

PA12-112

HB5512

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

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PART 19
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HOUSE OF REPRESENTATIVES

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And, the Clerk will announce the tally.

THE CLERK:

Senate Bill 150, in concurrence with the Senate.

Total number voting 141

Necessary for adoption 71

Those voting Yea 132

Those voting Nay 9

Those absent and not voting 10

DEPUTY SPEAKER GODFREY:

The Bill is passed in concurrence.

Clerk please call calendar 390.

THE CLERK:

On Page 20, Calendar 390, House Bill Number 5512,

AN ACT CONCERNING THE REPORTING OF A MISSING CHILD.

Favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Judiciary
Committee, Representative Fox.

REP. FOX (148th):

Thank you, Mr. Speaker. I move for the
acceptance of the Joint Committee's favorable report
and passage of the Bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage. Will you

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explain the Bill, please sir?

REP. FOX (148th):

Thank you, Mr. Speaker. This Bill makes it clear in our law that when an individual is -- or the parent, guardian or a person who is responsible for the whereabouts of a child and that person knowingly fails to report when that child is missing for a period of 24 hours, what this does, Mr. Speaker, is this makes those actions a crime. Mr. Speaker, this is a Bill that our state has looked at as well as other states following events that transpired over the course of the last year when questions arose whether a failure to report a child who may be missing is in fact a crime. There are people in our state, in our legislature as well as throughout our nation who are outraged by one case in particular, but it's one that we have looked at throughout our state and throughout our country. Mr. Speaker, this makes it clear and it makes it known that failure to report a child will now be a crime and I would urge passage of the Bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Distinguished Ranking Member of the Judiciary
Committee, Representative Hetherington.

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REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I rise in strong support of this. This will, I think, sharpen people's awareness when they're placed in charge of a child in whatever capacity that if the child goes missing, they've got to do something about it right away. And, there's clearly a need for this and I want to thank Representative Carpino for the work she did in putting this together and I urge passage. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Adinolfi. No?

Will you remark further on the Bill? Will you remark further on the Bill?

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

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.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members

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voted? If so, the machine will be locked and the Clerk will take a tally.

And, the Clerk will announce the tally.

THE CLERK:

House Bill 5512.

Total number voting	140
Necessary for adoption	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER GODFREY:

The Bill is passed.

Clerk please call Calendar 307.

THE CLERK:

On Page 37, Calendar 307, substitute for House Bill Number 5467, AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS.

Favorable report by the Committee on the Environment.

DEPUTY SPEAKER GODFREY:

Representative Butler, for what purpose do you rise?

REP. BUTLER (72nd):

I wanted to be registered in affirmative.

DEPUTY SPEAKER GODFREY:

**JOINT
STANDING
COMMITTEE
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light of what you just said that maybe we can look at 10-186 as -- as a way, if you -- if you must, you know, as a deterrent I understand to protect the -- the tax payers resources in the city.

I do understand taxpayers, our concern is the draw to educate other people's children, but at the same time we do know our systems are not meeting the needs of the children, and we have to look at something that just doesn't create more criminals, but holds us accountable to make better school systems.

And I think in the end you won't have to even deal with the residency. So thank you very much, gentlemen. Any other questions?

SENATOR COLEMAN: Do any other members have questions for Ms. Samuels? If not, thank you for your time.

GWEN SAMUEL: Thank you. Thank you very much, sir.

SENATOR COLEMAN: Cheryl Martone.

CHERYL MARTONE: Good evening.

SENATOR COLEMAN: Good evening.

CHERYL MARTONE: I'm the last of the last. I'm going to make it brief guys -- committee.

SENATOR COLEMAN: We've heard that before, especially from the last speaker.

CHERYL MARTONE: Especially from Gwen. Okay. My name is Cheryl Martone. I'm from Westbrook, Connecticut and I'm basically going to be talking about five different bills, but very short to head it -- this is about parental rights first off.

HB 5508
SB 417
SB 444
HB 5512

and feelings are not taken into consideration.

444 account intervention and a third party's and controversies involved in the custody of minor child; I read part of this bill. Money should not be a factor in determining custody.

The best interest of the child should be determined and what's best for the child. Most of the time they do not consider what the child wants and the rights of the parents. Parents -- I see parental rights all over a lot of bills being violated.

