

PA 11-009

SB1092

House	2163-2166	4
Judiciary	1822-1823, 1858-1859, 1975, 1978-1979, 2116-2120, 2266, 2268	14
<u>Senate</u>	<u>816, 820-822</u>	<u>4</u>
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H – 1098

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 7
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sg/lgg/cd/rgd
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If not, let me try your minds. All those in favor of the resolution, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The resolution is adopted.

Will the Clerk please call Calendar Number 405.

THE CLERK:

On page 27, Calendar 405, Substitute for Senate Bill Number 1092, AN ACT CONCERNING THE MEMBERSHIP OF THE DNA DATA BANK OVERSIGHT PANEL, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Representative Gerry Fox, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

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

SPEAKER DONOVAN:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill

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in concurrence with the Senate.

Will you remark?

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill addresses Connecticut General Statutes, section 54-102 M, which is the DNA Data Bank Oversight Panel. Currently, the panel consists of a designee of the Chief State's Attorney, the Attorney General, the Commissioner of Public Safety, the Commissioner of Correction, as well as a Court Support Services Division designee. What this would do is also add to the -- that list of designees a representative from the Chief Public Defender's Office.

In committee, we did incorporate some substitute language which makes it clear that when dealing with matters that would go into executive session that the representative designated by the chief public defender would not participate when individuals were used or names were mentioned and -- along those similar lines. So what this does it just it makes it so that all of the individuals, all of the entities that are affected by the DNA databank are represented as part of the oversight panel.

SPEAKER DONOVAN:

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Thank you, Representative.

Would you care to remark further?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

This bill which passed unanimously out of the Judiciary Committee, as the Chairman has indicated, adds the chief public defender to the oversight panel but provides that the chief public defender is not a party to considerations where -- involving the personal identification of the DNA that is maintained by the bank as it might result in a conflict involving cases that a Chief Public Defender's Office is -- is handling.

This is an important area and this involves the retention or disposition of DNA held in the bank and will be an increasingly important area for scrutiny by our judicial process. So I -- I support the bill, and I urge others to vote for its passage.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill?

Would you care to remark further on the bill?

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If not, staff and guests please come to the well of the House. Members take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all the members voted? Please check the roll call board to make sure that your votes were properly cast. If votes were properly cast, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 1092 in concurrence with the Senate.

Total Number voting	136
Necessary for passage	69
Those voting Yea	136
Those voting Nay	0
Those absent and not voting	15

SPEAKER DONOVAN:

The bill has passed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 6
1626 – 1949**

2011

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March 9, 2011
11:00 A.M.

basically at its essence is getting her onto that committee because I would venture to say that I think based upon the work that she's doing now, and I will turn it over to her with respect to this, there are a few folks -- she's at all the meetings.

There are a few folks that their work is more tied in with that, so we just want that amended to add a member of the division of public defender services, and that person will be the woman sitting to my right, so if she could address that briefly.

KAREN GOODROW: Good morning -- or good afternoon. Thank you for hearing me. The important thing to note about the DNA Oversight Committee and what I think it's important not to have the chief public defender or her designee be privy to, and that is confidential information. My understanding, the statute has been on the books for a few years now.

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The purpose of the DNA Oversight Committee is to make sure potentially -- and the statute spelled this out -- that anybody whose DNA is in the data bank that should not be there, that there is a process by which that that is excluded. That's one very important aspect of the committee.

It is not appropriate nor are we requesting that the office of the chief public defender have that identifying information, in other words, be in possession of the name or identifying information with regard to that individual but simply to be part of that committee that oversees that.

The important aspect of this committee is also policy issues. For instance, there has been some discussion by Attorney Kane, and I know

that you'll hear from other people, about backlog, backlog in case work, backlog in the data bank. These issues become apparent with my work at the Connecticut Innocence Project because although we don't have the burden of proving in order to prove somebody is innocent who actually committed the offense, the use of the data bank and the folks at the lab have become integral as well as frankly our colleagues at the Office of the Chief State's Attorney in successfully demonstrating innocence.

So the purpose of the bill is really to get a designee on board but also to make clear that we are not seeking to have identifying information. In fact, as we understand the law, the folks at the lab -- and this is something that is an issue for them.

I'm surprised actually that there's not a separate bill by them -- they are not, as I understand it, allowed to even communicate to other law enforcement agencies whether an individual's DNA is in the state lab -- I'm sorry, the state data bank. So that is information that is guarded. We are not interested in being privy nor are we asking for that in this bill.

