I got married, so we lived together in New Jersey, very long story but I don't want to make it long. So I must be saying -- it's boring and I know that which I know but anyway we both working together, have a good life and have two girls and we lived in New Jersey.

And he adopted my kids. We had another children, luckily I got a job and after a year he got laid off so he lost his job. He made a decision we need two more because we can't afford to pay the rent, so it's hard to make a big decision. I don't to lost my husband, I don't want to be away from my girls.

have three employees.

Now with my business I am able to provide a dignified life for my children. I am grateful to legal aid and for their accomplishments in my case. I request you continue funding legal aid because there are many families in Connecticut like my children and I.

We all want your support, and the excellent legal experience -- legal experience legal aid attorneys offer. Thank you and I invite you to my restaurant, La Isla Restaurant, and I want you to know where it's located, at 99 Maple Avenue, Hartford, Connecticut.

Thank you.

SENATOR COLEMAN: Thank you for the testimony and for the invitation.

Are there questions?

Well, thanks for being here all day and for testifying.

ROSA DILONAISE: Thank you.

SENATOR COLEMAN: Next is Raphael Podolsky.

good evening

RAPHAEL PODOLSKY: Good evening.

Thank you very much. I'm here to speak very briefly on two tiny items on the court operations bill, Senate Bill Number 389. One of them I think is already taken care of. I looked at Judicial's testimony.

It's in regard to Section 5, concerning the

family violence restraining orders. They have proposed a different wording than I proposed but I think their wording works, and so I think that's fine if they make that change.

It's to make sure that judges have the discretion to schedule a TRO for a hearing, even if on the face of the paperwork it's not clear that the applicant is eligible.

And that's because a lot of the pro se applicants don't write an affidavit but is adequate.

The second item, which judicial said they did not want to change, is Section 6, and I think this is really all a technical matter, but the the purpose of Section 6 in the bill is Judicial wants to -- this deals with the housing court districts.

Judicial wants to be able and the housing court in non-housing court districts to be able to move venue to the judicial district level instead of the geographic area level, even in those parts of the state where there is not a housing court.

The basic concept is if you're in a housing court you're at the JD level, otherwise you're at the GA. They've already moved it for Tolland and Middlesex County.

the way they write it in Section 6 of the bill, they bracket out the part that specifically says that the housing court districts are at the judicial district level.

We think that they should not bracket that part out, and if you look at the language, the suggested language that I put in my

written testimony, all I've done is really move the bracket so that it doesn't take out the six housing court locations.

I understand one could make an argument that there may other parts of the statute that sort of counter that. It would be good, however, not to leave any ambiguity. And the concern is that Judicial has at times -- housing court districts pair two courts, and they have at times used -- really split it.

Norwalk, Stanford, for example, at times has really been split from the Bridgeport Housing Court. The whole point there is you have one judge hears cases in both, so the judge specializes entirely in housing.

Keeping the language here I think is helpful, and so I would just ask you to do that. I don't think it makes -- I don't think Judicial really can object to it because I don't think it keeps them from doing anything that they want to do.

It still gives them the essential piece of Section 6, which is in a non-housing court district, they can move matters between the -- not just for the purpose of location, but they can move matters between being a JD level matter or a GA level matter.

I don't know if that makes any sense, what I'm saying to you. I mean, I don't know if it's clear, but so I would ask you to make that change in Section 6 and I would ask you to make Judicial's change to Section 5.

SENATOR COLEMAN: Okay. Thank you.

It does make sense. I may want to talk to you some more about it as we move this along.

RAPHAEL PODOLSKY: Okay, sure.

SENATOR COLEMAN: Are there questions?

Well, thanks for staying around to testify.

RAPHAEL PODOLSKY: Thank you very much.

SENATOR COLEMAN: Morgan Roquert was here earlier.

Chris VanVerHoek was here earlier. Oh, yeah, I think he said he wasn't going to testify. Daniella Burns? Peter Arabus? Mary Schwind? Cindy Robinson -- oh, Mary Schwind, I'm sorry. Okay. Yeah, I'm just going to continue on before you begin.

Cindy Robinson I don't believe is here. Arnie Mann, Abby Anderson. So then the only one left after yourself will be Daniel Klau. Is that -- okay.

MARY SCHWIND: Thank you.

Good evening, Representative Fox and members of the Judiciary Committee.

Thank you for the opportunity to speak on Raised Senate Bill 388, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE ON VICTIM PRIVACY AND THE PUBLIC'S RIGHT TO KNOW.

My name is Mary Schwind. I'm the managing director and associate general counsel at the Connecticut Freedom of Information Commission. Colleen Murphy, the FOIC executive director, truly regrets that she could not be here herself to testify today.