And I'm just going to end with 5512 the reporting of a missing child. It should be mandatory no matter who you are, or who the child is with a child should be looked for immediately. A child should not go under like say 14, 15 years old 24 hours. A child should be looked for immediately.

I've been in circumstances where my son has been watching a child or a nephew of mine -- he was like hiding under a bed. Nobody knew where he was -- he was like sleeping under a bed and nobody could find for about ten, 15 minutes. Immediately people started looking for him in the neighborhood. You should start immediately looking for a child, not a 24-hour period, and hold those people accountable.

That's all I have to say. Holding people accountable and -- wait a minute -- I just want to say anything.

All these bills should be also when DCF do these things workers and they should be holding -- be held accountable. Why should they -- why should they be any different? If they do things with children -- I've heard statistics say that children are more harmed

and more missing and more abused in DCF's custody -- state's custody, than they are with their own biological parents.

I'm going to leave it at that.

SENATOR COLEMAN: Are there questions for Ms. Martone?

CHERYL MARTONE: Thank you for listening.

SENATOR COLEMAN: Thank you. And she was actually the last person that signed up to testify. I don't see anyone else in the audience who wants to testify. And that being the case, I will declare this Public Hearing closed. Thank you members and staff.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Judiciary**

March 23, 2012

S.B. No. 417: An Act Concerning Juvenile Matters and Permanent Guardianships

**H.B. No. 5508: An Act Concerning Misrepresentation of Town of Residency
with Respect to School Accommodations**

H.B. No. 5512: An Act Concerning the Reporting of a Missing Child

H.B. No. 5546: An Act Concerning Sentence Modification for Juveniles

H.B. No. 5548: An Act Concerning Domestic Violence

The Division of Criminal Justice respectfully offers the following testimony concerning bills on the agenda for today's public hearing:

The Division respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for S.B. No. 417, An Act Concerning Juvenile Matters and Permanent Guardianships. Specifically, the Division requests that the Committee amend Section 15 of the bill to provide for the continued automatic transfer to the adult court of those cases involving serious and violent class B felony crimes. Specifically, the Division believes the following crimes must remain subject to automatic transfer: Manslaughter in the First Degree, 53a-55; Manslaughter in the First Degree with a Firearm, 53a-55a; Assault in the First Degree, 53a-59; Assault of an Elderly, Blind, Disabled or Pregnant Person or a Person with Intellectual Disability in the First Degree, 53a-59a; Sexual Assault in the First Degree, 53a-70; Aggravated Sexual Assault in the First Degree, 53a-70a; Kidnapping in the Second Degree with a Firearm, 53a-94a; Burglary in the Second Degree while armed with explosives, a deadly weapon or dangerous instrument, 53a-101 (a)(1); Arson in the Second Degree, 53a-112; Robbery in the First Degree that causes serious physical injury to any person who is not a participant in the crime or when armed with a deadly weapon, 53a-134 (a)(1) and 53a-134 (a)(2). The Division has no objection to the transfer hearing being conducted in the Juvenile Court as long as the finding of probable cause continues to be an ex parte proceeding rather than after a contested hearing requiring witnesses and testimony.

The Division of Criminal Justice respectfully opposes H.B. No. 5508, An Act Concerning Misrepresentation of Town of Residency with Respect to School Accommodations, and would recommend the Committee take NO ACTION on this bill. It is our understanding that the genesis of this bill was a criminal prosecution in Norwalk. The bill would reduce the penalty for

intentionally registering a child for school in a municipality where the child does not live without paying the required tuition or other fees. Such conduct constitutes fraud on the municipality and should be treated as such. In the case in question the news media inaccurately and repeatedly reported that the defendant was homeless, while in fact she was not. Given the facts of that particular case, this bill is an overreaction to something that never happened.