BRIAN CARLO: One other bill that has had some discussion and is not our bill but is Raised Bill 6489, and that has to do with the taking of DNA samples at the time of arrest. And there may be questions on this. I will try to be very brief with respect to this. I did testify in front of public safety.

Our concerns are really this. That at its essence, and I think our entire system of jurisprudence is based upon the idea, that at the time that someone is arrested they are

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add another year to my sentence, I'd rather tread water than give you my DNA and then have it linked up and all of a sudden, I'm facing some very serious felonies.

BRIAN CARLO: And that was, I think, contemplated in the suggestion that we made in that the time to take the sample is between conviction and sentencing. So prior before they go in.

Now, this person if it's ten year felony, the likelihood is that their exposure was beyond ten years. So either they had a sentence of ten years, 20 after ten, their exposure was greater. So now they're going in front of the judge with the judge having told them at the time of conviction, "You need to give a DNA sample between now and when you come back for sentencing. And you should also be aware that I will take that into consideration when I decide how much time to give you whether or not you comply."

SENATOR KISSEL: Okay. Only because we're beginning a track record in this committee of having very long public hearings -- so you're saying that the policy that we've had in the past, the way to ratchet that up is to have the ear or the persuasiveness of the fact that the judge is going to sentence going forward and so "Defendant, you could really get hammered if you don't cooperate." And that in and of itself should be enough. My other question is just on the -- the panel, the standing panel. And Ms. Goodrow wants to get on here. Are there folks from the State's Attorney's office on there and -

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KAREN GOODROW: There are, Senator. And the original statute, I think they added in the last couple of years, CSSD. And really, all of the stakeholders. And again, it's really fun

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going to these meetings because we have an opportunity -- I'm the only one if I can remember who's there who is not a member of the panel. And when I say fun, it's because there are serious policy issues, as you might imagine, that come up. And it's nice to be able to have a voice, but it's also nice to be able to have a voice that counts when decisions are being made.

SENATOR KISSEL: And are you aware of any opposition to that?

KAREN GOODROW: No. Kevin Kane likes to agree with me most of the time so he -- like if he's still in the room, he might actually just think it's fine.

SENATOR KISSEL: He's in the room.

KAREN GOODROW: I'm aware of no opposition.

SENATOR KISSEL: And that is all part of the record. Thank you, Mr. Chairman.

KAREN GOODROW: Thank you.

REP. FOX: Thank you. Any other questions? Thank you for your testimony.

Next we will go back to public officials. Secretary Denise Merrill had been here. I see Attorney Klaskin's here on her behalf.

SETH KLASKIN: Good afternoon, Chairman Fox and members of the Committee. My name is Seth Klaskin. I'm the director of the Commercial Reporting Division at the Office of the Secretary of State, testifying on behalf of the Secretary of the State, Denise Merrill, who was in attendance. And it was her intention to testify concerning Raised Bill 6274, AN ACT

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 7
1950 – 2303**

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I was waiting. And always had before and did today, too.

REP. FOX: You're welcome to stay after if you'd like.

CHIEF STATE'S ATTORNEY KEVIN KANE: My name is Kevin Kane -- thank you very much. With me is Mike Gailor and Patty Johannes. Mike Gailor is an executive assistant State's Attorney in my office. Patty Johannes is with the Criminal -- Forensic Crime Lab. She's a forensic science examiner here to talk about DNA and answer any questions you may have with DNA.

I postponed her testimony on the DNA in order to let other people talk and we did and thank you for calling us back. I think Mike Gailor can start out with explaining -- the DNA -- there's several different bills relating to DNA, not just the collecting DNA on arrest. And we'd like to address those. We certainly don't want those to be forgotten.

Three years ago we pushed very hard for DNA at the time of arrest and in listening to this and decided not to last year and the year before that partly because of the forensic -- the burdens on the forensic lab that existed at that time. Both backlogs were terrific then and Ms. Sepich made me feel very guilty and that I hadn't been doing my job by not pushing before. I think she had to have -- she was terrific, she was a very good speaker and had compelling reasons and made me feel like I let the public down by not pushing hard three years ago and again last year, but here we are.

MICHAEL GAILOR: Good afternoon. I'm going to try to address each of the bills in sequence and I'll try to be relatively brief.

