

Legislative History for Connecticut Act

PA 16-2

SB121

Senate	454-455, 509-510	4
Public Safety & Security	12, 13-14, 234, 246-250	9
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		13

**Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 2
356 - 678**

je/mc
SENATE

29
April 13, 2016

On Calendar page 15, Calendar 246, Senate Bill 88,
I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 37, Calendar 160, Senate Bill 311,
I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 9, Calendar 163, Senate Bill 160,
I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 13, Calendar 231, Senate Bill 251,
I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 15, Calendar 248, Senate Bill 121,
I'd like to place that item on the Consent Calendar.

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April 13, 2016

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Madam President, I actually do have to pull one item off for a possible amendment, Calendar page 6, Calendar 114, Senate Bill 191. I'd like to take that off of the Consent Calendar, please.

THE CHAIR:

So that was page 6?

SENATOR DUFF (25TH):

Page 6, Calendar 114, Senate Bill 191.

THE CHAIR:

Thank you, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. If the Clerk can now call Calendar page 3, Calendar 69, Senate Bill 186.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Connecticut Senate Calendar for Wednesday, April 13, 2016, on page 3, Calendar 69, Substitute for Senate

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page 6, Calendar 114, Senate Bill 191. On page 7, Calendar 128, Senate Bill Number 201. On page 8, Calendar 141, Senate Bill Number 70. On page 9, Calendar 163, Senate Bill Number 160. On page 10, Calendar 177, Senate Bill Number 213. On page 13, Calendar 231, Senate Bill 251. On page 15, Calendar 246, Senate Bill 88. Also on page 15, Calendar 248, Senate Bill 121. On page 37, Calendar 160, Senate Bill 311.

THE CHAIR:

Mr. Clerk, will you call for -- hold on. Okay. We're going to stand at ease for one second.

(Senate at Ease.)

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

THE CLERK:

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

THE CHAIR:

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

THE CLERK:

On the first Consent Calendar for today,

Total Number Voting	36
Those voting Yea	36

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Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. If I could change a marking please. On Calendar page 14, Calendar 237, Senate Bill 298, if we could mark that passed retaining please.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President, and if we could not return to our list, and Calendar page 38, Calendar 173, Senate Bill 152, as the next item.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 38, Calendar 173, Substitute for Senate Bill Number 152, AN ACT CONCERNING THE DISCLOSURE OF HOUSING DISCRIMINATION AND FAIR HOUSING LAWS.

THE CHAIR:

Good afternoon, Senator Winfield.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY
PART 1
1 – 402**

**2016
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These sections require any law enforcement unit from which such person is separated, if they become aware that the person has applied to another law enforcement agency, to inform the agency of such dismissal, resignation, or retirement. Although POST is usually notified of an officer separation, POST is usually not notified if the above circumstances apply. Since the conduct resulting in separation from the original agency may require or result in decertification, both the POST council and desk believe that POST should be notified.

This would also provide another valuable source of information for perspective hiring departments to consider while -- when conducting the background investigation of any candidate. So thank you very much, Chief Clarity and I are available to answer any questions you may have.

SENATOR LARSON (3RD): Thank you Commissioner, I appreciate it. Does anybody have any questions? All set, thank you.

COMMISSIONER SCHRIRO: All right.

SENATOR LARSON (3RD): Next up is Commissioner Melody Currey.

COMMISSIONER CURREY: Good morning Mr. Chairman.

SENATOR LARSON (3RD): Good morning Commissioner, how are you?

COMMISSIONER CURREY: Chairman Dargan and Members of the Committee. I am Melody Currey, Commissioner of the Department of Administrative Services and I want to thank you for raising SENATE BILL 120, AN ACT

SB 121

SB 124

SB 238

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avg/jh

PUBLIC SAFETY

March 1, 2016
11:00 A.M.

CONCERNING THE AUTHORITY OF THE DEPUTY FIRE MARSHALS
AND FIRE INSPECTORS and SENATE BILL 121, AN ACT
APPEALING CERTAIN STATUTES RELATED TO MOVING
PICTURES ON BEHALF OF THE AGENCY.

