

Legislative History for Connecticut Act

HB 6717	PA 826	1969
Guid. - 0		0
Senate - 3098 - 3108, 3593 - 3594		13
House - 3865 - 3870		6
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1969

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rules of the center.

THE CHAIR:

Further remarks on this bill. If not, as many who are in favor signify by saying aye, opposed. The aye's have it and the bill is passed.

THE CLERK:

Calendar No. 1212, File No. 1162. Favorable report of the Joint Standing Committee on Judiciary and Governmental Functions on Substitute House Bill No. 6717. An Act concerning the Composition of the Bail Commission and Its Jurisdiction and the Jurisdiction of Local Police Departments.

THE CHAIR:

Senator Moore from the 20th District.

SENATOR MOORE:

Mr. President, the Clerk has an amendment.

THE CLERK:

This is Senate Amendment A as offered by Senator Moore.

In Section 1, starting with line 8, delete the entire parenthesis (b) through the word "court" in line 25 and substitute in lieu thereof the following:

"(b) The judges of the circuit court shall appoint for such terms (at such compensation) as judges may establish, (a chief bail commissioner, whose full-time duties shall be to supervise and direct the operation of the bail commission as may be assigned to him by said judges, and at least one full or part-time bail commissioner for each of the eighteen circuits (and such other

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personnel as may be required). The salary of each full-time bail commissioner shall be established by said judges who shall also establish a fee schedule for payments to part-time bail commissioners for services rendered by them. A bail commissioner shall be (available) on call at all times in each circuit to facilitate the prompt release of any person, regardless of his financial resources, pending final disposition of his case, unless custody is necessary to provide reasonable assurance of his appearance in court."

SENATOR MOORE:

Mr. President, the purpose of this amendment is really twofold, and I would address myself first, to the major consideration. The bill as it has been drawn and amended does cut down on the experimental bail commission set-up in this state considerably. This was set-up to begin last October 1st and run for a period of I believe, it was six months, and it has now expired.

Thus, set-up a whole hierarchy throughout the state and that particular hierarchy, as it was set-up, was given to a considerable amount of abuse. There were people appointed to bail commissioner and assistant bail commissioner jobs who were no more qualified to do these jobs, in fact, in a couple of instances the clerk of the circuit court was given the job, additional job of being an assistant bail commissioner. In other words, what in effect was a full time job, became a second full time job.

The purpose of my amendment is to cut down further on the numbers of bail commissioners. The bill as it stands, would



appoint a chief bail commissioner and an assistant chief bail commissioner. These are people who set on top of the hierarchy of the bail commissioners assigned to each one of the circuit courts. This is putting a creation of a bureaucracy on top of a very very small empire.

The bill provides for at most, twenty-two plus five, twenty-seven people who will be working in bail commission offices, in the circuit court and on top of this we have a hierarchy of a chief bail commissioner and an assistant chief bail commissioner at rather considerable salaries and cost to the state. I maintain that these two positions, supervisory in nature are unnecessary. The bail commissioner comes under the jurisdiction of the court and it should remain so. There is no need for a supervisor over and above the situation.

Now as to the second portion and purpose of the amendment. The original intent, as I understand it, of setting up bail commissions, was to elevate a condition in the state arising from too harsh treatment of various persons who were not capable or not able to pay bail in the, when they appeared in court. And it was felt that the police were dealing with certain people who were unable to pay. So it was deemed necessary to set-up a bail commission, to set their bail for such people. With this principle I am in one hundred percent agreement. I have no argument whatsoever, with the principle. I just do not believe that we need a very large hierarchy to accomplish this purpose.

In effect, the position of a bail commissioner, is largely,

even under this bill as presently is proposed here, is largely, a symbolic position. Knowledge of the fact, that there is such a position, that there is such a person, who has certain powers to appeal on behalf of those who may be taken over the coals by the police, should be, in my mind, enough to alleviate the general attitude of the police against those persons. Because in effect, the bail commissioner can come in even if he is not there present he can appear the next day, and in effect, act as a form of ombudsman, he can appear in behalf of the person who has been denied bail. If this happens a couple of times, I have every reason to believe, that if the police were called on this, the position of a bail commissioner could become an extremely an effective one in protecting the public.

