

Legislative History for Connecticut Act

PA 17-24

SB980

House	4117-4127	11
Senate	1046-1051, 1075-1079	11
Judiciary	2204, 2463-2465, 2555, 2559, 2561-2566	12
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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
2017**

**VOL.60
PART 10
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and the Clerk will take a tally. Would the Clerk please announce the tally?

CLERK:

House Bill 6061.

Total Number of Voting	149
Necessary for Passage	75
Those Voting Yea	149
Those Voting Nay	0
Those absent and not voting	2

DEPUTY SPEAKER CANDELARIA (95TH):

The bill passes. [Gavel]

Would the Clerk please call Calendar 546.

CLERK:

On page 43, Calendar No. 546, Substitute Senate Bill No. 980, AN ACT CONCERNING TAMPERING WITH A WITNESS. Favorable report of the Joint Standing Committee on Judiciary.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Tong.

REP. TONG (147TH):

Good evening, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

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Good evening, sir.

REP. TONG (147TH):

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER CANDELARIA (95TH):

The question is acceptance of the Joint Committee's favorable report and passage of the bill, in concurrence with the Senate.

Representative Tong, you have the floor, sir.

REP. TONG (147TH):

Yes, thank you, Mr. Speaker. The Clerk has an amendment, LCO No. 6620. I ask the Clerk, please call the amendment and I be given leave of the Chamber to provide a summary.

DEPUTY SPEAKER CANDELARIA (95TH):

Will the Clerk please call LCO No. 6620.

CLERK:

LCO No. 6620, designated Senate Amendment Schedule A, offered by Senators Doyle, Kissel, and McCrory, and Representatives Tong and Rebimbas.

DEPUTY SPEAKER CANDELARIA (95TH):

The Representative seeks leave of the Chamber to summarize the amendment. Are there any objections to summarization? Is there any objection? Hearing none, Representative Tong, you may proceed with summarization.

REP. TONG (147TH):

Thank you, Mr. Speaker. This amendment is a strike-all amendment that becomes the bill and it increases the penalty for intimidating a witness from a Class C Felony to a Class B Felony. We already have a sanction under our laws for intimidating a witness under Section 538-151(a) and this merely adjusts the penalty upward. I want to thank Senator McCrory for his work on this bill and the Judiciary Committee and its leadership and Representative Rebimbas and others and move adoption.

DEPUTY SPEAKER CANDELARIA (95TH):

The question before the Chamber is on adoption of House Amendment Schedule A. Will you remark further on the amendment? Representative Rebimbas of the 70th, you have the floor, Ma'am.

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REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and good evening to you as well.

DEPUTY SPEAKER CANDELARIA (95TH):

Good evening, Ma'am.

REP. REBIMBAS (70TH):

And Mr. Speaker, just to review a few clarification questions to the good Chairman.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed.

REP. REBIMBAS (70TH):

Thank you. Through you, Mr. Speaker. Regarding the high-end penalty of a Class C to a Class B Felony, if the good Chairman wouldn't mind just highlighting exactly what is a Class B Felony?

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Tong.

REP. TONG (147TH):

Yes, thank you, Mr. Speaker. To the Ranking Member, a Class B Felony is punishable by up to 20 years in prison.

Through you.

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DEPUTY SPEAKER CANDELARIA (95TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And through you, Mr. Speaker, what is the intent behind this legislation, when we say a witness, are we saying a witness to an actual pending matter and investigation; just what is the purpose behind this legislation?

Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Tong.

REP. TONG (147TH):

Through you, Mr. Speaker. It's my understanding from Senator McCrory, who is a member of our Committee, that there have been situations of which he is aware that people have been physically threatened or harmed in connection with a pending matter; that he perceives there to be a need, based on his experience in his district and in other parts of the state, to increase that penalty to promote deterrence and also to punish the active interfering with the pending criminal action.

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Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, Mr. Speaker, I want to thank the Chairman for his responses and certainly I do rise in support of the proposal before us. This is something that we did have a lot of discussion in Judiciary and the good Chairman and certainly Senator McCrory had a lot of input. And we worked together in order to reach the language that's here. So, this was a very good compromise and certainly again, we want to preserve our judicial process. And that means protecting the parties and the victims, making sure that any trial could be carried through without the intimidation to witnesses. So, I do rise in support of the legislation before us.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you. Will you remark further?

Representative Smith of the 108th, you have the floor, sir.

