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SB1105

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

The Clerk please announce the tally.

CLERK:

House Bill 6776

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	83
Those voting Nay	57
Absent and not voting	11

SPEAKER SHARKEY:

The bill is passed. [gavel] Will the Clerk please call Calendar 537.

CLERK:

House Calendar 537, Favorable Report of the Joint Standing Committee on Judiciary, Substitute Senate Bill 1105, AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES.

SPEAKER SHARKEY:

Representative Tong, you have the floor.

REP. TONG (147th):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, sir.

REP. TONG (147th):

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question's on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir.

REP. TONG (147th):

Yes, thank you, Mr. Speaker. The Clerk has an Amendment LCO No. 8655. I ask the Clerk please call the amendment and I be given leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 8655, which will be designated House Amendment "A."

CLERK:

House Amendment "A," LCO 8655, as introduced by Representatives Tong and Rebimbas.

SPEAKER SHARKEY:

The gentleman has sought leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, sir.

REP. TONG (147th):

Thank you, Mr. Speaker. This bill makes various changes to our Criminal Justice Statutes, reclassifications of penalties, changes in penalties mostly suggested by the Chief State's Attorney and others. For example, it increases an assault in the second degree that results in serious physical injury from a Class D felony to a Class C felony. It also bans accelerated rehabilitation for vendors who defraud the Medicaid Program. It provides for enhanced penalties for assaulting a train conductor. It increases the probationary period for sexual assault in the first degree. It includes peace officer to include US Marshals. It also clarifies. It also clarifies other provisions of our statutes, including our Civil Discovery Statutes. It enhances penalties for hit-and-run drivers and a variety of other changes. I move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of House Amendment "A." Will you remark? Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you and good evening. I rise in support of the amendment that's before us, and certainly the Chairman of the Judiciary Committee did highlight all of the most important portions. And certainly there's other - also some technical changes that have been made.

I also wanna thank the Chairman for the ability to have an input on a lot of this, and I think that the legislation that's before us certainly has had a lot of input on both sides of the aisle, but also the pertinent departments by which needs to carry out these new laws. So I do rise in support of the amendment that's before us, and I encourage my colleagues to support it as well.

SPEAKER SHARKEY:

Thank you, madam. Do you care to remark further on House "A?" Further on House "A?" If not, let me try your minds. All those in favor of House "A," please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The amendment is adopted. [gavel] Further on the bill as amended? Representative Tong.

REP. TONG (147th):

Thank you, Mr. Speaker. I also wanna echo Representative Rebimbas' thoughts and thank her for her input. There was significant input from both sides of the aisle on this bill and appreciate everybody's help with it.

SPEAKER SHARKEY:

Thank you, sir. Further on the bill as amended? If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

CLERK:

[bell ringing] The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

[pause]

SPEAKER SHARKEY:

Have all members voted? Have all the members voted? Will members please check the board to make sure your vote is properly cast, and if all the members have voted, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 1105, as amended by House "A," not in concurrence with the Senate

Total Number Voting	137
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0
Absent and not voting	12

SPEAKER SHARKEY:

The bill, as amended, is passed not in concurrence with the Senate. [gavel] Will the Clerk please call - Representative Orange, for what reason do you rise?

REP. ORANGE(48th):

Mr. Speaker, I rise to be counted in the affirmative on that vote. I was in the room here, and I did not press my button.

SPEAKER SHARKEY:

We cannot change the vote tally, but the record of the proceedings will reflect your intention.

REP. ORANGE (48th):

I thank you so much, sir.

SPEAKER SHARKEY:

You're welcome so much, madam.

[laughter]

SPEAKER SHARKEY:

Now with that, Mr. Clerk, will you please call Calendar 405.

CLERK:

On Page 20, Mr. Speaker, House Calendar 405, Favorable Report of the Joint Standing Committee on Public Health, Substitute House Bill 5101, AN ACT CONCERNING PUBLIC POOLS.

SPEAKER SHARKEY:

The Chamber will stand at ease for a moment.

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Next, Calendar Page 21, Calendar 423, Senate Bill 1032.

THE CHAIR:

Yes, sir.

SENATOR DUFF:

Got it?

THE CHAIR:

Yes, sir.

SENATOR DUFF:

Thank you, Madam President. Next will be Calendar Page 15, Calendar 340, Senate Bill 567, to be placed on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF:

Thank you, Madam President. Next, Calendar Page 22, Calendar 432, Senate Bill 1105.