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these samples. But one of the things Ms. Sepich talked about was the passage of time.

With the passage of time several things happen. That means crimes stay unsolved for a long period of time. What also happens with the passage of time is statutes of limitations expire. It is possible that people can delay prosecution for a crime simply by holding out for a period of time. So what we are requesting is permission to use reasonable force to obtain the sample only in those circumstances where a person has refused to do so.

I can share with the committee that we have recently litigated this issue in front of Judge Mullarkey in Superior Court in Hartford and he determined that reasonable force is inherent in the statute. The problem that we're going to have is Judge Mullarkey's decision is going to be appealed. And it's probably going to be another year to two years before we have finality on that. In the meantime, we have 422 people whose samples we don't have. We would like to be able to get those and we would like the committee to approve reasonable force.

The second bill I wanted to address is 1092 which is AN ACT CONCERNING THE MEMBERSHIP OF THE DNA OVERSIGHT COMMI -- PANEL. And Attorney Goodrow had spoken on that previously. And I believe that she indicated that she didn't think there was any objection to that.

Well, as much as we enjoyed having Ms. Goodrow at the meetings, I think it would be inappropriate for her to sit as a member of the oversight panel. And the reason why is the panel makes decisions on people that would be her clients. The panel makes decisions about whether somebody's profile should be purged

from the data bank or should be left in the data bank. Well, to the extent that Attorney Goodrow is a Representative of the Public Defender's office, represents that individual - or the Public Defender's Office represents that individual, there's going to be a conflict of interest there. There's an inherent conflict of interest. It's inappropriate for somebody from the Public Defender's office to be deciding whether a public defender client or the sample of a public defender client or the profile of a public defender client should be kept in the system or should be removed from the system.

The other reason why it would be inappropriate to have her as a member of the Oversight Committee panel is that is to occur in executive session. A portion of every meeting is set aside for executive session to consider whether individuals should be purged or included in the data bank. Part of that session necessarily involves the disclosure of some personal identifying information about people who are in there. We have to check their records. We have to check their convictions to see whether they are qualifying convictions, whether they have any other offenses that might result in their being retained in the data bank. So to the extent that there's personal identifying data about people who are not representatives of defendants, I don't think Attorney Goodrow should be privy to that information.

Finally, the data bank is -- the maintenance of the data bank is primarily a law enforcement function. To allow the public defenders to be involved -- it's really a law enforcement function, I think it would be inappropriate.



State of Connecticut

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Testimony of Deborah Del Prete Sullivan,
 Legal Counsel/Executive Assistant Public Defender
 Office of Chief Public Defender

Raised Bill No. 1092

An Act Concerning the

Membership of the DNA Data Bank Oversight Panel

Judiciary Committee Public Hearing - March 9, 2011

The Office of Chief Public Defender supports passage of *Raised Bill No. 1092, An Act Concerning the Membership of the DNA Data Bank Oversight Panel*. This is an agency proposal which would add the Chief Public Defender or her designee to the Oversight Panel. Currently, Karen Goodrow, the Director of the Connecticut Innocence Project within the Office of Chief Public Defender has been attending the meetings as the representative of this Office. Formally authorizing a seat on the panel for the Chief Public Defender would enable a greater flow of information between the agencies. Currently, Attorney Goodrow facilitates the Connecticut Post-conviction DNA Testing Assistance Program Grant which was awarded in the amount of 1,486,134.00. The grant is a collaboration between this office, the Department of Public Safety and the Division of Criminal Justice. The grant was awarded with the purpose of "identifying cases of forcible rape, murder and non-negligent homicides in which incarcerated individuals were wrongfully convicted and are innocent." This grant will end on December of 2011.

The Office of Chief Public Defender does have a suggested amendment for the bill. During the meetings of the Oversight Panel, it routinely enters into executive session to discuss specific information pertaining to persons whose DNA has been entered into the data bank. The Oversight Panel is charged with assuring the integrity

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Re: R.B. 1092, An Act Concerning the Membership of the DNA Data Bank

Oversight Panel

Testimony of Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant
Public Defender

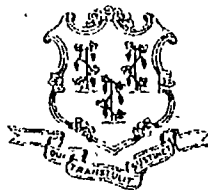
of the DNA data bank, destroying samples taken inappropriately and purging identifiable information regarding the persons that the samples were taken from. Due to

the type of information that could be and is exchanged and the great potential that the persons discussed are clients of the Division of Public Defender Services, this Office agrees that it need not be a part of these discussions generally held in executive session. Therefore, this office submits the following language for insertion into the proposed bill in line 8 after designees:

“ except that the Chief Public Defender or her designee shall not have access to identifiable information pertaining to the persons from whom inappropriately obtained samples were taken and subject to destruction pursuant to the statute.”

