

Legislative History for Connecticut Act

<u>HB 8984</u>	PA 641	fax scan	<u>1973</u>
	664 F-9, 679		3p
Judiciary hearings were on proposed bill, not on "accelerated rehab"			
Senate	3601-03	S.T.	3p
House	5712-15, 7553-7555	H-145	7p
			13p.

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 2  
360-705**

**1973**

SEN. GUIDERA: When this bill comes before the committee would you leave your telephone numbers --office and home -- with the clerk so that these bills, being mutually highly technical and there being few who are totally familiar with the corporation statutes of the State would like to be able to call on you to explain more fully to the committee in executive session.

ROBERT ROSENSWEIG: I would be very pleased, sir, to try to answer those questions.

SEN. GUIDERA: Thank you Mr. Rosensweig. Mr. William Adint ... Adams?

WILLIAM ADINT: Executive Director of the Connecticut Safety Commission would like to speak in favor of sections one and three of raised bill 8984, concerning chemical testing. This would give Connecticut a another piece of good legislation in order to help our law enforcement agencies to combat the menace of the drunken driver. This type of proposed legislation has been or is being sponsored or supported by the National Safety Council, Department of Transportation and it has also been incorporated in the new edition of the Uniform Vehicle Code. Seven states have already adopted this type of legislation. Our Commission is opposed to section two of the bill 8984. Section two is simply repeating our present implied consent statute. Since 1967 when the wording of section two found its way on our statute books, Connecticut became a state without an implied consent law. I say without an implied consent law, because since that year this law has been totally unenforceable. Without an adequate law our police officials are hampered in their efforts to obtain body fluids for chemical tests which results are used in criminal court. In 1972 out of the 3800 arrests for drunken driving we only had slightly over 2,000 convictions. Chemical tests were obtained only from 2,300 individuals. It clearly indicates that the word is getting around that in Connecticut if you are arrested for drunken driving you do not have to submit to a chemical test. In 1971 out of 3500 persons arrested for drunken driving only 1795 were actually convicted. In other words, a half or nearly half of all drunk driving arrests are not convicted, whereas we should have a conviction rate of at least 90%. I am submitting for your consideration an alternative implied consent law to you to use in place of section two. This is in the Uniform Vehicle Code which has been adopted in many states today. It is a proven, workable law which has been found constitutional in those jurisdictions which have adopted this law. I would like to read just a brief statement by Mr. Robert Donegan, former counsel for the Northwest Institute, he was considered an expert in this area. He states" A word of warning is appropriate here, however, for those who so eagerly seek an Implied Consent Law in their state. The provisions recommended in the Uniform Vehicle Code since 1962 should be adhered to as closely as possible because they are based upon experience and case law promulgated by the several appellate courts in those states already having such a law. The proponents of this type of law should not be spending their efforts in obtaining an Implied Consent Law just to have one on their books." He goes on to say that many hidden traps are placed by some legislatures in such law, such as in Virginia and Vermont, and this can make it practically unworkable and therefore render unattainable the objectives which this type of law is meant to reach. So, therefore, I will submit an alternate proposal for section two. It is the Implied Consent version which has been found workable in other states.

SEN. GUIDERA: Thank you, you will excuse us if we munch on potato chips -----

REP. BINGHAM: Well I have a question.. You said man had a record of conviction in the State of Connecticut out of I think it was 3500

WILLIAM ADINT: Out of 3852 arrests last year only 2014 were convicted.

REP. BINGHAM: Now that means driving while under the influence.....

WILLIAM ADINT: Under the influence .. that's right

REP. BINGHAM: What portion of those were reckless driving??

WILLIAM ADINT: I don't know, there were 1300 that were reduced to allot of charges so I would assume to reckless driving.

REP. BINGHAM: Thank you.

SEN. GUIDERA: Mabel Johnson ...