THE CHAIR:

So ordered.

SENATOR DUFF:

Thank you, Madam President. Next is Calendar Page 16, Calendar 346, Senate Bill 351.

THE CHAIR:

So ordered.

SENATOR DUFF:

Thank you, Madam President. Next, why don't we move ahead with the Judiciary bills please. On Calendar

SENATOR DUFF:

Thank you, Madam President. Before we begin with Calendar 209, Senate Bill 988, what I'd like to ask the Clerk to please read off the items on the Consent Calendar to have you vote on Consent Calendar No. 1 please.

THE CHAIR:

Mr. Clerk.

CLERK:

On Page 3, Calendar 111, Senate Bill No. 346. Page 4, Calendar 124, Senate Bill 855. On Page 12, Calendar 283, Senate Bill 509. On Page 14, Calendar 323, Senate Bill 898. Page 15, Calendar 340, Senate Bill 567. Page 16, Calendar 346, Senate Bill 351. On Page 17, Calendar 373, Senate Bill 1031. Page 21, Calendar 424, Senate Bill 1118.

Also on Page 21, Calendar 423, Senate Bill 1032. And on Page 22, Calendar 432, Senate Bill 1105. Page 22, Calendar 431, Senate Bill 1087. And Page 28, Calendar 161, Senate Bill 290. On Page 32, Calendar 241, Senate Bill 802.

THE CHAIR:

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

CLERK:

An immediate Roll Call has been ordered in the Senate. An immediate Roll Call on the First Consent Calendar of today has been ordered in the Senate.

THE CHAIR:

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

CLERK:

The first Consent Calendar for today

Total Number Voting	33
Necessary for Adoption	17
Those voting Yea	33
Those voting Nay	0
Absent/not voting	3

THE CHAIR:

The Consent Calendar passes. Mr. Clerk.

CLERK:

On Page 8, Calendar 209, Senate Bill No. 988, AN ACT UPDATING THE OCCUPATIONAL HEALTH CLINIC STATUTES. Favorable Report of the Committee on Labor and Public Employees.

THE CHAIR:

Senator Osten.

SENATOR OSTEN:

Good afternoon, again, Madam President.

THE CHAIR:

Good afternoon.

SENATOR OSTEN:

Madam President, 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?

SENATOR OSTEN:

Yes, Madam President. The Clerk is in possession of LCO No. 6185. I move the amendment and seek leave to summarize.

THE CHAIR:

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Thank you, Madam President. On Calendar Page 16, Calendar 598, House Bill 7003, I'd like to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 30, Calendar 432, Senate Bill 1105, I'd like to place that item on the Consent Calendar.

THE CHAIR: Without objection, so ordered.

SENATOR DUFF:

Thank you. And if the Senate stand at ease for a moment.

THE CHAIR:

Will the Senate please stand at ease.

(Chamber at ease.)

THE CHAIR:

Chamber will please come back to order. Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Would the Clerk please call Calendar Page 21, Calendar 632, House Bill 6774.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 21, Calendar No. 632, substitute for House Bill No. 6774, AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT, as amended - as amended by House Amendment Schedule "A," LCO

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SENATOR DUFF:

Thank you, Madam President. On Calendar Page 9, Calendar 503, House Bill 6117, I'd like to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 8, Calendar 501, House Bill 6830, like to place that item on Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. We have a number of other items on the Consent Calendar from earlier. If the Clerk can call those items and the ones I just added. And we may have a vote on the first Consent Calendar of the day.

THE CHAIR:

Thank you, sir. Mr. Clerk.

CLERK:

On Page 9, Calendar 508, House Bill 7048. On Page 8, Calendar 501, House Bill 6830. Also on Page 9, Calendar 503, House Bill 6117. Page 10, Calendar 523, House Bill 6849. Page 11, Calendar 529, House Bill 6823. Page 12, Calendar 545, House Bill 7029.

Also on Page 12, Calendar 540, House Bill 6919. And on Page 13, Calendar 567, House Bill 6921. Page 13, Calendar 561, House Bill 6907. Page 16, Calendar 598, House Bill 7003. Page 16, Calendar 595, House Bill 6820. On Page 17, Calendar 600, House Bill 6855.