In respect of your time, I'll quickly summarize.
Senate Bill 120 is an act concerning the authority
of the fire -- deputy fire marshals and fire
inspectors amended by statute to permit local fire
marshals to authorize local deputy fire marshals to
ins -- or inspectors to issue a citation as
described in the Connecticut State Fire Prevention
Code.

The statute already allows local fire marshals to
authorize their deputies and inspectors to issue
permits and orders as well as to certify compliance
with the fire code safety code. The local fire
marshals asked the Office of the State Fire Marshal
to seek this statutory change allowing local fire
marshals to delegate the issuance of citations to
deputies and inspectors will help improve municipal
operations.

SENATE BILL 121, AN ACT REPEALING CERTAIN PROCESSES
RELATED TO MOVING PICTURES proposes the repeal of
several statutes in chapter 531 dealing with motion
picture theaters as obsolete or unnecessary. Some of
these statutes relate to the requirements for fire
safety of motion picture theaters that are
unnecessary because of state fire safety and
building and fire prevention codes all contain
construction and operational requirements for motion
picture theaters and their associated auditoriums as
well as every other public occupancy.

There is no need to repeat these requirements in statutes and there is every reason to avoid the risk of inconsistent requirements. Other statutes related to handling of photographic film, i.e. the ribbon-type film displayed on screens throughout projectors using bulbs including, in particular, the high flammable nitrocellulose film.

This film is no longer used in the industry and these provisions are obsolete. Please note that SENATE BILL 121 does not affect the statutory requirements for motion pictures that are still germane to the industry are enforced by local police departments. For instance, the prohibition on X-rated films, the display of films rating required, and the unlawful use of recorded devices film piracy.

The Committee has my full testimony on these two bills as well as submitted comments from some of the other bills on today's agendas. I have the State Fire Marshal, Bill Abbott, and the State Building Inspector, Joe Cassidy, with me for questions the Committee may have. Thank you for allowing me the opportunity to provide these comments. I'd be happy to take any questions.

SENATOR LARSON (3RD): Steve Dargan.

SB120
REP. DARGAN (115TH): Thank you. Bill and Joe, if you could just comment a little bit on the Deputy Fire Marshal and Fire Inspectors? I know over the years have been some concerns from other legislators and I know that the City of Bridgeport too has come forward with some bills on relationship to fire marshals on annual inspections that they have been not been able to get to because of man power within



DEPARTMENT OF ADMINISTRATIVE SERVICES

163 Capital Avenue, Hartford, CT 06106

Senate Bill 121
An Act Repealing Certain Statutes Related To Moving Pictures

Testimony of Commissioner Melody A. Currey

Public Safety & Security Committee
 March 1, 2016

Good afternoon Senator Larson, Representative Dargan, Senator Guglielmo, Representative Zupkus, and distinguished members of the Public Safety & Security Committee. I want to thank the Committee for raising this concept on behalf of the Department of Administrative Services (DAS) and for allowing me to provide this testimony.

Senate Bill 121, An Act Repealing Certain Statutes Related to Moving Pictures, repeals the several statutes in Chapter 531 dealing with motion picture theaters. These statutes include provisions relating to the requirements for fire safety for motion picture theaters. These statutes are unnecessary because the State Fire Safety Code, the State Building Code and the State Fire Prevention Codes all contain construction and operational requirements for motion picture theaters and their associated auditoriums, as well as every other public occupancy.

These statutes also apply to the licensing of people who use photographic film, including films made of nitrocellulose or other highly combustible materials, which are effectively obsolete. Nationally, the theater industry has moved away from the use of photographic film, i.e. the ribbon-type film displayed on screens through projectors using bulbs. In today's industry, most films are downloaded to the DVD players via satellite and may even be operated remotely. In particular, the display of the highly flammable nitrocellulose film no longer occurs. Therefore, these statutes are outdated and should be repealed.