I do not feel that we need, nor does this bill as it stands not with the amendment, it conceives in effect that we do not need this large hierarchy except that it has included on top of these bail commissioners a chief bail commission and an assistant bail commissioner. But it has cut the numbers down considerably. The amendment would cut it down a little bit more in that it permits or allows for one bail commissioner in each of the circuit courts. If a circuit court believes that it does not need a full time bail commissioner, the judge has the right to appoint a part time bail commissioner and to set fees for the payment of the part-time bail commissioner.

As I understand it again the court dockets in the various circuit courts are very imbalanced in the state. There is some

that is considerably more busy than others, and these may need very well, the services of a full time bail commissioner. There are others, however, where a part-time bail commissioner may be sufficient. By my estimate, I would guess that this amendment could save the State of Connecticut upwards of one hundred thousand dollars and I believe, that without in any way cutting down on the principle that is involved in the original intent of this bill when it was put through in the last session or in the revised version of the bill, that the amendment will do the job and do it very well. I move passage of the amendment.

THE CHAIR:

Question is on the passage of the amendment. Will you remark further. Senator Pickett from the 33rd District.

SENATOR PICKETT:

Mr. President, I listened quite carefully to the remarks of Senator Moore and although all of us I believe, are equally and generally interested in saving the State of Connecticut some money, I respectfully must disagree with him. The history very briefly of this bill is, two years ago when this was enacted into law patterned after various other jurisdictions. The most notable one which is Washington, D. C. and this in effect was to some extent a pilot program. The feeling at that time was to put the bill into effect and let us see what happens. Now it may be that in some isolated cases, which Senator Moore is familiar, I don't happen to be familiar with these, there have been some abuses or some lack of qualifications. This is always true, I suppose, to some



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extent in a new organization. However, by and large, the bail bond commission and the purpose for which it was created, the overall system, has in my judgement proved quite effective. Representatives of the Judiciary Committee have consulted quite carefully with the people involved and that is why we brought the bill out in its present terms.

I would say this, that by passage of this amendment, we would be throwing the baby out with the bath water. What Senator Moore would hope to accomplish, I respectfully say it would not be accomplished by rather, the entire system would be placed in serious jeopardy. I feel that the terms of the bill without the amendment, make good sense. I'll comment on those terms after the disposition of the amendment. But in some I would say, that the amendment is in effect, over-reacting to a few isolated cases with which the Senator is familiar with apparently, and accordingly I would ask that the amendment be defeated.

THE CHAIR:

Any further remarks. Senator Moore.

SENATOR MOORE:

Mr. President, just to speak briefly, again I wish to point out the difference between the proposed amendment and the bill as offered, is really, if you boil it down in terms of personnel, adds up to eleven persons. These are the additional assistant bail commissioners who can be appointed in certain of the courts plus high extra free floating bail commissioners, who can be appointed by the court. It would simply eliminate those and the top



of the hierarchy, it would eliminate the chief bail commissioner who, as I pointed out before, would have jurisdiction here and his assistant who would in effect have jurisdiction over a vast empire of about twenty-seven people who I believe, should be able to administer their own affairs without having a separate office, set-up to administer.

THE CHAIR:

Any further remarks on the amendment. Senator Pickett.

SENATOR PICKETT:

Mr. President, not in any way to prolong the discussion on this amendment, but I do respectfully want to point out to Senator Moore, who I understand is quite strong in his views about this matter, that if you read carefully on line 18 of the bill, it points out that the chief judge of the circuit court may appoint such additional bail commissioners as he may deem necessary not to exceed five in number.

The history behind this sentence is this, originally when the bill came out of Committee, after consultation with Judge Daley, who we all know is the chief judge of the circuit court, the request was made that he be given power to appoint additional commissioners if the situation warranted it. At this time remember we are writing laws which will be in effect for two years and who knows what's going to happen in the interim. Originally when the bill came out of Committee there was no limit. After consultation again with the appropriate people, with Judge Daley with the people on the Judiciary Committee who were involved in

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this on both sides of the aisle, it was agreed that the figure of five, which I readily agree is quite arbitrary, but we had to set some figure as setforth in the bill. We experimented with three and with seven and in our opinion and in our judgement the chief judge of the circuit court should have the power if he finds it necessary and only in such instance, to appoint additional bail commissioners not to exceed five in number.

