

## Legislative History for Connecticut Act

### PA 15-218

HB7048

House	2224-2231	7
Senate	3233, 3266-3268	4
Judiciary	5602, 5603, 5909-5911	5
		<b>16</b>

Transcripts from the Joint Standing Committee Public  
Hearing(s) and/or Senate and House of Representatives  
Proceedings

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2015**

**VOL.58  
PART 7  
2093 - 2443**

/dd  
HOUSE OF REPRESENTATIVES

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May 12, 2015

Will you remark further on the bill as amended? 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'll be opened.

CLERK:

[bell rings] The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

[pause]

DEPUTY SPEAKER GODFREY:

[gavel] Have all the members voted? Have all the members voted? If so, the machine will be locked. The Clerk will take a tally.

And the Clerk will announce the tally.

CLERK:

House Bill 6830, as amended by House "A"

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0

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Absent and not voting 4

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed. [gavel]

Mr. Clerk, Calendar 456.

CLERK:

On page 37, House Calendar 456, Favorable Report of the Joint Standing Committee on Judiciary, House Bill 7048, AN ACT CONCERNING PREVENTION, DETECTION AND MONITORING OF PRISON RAPE IN JUVENILE FACILITIES.

DEPUTY SPEAKER GODFREY:

[gavel] The gentlewoman from New Haven, Representative Dillon.

REP. DILLON (92<sup>nd</sup>):

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

DEPUTY SPEAKER GODFREY:

Question's on acceptance and passage. Will you explain the bill, please, ma'am.

REP. DILLON (92<sup>nd</sup>):

The proposal before us updates the framework, which we previously adopted in 2011 to conform to federal guidelines and include -

DEPUTY SPEAKER GODFREY:

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Representative Dillon, just a moment. [gavel]  
I couldn't hear Representative Dillon and I'm  
standing right in front of the speakers. Thank  
you. Representative Dillon, I'm sorry. Please  
proceed.

REP. DILLON (92<sup>nd</sup>):

Thank you very much. The proposal before us  
updates the framework which we adopted in 2011 to  
include juvenile facilities. It's - it'd been  
endorsed by the Commissioner of Department of  
Children and Families and by the ACLU, the  
Connecticut Civil Liberties Union. I move passage.

DEPUTY SPEAKER GODFREY:

Thank you, ma'am.

Representative Rebimbas.

REP. REBIMBAS (70<sup>th</sup>):

Thank you, Mr. Speaker. Mr. Speaker, I rise  
in support of the proposal that's before us. But  
just a question for clarification to the proponent  
of the bill, if I may?

DEPUTY SPEAKER GODFREY:

Proceed, ma'am.

REP. REBIMBAS (70<sup>th</sup>):

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Thank you, Mr. Speaker. Through you, Mr. Speaker, it's my understanding that this is currently being done at the juvenile facilities? Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Dillon.

REP. DILLON (92<sup>nd</sup>):

Through you, Mr. Speaker, the - what's currently being done is in conformance with federal guidelines. At the time that we began researching this and adopting the prior proposal, nothing formal had been adopted, although it had been proposed. So we did earlier populations but technically, yes, this does. This is being done since the passage - the adoption of federal guidelines. It - however, just to make sure that we're in conformance in case Congress changes its mind, we're including juvenile facilities to make sure that we're in full conformance. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70<sup>th</sup>):

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Thank you, Mr. Speaker, and I'd like to thank the kind representative for her response to that. Certainly, again, I do rise in support of this legislation. I think, again, Connecticut did a wonderful thing in incorporating this as - in compliance of federal rules and regulations already doing this in our juvenile facilities and this would be codifying that practice in state statute so I do rise in support of the proposal before us.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Representative Ziobron of the 34<sup>th</sup>.

REP. ZIOBRON (34<sup>th</sup>):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER GODFREY:

Good afternoon.