Thank you.

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Colonel Danny R. Stebbins
Acting Commissioner

Leutenant Edwin S. Henion
Chief of Staff

March 9, 2011

Rep. Gerald M. Fox, Co-Chairman
Sen. Eric D. Coleman, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

**SB 1092 AN ACT CONCERNING THE MEMBERSHIP OF THE DNA DATA BANK OVERSIGHT
PANEL**

The Department of Public Safety supports this bill.

The Department of Public Safety supports the proposal to include the Chief Public Defender or their designee to the DNA oversight panel. The Division of Scientific Services is a non-partisan forensic laboratory. It conducts forensic analysis for both State's Attorney's offices and the Public Defender's office. Over the years, the Division of Scientific Services has worked collaboratively with members of the Public Defender's office on grant proposals, and they have been invited to participate in the DNA Oversight Panel's review process to ensure all voices are heard from within the criminal justice system. This bill would provide statutory authority to the Chief Public Defender's office and foster greater cooperation and collegiality amongst those involved in criminal justice.

It will also appropriate in that DNA evidence is a tremendous tool for determining the truth. The truth may be beneficial to the prosecution or it may be beneficial to the defense. It is a tool of justice and it is appropriate that all interested parties be on the oversight panel.

Sincerely,

A handwritten signature in black ink, appearing to read "Colonel Danny R. Stebbins".

Colonel Danny R. Stebbins
ACTING COMMISSIONER



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.
State Victim Advocate

Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Wednesday, March 9, 2011

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 1092, *An Act Concerning the Membership of the DNA Data Bank Oversight Panel*

Raised House Bill No. 6537, *An Act Concerning Speedy Trials*

Raised House Bill No. 6538, *An Act Concerning the Collection of Blood and Other Biological Samples for DNA Analysis*

Crime victims in Connecticut have a constitutional right to a timely disposition of the case, as long as no right of the accused is abridged. This constitutional right has been a source of frustration for many victims who feel that their case lingered on and on. A relatively quick search on the Judicial Branch website will show that there are many pending criminal cases, involving only misdemeanor crimes, categorized as 'awaiting plea' or 'pre-trial' status and are two or more years old. These pending criminal cases are docketed each month. This is bogging down the criminal dockets and negatively affecting crime victims and defendants alike.

Raised House Bill No. 6537 seeks to revise the time period and procedure for commencing the trial of an incarcerated defendant charged only with misdemeanor crimes. Although the Office of the Victim Advocate (OVA) supports the effort to reduce the length of time it takes to resolve a criminal matter, the OVA respectfully requests that the Committee consider amending the proposal to allow for an expedited, automatic bail hearing to address the release of the defendant in cases where the defendant had been incarcerated for a period of time longer than the maximum sentence that could be imposed for the misdemeanor. Further, the OVA would request that in addition to the issuance of the non-financial conditions to assure the defendant's appearance in court, the court also consider nonfinancial conditions, if any, to ensure the victim's safety.

It is no secret that the criminal dockets throughout our courts are heavy. That being said, there may very well be legitimate reasons for a lengthy delay, such as an ongoing investigation. Establishing a process for an automatic and expedited hearing will ensure that defendants are not released inadvertently when a prosecutor has a legitimate reason for the delay. I urge the Committee to support **Raised House Bill No. 6537** with the recommended amendment.

Regarding **Raised House Bill No. 6538**, as I understand the current process, a defendant who is convicted of a felony offense must submit to a DNA sample. If the defendant is not sentenced to incarceration, the Court will add a condition to the defendant's sentence, that he or

she must report to the Court Support Services Division (CSSD), of the Judicial Branch, for submission of the DNA sample. This process has recently been updated so that CSSD, rather than the Department of Public Safety (DPS), will take the DNA sample for CSSD is more geographically situated to accommodate offenders. The DPS, as of March 8, 2011, reports that there are 165 outstanding arrest warrants for those who have failed to comply with the DNA requirements. This is a remarkable drop in the number of pending warrants reported by DPS prior to this change.