The Division of Criminal Justice appreciates the concerns behind H.B. No. 5512, An Act Concerning the Reporting of a Missing Child, but does not believe the bill is necessary since existing law already applies and would in fact allow for stronger penalties. Section 53-21, "Injury or Risk of Injury to, or Impairing Morals of Children," would apply to the conduct proscribed by H.B. No. 5512. A violation of the risk of injury statute is a class C felony, which carries a penalty of not less than one nor more than ten years imprisonment and fine of up to \$10,000, as compared to a term of imprisonment of not more than one year and a \$2,000 fine for the class A misdemeanor provided for in the bill. The Division certainly understands the concern for children which prompted this legislation, but believes the bill is not necessary given the existing law and its appropriately stronger penalties. Accordingly, the Division respectfully recommends the Committee take NO ACTION on H.B. No. 5512.

The Division of Criminal Justice does not believe H.B. No. 5546, An Act Concerning Sentence Modification for Juveniles, is necessary. The Sentencing Commission already has the authority to examine the sentencing of juveniles who are tried and convicted as adults of serious felony crimes. In fact, the commission has already begun a discussion and the only thing that is clear at this point is that much more research needs to be done. The commission needs to carefully examine the circumstances surrounding all of the cases in question and not simply to base its analysis on anecdotal evidence or incomplete data. With the exception of those convicted of capital felony or murder, all of the affected defendants would be eligible for parole and thus already have a means for reducing the time they remain incarcerated. Again, there is no detailed data on their crimes, the impact of those crimes on the victims of those crimes, the factors considered at sentencing or any other aspects of the case. Should the committee decide that legislation is necessary to direct the Sentencing Commission to examine this issue the Division would strongly recommend that the legislation spell out clearly that the commission is to undertake detailed research of all cases and that the rights and interests of the victims of these crimes are also taken into consideration. H.B. No. 5546 as now drafted references only those who have committed serious crimes and makes no mention of the innocent victims of their crimes or the impact that sentence modification would have on those victims.

The Division of Criminal Justice supports H.B. No. 5548, An Act Concerning Domestic Violence, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill. The Division commends the Speaker's Task Force on Domestic Violence for the tremendous amount of time and effort devoted to examining our state's response to domestic violence. The Division has worked with advocacy groups on several of the issues addressed in the bill, including the proposed revisions to the statutes on stalking. We would again offer our assistance to the Committee as you seek to refine the language. The Division would request that bill be revised to amend subsection (a) of section 53a-40e of the general statutes to eliminate the restriction that limits the issuance of a standing criminal protective order to "a family or household member, as defined in section 46b-38a." The Division is aware of numerous instances where such orders would appropriately be issued against persons other than a family or household member.



State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL

REPRESENTATIVE MICHAEL L. MOLGANO
ONE HUNDRED FORTY-FOURTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4200
HARTFORD, CT 06106-1591
HOME: (203) 461-8551
CAPITOL: (860) 240-8700
TOLL FREE: (800) 842-1423
EMAIL: Michael.Molgano@housegop.ct.gov

MEMBER
EDUCATION COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE
TRANSPORTATION COMMITTEE

Testimony

In Support of Raised House Bill 5512
An Act Concerning the Reporting of a Missing Child

Judiciary Committee
March 23, 2012

Honorable Chairs, Senator Coleman and Representative Fox, Honorable Vice-Chairs, Senator Doyle and Representative Holder-Winfield, Ranking Members Senator Kissel and Representative Hetherington, and Members of the Judiciary Committee,

Thank you for the opportunity to submit testimony on Raised House Bill No. 5512, AN ACT CONCERNING THE REPORTING OF A MISSING CHILD.

I fully and wholeheartedly support HB 5512. The death that befell two-year-old Caylee Marie Anthony in 2008 touched the hearts of a nation. It was sad enough to learn of her remains being found in a wooded area near her home in Orlando, Florida, but what holds to this very day as an unconscionable and shocking fact is Caylee's mother, Casey Anthony, reported she had not seen her daughter for 31 days. THIRTY-ONE DAYS! Such irresponsibility and neglect presents no surprise that 35 states or more have considered or are considering a version of Caylee's Law, and Connecticut must not be the exception. The blatant disregard for the protection and safety of children by not notifying the authorities of a missing child is criminal and should carry no less than a Class A misdemeanor. I personally would be agreeable to charging this crime as a felony.