Throughout the summer and fall, Colleen

cca | DV

Connecticut Coalition Against Domestic Violence

Member Organizations

The Umbrella Center for Domestic Violence Services
Ansonia, CT

The Center for Family Justice
Bridgeport, CT

Women's Center
Danbury, CT

Domestic Violence Program
United Services
Dayville, CT

Network Against Domestic Abuse
Enfield, CT

Domestic Abuse Services
Greenwich YWCA
Greenwich, CT

Interval House
Hartford, CT

Meriden-Wallingford Chrysalis
Meriden, CT

New Horizons
Middletown, CT

Prudence Crandall Center
New Britain, CT

The Umbrella Center for Domestic Violence Services
New Haven, CT

Safe Futures
New London, CT

Domestic Violence Crisis Center
Norwalk, CT

Women's Support Services
Sharon, CT

Domestic Violence Crisis Center
Stamford, CT

Susan B. Anthony Project
Torrington, CT

Safe Haven
Waterbury, CT

Domestic Violence Program
United Services
Willimantic, CT

Testimony Regarding

SB 31, AAC Continued Delivery of Legal Services to the Poor

SB 389, AAC Court Operations

Judiciary Committee
March 10, 2014

Good morning Senator Coleman, Representative Fox and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those agencies that serve them. Our members provide essential services to over 56,000 victims of domestic violence, which includes victims of teen dating violence. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

We urge OPPOSITION of SB 389, Sections 5 and 7.

Section 5 of Senate Bill 389 will severely limit access for domestic violence victims seeking civil restraining orders under CGS § 46b-15. The language proposes altering the statute in such a way that courts will no longer be required to hold hearings on all restraining order applications.

While we understand the high demand being experienced for a variety of matters in civil court, a busy court is not a reason to limit access to vital protections for victims of abuse. Currently, judges must order hearings on all restraining order applications, including those that have been denied based on the information contained in the affidavit. While that may sound logical, unfortunately many victims who seek restraining orders come to the court pro se and may have limited understanding of the process or requirements for seeking such an order.

Judicial has estimated that approximately 80% of litigants in family court are pro se, which has been an ongoing frustration for the court. Victims who do not have the assistance of either a domestic violence advocate, legal aid attorney or private attorney often struggle to adequately explain their situation on the one page affidavit that accompanies the application. This is particularly true of victims experiencing stalking or a "pattern of threatening," two elements of domestic violence that are often complicated to both recognize and explain.

Even though a judge may not be wrong in denying an application based on the content in the affidavit, giving the victim the opportunity to better explain her or himself and answering questions posed by the judge has led to a reversal of the judge's decision in the past. Once at a hearing, a judge will ask the questions necessary to determine if the victim meets the statutory requirements and often finds additional elements of abuse not expressed in the affidavit. This is essential to ensuring that all victims, including those who are less articulate or knowledgeable about the judicial system, have equal access to protections afforded under the law.

It is also important to note that evidence has shown that the time during which a victim is leaving an abusive relationship is one of the most dangerous. If a victim is seeking a restraining order, than she or he is probably thinking about leaving. It is critical that the court be responsive to this fact and ensure that all victims have sufficient access to restraining orders.

(OVER)

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860.282.7899 | 860.282.7892 Fax | 800.281.1481 (CT only)

Connecticut has worked diligently to improve its response to victims of domestic violence. Changing our progressive system for protecting victims into one that will quickly and easily silence them is not supportive of those efforts. It takes a substantial amount of courage for a victim to reach out to the court for help and the court should continue to strive to be seen as a source of support and security. Denying victims the opportunity to speak with a judge will almost certainly result in victims feeling that the court is not a viable source of protection.

Section 7 of the bill adds language to CGS § 53a-223b regarding criminal violation of a restraining order. The bill proposes specifying that respondents of a restraining order cannot be found in violation if they are sending legal documents to the protected person through the mail or a third party. We think this language is unnecessary and such contact should continue being addressed at the time the restraining order is issued.

It is our experience that most judges who issue no-contact orders will specify that the respondent is allowed to send legal documents related to separation, divorce, child custody, etc. Allowing judges to clearly state in no-contact restraining orders how and when the respondent may communicate with the protected person is the most efficient way to ensure the safety of the protected person while still ensuring that the court does not get bogged down with frivolous claims of violations.

We are also concerned that "third party" is not defined. Domestic violence is a pattern of control, coercion and manipulation. While there is nothing that legally keeps the family and friends of an offender away, we are concerned that adding this language gives domestic violence offenders the ability to use family and friends to continue to intimidate a victim.

We urge SUPPORT of SB 31.

