

Legislative History for Connecticut Act

PA 16-182

HB5629

Senate 3091, (3094-3096) 4

Judiciary 2679-2687, 3011-3015 14

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 **18**

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

**Connecticut State Library
Compiled 2017**

S - 699

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 9
2751 – 3097**

/je
SENATE

341
May 4, 2016

SENATOR DUFF (25TH):

On Calendar page 24, Calendar 553, House Bill 5306 -
-

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR DUFF (25TH):

On Calendar page 29, Calendar 578, House Bill 5417 -
-

(HB 5147)

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 29, Calendar 579, House Bill 5629 -
-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 31 Calendar 593, House Bill 5411 --

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Agenda 1, Calendar 594, House Bill 5051--

/je
SENATE

May 4, 2016

THE CHAIR:

All right. Mr. Clerk, will call the Consent Calendar. The machines will be open.

UNKNOWN SPEAKER:

(Inaudible comment.)

THE CHAIR:

Okay. Just get going. It's getting there. It's getting there. You've got to call for a vote. Okay. She's pulling it up, she's pulling it up.

SENATOR DUFF (25TH):

Madam President, if the Clerk can just read the bill numbers and not the titles, that would be great.

THE CHAIR:

That's right. Okay.

THE CLERK:

House Bill 5470, House Bill [inaudible], 5423,
[inaudible], 5593, 5360, 5311, 5359, 5366, 5317,
5329, [inaudible], 5438, 5637, 5520, 5553, 5510,
5420, 5540, 5484, 5306, 5289, 5639, 5147, 5411,
5055, [inaudible], 5479, 5138, 5189.

(HB5356) (HB5629)

(HB5433) (HB5291)

(HB5601) (HB5051)

(HB5638) (HB5556)

(HB5261) (HB5596)

(HB5259) (HB5444)

THE CHAIR:

Okay.

(Applause.)

/je
SENATE

May 4, 2016

The machine is open.

SENATOR DUFF (25TH):

Madam President, I need to add one more. Calendar 513, page 19, Calendar 513, House bill 5553.

THE CHAIR:

It's already on Consent, sir. May I open the machines to vote.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

Yes?

SENATOR DUFF (25TH):

I need to, does the Clerk have agendas 6 and 7?

THE CHAIR:

Yes, sir.

THE CLERK:

The Clerk has Senate Agenda 6 and 7. They have been printed and on Senators' desks and dated Wednesday, May 4, 2016.

SENATOR DUFF (25TH):

Madam President, I move that all items on Senate Agendas 6 and 7, dated Wednesday, May 4, 2016, be

/je
SENATE

346
May 4, 2016

acted upon as indicated and the Agenda be incorporated by reference in the Senate Journal and transcript and placed immediately on the Calendar.

THE CHAIR:

So ordered, sir.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call is ordered in the Senate.

THE CHAIR:

Come on, come on, come on. Crisco, Crisco, Crisco.
Where's Crisco? Where is Crisco? Come on Joe.

All members have voted? All members have voted?
The machine will be closed. The Consent Calendar passed.

THE CLERK:

Consent Calendar Number 3 [inaudible].

(Applause.)

THE CHAIR:

I almost [inaudible] holding the clock back. Don't worry about it [inaudible] it. Senator Duff.

SENATOR DUFF (25TH):

Madam President, I move that we adjourn Sine Die.

THE CHAIR:

**STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 6
2347 – 2800**

2016

139
dm/jh

JUDICIARY COMMITTEE
PUBLIC HEARING

March 18, 2016
10:30 A.M.

SENATOR COLEMAN (2ND): Allan Bowen and John Wench.

ALLAN BOWEN: Good afternoon everyone. My name is Allan Bowen and I am program specialist at MADD Connecticut for the Start Making a Right Turn Program. I would like to thank Co-Chairman Coleman, Co-Chairman Tong and the rest of the Judiciary Committee for the opportunity to submit testimony to speak in support of HOUSE BILL 5629. At this moment, I would like to respectfully ask if I can have a victim of an alcohol-related crash to joint me during this testimony as well as a law enforcement official.

SENATOR COLEMAN (2ND): I don't see why not. Sure proceed.

ALLAN BOWEN: Thank you. I would like to encourage the Judiciary Committee to act favorably on the proposed legislation as I have been able to see the benefits of the program first hand having engaged in positive discussion and experience how education can support positive choices.