It should be noted that **Senate Bill 121** does not affect the statutory requirements for motion pictures that are still germane to the industry and are enforceable by local police departments, specifically:

- C.G.S. §29-128a – prohibition on X-rated films;
- C.G.S. §29-128b – display of film rating required; and
- C.G.S. §29-128f – unlawful use of a recording device – film piracy

Thank you for allowing me the opportunity to provide these comments. I hope that you will support this bill.



MOTION PICTURE ASSOCIATION
OF AMERICA, INC.
1600 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
(202) 293-1966

**MEMORANDUM IN OPPOSITION
TO CONNECICUT RAISED BILL 121**

On behalf of the Motion Picture Association of America, Inc. (MPAA), we are writing to respectfully submit our opposition to Raised Bill 121, a bill to re-codify the MPAA Ratings into law. Rather than re-codifying Section 29-128b of the General Statutes, MPAA submits that this section of the law should be repealed.

MPAA supports the right of parents to know and participate in what their children view. We believe incorporating the rating system into law compromises its integrity and has the potential to jeopardize participation by filmmakers. Moreover, courts have determined that incorporation of the voluntary rating system violates the U.S. Constitution.

MPAA* is a trade association representing the leading producers and distributors of motion pictures and other audiovisual works. All MPAA member companies produce and distribute motion pictures for theatrical exhibition and for subsequent release on DVD, videocassette, pay, cable, satellite, Internet and broadcast television. MPAA also administers the Classification and Rating Administration (CARA) which awards the familiar G, PG, PG-13, R, or NC-17 ratings to motion pictures. CARA was established in 1968 to provide parents with information to help them determine appropriate motion pictures for children's viewing.

**INCORPORATION OF MOVIE RATINGS
SYSTEM CONTRAVENES THE FIRST AMENDMENT**

* The Motion Picture Association of America, Inc. includes: The Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal Studios LLC; and Warner Bros. Entertainment Inc.

Raised Bill 121 proposes to repeal Section 29-128b of the General Statutes and then re-codify that section of the law with the deletion of a small phrase. Section 29-128b prohibits the exhibition of a motion picture unless the rating is prominently displayed. Incorporation of the MPAA Rating System by governmental entities has serious constitutional problems because it relies on the ratings as a standard to permit or prohibit access to films on videocassette or in the theatre that have received that self-applied classification. Motion pictures are a form of expression which are protected by the First Amendment to the U.S. Constitution, Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952); Eronoznik v. City of Jacksonville, 422 U.S. 205 (1975); Jenkins v. Georgia, 417 U.S. 153 (1974). The exhibition of a motion picture to an adult may be proscribed only if the motion picture is legally found obscene, and in regard to minors, access may be prohibited only if the motion picture is found legally "harmful to minors."

It is important to keep in mind that the ratings are strictly advisories, and are not determinations that particular motion pictures are obscene or harmful to minors based on aforementioned U.S. Supreme Court decisions.

UNLAWFUL DELEGATION OF LEGISLATIVE AUTHORITY

Raised Bill 121 raises additional constitutional concerns because it specifically identifies the MPAA rating system. The incorporation into law of the rating classifications is unconstitutional. Enforcement of the rating system cannot be tied to any governmental body, and identifying the system in the legislation impermissibly puts the government imprimatur on those ratings. Courts throughout the country have invalidated the incorporation of MPAA ratings in a variety of statutory contexts. See Swope v. Lubbers, 560 F.Supp. 1328 (W.D. Mich, S.D. 1983) (use of MPAA ratings was improper as a criteria for determination of constitutional protection); Drive-In Theater v. Huskey, 305 F.Supp. 1232 (W.C.N.C. 1969) aff'd. 435 F.2d 228 (4th Cir. 1970) (sheriff enjoined from prosecuting exhibitors for obscenity based on "R" or "X" rating).

