

Legislative History for Connecticut Act

PA 16-178

SB455

Senate	1699-1701	3
Judiciary	2562-2563, 2898-2899	4
House Transcripts have not been received. They are available on CGA website, but are not the Official copy. Contact House Clerk for assistance (860) 240-0400		7

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

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 5
1368 – 1703**

kbk
SENATE

332
April 28, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. And on Calendar Page 9, Calendar 359, S.B. 455; I'd like to place that item on our Consent Calendar.

THE CHAIR:

So ordered. Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. And if the Clerk can now call the items on the Consent Calendar, followed by a vote of our Consent Calendar tonight.

THE CHAIR:

Mr. Clerk, when you can, please call the Consent Calendar.

THE CLERK:

On Page 1, Calendar 83, S.B. No. 183; Page 2, Calendar 132, S.B. No. 205; on Page 4, Calendar 237, S.B. No. 298; Page 5, Calendar 285, S.B. No. 317; on Page 8, Calendar 346, S.B. No. 338; Page 9, Calendar 372, S.B. No. 346; also on Page 9, Calendar 359, S.B. No. 455; on Page 10, Calendar 374, H.B. No. 5327; Page 12, Calendar 386, H.B. No. 5379; on Page 14, Calendar 405, S.B. No. 365; Page 17, Calendar 434, S.B. No. 401; Page 17, Calendar 438, S.B. No. 267; Page 32, Calendar 69, S.B. No. 186; and on Page 33, Calendar 85, S.B. No. 187; also on Page 33, Calendar 129, S.B. No. 202; Page 34, Calendar 138, S.B. No. 137; also on Page 34, Calendar 139, S.B. No. 140; on Page 35, Calendar

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186, S.B. No. 262; Page 36, Calendar 203, S.B. No. 240; Page 36, Calendar 222, S.B. No. 301; Page 36, Calendar 226, S.B. No. 179; on Page 37, Calendar 249, S.B. No. 122; Page 38, Calendar 257, S.B. No. 139; on Page 40, Calendar 333, S.B. No. 289; and on Page 41, Calendar 349, S.B. No. 300.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on Consent Calendar 1. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar for today. Immediate roll call in the Senate.

THE CHAIR:

Senator Gomes; Consent Calendar. Senator Hartley; thank you.

All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you call the tally, please?

THE CLERK:

On today's Consent Calendar

Total Number of Voting	36
Those Voting Yea	36
Those Voting Nay	0
Absent and Not Voting	0

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THE CHAIR:

The Consent Calendar passes. (Gavel)

Are there any points of personal privilege? Senator Leone. Senator Leone?

SENATOR LEONE (27TH):

Yes. Yes, Madam President, just for a purpose of an announcement?

THE CHAIR:

Please proceed, sir.

SENATOR LEONE (27TH):

For just -- for the General Law Committee, we'll have a meeting for a referral 15 minutes prior to the start of the first session tomorrow. Thank you.

THE CHAIR:

Thank you; so noted. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. The Housing Committee will be meeting at 10:30 outside the House Chamber.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

**STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 6
2347 – 2800**

2016

PATRICE COMEY: I did, I did. It was focused on the court reporting the best interest of the child. When that conflict came up, that is how I served because it was different in Connecticut than when I am talking about. When I served, it was under that crack in the door program. My friends in Virginia were more in that wide open door program.

SENATOR COLEMAN (2ND): Well again, I want to thank you for what you are doing and thank you for your support of this bill.

PATRICE COMEY: Thank you so much.

SENATOR COLEMAN (2ND): Next is Alex Tsarkov and Leland Moore.

HB 5631

ALEX TSARKOV: Senator Coleman, Representative Tong, representative members, representative (indiscernible 36:07.4) and members of the Judiciary Committee. For the record, my name is Alex Tsarkov and I am the executive director of the Connecticut Sentencing Committee. With me is Leland Moore of the Commission. We are permanent commission created about five years ago. Our members consist of all of the major stakeholders of the criminal justice system of Connecticut. They include commissioners of corrections, emergency services and public protection, mental health and addiction services, prosecutors, public defenders, judges, police chiefs and others vitally engaged in the criminal justice system.

