

Legislative History for Connecticut Act

HB 2920	PA 871	1967
House	2794-2795	(2)
Senate	2115-2116	(2)
Judiciary	155-158, 161	(5)

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GEN. ASSEMBLY  
HOUSE

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that would be a wise thing for us to do for many, many reasons. I'm sure that the questioner is in full knowledge of some of the reasons I could put forth, which I would be willing to do, but I don't want to take the time of this Assembly by burdening them with a lengthy answer.

THE SPEAKER:

Will you remark further? If not, the question is on acceptance and passage. All those in favor? Opposed? The bill is passed.

THE CLERK:

Calendar 756, Substitute for H.B. 2920, An Act concerning the Admissibility of Evidence Obtained by the Use of an Electronic Device, Favorable report of the Committee on Judiciary.

MR. BRADLEY (85th):

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

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. BRADLEY (85th):

This is a one line bill. I think that it speaks for itself. Recently we passed some legislation that made it illegal to wiretap. Unfortunately, the civil law, at least, seems to be that despite the criminal penalties attached to this crime, it could be admissible in a civil court, and would lead to a very funny situation, the perils of which I think are readily understandable. I urge its passage.



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MR. KING (48th):

I agree with Bradley that this is a very short bill, and I'm wondering perhaps if it isn't too short. The term "electronic device" I think may very well cover a very broad spectrum. I have a strong feeling that an electric typewriter may be, in some uses, an electronic device. Is Mr. Bradley saying that this bill implies that any evidence written on an electric typewriter, if it were keyed in with electronic devices, would not be admissible? I think sometimes that, in the interest of brevity, we may obscure the real meaning which we have. And this may be one of those cases.

MR. BRADLEY (85th):

While I realize that wasn't really a question, but some advice to me, I think that the main word of this is "illegally", and I would say to that that if the evidence was obtained illegally by a typewriter, it should be excluded from evidence. If it was obtained illegally by any other device it should be out of evidence. The word "illegally" is what changes the concept of the original bill which I admit was poorly drawn.

THE SPEAKER:

Will you remark further? If not, the question is an acceptance and passage. All those in favor? Opposed? The bill is passed.

THE CLERK:

Calendar 757, Modified H.B. 4457, An Act concerning the Reopening of a Judgement upon Default or Nonsuit. Favorable re-

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SENATOR CALDWELL:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. This bill will insure that the name appearing on a nominating petition is identical with that which appears on the Registry list. Consequently, a candidate who fills the statutory requirements, with regard to a nominating petition will be certified and placed on the ballot labels under the exact name which appears both on the petition and the registry list.

THE CHAIR:

If there are no further remarks, all those in favor of passage signify by saying "aye". Contrary minded. The ayes have it and the bill is passed.  
Cal. No. 959 File No. 872 House Bill No. 2 745 An Act concerning Attachments in Libel or Invasion of Privacy Actions. Favorable report of the Judiciary and Governmental Function committee.

SENATOR PICKETT:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. Mr. President, this bill does exactly as the title indicates and eliminates the invasion of privacy action.

THE CHAIR:

Will you remark further, If not, all those in favor signify by saying, "aye". Contrary minded. The ayes have it and the bill is passed.  
Cal. No. 960 File No. 873 Substitute for House Bill No. 2920 An Act concerning the Admissibility of Evidence Obtained by the Use of an Electronic Device. Favorable report of the Judiciary & Governmental Functions committee.

SENATOR PICKETT:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. This is a short bill, it will make admissibile any kind



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of action evidence obtained by the use of devices obtained illegally.

THE CHAIR:

If there are no further remarks, all those in favor of passage of this bill signify by saying, "aye". Contrary minded. The bill is passed.  
Cal. No. 961 File No. 874 Modified House Bill No. 4457 An Act concerning the Reopening of a Judgement upon Default or Nonsuit. As amended by House Amendment Schedule A.

SENATOR PICKETT:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. Mr. President, in the statutes there is a procedure for reopening of judgments upon default or nonsuit, this would provide for the plaintiff to do so in certain conditions of the bill.

THE CHAIR:

If there are no further remarks, question is on the acceptance of the favorable report, all those in favor signify by saying, "aye". Contrary minded. The ayes have it and the bill is passed.

Cal. No. 962 File No. 875 <sup>Mod.</sup> ~~Substitute for~~ House Bill No. 5092 <sup>4614</sup> An Act concerning Examination of Jurors with respect to qualification for Trial  
~~the Running of the Statute of Limitation.~~ Favorable report.