REP. ZIOBRON (34<sup>th</sup>):

I have a - one small question for the proponent of the bill, sir, through you.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. ZIOBRON (34<sup>th</sup>):

Thank you. On line 6 and 7 of the underlying bill, it talks about the program within available

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appropriations, which concerned me at first because, typically, when you see that and we're experiencing the kind of budget crisis that we have in the State of Connecticut that very important programs are not being funded if we don't have the money. So my question is are we, in fact, doing this currently regardless of whether we have the appropriations or not? Through you.

DEPUTY SPEAKER GODFREY:

Representative Dillon.

REP. DILLON (92<sup>nd</sup>):

Through you, Mr. Speaker, it's my understanding that we are but, at the time that the underlying statute was written, we were hoping and I believe we did receive federal funds if we were in full compliance. However, the content of the federal guidelines were in dispute when we began our deliberations and so the language within available appropriations was meant to make sure that we could begin doing it and that we would be eligible for federal dollars but they would be prepared for whatever Congress did. Through you, Madam Speaker - Mr. Speaker.



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DEPUTY SPEAKER GODFREY:

Representative Ziobron.

REP. ZIOBRON (34<sup>th</sup>):

Thank you, Mr. Speaker, and I thank the gentlelady for that explanation. It was very insightful to me and certainly made a lotta sense. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, ma'am.

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'll be opened.

CLERK:

[bell rings] The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

[pause]

DEPUTY SPEAKER GODFREY:

[gavel] Have all the members voted? [gavel]  
Have all the members voted? [gavel] If all the

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May 12, 2015

members have voted, the machine will be locked.

The Clerk will take a tally.

And the Clerk will announce the tally.

CLERK:

House Bill 7048

Total Number Voting 147

Necessary for Passage 74

Those voting Yea 147

Those voting Nay 0

Absent and not voting 4

DEPUTY SPEAKER GODFREY:

The bill is passed. [gavel]

For an announcement, Representative Noujaim.

REP. NOUJAIM (74<sup>th</sup>):

Thank you, Mr. Speaker. Good afternoon, sir.

DEPUTY SPEAKER GODFREY:

Good afternoon.

REP. NOUJAIM (74<sup>th</sup>):

Mr. Speaker, when the birthdays were announced this morning, one of the representatives who is celebrating a birthday today was not in the Chamber. Well, he is in the Chamber now but he is not sitting in his seat. He's standing right there. I would like to ask our colleagues to give

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SENATE

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June 3, 2015

THE CHAIR:

Please proceed, sir.

SENATOR DUFF:

Thank you, Madam President. Could we call on Calendar page - let's see, I'll go in page order, how's that. On Calendar Page 9, Calendar 508, House Bill 7048 to placed on the Consent Calendar.

THE CHAIR:

Without objection.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 10, Calendar 523, House Bill 6849, would like to place that on the Consent Calendar.

THE CHAIR:

Without objection.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 12, Calendar 545, House Bill 7029 I'd like to place on the Consent Calendar.

THE CHAIR:

Without objection.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 13, Calendar 567, House Bill 6921, I'd like to place that item on Consent Calendar.

THE CHAIR:

Without objection, sir.

SENATOR DUFF:

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SENATE

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June 3, 2015

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 9, Calendar 503, House Bill 6117, I'd like to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 8, Calendar 501, House Bill 6830, like to place that item on Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. We have a number of other items on the Consent Calendar from earlier. If the Clerk can call those items and the ones I just added. And we may have a vote on the first Consent Calendar of the day.

THE CHAIR:

Thank you, sir. Mr. Clerk.

CLERK:

On Page 9, Calendar 508, House Bill 7048. On Page 8, Calendar 501, House Bill 6830. Also on Page 9, Calendar 503, House Bill 6117. Page 10, Calendar 523, House Bill 6849. Page 11, Calendar 529, House Bill 6823. Page 12, Calendar 545, House Bill 7029.

Also on Page 12, Calendar 540, House Bill 6919. And on Page 13, Calendar 567, House Bill 6921. Page 13, Calendar 561, House Bill 6907. Page 16, Calendar 598, House Bill 7003. Page 16, Calendar 595, House Bill 6820. On Page 17, Calendar 600, House Bill 6855.