MABEL JOHNSON: My name is Mabel Johnson. I reside in Stratford, Connecticut . I am here today regarding committee bill # 8984 a proposal to strengthen the law governing drunk drivers. I favor section one and section three of this bill and recommend that section two be eliminated. The National Association of Women Highway Safety Leaders organized five years ago is comprised of one woman from each state appointed by a governor. I have the privilege of representing Connecticut in this organization. Its purpose is to implement the Federal Highway Safety Standards. Number one priority on our list is standard #8, alcohol in relation to highway safety. We meet annually in Washington and listen to the problems relating to highway safety and learn how we can be of help in that area. We women of the National Association are expected to organize affiliate associations in each of our states. Forty-three states are now so organized. Connecticut held its first annual conference last month. We, too, are working toward implementing the standards and standard number 1 and priority number 1 is standard number 8 --Alcohol in relation to highway safety. As president of the Connecticut Association, I am representing here today, we favor section number one and section number 3 of committee bill 8984 which would strengthen the law concerning drunk drivers. As a member of the Connecticut Safety Society of which I am past president, who I represent here today, we also support those two sections. As a member of the American Society of Safety Engineers, Nutmeg Chapter, which I am also representing here, in the same capacity. As Vice General Chairman of the Public Employees Section of National Safety Council I travel quite a bit especially between here and Chicago, I am always proud to say I am from Connecticut. Connecticut has had reputation of being a safe state. God help us to keep it that way. Fifteen states have the habitual offenders law. These laws are aimed at keeping habitual involved drivers off the road. In two states, Virginia and North Carolina, where the law has been in effect long enough to show results, traffic deaths per vehicle mile have decreased. Of the 55,000 persons killed last year on the streets and highways of our nation, more than one half died in accidents involving the use of alcohol. In most all of these cases the driver or pedestrian, not only had been drinking but was drunk. I urge you to pass this legislation to strengthen our laws concerning the drunk driver. Thank you.

SEN. GUIDERA: Thank you Ms. Johnson... Charles Funk..

CHARLES FUNK:(presumably) Mr. Chairman, members of the committee, I want to speak briefly in connection with raised committee bill 8612. This bill would provide a formal relationship between the bar libraries of the State and the State Library, a relationship which I believe would be of great benefit to the Bar Libraries and through them to the attorneys and the people of the State. The State Librarian, Walter Brown, has filed a statement with the committee on the subject of this bill. And I would call to your attention this statement which I hope you will find in your files. I would also like to speak briefly on committee bill 8487 which would

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JUDICIARY COMMITTEE

April 6, 1973

REP. BINGHAM: Did you get him? (laughter)

LT. BOHAM: No, the Governor's office got me! I address myself to raised bill 1888, AN ACT CONCERNING CRIMINAL NEGLIGENCE WITH A MOTOR

It is our feeling that a conviction on a felony, misconduct with a motor vehicle, Section 50 a, 53 a, 57, is a too severe penalty for the offense which causes death of another in an automobile accident, where liquor is not involved. The convicted person would have a stigma of being a felon the rest of his life. This bill, 1888, would lower the penalty to a Class A misdemeanor, which would be more apt and just.

I'd like to address myself to bill 1940, AN ACT CONCERNING THE ADMINISTRATION OF OATHS. This bill would allow our supervisory ranks to administer oaths when needed to fulfill our legal obligations, mostly in affidavits.

Also bill 1943, AN ACT CONCERNING THE UNLAWFUL DISCHARGE OF FIREARMS, we support and bill 8984, the operation of a vehicle while under the influence, with reservations at this date, brought out in this presentation.

REP. BINGHAM: Any questions? Lieutenant Boham? Thank you lieutenant. Are there any other people who wish to be heard? If there are none.....

REP. HEALEY: Mr. Chairman, just for the record. Representative Mary Griswold told me yesterday she would not be able to be here. She wanted to go on the record as in favor of bill 8626, which is the 'collection of support' bill, and she left with me a statement, which I'll hand to the secretary.

REP. BINGHAM: If not, we'll call the hearing to a close.

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of conversation with local officials in towns that have not yet converted and they requested that additional time and I think that it is reasonable.

THE CHAIR:

Is there any objection that you know of?

SENATOR DENARDIS:

I don't believe there is. There is no objection to the bill or the amendment, then I would recommend that it be placed on the Consent Calendar.

THE CHAIR:

All those in favor of the amendment signify by saying Aye. Opposed Nay. THE AMENDMENT IS ADOPTED and ruled technical. The motion now is that the matter as amended go on the Consent Calendar. Is there any objection? Hearing none, so ordered.

THE CLERK:

Page 13 of the Calendar. Cal. 1047, File 736, Sub. for H.B. 8984. AN ACT PROVIDING FOR ACCELERATED REHABILITATIVE DISPOSITION OF CRIMINAL CASES. Favorable report of the Committee on Judiciary.

SENATOR GUIDERA:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill and will the Clerk please read the amendment.