Page 18, Calendar 613, House Bill 6899. Page 18, Calendar 615, House Bill 6737. On Page 19, Calendar 616, House Bill 6856. Also on Page 19, Calendar 622, House Bill 6186. On Page 20, Calendar 628, House Bill 7027. Page 20, Calendar 626, House Bill 7023.

Page 21, Calendar 632, House Bill 6774. Page 22, Calendar 643, House Bill 5780. On Page 22, Calendar 646, House Bill 7021. On Page 23, Calendar 649, House Bill 5793. Page 24, Calendar 651, House Bill 6987. Page 27, Calendar 408, Senate Bill 1030.

On Page 28, Calendar 517, House Bill 6498. Also on Page 28, Calendar 436, House Bill 5903. And on Page 30, Calendar 432, Senate Bill 1105.

THE CHAIR:

The machine will be opened. Clerk will announce a pendency of roll call vote.

CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on Consent Calendar No. 1 has been ordered in the Senate.

[pause]

THE CHAIR: (The President in the Chair)

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

CLERK:

On Consent Calendar No. 1

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Absent/not voting	0

THE CHAIR:

Consent Calendar passes. [gavel] Good afternoon, Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, I would ask that the Clerk now please call from Senate Agenda No. 1, Emergency Certified Bill, House Bill 7061, please.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 7061, AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, AND MAKING APPROPRIATIONS THEREFOR, AND OTHER PROVISIONS RELATED TO REVENUE, DEFICIENCY APPROPRIATIONS, TAX FAIRNESS AND ECONOMIC DEVELOPMENT.

THE CHAIR:

It will be a good afternoon and a good evening. But a good afternoon, Senator Bye.

SENATOR BYE:

Good afternoon, Madam President. Nice to see you today.

THE CHAIR:

It's good to be seen and good to see you, ma'am.

SENATOR BYE:

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

THE CHAIR:

The motion's on acceptance and passage in conjunction with the House. Would you remark?

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Do not delay and do not return unless and until you are advised that it is safe to do so. In the event of a lockdown announcement please remain in the hearing room and stay away from the exit doors until all clear announcement is heard. Thank you.

REP. TONG: That might have been the best yet, Representative Porter.

Good morning, everybody. Welcome to the public hearing. As you all know, members are assembling and are in and out because we have various meetings going on at the same time, so we'll just get started. Kevin Kane. Is Kevin here? Good morning, Mr. Chief State's Attorney.

SB1092 SB1105 SB1107 SB1109 HB7013 HB7025 SB1093

KEVIN KANE: Good morning, Chairman Tong and Representative Rebimbas and Senator Kissel and, I'd better turn on my mike.

Good morning again, Representative Tong, Representative Rebimbas, Senator Kissel and members of the Committee. Thank you for having us here and you have a lot on your agenda today.

We've submitted written testimony on Senate Bill Number 1, Senate Bill 652. The written testimony says we're opposed to that, or we ask that the Committee take no action. That's a very mild opposition for reasons while I'll explain in detail later on.

We submitted testimony on Senate Bill 1092 on your agenda.

We submitted written testimony on Number 6, Senate Bill 1105. That is what we call our omnibus bill. It's very important. I'll go into that a little bit.

We've submitted written testimony on Senate Bill Number 1107 concerning oversight within the Division of Criminal Justice.

We've submitted written testimony on Senate Bill 1109 AN ACT CONCERNING EXCESSIVE USE OF FORCE.

And we've submitted written testimony on 713, 7013 DNA TESTING FOR PERSONS ARRESTED FOR MURDER OR SEXUAL ASSAULT.

And we've submitted written testimony and Steve Sedensky next to me, the State's Attorney from the Judicial District of Danbury is going to testify in detail on this, House Bill Number 7025 AN ACT CONCERNING OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE WITH A CHILD IN THE CAR.

With regard to the bill that's Number 1 for a subject matter hearing on the bill, I'd like to talk about a bill like that. There has been a great deal of understandable concern about how we investigate and, or should investigate incidents where somebody dies as a result of deadly force used by the police. SB652

I'd like to say for background first, I'll go into a little bit how we handle those and why they're so important now. This has been going on for many years. Back in the nineties, late nineties, there were two deaths in particular

KEVIN KANE: I know you have a lot. We have written testimony and it's detailed. I'd like to just quickly, there's one bill, Senate Bill 1105 AN ACT CONCERNING MINOR REVISIONS TO THE CRIMINAL JUSTICE SYSTEM.