Senate Bill 31 will help ensure that funding is available for essential legal services throughout Connecticut. It eliminates the sunset provision originally put in place in 2012 when the Legislature, Governor and Judicial Branch sought to increase court filing fees in an effort to provide funding for these services. Additionally, the bill moves some of the court fee revenue from the Judicial Branch technology fund to legal aid funding.

Legal aid lawyers provide legal assistance to over 10,000 people each year, helping them meet their basic needs. One of those basic needs is protection from abuse. Domestic violence victims in Connecticut can seek restraining orders through our civil courts, but unfortunately, because Connecticut does not fund family violence victim advocates in civil courts, many victims are left to face that system on their own. For many low-income victims that do not get connected to their local domestic violence organization, legal aid attorneys fill a critical gap in the system.

Victims that meet legal aid requirements are able to get assistance with filing applications for restraining orders, which often means the difference between successfully getting the order and having the order denied. As discussed above, many victims have a difficult time adequately explaining the abuse they are facing at home and also lack an understanding of how the judicial system works. Legal aid attorneys assist victims with completing the required affidavit and help them present their case to the judge in the most accurate and compelling manner.

Assistance with restraining orders is just one example of the important role that legal aid attorneys play in helping victims of domestic violence. They also assist many immigrant victims who suffer violence and often have their immigration status used as a method of control and further abuse. Assistance with U and T Visas is paramount to the safety of these victims.

Legal aid attorneys provide a critical service to vulnerable individuals in Connecticut, including victims of domestic violence. We strongly encourage your support of the Governor's proposal to ensure that there is funding to meet the high demand that the legal aid system faces. Failure to do so would result in the loss of at least 35 legal aid staff and 3,750 fewer low-income people will be assisted with their legal needs.

Please do not hesitate to contact me with any questions or concerns.

Liza Andrews
Communications & Public Policy Specialist
CCADV
(860) 282-7899; landrews@ctcadv.org

GARVIN G. AMBROSE, ESQ.
State Victim Advocate

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 10, 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. 389, *An Act Concerning Court Operations*

The Office of the Victim Advocate (OVA) must **oppose** Section 5 of Raised Senate Bill No. 389 as it ostensibly will create a burden on the applicant of a restraining order. Many times, victims of domestic violence will seek relief from abuse through the application of a restraining order. However, in doing so, the victim/applicant may not necessarily understand or have the ability to communicate their fear of harm through the written words in an affidavit. Often, victims will be instructed, by law enforcement or the Department of Children and Families, for example, to obtain a restraining order without having full knowledge of how to do it, where to go, or what to say.

Currently, in review of an applicant's application and affidavit, the court may (1) enter an ex-parte order and schedule a hearing; (2) schedule a hearing only; or (3) deny the application outright. As the court already has the ability and authority to deny an application without having a hearing, Section 5 of Raised Senate Bill No. 389 will only serve to discriminate against those applicants that may have difficulty expressing fear on paper. I strongly urge the Committee to **reject** Section 5 of the proposal—a proposal that has the unintended result of leaving some victims unprotected by our judicial system.

The OVA must also strongly **oppose** Section 7 of Raised Senate Bill No. 389. However, the OVA would like to offer a reasonable solution to resolve the issue that Section 7 attempts to address. As proposed, the most cunning of domestic violence offenders will use this "loophole" to circumvent the order and continue to threaten, harass and intimidate their victim. If passed, this provision will actually be a setback, and not a step forward, in protecting victims against abuse. Rather than carve out a blanket exception that will likely be intentionally misused and exploited by some respondents, the restraining order itself should be modified to include a provision that the court can address at the time of the order's issuance, such as:

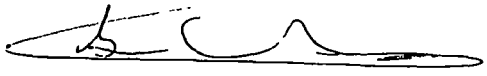
"If required by law, the respondent may provide for the service of legal documents by mail or third party to the applicant."

For the above-stated reasons, the OVA urges the Committee to **reject** Section 7 of Raised Senate Bill No. 389.

Finally, Section 12 of the proposal seeks to repeal C.G.S. § 54-102. The intent, I believe, according to the *Statement of Purpose*, is to repeal the Wrongful Conviction Commission, which is **C.G.S. § 54-102pp**.

Thank you for the opportunity to provide testimony concerning Raised Senate Bill No. 389. As stated, the OVA dutifully **opposes** Sections 5 and 7 and urges the Committee's rejection of those sections as currently proposed.

With gratitude,



Garvin G. Ambrose, Esq.
State Victim Advocate

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LINE 7

Legal Assistance Resource Center ❖ of Connecticut, Inc. ❖

363 Main Street,Suite 301 ❖ Hartford, Connecticut 06106
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S.B. 389 -- Court operations

Judiciary Committee public hearing -- March 10, 2014

Testimony of Raphael L. Podolsky

Recommended Committee action: REVISIONS TO SECTIONS 5 AND 6

Section 5 of this bill deals with hearings on family violence restraining orders. Section 6 deals with the locations of housing courts. We ask the Committee to make drafting changes to these two sections to avoid unintended undesirable consequences.