THE CLERK:

Senate Amendment Schedule A, offered by Senator Guidera. In line 1, before "(New)" insert "Section 1." Add Section 2 as

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follows: "Sec. 2. This act shall take effect from the passage." roc

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

I move adoption of the amendment.

THE CHAIR:

Will you remark on the amendment.

SENATOR GUIDERA:

Yes, Mr. President. This is a good bill and I think it grants a good deal of discretion to the judges of the State of Connecticut and we think it is such a good bill that we would like it to go into effect immediately.

THE CHAIR:

Will you remark further? Hearing none, all those in favor of the amendment signify by saying Aye. Opposed Nay. The Ayes have it. The AMENDMENT IS ADOPTED and ruled technical. The bill as amended has been moved to be on the Consent Calendar.

SENATOR GUIDERA:

That is correct, Mr. President.

THE CHAIR:

Any objection? Hearing none, so ordered.

SENATOR ROME:

Mr. President, I move acceptance and passage of those two new items that have been placed on the Consent Calendar.

THE CHAIR:

Very sharp of you Majority Leader. All those in favor



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of acceptance and passage of the two items just discussed that have been put on the Consent Calendar, signify by saying Aye. Opposed Nay. The Ayes have it. THOSE TWO ITEMS ARE PASSED.

SENATOR ROME: ~~These~~ two bills are SB-2019 and HB-8984.

Mr. President, I move suspension of the rules for immediate transmittal of all the items passed to the appropriate authority.

THE CHAIR:

The motion is to suspend the rules for transmittal of all of the business passed today to the appropriate authority. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. So ordered. Senator Rome.

SENATOR ROME:

Mr. President, I would move that we recess until 5:45 and during the interim, before we formally recess, could the Clerk read in some bills while the others go about their business.

THE CHAIR:

Senator, just for our wives and our digestive tracts, what does it look like when we come back, three or four hours?

SENATOR ROME:

There is an old fable that says - that's really in their hands now, and I may say that it is in Senator Alfano's hands now. It depends on the progress that is made on discussion of bills in their caucus. We are prepared to go, to dispose of the items that are double-starred today. I have a feeling that we will be able to get out by seven o'clock, seven-thirty.

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No. 8984. An Act Providing for Accelerated Rehabilitation

Disposition of Criminal Cases. Favorable Report of the Committee on Judiciary.

THE SPEAKER:

Gentleman from the 135th.

REP. FREEDMAN(135th):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill, please.

THE SPEAKER:

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

REP. FREEDMAN:

Mr. Speaker, earlier today we debated the difficult and near hopeless problems of the criminal juvenile psychopath. Those hopeless situations where rehabilitation is not always a reasonably expected goal. This is a bill which addresses the more hopeful cases. And while I spoke with somewhat mixed and maybe pained feelings before, I have no such problem here. This bill affects the first offender, most often the victimless

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crime. I sponsor this bill and propose it with a great deal of pride. I can say that for some years I watched the highly successful system work in Pennsylvania. The practice has been followed for many years. It's cleared a lot of unnecessary cases from the docket. It's allowed judges to spend time on more serious criminal matters and more serious civil matters. It is not used excessively, and it is not designed for that. Just briefly, Mr. Speaker, the bill provides for a pre-trial program of accelerated rehabilitation. And what it means is pre-trial probation. It's for crimes which are not of a serious nature; Class A, Class B, Class C felonies are omitted. And the program may be instigated only by the State's Attorney or by the Prosecuting Attorney at his sole and absolute discretion. That person must, by statute, believe that the individual involved will probably not offend again. He must be a first-time offender and there must be reason to believe that he will not offend again. He must, as I said, have no previous record. The defendant also must agree to this. If he does not agree, he will go to trial. He must waive the statute of limitations

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and also, he must waive his right to a speedy trial. He then will appear in Court and be brought before the Court without a plea of guilty. There will not be a plea of guilty at this time. He will be put on probation of a period up to two years and if he successfully completes his probationary period, the Court may then dismiss the charge entirely. If he does not I repeat--if he does not successfully complete his probation he must then come back and face the Court for trial. Now, Mr. Speaker, what this will allow us to do is to utilize in the more hopeful cases, the cases where people are hurting themselves and not others for the most part, all of the community services which are available. In the case of an alcoholic, he can get treatment for his alcoholism, and so on. If, in fact, there is a victim notice to that victim has been written into the law and that victim has an opportunity to appear and indicate that this person is not a fit subject for this program. As I said, in Pennsylvania it's used very sparingly only for the more hopeful cases, but it has been highly successful and I

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would recommend its passage and adoption here.