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Page 18, Calendar 613, House Bill 6899. Page 18, Calendar 615, House Bill 6737. On Page 19, Calendar 616, House Bill 6856. Also on Page 19, Calendar 622, House Bill 6186. On Page 20, Calendar 628, House Bill 7027. Page 20, Calendar 626, House Bill 7023.

Page 21, Calendar 632, House Bill 6774. Page 22, Calendar 643, House Bill 5780. On Page 22, Calendar 646, House Bill 7021. On Page 23, Calendar 649, House Bill 5793. Page 24, Calendar 651, House Bill 6987. Page 27, Calendar 408, Senate Bill 1030.

On Page 28, Calendar 517, House Bill 6498. Also on Page 28, Calendar 436, House Bill 5903. And on Page 30, Calendar 432, Senate Bill 1105.

THE CHAIR:

The machine will be opened. Clerk will announce a pendency of roll call vote.

CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call on Consent Calendar No. 1 has been ordered in the Senate.

[pause]

THE CHAIR: (The President in the Chair)

If all members voted, all members voted, the machine will be closed. Mr. Clerk, will you please call the tally.

CLERK:

On Consent Calendar No. 1

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Absent/not voting	0

THE CHAIR:

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SENATE

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Consent Calendar passes. [gavel] Good afternoon,  
Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, I would ask that the Clerk now please call from Senate Agenda No. 1, Emergency Certified Bill, House Bill 7061, please.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 7061, AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, AND MAKING APPROPRIATIONS THEREFOR, AND OTHER PROVISIONS RELATED TO REVENUE, DEFICIENCY APPROPRIATIONS, TAX FAIRNESS AND ECONOMIC DEVELOPMENT.

THE CHAIR:

It will be a good afternoon and a good evening. But a good afternoon, Senator Bye.

SENATOR BYE:

Good afternoon, Madam President. Nice to see you today.

THE CHAIR:

It's good to be seen and good to see you, ma'am.

SENATOR BYE:

Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

The motion's on acceptance and passage in conjunction with the House. Would you remark?



**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

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other families that are also in detention custody.

In the meantime, however, my relationship with my teenage daughter has suffered drastically. My eventual reintegration into society was slowed down by the financial woes that incarceration always produces, and still I find myself constrained almost to the breakin' point by a monitorin' system for ICE detainees who are released.

I petition today to ask the members of the, this Judiciary Committee to take a look at the de - the detainers that ICE has been using to cause family members a great harm and distress. Thank you.

SEN. COLEMAN: Thank you. Are there questions for Mr. Reid? Any questions for Mr. Reid? If not, thank you.

MARK REID: Thank you.

SEN. COLEMAN: Michael Williams is next. Good morning, Commissioner.

HB 7048  
HB 7042  
MICHAEL WILLIAMS: Good morning. Good morning, Senator Coleman, Representative Tong, Senator Kissel, of course Representative Rebinbas, and members of the Judiciary Committee.

My name is Michael Williams, and I am the Deputy Commissioner for the Department of Children and Families, and I'm joined by Barbara Claire, DCF's legal director. We're here to testify on three of the bills on your Public Hearing Agenda.

First, we'd like to speak in support of bill No. 6849. It's AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING. Our written testimony that we have submitted includes a section-by-section summary of this bill.

This bill introduced by Governor Malloy makes a number of statutory changes to better protect victims of human trafficking and to strengthen criminal penalties for perpetrators.

Over the past four years, the State of Connecticut, with the support of the General Assembly, has put forth tremendous efforts to end the sale of our children. And for DCF, these efforts fall within three main categories. Identification and response, awareness and education, and restore and recovery.

And since 2008, when collaborative efforts in Connecticut significantly increased, both internally at DCF and externally with the community, there've been over 300 children who have been identified and confirmed as victims of domestic minor sex trafficking.

Of the victims identified, the majority have been involved with Child Welfare Services in some manner. And many of these children have been victimized while in foster care or congregate care.

Next, DCF would like to offer its support of H.B. No. 7048, AN ACT CONCERNING PREVENTION, DETECTION, AND MONITORING OF PRISON RAPE IN JUVENILE FACILITIES. This bill amends Section 18-81 of the general statutes to require that juvenile facilities be covered by applicable standards recommended by the National Prison Rape Elimination Commission.