As far as the assistant, their reason for that, the two assistant bail commissioners, it is quite possible they will be in effect, will be quarterbacks or will be halfbacks. They will be called upon from time to time, to be shall we call them troublesshooters in various parts of the state. Again I apologize for prolonging this but as we all are very aware of the criminal business of the circuit court in this state is growing tremendously. Quite frankly we were a bit hesitant to cut back on a composition of the commission as much as we did and this is why we put these other positions in there to make sure again, that we haven't over-reacted. Again I hope the amendment is defeated.

THE CHAIR:

Further remarks on the amendment. If not, all in favor signify by saying aye, those opposed. The no's have it and the amendment is lost.

SENATOR PICKETT:

Mr. President, I now move for acceptance of the committees favorable report and passage of the bill.

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THE CHAIR:

Question is on passage of the bill. Will you remark.

SENATOR PICKETT:

Mr. President, I think that because of the discussion that have preceeded this we are quite throughly familiar with the provisions of section 1. Section 2 was brought about to eliminate the problems of having to call a bail commissioner in all cases. I will point out to Senator Moore that part of the rationality behind his thinking was responsible for section 2, to put the initial burden on the police officer and then call the bail commissioner, if the matter could not be resolved or the police officer felt that the person arrested should be placed under bond.

I think this makes a good common sense bill now. Its again a landmark case, a landmark situation in Connecticut that we talked about so much two years ago. We are just tightening up the machinery abit with this new bill.

THE CHAIR:

Any further remarks on the bill. Senator Fauliso from the 1st.

SENATOR FAULISO:

Mr. President, I rise to support this bill and I compliment the Chairman of the Judiciary Committee for supporting this bill which I think is excellent. There may be some question about the size of the personnel but I think that the judges and other people who are acquainted with the court structure and in their judgement thought the personnel provided in the bill is adequate.

I got a chance to observe the bail commissioners in the last

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two years and I think that it is a great improvement in our judicial system. It gives everybody a chance to be treated alike. I think it is a question of equality in articulating the constitution. Prior hereto, the great crime law that only people who had the means could afford the bond and those who couldn't afford the bond would land in jail. I think that we owe a great deal to the institutions and other people who have promoted this particular proposition and we hail this as being truly a landmark piece of legislation.

THE CHAIR:

Further remarks. Senator Moore from the 20th.

SENATOR MOORE:

Mr. President, I wish I had as much faith in the disposition of personnel as the Senator from the 1st. I would like to point out, as I have pointed out before, that we have already had this in operation for the test period and it was during this test period that these abuses came to light. I only mentioned in passing a couple of them and I not going to spend any more time here in the circle pointing out that there have been considerable other abuses in the appointment and use of the time of these bail commissioners and their assistants. I would certainly wish with him, in the future that there be, the abuses not be sustained or repeated. I would again hope with him that they would not be but from the past record, I am not perhaps as hopeful as he is.

THE CHAIR:

Any further remarks on the bill as amended. If not, as many



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who are in favor signify by saying aye, opposed. The aye's have it and the bill is passed.

THE CLERK:

Clerk has a change of reference. Change of reference and favorable report of the Joint Standing Committee on Judiciary and Governmental Functions on House Bill No. 8705. An Act Establishing a Site Selection and Planning Commission for Court Facilities in Litchfield County.

THE CHAIR:

Refer to the committee on Appropriations.

THE CLERK:

Calendar No. 1214, File No. 1167. Favorable report of the Joint Standing Committee on Judiciary and Governmental Functions on Substitute House Bill No. 7628. An Act concerning the Issuance of Pilots' Licenses.

SENATOR PICKETT:

Mr. President, I move for acceptance of the Committees favorable report and passage of the bill.

THE CHAIR:

Question is on the passage of this bill. Will you remark.

SENATOR PICKETT:

Mr. President, it was brought to our attention that by virtue of statute on the books of the State of Connecticut, licenses for pilots', and I talking about river pilots' now, are issued by the superior court. I frankly don't know how long back in antiquity this bill goes, but obviously this is no place for the

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as are in favor signify by saying, "Aye". Opposed? The ayes have it and the amendment is adopted and Senate Bill 534 may be taken up.