THE SPEAKER:

Will you remark further on acceptance and passage. If not, if all members would please take their seats. Non-members come to the well. The question is on acceptance and passage of Substitute for House Bill 8984. The machine will be opened. Has everyone voted. The machine will be closed and the Clerk will please take a tally.

THE CLERK:

Total Number Voting.....	137
Necessary for Passage.....	69
Those voting Yea.....	137
Those voting Nay.....	0
Those Absent and Not Voting.....	14

THE SPEAKER:

The Joint Committee's Favorable Report is accepted and the bill is PASSED.

THE CLERK:

Returning to your Calendar. On Page 9, Calendar No. 693, your File 739, House Bill No. 8685, An Act Authorizing the Con-

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office. The Watts line would cost \$310 per month. Maybe one hw  
line which would be about four thousand dollars, the other eleven  
thousand dollars would take care of materials and additional sec-  
retary.

THE DEPUTY SPEAKER:

Any further remarks? Hearing none, I would ask that all  
members take their seats. The aisles be cleared. All staff mem-  
bers return to the well of the House. I rule the amendment tech-  
nical. Machine will be open. Machine will be locked and the Clerk  
please take a tally.

THE ASS'T. CLERK:

Total Number Voting.....	129
Necessary for Passage.....	65
Those voting Yea.....	129
Those voting Nay.....	0
Absent and Not Voting.....	22

THE DEPUTY SPEAKER:

The Joint Committee's favorable report is accepted and the  
bill is passed as amended by Senate Amendment "A".

THE CLERK:

Page 8 of your Calendar, Cal. No. 692, File No. 735, Sub.  
H.B. No. 8984, AN ACT PROVIDING FOR ACCELERATED REHABILITATIVE  
DISPOSITION OF CRIMINAL CASES, as amended by Senate Amendment  
Schedule "A".

Favorable report of the Committee on Judiciary.

THE DEPUTY SPEAKER:

Gentleman from the 135th.

REP. FREEDMAN: (135th)



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Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill. hw

THE DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark.

REP. FREEDMAN: (135th)

Mr. Speaker, the Clerk has Senate Amendment "A". Would she read it please.

THE DEPUTY SPEAKER:

Clerk please read the amendment.

THE CLERK:

Senate Amendment Schedule "A" to File No. 736:

In line 1, before "you" insert section 1.

Add section 2 as follows: "this act shall take effect from its passage.

THE DEPUTY SPEAKER:

Question is on adoption of Senate Amendment "A". Will you remark.

REP. FREEDMAN: (135th)

Mr. Speaker, I move acceptance of Senate Amendment "A". This bill was passed unanimously in this House. It does two things. It addresses itself to problems of probationary rehabilitation and also goes a long way towards relieving court congestion. This amendment will speed up the effectiveness of the act as such. It's a good amendment. I urge its passage.

THE DEPUTY SPEAKER:

Any further remarks? If not, the question is on adoption of Senate Amendment "A". All those in favor signify by saying

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AYE. Opposed. Amendment "A" is adopted. Gentleman from the hw  
135th. I rule the amendment technical.

REP. FREEDMAN: (135th)

Mr. Speaker, for the reasons already advanced in the debate in which this was passed I believe unanimously, I urge passage of the bill at this time in concurrence with the Senate, sir.

THE DEPUTY SPEAKER:

Any further remarks? If not, all members take their seats. The aisles be cleared. All staff members return to the well of the House. Machine will be open. Machine will be locked. The Clerk please take a tally.

THE ASS'T. CLERK:

Total Number Voting.....	123
Necessary for Passage.....	62
Those voting Yea.....	123
Those voting Nay.....	0
Absent and Not Voting.....	28

THE DEPUTY SPEAKER:

The Joint Committee's favorable report is accepted and passed in concurrence with the Senate as amended by Senate Amendment "A".

THE CLERK:

Returning to page 6 of your Calendar, Cal. No. 1078, File No. 971, Sub. S.B. No. 1657, AN ACT ESTABLISHING A DEPARTMENT OF PERSONNEL AND ADMINISTRATION, as amended by Senate Amendments Schedules "A" and "B".

Favorable report of the Committee on Government Administration and Policy.