This does have minor revisions to many different statutes and because it's minor and because it's like that, I don't want you to forget about it. There are a lot of more important issues here that will be at the top of your conscious mind.

This is an important bill. There, I don't want to go through it section by section now unless you'd like me to, but we've addressed it in the written testimony and we'll be glad to answer questions anybody may have at any time about this in the future. I don't want to take up more time about that.

(SB1109) There are different things in at least one of these bills about body cameras, for instance. That's an example of something that looks very good to solve a lot of issues and it is very good to solve a lot of issues.

There are a lot of issues to be very concerned with about jumping into that, among the variety of which are the need to preserve the digital images and the audio images that are taken. The fact that it constitutes evidence, the fact that people obviously now are going to want immediate access under the FOI laws to that, the fact that people are going to be hesitant to call the police for help and have the police come into their homes whether it's a domestic violence case or a case of the parent with a problem with a child or a sexual assault victim of any number of victims and suddenly have these conversations and scenes and visual images all recorded now and ultimately be made,

The golden rule for me is, you treat people the way you want to be treated and I think it is about communication and that means, you know, the way you speak to people, like the other chief said, like you said, how we communicate with one another. So thank you for that.

ANDREW MATTHEWS: Yes, ma'am.

REP. PORTER: And I think that's it. Thank you, Mr. Chair.

REP. TONG: Thank you, Representative. Further questions? Thank you.

ANDREW MATTHEWS: Thank you.

REP. TONG: Andrew Bloom. Good evening.

ANDREW BLOOM: Good evening. My testimony says good afternoon.

REP. TONG: You wish.

SB 1105

ANDREW BLOOM: Good evening distinguished Senators, Representative and members of this Committee. My name is Andrew Bloom. I'm a bail bondsman, bail enforcement agent for almost 20 years. Many of you have seen me come here as that pain in the butt testifying about bail bond bills every year.

I don't consider myself a pain in the butt, but I do like to come here and talk about the bills if they're good, bad or indifferent.

In my 20 years in my career as a bail enforcement agent and President of Fugitive Recovery Agency I personally arrest and detain nearly 1,500 people and overseen nearly 10,000 arrests and detentions.

Bail bonds are the only form of pretrial release that monitors and enforces noncompliance, self monitors and enforces noncompliance. No other form is held accountable to the same standard as we are.

When a principal fails in the bail bond industry in our program, we arrest them and return them and return them to the court at our expense.

If we don't find them, we pay the bond. Others just kick them out of their programs and pass the buck onto the overtaxed police departments who have no magic warrant squads that can go out and pick these people up. Perhaps they'll get them when they turn right on red where they shouldn't have.

Section 2 amending 54-65c of the General Statutes provides for bail bond companies to pay for extradition of defendants who are held in other states. I believe this would work well if the state does not attempt to enrich itself with those extradition costs. I think it's a great concept and I believe that it would help us bring people back to the state who have committed crimes and left the state.

So many times people leave the State of Connecticut after committing a crime, cross state lines and Connecticut says well, it's just not worth it to bring them back. Here, this would make it worth it because we'll pay for it as the bonds companies.

We must remember that those charges will be ultimately paid by the consumers or indemnifiers who co-sign for them, so I caution that those fees cannot be a mechanism for the state to make money. It has to be reasonable

and fair and legitimate. There has to be accountability for what those costs are.

I believe a task force or committee to determine the feasibility of how extradition will occur and how much it will cost the public is in order, and definitely I would like to volunteer my time and talent to serve in such capacity.

As a fastidious expert in Connecticut surety bail bonds laws and practices, I believe I would be a valuable asset, an invaluable asset actually, and my experience and knowledge of the subject matter would help any committee discuss bail bonds and bail enforcement issues on any level. I welcome any questions about this.

REP. TONG: Thank you. Representative Gonzalez.

REP. GONZALEZ: Thank you, Mr. Chair. So when you said that you bail somebody out and if that person disappear, you have to pay the court whatever the bond was, right?

ANDREW BLOOM: Yes, if we don't find them.

REP. GONZALEZ: If you don't find, right. Sometimes you can, and correct me if I'm wrong. Sometimes let's say that the bond was $1,000. You can sometime negotiate the bond. You don't have to pay sometimes exactly $1,000. Sometimes you can come up with an agreement or most of the time it's exactly the same amount?