SENATOR PICKETT:

Mr. President, I move for acceptance of the Committee's favorable report and passage of the bill. This is a Litigation that the Council will have the right to question each juror individually and not subjected to the requirements of submitting written questions to the Judge.

THE CHAIR:

Question is on the acceptance of the committee's favorable report and passage. All those in favor signify by saying, "a ye". Contrary minded.

JOINT  
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party. Now Sections B and C take the existing law and eliminating references to conditional sales, chattel mortgages, conditional sellers and chattel mortgagees etc. and substitutes the language of the uniform commercial code. This is recommended because because we suppose that it is possible that in a criminal statute reference to a chattel mortgage when our statutes are non-criminal statutes say the chattel mortgage no longer exists in this state, might be a fatal defect in a prosecution under the sections. With that background, I would suggest that no section of this bill represents any substantial departure from the public policy that existed for many years and we recommend the bill to you. On the other bill that you called, I know nothing about it. Thank you.

Sen. Pickett

Any other speakers on S. B. 340? Hearing none we will declare the hearing closed on that bill. The next one will be 890 on Wire Tapping. Do some of the people that spoke previously on other bills want to speak on this bill. If so, please raise your hands. 890 and 2920, Mr. Markle.

Arnold Markle

890 I would submit respectfully is covered by Section 605 of a federal act which prohibits except to lawful authorities this being done, any information being given to the person. Also I would submit that our own statute forbids anyone who makes a connection by wire or otherwise we presently have a statute that prohibits this so that wire tapping is at the present illegal under the state law in the State of Connecticut and illegal, the divulgence is illegal under the federal law under 605. As to, I'm sorry but what was the other bill, but let me ask you this, this bill only purports to double the penalty, how do you feel about this. 890. I didn't understand it. I thought it meant to change it to some extent. If its only to double the penalty I don't think that there would be anything against it. Then I am right. It is just exactly the same as the bill now on the books.

Sen. Pickett

2920 is the other bill Mr. Markle.

Arnold Markle

2920, recently the Supreme Court of the United States allowed the utilization of an electronic tape recorder on the person of an undercover agent. This is going to prohibit this broad language is going to prohibit many



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things. The branch now behind the Supreme Court of the United States in allowing the tape recorders to be used is that it would be better to depend on the dependability of the tape than the accuracy of the tape than on the memory of man providing the tape had not been tampered with which is something the prosecution must first prove. But this bill, it says any electronic device, would prohibit us from sending an undercover agent in with an electronic device on him, such as a tape recorder. Now there are many times when you have bribery cases, or extortion cases where you wish to protect the witness and sometimes you aren't only using only government agents or state agents but I have had cases where I have had to utilize people who are engaged in the business and there have been ten to fifteen long conversations and we have put a tape recorder on the person and recorded the conversations. For the accuracy and the reproduction in the court. And once we have satisfied the court that it is an accurate and true reproduction and not tampered with, it certainly is a better memory device than a person who has had to sit through five or six tormenting extortion sequences. Also I would submit, many times you have threatening phone calls coming in, harrassing phone calls, and if we were to forbid the monitoring of these phone calls again this quite often saves a woman great embarrassment from going on the stand and having to repeat those words which were said to her at the time. And harrassing phone calls are substantially increasing throughout this state. I would say that this type of bill becomes dangerous in the broad latitude that it has because the electronic device if properly used by law enforcement, and I know of no case where it hasn't been, is a good protection for the accused as well as the state.

Sen. Pickett Thank you Mr. Markle, Major Williams.

Major Williams All the same bills, 2920, we were just going over this morning the things that would be forbidden by the broad sweep of these words, the electronic device. Our radio, our radar, burglar alarms, night surveillance devices that use infra-red which are again operated through electronic principles. Just recently the other night in Newton they apprehended a burglar through electronic device that takes this photograph. I don't think the intent of this bill was as sweeping as it would appear to be. Perhaps they were



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talking about eavesdropping or something but the way it is written, it just about stops everything we use electricity with.

Sen. Pickett

While you are on your feet, Major, any other bills you want to speak on?

Major Williams

1044 and the companion bill 3106 in which there is a proposal to make the State Police Department a controlling agency to award funds 25% of the total budget of any local police department for developing programs etc. This would place a burden upon the State Police Department and would just about put us out of business. With the seventy some police departments, I'm certain that all of them would seek the funds that are being held forth here and we would have to investigate every department and approve every program and we would something in the position of the national law enforcement assistance people who are swamped in this respect. 2483 is a bill which states that no state policeman can patrol on the highway after sunset and before sunrise unless there is another policeman with him. Ladies and gentlemen this would completely destroy our efficiency at night, it would cut our force in half. Some of our troops we have three men out and that would offer a problem of dividing them up too. The penalties for altering the seals, we have had cases in which we have arrested young people who have counterfeited these seals for purposes of making identification to buy liquor and we find that there is no protection in relation to those particular seals. 1257 they are just doubling the penalty for littering. We would like to find some way to identify the litterers, but we agree that this is a very difficult problem.