HB 5512 clearly makes it Connecticut law that any parent, guardian, or person having custody or control, or providing supervision of any child under the age of twelve years report the disappearance of such child when the parent, guardian, or person having

custody or control, or providing supervision does not know the location of the child and has not had contact with the child for a twenty-four-hour period. I strongly urge the Judiciary Committee immediately JF this bill to the floor. The children of Connecticut must never be at risk of not being reported missing within a reasonable time period as was young and innocent Caylee Marie Anthony.

Thank you for your time and attention.

Sincerely,

Michael L. Molgano

Michael L. Molgano
State Representative, District 144
Stamford



CONNECTICUT POLICE CHIEFS ASSOCIATION

1800 Silas Deane Highway-Rear Bldg., Rocky Hill, Connecticut 06070

(860) 324-5726 (860) 324-6285 Fax: (860) 529-4265

Web site: www.cpcanet.org

March 23, 2012

Testimony presented to the Joint Committee on Judiciary

Chief Anthony Salvatore and Chief Matthew Reed for the Connecticut Police Chiefs Association

The Connecticut Police Chiefs Association (CPCA) represents all municipal police departments in Connecticut as well as police departments at private and state universities.

The Connecticut Police Chiefs Association **SUPPORTS** H.B. 5512, AAC The Reporting of a Missing Child.

CPCA would recommend a minor amendment to the proposed language. The recommended amendment would set forth that when a parent, guardian or other person who supervises a child determines that the child is missing such parent, guardian or other person who supervises the child must immediately notify police. Any such person that delays notification for a period greater than 24 hours from when such disappearance is discovered shall be guilty of a class A misdemeanor.

For years police have been challenged by the notion of both parents and police officers that a child or other person must be missing for more than 24 hours before it can be reported. The genesis of this notion that there is 24 hour waiting period is unknown; it may be historical practice, it may be the result of police shows on television. Nonetheless, current police policy and practice is to initiate an active investigation as soon as a report of a missing child is made.

We are of the opinion that codifying the 24 hour time frame without clarification that it is expected that a missing child will be reported immediately may add to the notion that no report can be made until 24 hours has passed.

CPCA supports this legislation but would like it amended with this additional language in order to clarify the responsibility of parents or other persons responsible for the child's welfare.

END



State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL

REPRESENTATIVE NOREEN S. KOKORUDA
ONE HUNDRED FIRST ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200
HARTFORD, CT 06106-1591

TOLL FREE (800) 842-1423
CAPITOL (860) 240-8700
HOME (203) 245-9054

EMAIL Noreen.Kokoruda@housegop.ct.gov

MEMBER
EDUCATION COMMITTEE
ENERGY AND TECHNOLOGY COMMITTEE
PLANNING AND DEVELOPMENT COMMITTEE

HB 5512
An Act Concerning The Reporting Of A Missing Child
Judiciary Committee Public Hearing
March 23, 2012

To the Honorable Chairmen, Co-Chairmen and Members of the Judiciary Committee, I submit my testimony in support of **HB 5512 - An Act Concerning the Reporting of a Missing Child.**

This bill provides a criminal penalty for a parent or legal guardian who fails to report a missing child under the age of 12 within 24 hours, in cases where the parent knew or should have known that the child was possibly in danger.

I hope you will support this common sense proposal which protects the most vulnerable members of our society - our children. We should strive to avoid any future tragedies similar to what happened to Caylee Anthony in Florida when her mother waited 31 days before reporting her missing.

I respectfully request that you join me in supporting and voting this bill out of the Judiciary Committee and to the floor of the House and Senate for final consideration.

Sincerely,

Noreen S. Kokoruda
State Representative
101st District

NSK/pb

S - 648

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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Thank you, Madam President.

On calendar page 23, Calendar 485, House Bill 5237. Madam President, move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 25, Calendar 497, House Bill 5512. Move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On calendar page 26, Calendar 502, House Bill 5497. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also on calendar page 26, Calendar 503, House Bill 5409. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

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On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

Immediate roll call has been ordered in the Senate. Will senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

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Total Number Voting	35	
Necessary for passage	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or announcements? Are there any points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or points of personal privilege, we will, of course, be in session tomorrow -- or actually it's later today but -- but not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will have a -- announce the Democratic caucus at eleven followed by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at 12:32 a.m. adjourned subject to the call of the chair.