The MADD Smart Teen and Parent Program is a regularly recommended diversionary program for youth ages 16 to 21 along with parents whose teens are under the age of 18, who are currently in the criminal justice system placing motor vehicle violations and crimes related to underage drinking. It the support of Connecticut geographical area courts and state attorneys, probation as well as juvenile probation departments that have utilized this diversionary program as a means to support the prevention of underage drinking and engagement in risky behaviors.

PUBLIC HEARING

MADD Connecticut has been able to educate over 4 thousand under 21-year-old clients throughout Connecticut who have had various motor vehicle and underage drinking related offenses. In 2015 alone, we served over 1 thousand under 21-year-old -- excuse me, in 2015 alone, over 1000 21-year-old attendees as well as 300 parents received education through this scientific and evidence-based program. In addition to the educational component, MADD is able to offer the unique perspective from victims and survivors of impaired driving crashes and underage drinking incidences. At this time, I would like to introduce John Wench, a victim and speaker at our MADD Smart Program.

JOHN WENCH: Senator Coleman and members of the committee, thank you for your attention. I appreciate it. I want to share with you a personal experience that certainly had a profound impact on my life. I am certainly speaking in passionate support of HOUSE BILL 5629 WHICH IS AN ACT CONCERNING DIVERSIONARY PROGRAM FOR PERSONS UNDER THE AGE OF 21 FROM MOTOR VEHICLE VIOLATIONS AND CRIMES RELATED TO UNDERAGE DRINKING.

I usually start when I speak with MADD and Smart by saying that there are no guarantees in life and we know that, but one of the things I definitely guarantee is that I never thought I'd be speaking as a victim of a drunk driving crash.

On October 4, 1990, I was involved in a single vehicle accident and run-in when I was the passenger in a car driven by someone who was legally intoxicated. As a passenger, I bore the brunt of

the collision as the car I was in literally wrapped around a telephone pole on the passenger side. The injuries were life-threatening, about an hour to get the car off the pole and me out of the car and I was incredibly fortunate to have survived.

The fantastic work by New England Fire and Police Department got me out of the care and LifeStar personnel and staff at Hartford Hospital kept me alive. I owe my life to them and I will forever be grateful. Had fractured ribs, shoulder, skull and a fractured skull with a traumatic brain injury and eventually PTSD. It was my legs that were impacted the most. A fractured femur and tibia in both legs with severed arteries which led to the eventual amputation of the left leg just above my knee.

At this point as a young man and athlete, I became despondent and I truly lost my will to live. It was really devastation and depression beyond description. After multiple surgeries and a lengthy period of hospitalization and rehabilitation, my right leg was eventually saved, though it is highly compromised with steel rods through my femur and tibia and screws that fix both my ankle and knee joints.

For the record, the driver survived this crash as well, though he was charged with driving under the influence of alcohol. The trial of this event would have a physical and emotional impact on me for the rest of my life. However since this event 25 years ago, I have been incredibly blessed to have the support that I do. This support has allowed me to live a very full life as a productive member of my community.

I am now married 20 years and the father of three teens. I have been a professional educator in Connecticut for 15 years and I am currently a sixth grade math teacher at Bennie Dover Jackson Middle School in New London. I have remained determined not to let this event bring me down and ruin my life and the pain I feel in my legs every step I take is a constant reminder of the horrific experience that it was for me.

While this is a reality, I choose not to dwell on that and have rather decided to use this experience to help educate others and to turn what was a true nightmare for me to something that educate, impact and have a positive influence. It took me many many years to have the confidence and courage to share my experience, fearful of being pitied as I speak to groups as a victim.

An aspect of shame certainly kept me away from sharing my experience as well and I simply wasn't ready for a long time. When I finally decided to share my experience, I feel so comforted and supported by the outstanding professionals who work at MADD.

It was through MADD's VIP and Smart programs as a victim of a drunk driving crash that was absolutely 100% preventable, I have been provided an opportunity to turn this horrific experience into something very positive. Even many years later, the service MADD provides me in sharing my experience has been very healing to allow me to recognize that there are silver linings in all of our experiences and that I can have an influence in the sharing of

an incident that traumatized me beyond words. Most important, most importantly, this experience is much greater than me.

As I share and educate, the response I get has led me to feel very strongly that my message resonates and that the Smart Program as a whole is an effective one. I genuinely believe that through this educational program, youthful offenders are being presented with something memorable, impactful and will make better decisions in the future because of this program. I am honored to have the opportunity to influence. I am so incredibly thankful from MADD's professionalism and educational programs.