(1) Temporary restraining orders (Sec. 5): Section 5 appears to preclude the scheduling of a hearing on a temporary restraining order (TRO) unless the affidavit sets out a prima facie case. We understand the logic of this, but we are concerned that the practical implications will be very harmful to vulnerable self-represented TRO applicants. Our experience is that many such applicants have little skill at properly drafting the affidavit, and an unsophisticated pro se affidavit may not be sufficient for the issuance of an ex parte TRO, even though the applicant is in fact eligible. Recognizing this reality, some judges will schedule a hearing on the TRO if there is reason to believe that the evidence at such a hearing will justify its issuance; and, indeed, the applicant's sworn testimony at the hearing may provide the key facts that were missing from the affidavit. We urge the Committee to modify the language of this section in a way that makes clear that a hearing can be scheduled, even though the affidavit may not be sufficient for an ex parte order. In a real sense, lives can be at stake. The wording of lines 182-185 could be changed to read:

> *Upon receipt of the application, the court shall [order that] schedule a hearing on the application to be held not later than fourteen days from the date of the [order] application, except that the court, in its discretion, may choose not to schedule a hearing if the allegations set forth in the affidavit do not meet the requirements of subsection (a) of this section and it is unlikely that testimony presented at a hearing will bring the facts within such requirements.*

(2) Housing court locations (Sec. 6): We believe that Section 6 is intended to give the Chief Court Administrator (CCA) the discretion to assign housing matters to the Judicial District court location (rather than the Geographic Area court location) in those districts that do not have housing courts. It is not intended to allow the CCA to eliminate any of the six Judicial District-level specialized housing sessions (commonly called "housing courts"). As we read Section 6, however, the bill can be interpreted as doing this, because of the bracketing out of the six housing courts in l. 225-226. To avoid any misinterpretation, we suggest that the language of C.G.S. 51-348(b)(3)(A) in l. 224-230 be changed to read:

> *....except that (A) venue shall be in the judicial district in the judicial districts of Hartford, New Britain, New Haven, Fairfield, Waterbury, [Middlesex, Tolland] and*

(continued on the reverse side....)

Stamford-Norwalk and, in addition, in any other judicial district for which the Chief Court Administrator determines that the prompt and proper administration of judicial business requires that venue for housing matters be in such judicial district.

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LINE 7

Testimony of Daniel Toner
President: 3-D Bail Bonds, Inc
President: DAD's Bail Bonds, LLC
Vice President: Fugitive Recovery Agency, Inc.
Member: Bail Association of Connecticut
Member: Professional Bail Agent of the United States

Good day Senators, Representatives, Members of the Judiciary Committee, this Audience and perhaps most importantly, the people we are all here working for, the Residents of this Great State.

I am here to express strong **opposition to 389 – AN ACT CONCERNING COURT OPERATIONS**

I am extremely proud to have been a Bail Agent for almost 19 years beginning as an entry level agent, to building one of Connecticut's largest retail bail operations with offices in Hartford, New London and New Britain. We employ nearly 20 people most of whom are the chief bread winners in their respective families. I have been a strong advocate for bail reform for my entire career.

I present before you today however as a citizen of this great state, who happens to have extensive knowledge of the bail bond process.

Commercial Bail is the ONLY form of pretrial release that monitors, insures compliance and guarantees the defendant's appearance in court; all at NO COST, and NO RISK to the taxpayer. All other forms of pretrial release leave it to "luck" and at the expense and burden of the taxpayer. Hopefully the Police are lucky enough to stop an absconding fugitive on a good day – and bring him or her into custody at the expense of the Department and Taxpayer. We agree there has been some bad press about Bail Agents; however, we must also agree they work in very ugly circumstances in the worst areas of towns, and bring defendants back to court so their criminal case can be adjudicated.

Raised Bill 389 on the surface appears to be fine, however, and this is a big HOWEVER – there are 10 words in the eight item of the first paragraph of Sec 9 that completely change bail. It reads (8) is sentenced by the court and a stay of such sentence, if any, is lifted.

The bail contract is written and executed under the **presumption of innocence**. The risk to the indemnitors of any bail contract is drastically and completely changed when a Principal is no longer a Defendant – but a convict. He/she are no longer presumed innocent – they've been found guilty.

When I started writing bail, it was the Bail Agent's responsibility to assure a Defendant's appearance until their case was adjudicated. So as soon as the Defendant was found guilty, the Agent had fulfilled their obligation to the state. It changed to until the defendant was sentenced – which significantly altered the Agents responsibility. Now it may be changed to awaiting any stay a court may offer. PLEASE DELETE THOSE 10 WORDS.