ANDREW BLOOM: The Chief State's Attorney's Office many years ago came up with a compromise schedule that allows us to, as long as we pay it in a timely manner, there is a compromise with the bail bonds company and a lot of times that makes it worth our while to pay that

forfeiture for the state rather than to fight it and litigate and attempt to get a remission if the person's brought back say eight or nine months later.

If we take advantage of that compromise, there's no remissions on people arrested six months and one day later, or a year later or two years later. So without that remission, it makes it advantageous for us to take the compromise.

REP. GONZALEZ: To take the compromise. Okay. And the big question here is, the big question is here, if the state wants to, let's say that the person doesn't appear to court, unless the person let's say in Miami, so the state will go and pick that person up in Miami and bring him back. But it is going to be on the expenses of the state?

ANDREW BLOOM: Only if we are willing to pay for the extradition the state would bring them back, and in most cases, depending on the size of the bond, we would have to make a business decision.

So if it was $500 bond, we're not going to pay the state what it would cost to bring this person back. We'll pay the forfeiture to the state. But if it's a $10,000 bond, we would happily pay the state what it would cost to bring the person back through the state's extradition processes and as long as it's a reasonable amount and they're not gorging us for that.

And a lot of times, the U.S. Marshal Services have been used nationwide as a member of PBAUS, Professional Bail Agency of the United States. I've spoken to bail bonds companies in other states and like for instance, I have a company

that I spoke to when I was out there this year in Las Vegas for the annual convention, the guy from Michigan was telling me it cost him $800 to have somebody brought from San Diego all the way back to Michigan. Eight hundred dollars. It would have cost him probably about $3,000 to $4,000 to go pick the guy up and bring him back, so instead, it was much less expensive to use the marshal services and they're in the system.

Once they're caught and in the system, they're ultimately going to make it back, so people can't just commit crimes in Connecticut, cross state lines and thumb their noses up saying, oh, they won't extradite me. I can just go anywhere, they won't bring me back.

REP. GONZALEZ: Yeah, but then the question here is, you never know as a bail bond, you will never know much it will cost to bring that person back and I don't think it's fair because they said I'll go pick him up and I decide to stay two days in Florida and you know, rent a hotel, nice food or whatever, good food and all of that and then I'm going to charge you for less than the bond, so you collect $1,000. But in the end you end up paying let's say $3,000, so it's not, I don't think that is right because that means that you pay more than what you collect.

ANDREW BLOOM: True. And that's why it needs to be reasonable and fair. There needs to be, I believe that if they do a task force or a committee to figure out exactly what these costs will be, they can look at it and figure out what, they can estimate what these costs are going to be and if they come with a schedule and say a bond, you know, somebody in California, it's going to cost you this much to

bring them back, and that's just going to be what it's going to be.

And, you know, perhaps, you know, if it costs $1,000 or $1,200 or even $1,500 to bring somebody back from California and they say that's what it will always be to bring them back from California, then that stops them from saying you know, from somebody running up an expense report while they're bringing them back. It just is what it is. That's why a task force to come up with these amounts could set what the amounts are nationwide for each state and say, if we're going to bring somebody back from California, this is what it will cost.

If we're going to bring them back from Miami, this is what it will cost, and we can make an informed decision at that point, do we want to pay to have them brought back and if we're willing to, we pay it up front and they bring them back. If we're not willing to, we pay our forfeiture, happily.

REP. GONZALEZ: Sounds fair. Thank you. Thank you.

ANDREW BLOOM: Thank you.

REP. TONG: Further questions? Thank you.

ANDREW BLOOM: Thank you for your time everybody.

REP. TONG: Have a great weekend.

ANDREW BLOOM: Thank you, you, too. Drive careful, everybody, please.

REP. TONG: Mark Sarsfield. Good evening.

HB 7028

MARK SARSFIELD: Good evening. Members of the Judiciary Committee. My name is Mark

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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 20, 2015

Good Afternoon distinguished Senators and Representatives and members of this committee,

I would like to demonstrate my **support of Raised Senate Bill 1105.**

My name is Andrew Bloom. I have been a licensed surety bail bondsman for almost 20 years, 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 which over the years has represented nearly 10,000 bail bonds written a year, a longtime member of The Professional Bail Agents of The United States, and was a founding member and President of the Bail Association of Connecticut. In my career as a Bail Enforcement Agent and as president of the Fugitive Recovery Agency, Inc., I have personally arrested and detained nearly 1500 defendants while overseeing my company's nearly 10,000 arrests.