Furthermore, the delegation of legislative authority to any entity such as the MPAA to legally determine which motion pictures may be viewed by segments of the population is a violation of the Due Process clause of the U.S. Constitution. Due Process is violated when a government regulation or ordinance delegates the regulations for the operation and enforcement of a statute to a body or process that is not subject to narrowly and reasonably

drawn definitive standards. The MPAA rating system is a voluntary system not governed by the necessary definitive standards. See Rosen v. Budco, Inc., et al., 10 Phila. 112 (1983); Engdahl v. Kenosha, 317 F.Supp. 1133 (E.D. Wisc. 1970) (criminal statute that prohibited minors from viewing "R" and "X" rated films found to be unconstitutional prior restraint); Motion Picture Association v. Specter, 315 F.Supp. 824 (E.D. Pa 1970) (statute that penalized exhibitors who showed films and previews that were "not suitable" for children as determined by MPAA ratings found unconstitutional for vagueness).

INCORPORATION OF VOLUNTARY MOVIE RATINGS SYSTEM INTO LAW THREATENS EFFECTIVENESS OF THE SYSTEM

The MPAA and its member companies are concerned that if the Ratings System remains a part of Connecticut's general statutes, it has the potential to erode the effectiveness of the voluntary MPAA-administered Motion Picture Rating System. It is important to recognize that the MPAA Rating System is voluntary and strictly advisory with no force of local, state or federal law. We strongly encourage voluntary enforcement of the MPAA-administered Motion Picture Rating System by theaters, retailers and others. However, CARA would be unable to fulfill its mandate of providing parents with information if it is considered part of a state's statutory framework. Tied to government regulation, the rating system could lose its independent ability to respond to changes in social attitudes and judgments in making recommendations about the suitability of motion pictures for particular age groups. Once the rating system becomes subject to state regulation, producers may simply stop submitting their films for rating in order to get around regulation. The movie rating system has stood the test of time and is better left without the force of law imposed by any state.

CONCLUSION

For the reasons specified, we respectfully request that Section 2 of Raised Bill 121 strike the re-codification of Section 29-128b and include only the full repeal of Section 29-128b.

February 29, 2016



Connecticut Association
of Theatre Owners

**Written Testimony of
Doug Murdoch, Executive Director, CATO**

**In Opposition to Raised Bill No. 121:
An Act Repealing Certain Statutes Related to Moving Pictures**

**Before
The Committee on Public Safety and Security
March 1, 2016**

On behalf of CATO (Connecticut Association of Theatre Owners), an association representing Movie Theatres throughout Connecticut, we respectfully submit these written comments regarding Bill No. 121.

As the world of business and relevant law evolves, so too does the exhibition of movies. While it is our understanding that this bill would remove certain obsolete references to moving pictures and film that may no longer be necessary in a digital environment, we are uncertain as to what the unintended impact of repealing the statutes will have on our general business practices. That said, if antiquated statutes are simply being removed and/or re-titled, we would recommend Section 29-128b outlined under Section 2 of the bill be repealed in its entirety as well. This section references the display of the movie industry's voluntary ratings systems in physical areas such as a marquee and/or sign or poster located on the exterior of a venue showing movies. Our position is based on the following:

- We support the MPAA's opposition to any reference of the voluntary ratings system within the Connecticut General Statutes.
- The voluntary ratings also have evolved, and the current reference in the statute is not even up to date with all the current ratings such as PG-13 and NC-17.
- Theatre buildings have changed, and many do not have exterior marquees and/or cases to display film titles and/or posters.
- Movie ratings are readily available from numerous sources including but not limited to newspaper ads, movie trailers, TV advertising spots, websites, ticket kiosks and box offices.

For these reasons, we respectfully request that Bill 121 include the full repeal of Section 29-128b.

Connecticut Association of Theatre Owners, Incorporated

Office of the Executive Director - 10807 Falls Road #1150 - Brooklandville, Maryland 21022-1150 - Ph (410)252-5010



DEPARTMENT OF ADMINISTRATIVE SERVICES

163 Capital Avenue, Hartford, CT 06106

Senate Bill 121**An Act Repealing Certain Statutes Related To Moving Pictures**

Testimony of Commissioner Melody A. Currey

Public Safety & Security Committee

March 1, 2016

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Thank you for allowing me the opportunity to provide these comments. I hope that you will support this bill.