There may be legitimate reasons why a court is compelled to stay a sentence; however it should be at his or her discretion, not at the expense of bail Indemntors and Bail Agencies.

Thank you for your time and attention, and I would be happy to answer any questions you may have.

Andrew (Drew) Bloom
President of the Bail Association of Connecticut
EVP 3-D Bail Bonds, Inc. DADs Bail Bonds, LLC
President of Fugitive Recovery Agency, Inc.
57 Fishfry Street, Hartford, CT 06120
860-247-BAIL(2245)

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LINE 13

March 10th, 2014

Good Afternoon distinguished Senators and Representatives,

My name is Andrew Bloom. I am a licensed surety bail bondsman, bail enforcement agent, and one of the owners of 3-D Bail Bonds, Inc. which employs about 20 people.
I am also one of the owners of DADs Bail Bonds, LLC representing nearly 10,000 bail bonds written a year, a longtime member of The Professional Bail Agents of The United States, and a founding member and current President of the Bail Agents of Connecticut Association.
In my career as a Bail Enforcement Agent and as president of the Fugitive Recovery Agency, Inc., I have 1280 defendants arrested.
Bail Bonds is the only form of pretrial release to self monitor and self enforce non-compliance. No other form of pretrial release is held accountable when the principal fails.

As many of you may know, I have been here to testify for many years in support of bail reform. I would now like to demonstrate my **vigorous opposition of Raised Senate Bill 389**.

Section 9 of the bill makes some minor changes to automatic termination of a bail bond. Subsection (8) of Section 9 states the bond will not be terminated until any stays of sentencing become lifted.
Simply put, the defendant is found or pleads guilty and receives sentencing, but the sentence is stayed for an undetermined time period for the newly convicted to "get his affairs in order" The conditions of bail have now changed.
When the indemnitors or "co-signers" on a bail bond contract the bail bonds company to provide **pretrial release** in the form of a surety bail bond, they expect their liability to end at the time guilt is established. The "presumption of innocence" is gone after sentencing and releasing the guilty individual out into public is not only a new financial risk to the indemnitors but is also a public safety issue. Allowing convicts to walk out of the courtroom with the promise that they will return to begin their sentence is **unsafe**. Victims will be at risk. Indemnitors finances will be at risk. The public will be at risk. We must not allow convicts to simply walk out of court after guilt has been established. There are appeals bonds available. New conditions of bail must be set. If a judge wants to give someone time to get their affairs in order, the judge should set new conditions of bail as the original bond was written under far different conditions.
This bill is not safe for the public the way it is. We must drop the change regarding "stays".

Thank you,

Andrew Bloom

Connecticut Sexual Assault Crisis Services, Inc.

96 Pitkin Street · East Hartford, CT 06108 · Phone 860-282-9881 · Fax 860-291-9335 · www.connsacs.org

Testimony of Connecticut Sexual Assault Crisis Services
SB 389, AAC Court Operations
Jillian Gilchrest, Director of Public Policy and Communications
Judiciary Committee, March 10, 2014

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Jillian Gilchrest and I am the Director of Public Policy & Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs. Our mission is to end sexual violence and ensure high quality, comprehensive and culturally-competent sexual assault victim services.

During our last fiscal year, certified sexual assault victim advocates provided hospital, police and court accompaniment, support groups, individual counseling, 24/7 hotline support, information and referrals to over 7,000 victims and survivors of sexual violence throughout the state..

CONNSACS opposes the proposed change to subsection (b) of section 46b-15 in SB 389.

Currently, when a victim of sexual assault is assaulted by a family or household member, they are eligible for a civil restraining order under section 46b-15 of the Connecticut statutes. When said victim of sexual assault applies for a restraining order under 46b-15, the application guarantees that a hearing will be scheduled based on the application within 14 days, at which time both the applicant and respondent are given the opportunity to appear.

Under the proposed change, if a victim's application and affidavit does not meet the eligibility requirements, as outlined in current statute, then that victim may be denied a hearing. This is problematic, and may limit a victim's access to a civil restraining order based solely on the application they file. According to Connecticut Legal Services, Inc., more than 80% of family cases in Connecticut are pro-se, meaning that the individual represents themselves.

If a victim of sexual assault does not fill out the application in such a way to meet the requirements of 46b-15, but would otherwise be able to articulate how their situation does meet the requirements, this proposal will deny them that opportunity and the opportunity to obtain a civil restraining order and the safety they seek and deserve.

CONNSACS opposes this unnecessary change to subsection (b) of section 46b-15 in SB 389 that could have dangerous and long-term consequences for victims of both sexual assault and domestic violence.

STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Testimony of the Honorable Patrick L. Carroll III
Judiciary Committee Public Hearing
March 10, 2014

S.B. 389, An Act Concerning Court Operations

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, my name is Patrick Carroll and I am the Chief Court Administrator. I would like to thank you for the opportunity to provide written testimony in support of **S.B. 389,** ***An Act Concerning Court Operations,*** which is one of two bills that the Judicial Branch has submitted as part of our legislative package this year.

This bill makes a variety of changes that are intended to improve the efficiency and effectiveness of the Judicial Branch. Since it covers a variety of topics, I'd like to give you a brief section by section synopsis of the bill:

Section 1 adds supervisory Judicial Marshals and Chief Probation Officers to the list of individuals who may administer oaths. This will allow them to take acknowledgements on forms that are used every day in the ordinary course of business;

Section 2 eliminates the political party requirement for the judge who serves on the State Marshal Commission;

Section 3 amends the State Library Board statute to eliminate the requirement that the Chief Justice's appointee be a judge of the Supreme Court, significantly expanding the pool of potential appointees;

Section 4 deletes the requirement that a judge be a member of the Firearms Permitting Board. Having a judge on that Board creates a conflict, as appeals from the Board's rulings are filed in the Superior Court;

Section 5 addresses the long standing confusion as to whether the court has to schedule a restraining order application for a hearing, regardless of whether the affidavit meets the statutory criteria. A concern regarding the language of the bill has been brought to our attention, and at the end of my testimony I have proposed additional language to address this concern;

Section 6 would provide the Chief Court Administrator with the flexibility to determine within each judicial district whether housing matters shall be heard in the G.A. or the J.D. Please note that we do not believe that this language would authorize the Chief Court Administrator to eliminate any of the current Housing Sessions;

Section 7 would clarify that when a full no-contact restraining order has been issued, if the respondent mails a copy of a subsequent motion or appearance to the protected party, or causes a marshal to serve the protected party with a motion, or contacts the other party indirectly to convey a short calendar marking, those actions would not be considered "contact" that could constitute a criminal violation of the restraining order;

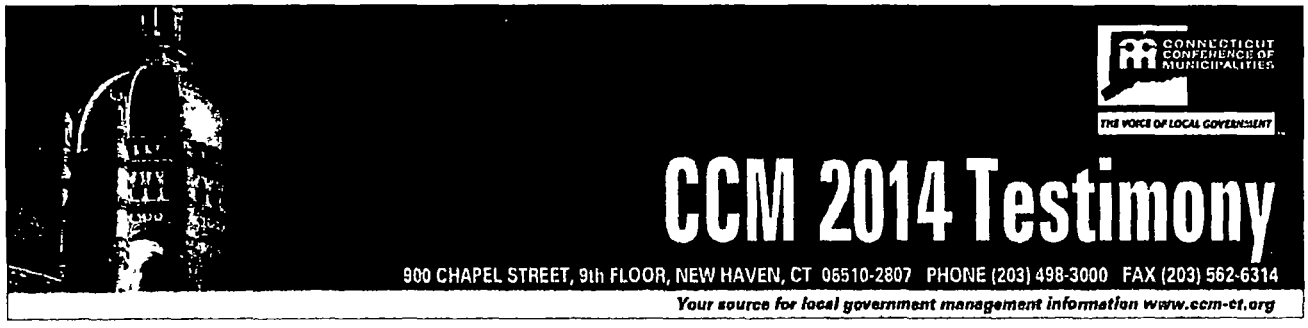
Section 8 would amend the body armor statute to add Judicial Marshals to the list of persons who do not have to personally take delivery of body armor from the seller;

Section 9 would make a number of minor and technical changes to C.G.S. § 54-66a, concerning the automatic termination of bail bonds, to conform it to recent legislative changes and court practice. Specifically, it would:

- Delete a reference to the Community Service Labor Program that is no longer needed because the suspended prosecution option has been eliminated, leaving only the suspended sentence option available;
- Include language to automatically terminate a bond when a prosecutor terminates prosecution by the entry of a nolle prosequi, which is the current court practice;
- Clarify that a bond and conditions of release remain in effect until the sentence imposed by the court is put into effect, even if the sentence is stayed; and
- Insert necessary cross-references to new and amended gun violations that allow suspension of prosecution;

Sections 10 and 11 are conforming sections;

Section 12 repeals the special education pilot program established in 2000 (C.G.S. § 52-434d) and the statute authorizing the Wrongful Conviction Commission.



JUDICIARY COMMITTEE

March 10, 2014

Good Afternoon, my name is Leo Paul, First Selectman of the Town of Litchfield. I am also member of the Connecticut Conference of Municipalities Board of Directors. CCM is Connecticut's statewide association of towns and cities - our members represent over 92% of Connecticut's population.