The department is already complying with federal PREA standards within its facilities, and we have no objection to this statutory change.

And at this time, I'd like to turn it over to Barbara Claire for testimony on H.B. No. 7042, AN ACT CONCERNING THE PLACEMENT OF CHILDREN BY THE COMMISSIONER OF CHILDREN AND FAMILIES.



STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

March 30, 2015



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**H.B. No. 7048 AN ACT CONCERNING PREVENTION, DETECTION AND MONITORING OF PRISON  
RAPE IN JUVENILE FACILITIES**

The Department of Children and Families (DCF) supports H.B. No. 7048, An Act Concerning Prevention, Detection and Monitoring of Prison Rape in Juvenile Facilities.

This bill amends section 18-81cc of the General Statutes to require that juvenile facilities be covered by applicable standards recommended by the National Prison Rape Elimination (PREA) Commission.

DCF is already complying with PREA standards within its facilities and is preparing for a PREA audit next year.



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**Written Testimony in Support of House Bill No. 7048,  
An Act Concerning the Prevention, Detection and Monitoring of Prison  
Rape In Juvenile Facilities**

Good afternoon Senator Coleman, Representative Tong and distinguished members of the Judiciary Committee. My name is David McGuire. As staff attorney for the American Civil Liberties Union (ACLU-CT), I am here in support of House Bill No. 7048, An Act Concerning the Prevention, Detection and Monitoring of Prison Rape in Juvenile Facilities.

In 2011, the ACLU-CT supported House Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission. The act protected individuals being held in adult or juvenile facilities from sexual abuse by requiring state and municipal agencies and private providers that incarcerate or detain offenders to adopt and comply with the standards proposed by the National Prison Rape Elimination Commission.

Today, we are glad to see the committee raised this bill that would include juvenile offenders and juvenile facilities as persons and facilities covered by the standards recommended by the National Prison Rape Elimination Commission.

A 2013 National Survey of Youth and Custody report found that 9.5% of adjudicated youth in state juvenile facilities and state contract facilities reported experiencing one or more incidents of sexual victimization by another youth or staff in the past 12 months. Furthermore, 20.3% of youth victims of staff sexual misconduct reported that they experienced physical force or threat of force and 21.5% reported that they were given drugs or alcohol to engage in sexual contact.<sup>1</sup>

The physical and psychological effects of rape are devastating and far reaching. Rape survivors may be infected with STDs, and are far more likely to suffer debilitating mental illnesses under the best of circumstances; the effects when the victim is incarcerated and must interact with his or her abuser on a daily basis can be far worse. It is clear from the large numbers of victimized juvenile prisoners that the current policies regarding prison rape in adult facilities should be applied to juvenile facilities as well. This bill adopts recommendations of the National Prison Rape Elimination Commission and applies them to juvenile facilities. These recommendations, developed after an extensive study of sexual abuse in prisons, lay out a "realistic blueprint for progress" that will help to actually address and prevent this problem.

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<sup>1</sup> <http://www.bjs.gov/content/pub/pdf/pdca14.pdf>

Effective reporting and enforcement mechanisms to give these regulations teeth. This bill offers that, providing for disciplinary measures and prosecutions against offending prison staff or inmates, and allowing inmates to have confidential contact with support services, and mandating compliance auditing. The mandatory reporting requirements of this bill will give the legislature and society at large a clear idea of the magnitude of the problem of juvenile prison rape, and how best to deal with it. Moreover, if this bill is passed, it will send a strong message to juvenile prison staff that DOC policies are not mere words, and that the state takes the issue of prison rape seriously.

Prison rape also puts the state fiscally at risk. If a prison has failed to take reasonable steps to protect inmates from sexual assault, the state may be liable for failing to protect those inmates. The passage of this bill is sound public policy: it protects all people from rape and sexual assault including juvenile's and minimizes financial costs to the state. The ACLU-CT urges you to pass House Bill No. 7048 and provide our youthful offenders with the equal protection from sexual assault.