Bail Bonds is the only form of pretrial release that monitors and enforces non-compliance. No other form of pretrial release is held accountable or to the same standard, when the principal fails, as we are in the bail bond industry. When our defendants fail our "program" we arrest and return them to court at our risk and expense. If we don't find them, we pay the bond. Others just kick them out of their programs. We look for our skips. They pass the buck onto the overtaxed police departments who have no magic warrant squads out there looking. Perhaps they will get them when they improperly turn right on red.

Section 2 amending 54-65c of the general statutes provides for bail bonds companies to pay for extradition of defendants who are held in other states. I believe this would work well if the State does not attempt to enrich itself with the extradition costs. We must remember that these charges will ultimately be paid by the consumers or indemnitors who sign for their loved ones. This cannot turn out to be a mechanism for the state to make money on their backs. The costs must be legitimate and fair.

I believe a task force or committee to determine the feasibility of how extradition will occur and how much it will cost the public is in order and I definitely would like to volunteer my time and talent to serve in such a capacity, as an expert in Connecticut Surety Bail Bonds laws and practices. I believe my years of experience and knowledge of the subject mater would make me an invaluable asset to any committee that discusses bail bonds and bail enforcement issues.

Thank you,

Andrew Bloom

State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
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Testimony of
Deborah Del Prete Sullivan, Legal Counsel, Director
Office of Chief Public Defender

Judiciary Public Hearing – March 20, 2015
Bill No. 1105
An Act Concerning Minor Revisions to the Criminal Justice Statutes

While not opposing Bill *1105, An Act Concerning Minor Revisions to the Criminal Justice Statutes* in its entirety, the Office of Chief Public Defender is opposed the addition of language in sections 9, 10 and 11 which would amend C.G.S. §53a-151, Tampering with a Witness; C.G.S. §53a-151a, Intimidating a Witness; and, C.G.S. §53a-155, Tampering With or Fabricating Physical Evidence, respectively. The proposal adds the term "investigation" without defining it. As such this is a substantive change to the statutes.

Investigations of a criminal offense routinely take place without any criminal charges being lodged against anyone or the existence of a criminal proceeding. This proposal provides no safeguards for the constitutional rights of persons, including the parents of minor witnesses, creating a risk that the term investigation will be loosely applied. By including "investigation", is it possible that the mere questioning of anyone, including a minor, by law enforcement or a prosecutor, is an investigation or an investigation "about to be instituted"? Such questioning can occur under various circumstances and just about anywhere including a street corner, inside or outside a school, a place of business, a home, a police station, or a prosecutor's office. For example, if law enforcement stops a person on the street and asks for your identification, should you assume there is an investigation or that one will be instituted? Is this "investigation" documented by law enforcement anywhere? Or is there documentation only if an investigation results in an arrest and the witness' information was utilized?

Assume for instance the following facts: a child age 15 attends a school where there was a confrontation between other students. The 15 year old was not involved but may have observed

the confrontation. The 15 year old is walking home from school, is stopped by the police and asked what he saw. The 15 year old is afraid to talk to the police and does not provide any information. When he goes home and tells his parents what transpired, the parents tell him not to speak with anyone about the incident until they consult with an attorney. Are the parents telling this "witness" to withhold information and therefore can be charged with tampering with a witness? What if there wasn't any confrontation at the school, but the police ask whether there were any fights at the school in the last week? Is this an investigation? Is the 15 year old being compelled to speak with the police?

In addition, who bears the burden of proving that a person "believed" that an investigation was pending or "about to be instituted". And how is that burden met if not memorialized? What is the time frame for the phrase, "about to be instituted", a week, a month, six months?

The addition of this language widens the net under the statutes and permits law enforcement to question or investigate anyone or anything, without having to document such, much like an investigative subpoena. However, at least with an investigative subpoena, you at least have a piece of paper, although an investigative subpoena should never be allowed either. As drafted, this bill would penalize conduct that is truly not tampering or intimidating in the sense that the drafters intend. For these reasons, the Office of Chief Public Defender opposes Sections 9, 10 and 11 and asks this Committee not to act favorably.