SENATOR PICKETT:

Mr. President, I now move for the acceptance of the committee's favorable report and passage of the bill, as amended by House Amendments "A, B and C". We are all very familiar with the terms of this bill. This is one of the landmark bills of the session. It's the drug-dependency bill. It was discussed at length, before in this Senate and therefore, I now move for acceptance of the committee's favorable report and passage of the bill, as amended by House Schedules "A, B and C".

THE CHAIR:

Question is on the passage of the bill, as amended, will you remark? If there are no further remarks, all those in favor signify by saying, "Aye" Opposed? The bill is passed.

THE CLERK

The Clerk has completed the Calendar marked up to this point.

SENATOR MARCUS:

Mr. President, I move at this time to recall House Bill 6717. That's the bill toto composition of the Bail Commission.

THE CLERK:

SENATE RESOLUTION NO. 94. Resolved by the Senate that a committee of one Senator be appointed to request the Legislative Office to return to the Senate Bill 6717 for further consideration

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File No. 1162. It is in the possession of the Clerk.

SENATOR MARCUS:

Mr. President, a motion has been made.

THE CHAIR:

All those in favor of recalling House Bill 6717 signify by saying, "Aye". Opposed? The bill is recalled. It is now before us.

SENATOR MARCUS:

Mr. President, may the bill now, be held retaining its place on the Calendar.

THE CHAIR:

The bill will be held, retaining its place on the Calendar.

SENATOR MARCUS:

Mr. President, may the Senate stand at ease, for approximately 10 minutes?

THE CHAIR:

The Senate will stand at ease, for 10 minutes.

SENATOR MARCUS:

Democratic Senators will meet in the Lt. Governor's office.

THE SENATE AT 9:40 P.M., RECESSED

AFTER RECESS

The Senate was called to order, after recess, at 10:10 P.M., the President in the Chair.

SENATOR MARCUS:

Mr. President, the Clerk has a resolution on the creation



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which was passed temporarily. Cal. 1076. Substitute for House Bill 6717. An Act concerning the Composition of the Bail Commission and its Jurisdiction and the Jurisdiction of Local Police Departments. File 1162.

MR. GILLIES: (75th)

Mr. Speaker, I move acceptance and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. GILLIES: (75th)

The Clerk has an amendment.

THE CLERK:

House amendment schedule "A" offered by Mr. Bingham of the 157th. Section 2, line 21, after the word "appear" insert "or his posting of such bond as may be set by such officer." In said section 2, line 22, after the word "necessary" insert "and such person has not posted bail,"

MR. GILLIES: (75th)

Mr. Speaker the purpose of this amendment is simply to make clear that in the event the individual wishes to buy bond he may do so without the necessity of waiting for the bail commissioner to appear. It's a technical amendment, makes the bill better and I move its passage.

MR. SPEAKER:

Will you remark further. If not, all those in favor of adopting the amendment will say AYE. Those opposed. The amendment is ADOPTED. It's ruled technical and we may proceed

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with the bill as amended.

MR. GILLIES: (75th)

Mr. Speaker, the bill itself is quite self-explanatory, I think. It does provide for a reduction in the number of bail commissioners that presently serve in the state. It provides that there will be two bail commissioners, a bail commissioner and his assistant in each of the major municipalities to be available in the event that a dispute arises to whether or not any individual should be released on bail. It also provides for one bail commissioner in each of the other areas serving the respective Circuit Courts throughout the State of Connecticut. In addition, provision is made for the appointment of such additional bail commissioners as the Chief Court Administrator may deem necessary not to exceed five in number. This bill, I feel, serves a very worthwhile function for the State of Connecticut. It's a good bill and I move its passage.

MR. STEVENS: (122nd)

Mr. Speaker, it is a pleasure to rise in support of this bill. I might point out to the House that this represents a substantial saving in dollars to the State of Connecticut in the period 1969-71 by reducing the number of bail commissioners from the present 61 to a maximum authorized bail commissioners under this provisions of this law of 31. It is a good bill, it reduces costs to the State of Connecticut for these positions we will save ourselves, I believe, in the neighborhood of \$400,000 and as such I am happy to join in the support of this bill.