I am speaking in **opposition** to **HB 5448** - ***An Act Concerning the Discontinuance of Highways and Private Ways by Municipalities.***

This bill attempts to clarify the process applicable to municipal discontinuance of highways or private rights of way – in doing so rewrites the highway discontinuance statute which has been on the books since at least 1838. This proposal is also the same as HB 6637 which was considered during 2013 legislative session.

C.G.S. §13a-49 currently authorizes a Board of Selectmen, with the approval of a town meeting, to discontinue all or a portion of a public highway which is not used or needed for public travel.

When a highway is discontinued, the public's right to use the highway is terminated. C.G.S. §13a-55 preserves an abutting property owner's right to continue to use the roadbed of the highway for access and utility service as a private right-of-way in common with other abutting owners. That statute was enacted in 1959 to relieve municipalities of lawsuits for damages by property owners when highways were discontinued.

In discontinuing a public highway, the selectmen act as agents of the law and must strictly follow statutory procedure. If not, the discontinuance will fail, resulting in legal liability for the town.

Highway discontinuances are necessary because:

1. Municipalities can be held responsible under C.G.S. §13a-149 for injury to persons or damage to motor vehicles caused by highway defects. Most of the highways which are discontinued are narrow, winding, unimproved dirt roads which are dangerous to travel and expensive to maintain.

2. Many of these highways pass through large parcels of undeveloped land which attract developers who then go to court to force the municipality to open the road and improve it to today's safety standards so they can subdivide and sell lots.

3. Many of these roads are not passable for use by fire trucks, ambulances or school busses and should not be open to development at the town's expense.

- OVER -

HB 5448 however makes drastic changes to current practice by shifting the burden of determining the location and limits of an unimproved highway to the municipality. It adds the obligation to notify each abutting property owner of any meeting to discuss the discontinuance.

This bill enlarges the existing right to appeal to Superior Court under C.G.S. §13a-62 for failure to receive notice of discontinuance. This section of the law applies to the layout out of a new public highway which is rarely done by a municipality. It will now be used by developers to leverage municipal improvements to highways which the town no longer uses and would otherwise discontinue.

There already are adequate public safeguards in the present law to protect property owners which have worked well for many years, such as:

1. The Board of Selectmen must refer the discontinuance to the Planning Commission for a review and report under the town plan of conservation and development.

2. The Board of Selectmen must refer the discontinuance to a legally noticed public town meeting where every voter and property has a say.

3. Then the Board of Selectmen must vote whether or not to discontinue the highway and record notice in the Town Clerk's office.

4. Property owners have statutory rights of access and utility service under C.G.S. § 13a-55 and are thereby protected.

5. The municipality is relieved of liability for highway maintenance defects and unwanted development in remote areas, and is not subjected to lawsuits for highway discontinuances.

This bill takes the law in the wrong direction by creating an unfunded mandate and expanding municipal liability.

For these reasons, **CCM asks the Committee to oppose HB 5448**.

Thank you.

If you have any questions, please contact Mike Muszynski, Senior Legislative Associate, at mmuszynski@ccm-ct.org or (203) 500-7556.

Testimony
Betsy Gara
Executive Director
Connecticut Council of Small Towns
Before the
Judiciary Committee
March 10, 2014

HB-5448-AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND PRIVATE WAYS BY MUNICIPALITIES

The Connecticut Council of Small Towns (COST) ***opposes*** **HB-5448,** which imposes a confusing and burdensome requirement on municipal officials relative to the discontinuance of a road or highway.

Under the bill, towns will be required to provide mail to each person having an interest in the record, a notice of such "assessment" including "the physical construction of such layout, alteration, extension…" – terms which are not applicable to the discontinuance of a road and which create confusion regarding how to comply. These provisions are applicable to eminent domain proceedings and are confusing in this context.

In situations where the whereabouts or existence of a party is unknown, the bill requires notice to be published in the newspaper, mailed by registered or certified mail and, finally, if, after a search of the land and probate records, the address cannot be found, the municipal official must prepare an affidavit stating such facts and reciting the steps taken to establish the address of any such person and file it with the town clerk.

This imposes additional burdens on towns without adequately addressing the concerns raised by proponents of the legislation.

COST urges lawmakers to reject this measure, as currently drafted.

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State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

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DEPUTY SPEAKER OF THE HOUSE
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MEMBER
APPROPRIATIONS COMMITTEE
GENERAL LAW COMMITTEE
LEGISLATIVE MANAGEMENT COMMITTEE
PUBLIC SAFETY AND SECURITY COMMITTEE

March 10, 2014

Senator Coleman, Representative Fox, and members of the Judiciary Committee, thank you for the opportunity to submit testimony to your committee.