CCDLA
"Ready in the Defense of Liberty"
Founded 1988

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March 20, 2015

The Honorable Eric D. Coleman, Co-Chair
The Honorable William Tong, Co-chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, Connecticut 06106

Re: Raised Bill No. 1105, An Act Concerning Minor Revisions to Certain Criminal Statutes

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, the CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

The CCDLA strongly **opposes Sections 9, 10 and 11** of **Raised Bill 7027, An Act Concerning Minor Revisions to Certain Criminal Statutes**. These three sections amend the statutes that provide for the prosecution of a person for Tampering with a Witness (~~pursuant to~~ C.G.S. 53a-151), Intimidating a Witness ~~pursuant to~~ (C.G.S. 53a-151a), and Tampering With or Fabricating Evidence ~~pursuant to~~ (C.G.S.53a-155). Currently, the statutes prohibit certain conduct once an official proceeding has begun. These changes would prohibit behavior before any law enforcement agency starts an official proceeding and *even before a law enforcement agency begins an investigation.* There are several problems with this broad, expanded language.

First, there is no definition contained within this bill that defines an "investigation" or what it means for when an investigation "is about to be instituted" and nothing that determines the burden of proof with regard to a person's "belief" that an investigation "is pending or is about to be instituted." ~~if the alleged conduct occurs prior to or during a law enforcement investigation. These modifications significantly expand the tampering statutes to cover conduct occurring during an investigation and conduct that occurs before an investigation even begins.~~ As this Committee may be aware, law enforcement investigations often are covert, fluid, and extend over long time periods. At other times, investigations are spontaneous, ephemeral and undocumented and may result in no criminal charges being lodged. Even with formalized investigations, the targets of these inquiries often don't receive any notice (official or otherwise) that they are being investigated. In fact, investigating authorities may strategically avoid naming

a targeted individual as an investigation progresses and evidence is gathered -- making it difficult, if not impossible, for an outsider to determine the existence of an investigation. The lack of notice — to targets and witnesses alike -- regarding the inception of an investigation makes this proposal unworkable.

Second, t~~T~~his bill will create scenarios in which parents, friends or associates of witnesses arguably would engage in "tampering" behavior simply by discussing whether or not the witness should provide a statement to the police or otherwise cooperate with an ongoing investigation. If passed, this proposal will isolate witnesses and enable law enforcement to improperly exert pressure not only on the witnesses but on their families, friends and associates as well.

~~The CCDLA further endorses the testimony submitted by the Office of the Chief Public Defender concerning the problems with identifying when an investigation "is about to be instituted" and determining the burden of proof with regard to a person's "belief" that an investigation "is pending or is about to be instituted." As this Committee may be aware, law enforcement investigations often are covert, fluid, and extend over long time periods. At other times, investigations are spontaneous, ephemeral and undocumented -- this is particularly true with regard to motor vehicle and pedestrian street stops in which no one has been arrested and there are no other indicia of a formal investigation. Even with formalized investigations, the targets of these inquiries often don't receive any notice (official or otherwise) that they are being investigated. In fact, investigating authorities may strategically avoid naming a targeted individual as an investigation progresses and evidence is gathered -- making it difficult, if not impossible, for an outsider to determine the existence of an investigation.~~

The CCDLA is concerned that passage of this bill will provide law enforcement~~The lack of notice -- to targets and witnesses alike -- regarding the inception of an investigation makes this proposal unworkable. The second problem lies~~ with the unfettered ability ~~of police to use this statute strategically~~ to inappropriately pressure individuals to "cooperate" with law enforcement which they currently have no obligation to do.

The final~~he third and perhaps most significan t~~ concern with this proposal involves the potential for constitutional violations. To criminalize conduct that a law enforcement agency deems intrusive with regard to one of its investigations (informal or otherwise) is to cast an extraordinarily wide net and runs afoul of our First Amendment free speech protections.

For all the reasons stated above the CCDLA **strongly opposes Sections 9, 10 and 11** of **Raised Bill 1105, An Act Concerning Minor Revisions to Certain Criminal Statutes.** The CCDLA takes no position as to the bill's other sections. If you have any questions regarding this testimony please feel free to contact me.