In closing, I consistently remind myself that the very best thank you to all of those who helped me is to live well and do my best. We all owe it to ourselves and our communities to live as well as we know how and to do our best. Support of HOUSE BILL 5629 would be doing our best for our community. Thank you very much.

OFFICER GIL MAFFEO: My name is Officer Gil Maffeo, a 17-year veteran of the Waterford Police Department. Throughout my career, I've had to investigate numerous motor vehicle accidents that were the result of drunken impaired driving as well as other violations committed by persons under the age of 21.

As a result of the different things that I have seen, I have gotten involved with Mothers Against Drunk Driving and their Smart Program. The Smart Program allows me as a first responder and police

PUBLIC HEARING

officer to go in and speak to the youth as well as parents and explain to them that the impact that one poor decision may make could affect not just them, their entire family, their lives and also the lives of the first responders. I feel that this program educates parents and educates youth. It explains that there are consequences other than criminal, but civil consequences that they and their parents can end up facing down the road. Mothers Against Drunk Driving has proven time and time again that through education and awareness that we can help prevent tragedies one at a time and I support this program 100%.

SENATOR COLEMAN (2ND): Thank you all very much. I am very sorry to hear about your accident, but I admire greatly the way you are handling your life subsequent to it.

JOHN WENCH: Thank you.

SENATOR COLEMAN (2ND): Questions from members?
Senator Kissel.

SENATOR KISSEL (7TH): Yeah, I actually want to commend all of you, but especially my sympathies go out to the victim of the crash. Again, one great thing about being a legislator is you get to see things you might not otherwise see and you know, people doing incredibly brave things and trying to leverage it up so that it could be a benefit to all of us. I know you support the bill, but what exactly is it about this Smart Program. The two or three most important parts that you folks feel we should have as a takeaway?

ALLAN BOWEN: Yes, most importantly, it is keeping the youth out of the criminal justice system. It is allowing them to get a second chance.

One of the things that we cover in the program is the brain development and we realized that judgment is the last portion of the brain to completely develop and that is not done until the mid 20s. So a lot of the attendees that we are seeing under the age of 21 have made simple foolish decisions. They are thinking in that moment and not worried about the future consequences ahead.

Another thing is that they are receiving proper education. Some of these individuals may have a health class or anatomy and physiology class where they are only covering certain topics where we divulge into a lot of information. Some of information that the law enforcement perspective suggests as well as the victims applying their knowledge. It allows them to be in a comfortable area, a judgment-free zone where they can ask the officers questions and gain insight about things where they don't have to worry about being judged or persecuted because of them actually asking that question. So, it is very enlightening. That is the number one thing I would say, enlightenment.

SENATOR KISSEL (7TH): Great. Is there anything else you other two gentleman would like to add?

JOHN WENCH: I would just say as an educator for the past 15 years is the most important component to this is the educational aspect of it and I think that is so worthwhile to listen to the program to have me be a part of it and listen to the officers

and to see the whole program as it is integrated along with the parents is just a huge factor to not only influence the youthful offenders themselves, but certainly everyone in the room including the adults.

I am always taken away at the end of one of these sessions that I do with MADD and Smart as to the feeling that I get from the attendees that come up to me and come up to Allan and come up to the officers afterwards and express their thanks and that was really something I didn't expect, but I get a lot from. I didn't expect this when I came here, so we really get a deep sense or at least I do, I speak for myself, but I think I also speak for the others here, we get a true sense that it really is making a difference.

SENATOR KISSEL (7TH): Officer?

OFFICER GIL MAFFEO: I enjoy having the opportunity to have a question and answer portion during this program so I can put any kind of rumors or anything that they hear on social media to rest, but also I come into these programs with the local kids.

One of the last things I say to them is if you need someone to talk to, if you have questions and on multiple occasions, I have given out cards to parents and I say give me a call. We would like to prevent a tragedy from occurring and if we can do it by pointing you in the right direction for the proper services, I would love to help or if you want to have more questions answered, I would be more than happy to address them.

SENATOR KISSEL (7TH): I guess my last question is has this been adopted in any other states?

ALLAN BOWEN: Yes, this has been adopted in several other states as well. Connecticut is the frontrunner though. We know how to handle things in Connecticut and everything trickles down.

SENATOR KISSEL (7TH): It is always good to hear some good news about Connecticut. Thank you, all three of you, for your testimony. Thank you Mr. Chair.

SENATOR COLEMAN (2ND): Thank you. Any others with questions for this panel? If not, we thank you all very much.