Robert Nevecki

Ladies and gentlemen my name is Robert Nevecki and I represent the Southern New England Telephone Company, we are going to talk about only 2920. I believe Mr. Markle covered naturally the point that we want to make. Many of the veteran members of this committee know that a perennial problem that this committee has dealt with is been the subject of obscene and threatening telephone calls. There is no bill this session. We like to think the reason there isn't is because we are beginning to deal with this problem. We are dealing with it through the use of an electronic device which we call a trapping circuit. As



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a result of the use of the trapping circuit a great many people have been apprehended and convicted. One of the consequences of the passage of this bill would be of course that we would no longer be able to use that device and on that basis I think we would recommend that the bill be rejected.

R. Danaher

I simply want to, Robert Danaher appearing on behalf of the Connecticut Bar Association, I simply want to point out that we are opposed to 2920 for the reasons which have already been given. It is entirely too broad although I am sure that the bill was designed to deal with eavesdropping; its obvious that it doesn't do that. It goes way beyond it.

Sen. Pickett

We will close the hearing on 2920. The next category will be S. B. 971 An Act Concerning The Discharge of a Defendant Where a Nolle Prosequi Has Been Entered. No one here has appeared. I know that Senator Buckley has expressed interest in it. The next one is the very next bill, Senator Millers bill An Act Concerning State Assistance For Local Law Enforcement, Major you have spoken on that already. Anyone else on 1044 or 3106. Again I note for the record that Major Williams has covered that already, and none we will skip to S. B. 1229, Senator Burke would you like to speak on your own bill. Mr. Carroll has expressed a desire to speak but he is at another hearing but he will be here at the end of this session, on 1229 and for that reason we will pass that temporarily and take up 1257 Concerning Throwing Offensive Materials on Public Properties. Major Williams has spoken on that. The next two bills we will lump together An Act Concerning Temporary Detentions By Police Officers and An Act Concerning The Temporary Questioning of Persons In Public Places and Search for Weapons. Senator Fauliso. 1395 and 1399.

Sen. Fauliso

Mr. Chairman this demonstrates unequivocally that I am for law and order notwithstanding any sentiments otherwise. I have second thoughts however about this bill. I think that the police should have some protection in the night time, I think they should have the right to stop the person under the circumstances outlined in this bill. I would have some doubts about the extent, or the time. This sets forth two hours. I might consider one hour as being reasonable. But I do think that the intent of this particular



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good they may do but rather by the harm they may inflict on innocent people in the hands of officious or unscrupulous people. With your permission I would like to go to 4011 if I may. On 4011 our concern here is rather minor, it may be serious to you. We question the constitutionality of this bill. It is a proper function of the Judicial Department to do things that this bill asks be done? Wouldn't it be a proper function of either the legislative department or the executive department rather than the judicial department? Thank you very much for listening to me.

Sen. Pickett        We will close the hearings on 1395 and 1399. Which bill do you want to speak on sir?

Igor Sikorsky      May I address the committee on several bills.

Sen. Pickett        Which bills?

Igor Sikorsky      The stop and frisk bills and the others.

Igor Sikorsky      My name is Igor Sikorsky and I am appearing on behalf of the Connecticut Civil Liberties Union and rather than take up your time might I just briefly state our position on these bills very briefly. First as to S. B. 890 and H. B. 2920 both of which deal with wire trapping or what is labeled, wire trapping and electronic devices, the Civil Liberties Union wishes to register its opposition to both those bills. We feel that they are unwarranted invasion of privacy at a time when the courts and society are becoming increasingly concerned with the right of privacy and we feel that this would be a step backwards in this question. Now on the several bills that deal with,

L. Matarese        Mr. Sikorsky, just one question, Lucille Matarese of the committee, on S. B. 890 which we previously discussed, all this does is to increase or double the penalty. Are you opposed to this?

Igor Sikorsky      I'm sorry, I misread that then. We take no stand on that question of penalties is not something, I'm sorry I misread that. No taking if I might just briefly I think this whole question of the rights of police officers to stop and detain a person. I am referring of course to S. B. 1395 and I believe 1399. The Civil Liberties Union wishes to