I am writing in support of **HB 5448,** An Act Concerning the Discontinuance of Highways and Private Ways by Municipalities.

I support this bill because it will provide necessary clarification to otherwise ambiguous statutes. I have two constituents in Colchester who own a promising piece of land that is undevelopable due to certain law proceedings. They have no public road access, nor right of way access, to the land. They are prohibited from developing this property and establishing utility connections. These circumstances are ultimately the result of a court case ruling that interpreted the Town of Lebanon's intentions when closing the road many decades ago.

House Bill 5448 offers a future remedy to landowners who have title to property under ambiguous legal circumstances. This legislation will normalize the process of road discontinuance, updating terms to modern language and creating notification standards on such an action. The bill would therefore codify what will be good policy.

This bill has broad bipartisan support and all parties involved are satisfied with its language.

I appreciate your consideration of this legislation and the opportunity to speak before your committee.

Thank you for your time.

Sincerely,

Linda Orange
Deputy Speaker, 48th District

GARVIN G. AMBROSE, ESQ.
State Victim Advocate

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 10, 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 House Bill No. 5485, *An Act Concerning the Confidentiality of Identifying Information Pertaining to Victims of Voyeurism.*

The Office of the Victim Advocate (OVA) **supports** Raised House Bill No. 5485, as the proposal will extend privacy and confidentiality protection to victims of voyeurism in the same manner as those protections are provided to victims of sexual assault. These shared protections make sense, as there is a well-established link between sexual assault and voyeurism. According to Penn State's Health and Wellness Center, among other authorities on sexual violence, voyeurism and sexual assault both fall along the "sexual violence continuum." While sexual assault is distinguished because it involves physical contact, both sexual assault and voyeurism arise from similar beliefs regarding consent and the objectification of others; both crimes have a detrimental impact upon victims.

The privacy and confidentiality protections afforded by Raised House Bill No. 5485 are critical to a victim of voyeurism, as they protect the victim from further victimization and distress. Victims of voyeurism may experience feelings of shame, violation, or fear and may justly fear public ridicule or judgment and continued violations by the accused. For these reasons, it is important to both a victim's safety and peace of mind that his or her personal information be protected against disclosure. Additionally, there is no public purpose that would be served by disclosure of this information.

Moreover, these protections empower victims to report and cooperate in the prosecution of voyeurism. Because of the fear and shame associated with voyeurism, victims may be deterred from reporting and cooperating with prosecution if their personal information is going to be publicly accessible. By protecting victims' personal information from disclosure, Raised House Bill No. 5485 removes this barrier.

For these reasons, the OVA **supports** Raised House Bill No. 5485. I thank you for your time and attention to this matter.

With gratitude,

Garvin G. Ambrose, Esq.
State Victim Advocate

JOINT
STANDING
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HEARINGS

JUDICIARY
PART 8
3361 – 3940

2014

Andrew (Drew) Bloom
President of the Bail Association of Connecticut
EVP 3-D Bail Bonds, Inc. DADs Bail Bonds, LLC
President of Fugitive Recovery Agency, Inc.
57 Fishfry Street, Hartford, CT 06120
860-247-BAIL(2245)

March 10th, 2014

Good Afternoon distinguished Senators and Representatives,

I would like to demonstrate my **strong support of Raised Senate Bill 5588**.

My name is Andrew Bloom. I am a licensed surety bail bondsman, bail enforcement agent, and one of the owners of 3-D Bail Bonds, Inc. which employs about 20 people.
I am also one of the owners of DADs Bail Bonds, LLC representing nearly 10,000 bail bonds written a year, a longtime member of The Professional Bail Agents of The United States, and a founding member and current President of the Bail Agents of Connecticut Association.
In my career as a Bail Enforcement Agent and as president of the Fugitive Recovery Agency, Inc., I have 1281 defendants arrested.
Bail Bonds is the only form of pretrial release to self monitor and self enforce non-compliance. No other form of pretrial release is held accountable when the principal fails.

This bill addresses issues with the length of time to collect on a promissory note.

This bill allows for a judge to extend time to the bail agent who shows good cause to find and apprehend the fugitive.

This bill addresses issues when a defendant is removed from the jurisdiction by federal officials.

This bill stops judges from reinstating bonds on defendants returned to the court more than 5 days after missing court without the permission of the surety or bail agent.

This bill will help establish a task force to examine the costs of extradition.

A bill similar in form passed unanimously last year through the House and the Senate.

The only thing I do not support is the addition of "and such sentence commences" to part (8) of Sec. 6. Section 54-66a for the same reasons I rejected similar language in Raised Senate Bill 389. This language will allow convicts to walk out of court free to victimize the public again.

Thank you,

Andrew Bloom