ALLAN BOWEN: Once again on behalf of MADD, we thank you guys for having us, we appreciate it.

SENATOR COLEMAN (2ND): You're welcome. Stephen Mendelsohn.

STEPHEN MENDELSON: Senator Coleman, Representative Tong and members of the committee, my name is Stephen Mendelsohn. I am autistic and a psychiatric survivor.

We in the psychiatric survivor's movement joined by others in the disability community have long and strenuously opposed the practice that has been euphemistically called outpatient commitment which is correctly called forced drugging. HB 5531 is a forced drugging bill. Just because a discriminatory and offensive practice is put under a medical

**STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 7
2801 – 3244**

2016

PUBLIC HEARING

SENATOR COLEMAN (2ND): Okay thank you. Any other members have questions? Thank you very much Dave.

DAVID MCGUIRE: Thank you.

SENATOR COLEMAN (2ND): Ingrid Alvarez. Ingrid Alvarez, no response. Kelli and Robert Reardon?

KELLI REARDON: Good morning, well actually good afternoon by now. Thank you to the committee for allowing me to speak today on House Joint Resolution 43. My name is Kelli Reardon, my dad Bob Reardon who I work with, he's not able to testify here today so I'll be testifying on his behalf. I'm here today to speak on House Joint Resolution number 43, on behalf of my clients who are also represented by my firm. The estate of Athena Angeles, Hugo Angeles and his living daughter, Artemisia Angeles.

HB 5598

Many of you know the story of the Angeles family which I'll just give you a brief description of in a moment but I'll just start by saying that we represent the Angeles family. And I'd like to speak today, about House Joint Resolution 43 because if it's passed we feel that it would negatively impact the Angeles family and the claims that they brought against the State of Connecticut and the Claims Commission, because it sends the claim back to the Claims Commission where they have been pending now for three and a half years. It allows the Claims Commissioner another period of one year from the date of the granting of the extension to dispose of the claims that are brought on behalf of the family. And we feel that at this time, three and a half years will, plus another year will simply result in

JUCICIARY COMMITTEE
PUBLIC HEARING

further delays and further hardships that should not be supported by this committee.

As currently drafted, as I said, the legislation would send the claims back and we would ask the committee to either amend the language of the resolution to immediately grant permission to sue on behalf of these claimants to sue the State of Connecticut pursuant to your authority under Connecticut General Statute Section 4-159C. Or, which this committee has already done, an alternative would be to support the proposed substitute bill No. 5598, which I understand was voted out of committee last week I believe. But we feel that another alternative solution to the problem that has faced the Angeles family for the past three and a half years.

I'll talk about that in a moment, but the claims that we're discussing are the claims of Hugo Angeles as the administrator of the estate of Athena Angeles, the claims of Artemisia Angeles who is Athena's sister, who is still living, which of course would be brought by her father, Hugo. And the claims of Hugo Angeles individually, which is claims commission file numbers 2309293 and 94, which are addressed in the joint resolution. So we would just simply ask that the committee amend the language of House Joint Resolution to permit these individuals to file suite directly against at the State of Connecticut.

By way of just brief background, as the committee probably knows, Athena Angeles unfortunately died in a very tragic death in November of 2011. She was three years old at the time. And the claims that we have filed against the State of Connecticut and the

PUBLIC HEARING

Claims Commission are for the failure to the Department of Children and Families to recognize that Athena was repeatedly abused by her mother's boyfriend and to remove her from the home. And ultimately she died due to that abuse.

Again, we would also urge this committee you know certainly to the extent it already has, and we thank the committee for their work on the substitute bill 5598, which I understand is now before the committee today but I want to thank them for their support of that bill because that is an alternative solution which would permit the claims that are pending in the claims commission to join other claims that have been brought on behalf of the family in the State Court, in the Superior Court for medical malpractice, also stemming the same incident for the failures of various private medical providers to properly recognize the abuse that occurred to this child, to treat it and to notify the authorities.

So, on behalf of the Angeles family we thank this committee for their support of 5598, and ask that House Joint Resolution 43, be amended so that the claims of the Angeles family can finally proceed to court and joint the other claims that are now pending for medical malpractice in court at this time. Thank you.

SENATOR COLEMAN (2ND): Thank you, are there questions? Representative Stafstrom.

REP. STAFSTROM (129TH): Thank you Mr. Chair. Just real briefly, the claims that are currently pending in Superior Court, what is the status of those claims?