Respectfully submitted,

Elisa L. Villa
President, CCDLA
860-655-9434

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

S.B. No. 1105 (RAISED) AN ACT CONCERNING MINOR REVISIONS TO THE CRIMINAL JUSTICE STATUTES

JOINT COMMITTEE ON JUDICIARY
March 20, 2015

The Division of Criminal Justice respectfully requests the Committee's JOINT FAVORABLE REPORT for S.B. No. 1105, An Act Concerning Minor Revisions to the Criminal Justice Statutes. This bill was presented to the Committee as one of the Division's 2015 Legislative Recommendations and is the result of our ongoing review of criminal statutes conducted with input from prosecutors and other Division employees throughout the State.

The bill may best be explained by examining its various sections:

Section 1 addresses the issue raised by our Appellate Court in *State v. Moore*, 85 Conn. App. 7 (2004) and clarifies that when a court imposes a sentence that includes a period of incarceration and a period of probation the probation does not begin until the individual has completed his or her incarceration. Since the purpose of probation is to provide supervision in the community, a period of probation should not be allowed to be substantially reduced or run out entirely when the probationer is in custody of the Department of Correction.

Section 2 of the bill makes a professional bondsman, surety bail bond agent or insurer responsible for paying the costs of returning to Connecticut a person for whom they post bond who absconds and becomes a fugitive. These costs are now borne by the taxpayer at an annual expense of approximately $190,000, which is reflected in the Division's budget. When a professional bondsman, surety agent or insurer issues a bail bond, he or she is, in effect, extending a guarantee that the person will appear in court. It is the professional bondsman, surety bail agent or bail insurer who should be held financially responsible to assure the appearance of their client – not the taxpayer. If the bondsman, surety agent or insurer makes what basically turns out to be a bad business decision, then he or she should bear the consequences, not the taxpayers.

Section 3 of the bill is essentially a technical change to the statutes reflecting an apparent oversight in the drafting of the Home Invasion statute enacted as Public Act 08-1, January

Special Session, and since codified as Section 53a-100aa of the General Statutes. Section 3 would include Home Invasion among the predicate offenses for the crime of Felony Murder. In layman's terms, Home Invasion is simply a more serious form of the crime of Burglary, and since Burglary is already a predicate offense (among others) for Felony Murder, Home Invasion should be as well.

Section 4 of the bill allows for a more serious and appropriate penalty for the crime of Assault in the Second Degree when the victim suffers serious physical injury. Under current law the maximum penalty for intentionally beating someone into a coma with one's fists is the same as for causing a person pain by kicking him or her in the shin with a boot. This bill does not change the definition of what constitutes Assault in the Second Degree, which is now classified as a class D felony. All that it does is change the classification to a class C felony and the applicable maximum penalty when the assault results in serious physical injury.

Sections 5 through 7 of the bill clarify when the registration begins for those sexual offenders required to register with the Sex Offender Registry for ten years. This bill would start the ten-year period upon the offender's release into the community. The reason that an offender is placed on the Sex Offender Registry is to protect the public safety. The public should receive the benefit of notification for the full ten years; the registration period should not be reduced or allowed to expire altogether when the offender is incarcerated and poses no risk or danger to the public.

Section 8 of the bill is intended to provide for a more appropriate means of disposition in certain cases of Simple Trespass as defined in Section 53a-110a of the General Statutes. There have been criminal cases where the arrestee was charged with the misdemeanor crime of Criminal Trespass (Sections 53a-107 through 53a-109). This includes incidents where the defendant not only entered the property with no intent to harm any property but *remained unlawfully*. The most appropriate disposition in such a case would be to substitute the lesser infraction of Simple Trespass, which would move the case from the regular docket to a magistrate and allow for the lesser penalty for an infraction. However, the current language precludes this. The change proposed in Section 8 benefits all parties concerned; the court, the defendants and the state.

Sections 9 through 11 of the bill clarify the statutes dealing with Tampering with a Witness, Intimidating a Witness, and Tampering with Physical Evidence to address the anomaly resulting from the decision of our Supreme Court in *State v. Jordan*, 314 Conn. 354 (2014). In that case, the court ruled that evidence that the defendant tampered with the evidence to escape detection and avoid being arrested was insufficient to establish the crime of Tampering with Evidence. The bill clarifies that the three statutes noted would be violated when the defendant attempts to influence investigations as well as official proceedings.

In conclusion, the Division respectfully requests the Committee's JOINT FAVORABLE REPORT for S.B. No. 1105. The bill addresses several outstanding issues and concerns affecting the criminal justice system and the effective and efficient operations of the system. The Division wishes to thank the Committee for its consideration of this legislation and we would be happy to provide any additional information or answer any questions