We are here to support two bills that the commission proposed to the committee. The first is SENATE BILL 455 AND THAT IS CONCERNING WEAPONS IN VEHICLES.

PUBLIC HEARING

SENATE BILL 455 aims to amends against Weapons in a Motor Vehicle statutes to comply with the Connecticut Supreme Court narrow ruling in State V. Deciccio.

In Deciccio, the defendant was convicted of two counts of having a weapon in a motor vehicle while using his vehicle to transport a dirk knife and police baton from his former residence to his new residence. The Connecticut Supreme Court held that Connecticut's Weapon in a Motor Vehicle Statute violates the Second Amendment to the extent that it acts as a complete prohibition in transportation of dirk knives and police batons between residences.

SENATE BILL 455 is designed to rectify the now unconstitutional portion of the Weapon in a Motor Vehicle Statute in accordance of the court's narrow holding.

The proposal amends the statute by providing limited exceptions in allowing an individual to possess dirk knives and police batons in a motor vehicle if that individual is in the process of moving from one residence to another. In essence, this bill aims to clarify the existing ruling from our state's highest court. It was submitted in JFS language that is largely technical in nature, but we believe it would strengthen the bill.

The second bill that we would like to testify on is HOUSE BILL 5631 AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION. Do you want to talk about that one?

LELAND MOORE: Members of the Judiciary Committee, I would like to thank you for raising HOUSE BILL 5631,

**STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 7
2801 – 3244**

2016



STATE OF CONNECTICUT
SENTENCING COMMISSION

Testimony on SB 455, An Act Concerning Weapons in Vehicles.

Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. For the record, my name is Alex Tsarkov and I am the Executive Director of the Connecticut Sentencing Commission. I would like to thank the committee for raising SB 455, AN ACT CONCERNING WEAPONS IN VEHICLES.

SB 455 aims to amend Connecticut's weapon in a motor vehicle statute (C.G.S. § 29-38) to comply with the Connecticut Supreme Court's narrow ruling in State v. DeCiccio, 315 Conn. 79 (2014). In DeCiccio, the defendant was convicted of two counts of having a weapon in a motor vehicle for using his vehicle to transport a dirk knife and a police baton from his former residence to his new residence.

The Connecticut Supreme Court held that Connecticut's weapon in a motor vehicle statute violates the Second Amendment to the extent that it acts as a complete prohibition on the transportation of dirk knives and police batons between residences. The court concluded that, "*possession of a dirk knife and a police baton in a person's home is protected by the second amendment*" and that, "*... our statutory scheme, which categorically bars the transportation of those weapons by motor vehicle from a former residence to a new residence, impermissibly infringes on that constitutional right.*" DeCiccio, 315 Conn. at 83.

SB 455 is designed to rectify the now unconstitutional portion of § 29-38 in accordance with the court's narrow holding. The proposal amends the weapon in a motor vehicle statute by providing for an exception to C.G.S. § 29-38 in allowing an individual to possess dirk knives and police batons in a motor vehicle if that individual is in the

process of moving from one residence into another. In essence, this bill aims to codify an existing ruling from our State's highest court.

The Commission respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report to strengthen this legislation and to accurately reflect the holding of State v. DeCiccio. We ask that the new language of subparagraph (H) be placed under a new subdivision (6). This would mirror the Court's narrow holding with respect to dirk knives and police batons.

The bill as written places the new language of subparagraph (H) under subdivision (5), which only applies to "any person having a knife, the edged portion of the blade of which is four inches or more in length." This is problematic for two reasons. First, "a police baton in a vehicle" does not fit within the framework of subdivision (5). Subdivision (5) refers exclusively to knives and therefore it is inconsistent to include a provision regarding police batons under subdivision (5). Second, the DeCiccio court's analysis dealt specifically with dirk knives and not with "knives, the edged portion of the blade of which is four inches or more in length." Thus, the bill--as drafted--would not apply to dirk knives, the edged portion of the blade of which is less than four inches in length.

This proposal as suggested by the JFS language was unanimously endorsed by the Sentencing Commission's 23 members. I thank the Committee for raising this legislation and urge the Committee's JOINT FAVORABLE SUBSTITUTE Report.