However, the process for failure or refusal to submit to a DNA sample can be improved further or eliminated all together. Precious resources are being expended by CSSD to coordinate appointments for the taking DNA samples, sending out notifications when a defendant misses an appointment, preparing an arrest warrant for those who continue to be noncompliant and further, prosecuting those who remain noncompliant. Rather, those resources could be better utilized to establish the taking of DNA samples in every court in the state. CSSD is housed in every court and this would substantially improve the process of DNA collection and compliance.

During a plea hearing involving conviction of a felony, the defendant is canvassed by the court on the plea, including the defendant's understanding that he/she will be required to submit to a DNA sample. Once that plea is accepted by the court, the defendant now stands before the court as a convicted felon. This is the ideal opportunity for the court to ensure compliance with the DNA requirement by ordering the defendant to report immediately to CSSD to supply the DNA sample. Those defendants, who fail to do so, can be quickly identified and apprehended. In addition; if the defendant was not sentenced at the same time the plea was accepted, the court has the opportunity to respond to the defendant's noncompliance at the sentencing hearing.

The improvement suggested here would likely save money to the Judicial Branch and ensure, in near real time, that convicted felons are in compliance with the conditions of the sentence. Further, the felon's DNA will be quickly captured and entered into the database. I respectfully request that the Committee consider further strengthening this process and amend Raised House Bill No. 6538.

Finally, the OVA respectfully requests that the Victim Advocate be included on the membership of the DNA Data Bank Oversight Panel, along with the Chief Public Defender as proposed in Raised Senate Bill No. 1092.

Thank you for consideration of my testimony.

Respectfully submitted,



Michelle Cruz, Esq.
State Victim Advocate



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY

JOINT COMMITTEE ON JUDICIARY

In support of:

H.B. No. 6538 (RAISED):

An Act Concerning the Collection of Blood and Other Biological Samples for DNA Analysis

H.B. No. 6489 (RAISED):

An Act Requiring DNA Testing of Persons Arrested for the Commission of a Serious Felony

In opposition to:

S.B. No. 1092 (RAISED):

An Act Concerning the Membership of the DNA Data Bank Oversight Panel

March 9, 2011

The Division of Criminal Justice respectfully requests and recommends the Committee's Joint Favorable Report for H.B. No. 6538, An Act Concerning the Collection of Blood and Other Biological Samples for DNA Analysis, and the Committee's Joint Favorable Substitute Report for H.B. No. 6489, An Act Requiring DNA Testing of Persons Arrested for the Commission of a Serious Felony. These bills address issues independent of each other and can be enacted together or independently without negative impact. The testimony we are submitting today is essentially the same as submitted to the Joint Committee on Public Safety and Security earlier in this session on DNA issues. The Division also would recommend the Committee's rejection of, or no action on, S.B. No. 1092, An Act Concerning the Membership of the DNA Data Bank Oversight Panel.

The Division has historically supported the collection of DNA from persons arrested for felony offenses and has further supported the taking these samples at the point of arrest, just as fingerprints are now taken. These provisions would increase the effectiveness of the DNA data bank as a means not only of identifying repeat offenders but equally important of exculpating persons suspected of committing crimes they did not in fact commit. While the Division fully recognizes that such an expansion would carry a significant fiscal impact, we cannot understate

In addition, H.B. No. 6538 would further strengthen the DNA data bank program by (1) providing that DNA samples be "of sufficient quality" to allow for analysis, and (2) to allow for the taking of additional samples if the initial sample is not of sufficient quality, and (3) to allow the Commissioner of Mental Health and Addiction Services and/or the Commissioner of Developmental Services to determine the most appropriate time to test a person in their custody as a result of a finding of not guilty by reason of mental disease or defect, and to make that recommendation to the court. These amendments will close very important gaps in the existing statute with little or no cost to the state.

Finally, the Division opposes S.B. No. 1092, An Act Concerning the Membership of the DNA Data Bank Oversight Panel. The purpose of the DNA Data Bank Oversight Panel is to assure the integrity of information in the Data Bank. It often is called upon to make decisions about whether information in the Data Bank should be retained or purged. Because many of these decisions involve clients of the public defender's office, the Chief Public Defender would appear to have an inherent conflict in being involved in making these determinations. The decision about whether a sample should be retained or purged should not be subject to the Chief Public Defender's duty of loyalty to a client.