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MR. AJELLO: (118th)

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Mr. Speaker, I rise in support of the bill and I echo the sentiments just expressed by the gentleman from the 122nd. I would point out to the members that there was some suspicion that this program was rather cumbersome and unwieldy in its original form and we've done much to streamline it here. I would further hope that the present or to be appointed bail commissioners would take cognizance of the expression here of our legislative intent that they perform in as efficient a manner and effective a manner as they are able to do. I think there was some valid criticism in at least some areas that some of the persons who were assigned to this job did not perhaps take their responsibility as seriously as they might have and it was distressing to those of us who witnessed that type of thing. The responsibility of these people is to be available when they are needed. Unfortunately, the situation is such that people, persons are often arrested at hours that are now convenient for the normal citizen. However, there is a duty by law to respond when these people are called and I would hope that they would bear that in mind particularly now that there will be fewer of them. I would also comment to the effect that the safeguards have been preserved of the rights of persons arrested at these points because there is provision made in the amended form of the bill for a speedy interview with a determination to be made as to whether the person is to be incarcerated and the determination is to be made immediately.

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MR. CARROZZELLA: (81st)

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Mr. Speaker, I also would rise in support of this bill. I would point out that this bill still gives the people of our State the benefit of the bail bond as originally passed by us in 1967. I might also say that the bill before us represents a bi-partisan effort on the part of both parties to do a good job for the people of the State. It's a good bill, I urge its passage.

MR. MAYER: (40th)

Mr. Speaker, I rise in support of the bill from the standpoint that a half a loaf is better than none because I feel that the bail commissioners are an unnecessary burden upon a court system. I believe we have gone a long way in giving the Chief of Police a great deal of the authority that was formerly vested in the bail commissioners. I believe we can further reduce the cost to the State by eliminating the remaining number of bail commissioners.

MR. MORRIS: (111th)

Mr. Speaker, I had not planned to remark on this particular bill but I didn't particularly care for the remarks of the last gentleman who spoke. Mr. Speaker, I have personal knowledge of what the bail commissioner has done for many people in the State of Connecticut, particularly those women who find themselves in a kind of difficulty and who have many children and find themselves locked behind bars and have to get out on re-  
their own/cognizance without any cost whatsoever so they can go



and take care of their children. Now anyone can get into any kind of difficulty, either small or large, and they are performing a fantastic service to this particular state and I object to those remarks made by the gentleman.

MR. MAYER: (40th)

Mr. Speaker, I was not objecting to the release of people without bond. I am objecting to and I have objected in the past of putting people on the payroll to do something for people that can already be done by our public servants. And this could be done with paid people that are already on the payroll without the additional bail bond commissioners. And this is my objection and not the fact that some people are incarcerated and should be let off without bond. I have no objection to that procedure but I am saying that these are extra people on the payroll that are not needed.

MR. HOLDSWORTH: (125th)

Mr. Speaker, I'd like to speak in favor of this bill. I think if there was anything that was more frustrating to the police departments, police officers, was to have to wait several hours for a commissioner to appear to release a prisoner, etc. The police, I believe, are competent people. We are elevating them to a degree of professionalism and certainly deem our respect and opinion relative to this type of an operation and I think this will go a long way to restore in the police departments, the police officers, our friends, their importance in their particular job.

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THE SPEAKER:

Will you remark further. If not, all those in favor indicate by saying AYE. Those opposed. The bill is PASSED.

THE CLERK:

Page 8. Cal. 1089. Modified Senate Bill 981. Files 372 and 1037.

MR. AJELLO: (118th)

May Cal. 1089, Modified Senate Bill 981 be passed retaining its place on the Calendar.

THE SPEAKER:

Is there objection. Hearing none, so ordered.

THE CLERK:

Cal. 1091. Substitute for Senate Bill 649. An Act concerning Vocational Rehabilitation. File 1047.

MR. MOTTO: (3rd)

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. MOTTO: (3rd)

Mr. Speaker, the bill merely amends the present Connecticut law to bring it into line with the latest federal requirements to qualify for federal assistance to vocational rehabilitation. The changes in the bill are essentially a