In making decisions that affect the integrity of the Data Bank the Panel necessarily considers information about persons who are in the Data Bank that is confidential in nature. Allowing the Chief Public Defender to become a member of the Panel would entitle him or her to be present when such information is discussed or reviewed even when the information relates to a client that neither is nor was represented by the Public Defender's Office. Such information might even relate to someone the Public Defender's Office would be prohibited from representing because of a conflict of interest. Simply put, the Chief Public Defender should not be privy to this information.

Recognizing the purpose of the statute, the legislature properly constructed the panel representative of the organizations that are responsible for collecting the data for and, thereafter, maintaining the Data Bank; the Commissioner of the Department of Public Safety, the Commissioner of the Department of Correction, and the executive director of the Court Support Services Division of the Judicial Branch, the attorney for those organizations, the Attorney General, and the Chief State's Attorney. There is no reason why the Chief Public Defender should be a member of the Panel. It should be pointed out that the Chief Public Defender, or a representative, can, and often does, attend meetings as a member of the public. Notes of the meetings, including summaries of what happened during executive session are posted online and are available to the Public Defenders as well as the public at large. S.B. No. 1092 represents an unnecessary and potentially dangerous intrusion by the defense bar into territory where they have historically and legally been prohibited from treading. The Committee should reject or take no action on this bill.

In conclusion, the Division of Criminal Justice expresses its appreciation to the Committee for your consideration of these issues. We would be happy to provide any additional information or to answer any questions the Committee might have.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 3
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SENATE

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April 27, 2011

Madam President, moving to calendar page 13,
Calendar 188, Senate Bill 1092, Madam President, move
to place that item on the consent calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President. Madam President,
moving now to calendar page 18 -- calendar page 18,
Calendar 252, Senate Bill 367, Madam President, move
to place that item on the consent calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, moving now to calendar page 22,
Calendar 287, -- which one? This one. All right.

Deleting that one, Madam President, moving past
that item -- will remain as marked go, but moving now
to calendar page 25 -- calendar page 25, Calendar 329,
House Bill Number 6278. Madam President, move to
place that item on the consent calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

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SENATE

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at this time.

THE CLERK:

Madam President, I failed to notice on the bottom of page 1, Calendar Number 37, Senate Joint Resolution Number 40. And then I'll repeat on the top page 2, Calendar Number 383, Senate joint Resolution Number 41. And on page --

I believe that's all I have as of this point.

THE CHAIR:

No. All of them on page 3, if you might run through them, Mr. Clerk.

THE CLERK:

Okay. This is my first time doing this.

THE CHAIR:

Well, welcome to my world and you're doing a great job.

THE CLERK:

Okay. I understand now.

On page 3, Calendar Number 52, Senate Bill Number 853; on page 7, Calendar Number 107, substitute for Senate Bill Number 1025; on page 7, Calendar Number 117, Senate Bill Number 883; on page 10, Calendar Number 161, Substitute for Senate Bill Number 462; on page 12, on the bottom of the page,

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Calendar Number 182, Substitute for Senate bill Number 368; on page 13, Calendar Number 188, Substitute for Senate Bill Number 1092; on page 18, the bottom of the page, Calendar Number 252, Substitute for Senate Bill Number 367; on page 25, Calendar Number 329, House Bill Number 6278; on page 26, Calendar Number 333, Substitute for House Bill Number 5956; also on page 26, Calendar Number 335, House Bill Number 6545; on page 37, near the top, Calendar Number 90, Senate Bill Number 464. And I believe those are all the markings that I have for the first consent calendar.

THE CHAIR:

Thank you. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Just to delete one item from the consent calendar, that last numerated item should not be on the consent under. That's calendar page 37, Calendar 90, Senate Bill 464. We might delete that item. And then if the -- if we would call for a roll call on the consent calendar.

THE CHAIR:

Is there any objection? See no objection at this time, would you please announce another roll call and

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the machine will be opened.

THE CLERK:

An immediate roll call vote has been ordered on the first consent calendar. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered on the first consent calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? All members have voted. The machine will be locked. And Mr. Clerk, would you announce the tally.

THE CLERK:

Madam President.

Total Number voting 34

Necessary for adoption 18

Those voting Yea 34

Those voting Nay 2

Those absent and not voting 0

THE CHAIR:

The consent calendar is adopted.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would yield to Senator LeBeau