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REP. SMITH (108TH):

Thank you, Mr. Speaker, a few questions,
through you, if I may?

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. SMITH (108TH):

Thank you, Mr. Speaker, and to the Chairman of
the Judiciary. The ups beat in so to speak from a C
to a B Felony, what are the consequences for a C
Felony?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Tong.

REP. TONG (147TH):

Through you. A C Felony is punishable up to 10
years.

Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Smith.

REP. SMITH (108TH):

Thank you, Mr. Speaker, and I thank the
Chairman. Now, I'm wondering whether a 10-year

prison term, why that's not enough of a deterrent to keep somebody from intimidating a witness. I know we talked about this in Judiciary and I certainly am in favor of preventing that type of situation from occurring. I'm just wondering the need here for the uptick in the penalty, if you could just go through that a little bit.

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Tong.

REP. TONG (147TH):

Through you, Mr. Speaker. You know, I think as the Ranking Member mentioned, this is a bill to safeguard the integrity of our judicial process and our criminal justice system. Senator McCrory, based on his experience, explained that he has seen instances where people have been greatly threatened or harmed. In some cases, I think, people have lost their lives when others have sought to intimidate them or prevent them from participating in a prosecution in order to evade prosecution and to evade incarceration.

So, I think that we already have a statute on the books that addresses this problem based on recent experience from one of our members and hearing from others, it seems that moving to a B Felony would be a more effective deterrent and a more appropriate punishment and because of that we have the bill before us.

Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Smith.

REP. SMITH (108TH):

Thank you, Mr. Speaker, and I thank the Chairman for the clarification on the intent behind the bill. It's here before us. I did support it in Committee. I'm certainly more inclined to vote in favor of it than not only for the reason that if we do have a problem out there where people are being intimidated and 10 years is not enough of a deterrent, then I guess we need to raise it to 20 years. So, from my perspective I guess it can't hurt to do that. And if we find out there is not a need, we could always change it back. So, thank

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you, Mr. Speaker, and thank the good Chairman.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further? Will you remark further on the amendment before us? If not, I will try your minds. All of those in favor, signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CANDELARIA (95TH):

Those opposed nay. The ayes have it. The amendment is adopted. [Gavel]

Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests, please come to the well of the House. Will members please take your seats? The machine will be open. (Ringing)

CLERK:

The House of Representatives is voting by roll.
Members to the Chamber. The House of Representatives is voting by roll, members to the Chamber.

DEPUTY SPEAKER CANDELARIA (95TH):

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Have all members voted? Have all members voted? Will the members please check the board to determine that your vote has been properly cast. If all members have voted, the machine will be locked, and the Clerk will take a tally. Will the Clerk please announce the tally?

CLERK:

Senate Bill 980, as Amended by Senate A, in concurrence with the Senate.

Total Number of Voting	149
Necessary for Passage	75
Those Voting Yea	147
Those Voting Nay	2
Those absent and not voting	2

DEPUTY SPEAKER CANDELARIA (95TH):

The bill as amended passes in concurrence with the Senate. [Gavel]

Will the Clerk please call Calendar 540.

CLERK:

On page 42, House Calendar 540, Senate Bill No. 923, AN ACT CONCERNING THE POSSESSIONS OF DECEASED TENANTS. Favorable report of the Joint Standing

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SENATOR DUFF (25TH):

-- Clerk can move on to the next Bill, please.

THE CHAIR:

Mr. Clerk.

CLERK:

On page 38, calendar 389, Substitute for Senate Bill No. 980, AN ACT CONCERNING TAMPERING WITH A WITNESS. There is Amendment.

THE CHAIR:

Good evening, Senator Doyle. Senator Doyle.

SENATOR DOYLE (9TH):

Good evening, Madam President. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. What this piece of legislation does, we currently have one Statute that deals with tampering a witness. This divides that and creates two Statutes that kind of -- it divides the current one into two in a first -- a second and

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first degree, and basically the existing Statute does not reference -- it talks about attempting to -- induce or attempt a witness not to testify but there's no violence involved.

What this Statute does -- or what this Bill does is the new second degree is kind of current law that says if you are inducing or attempting to get a witness to testify falsely that is a second degree and it's a Class C felony. The new Statute, which is the first degree has the same content of what I just said in the sense that tampering with a witness but it adds in the component when there's -- when a person physically harms or threatens physical harm to the witness, that becomes --

THE CHAIR:

I'm sorry, Senator Doyle. Thank you. Now I can hear you, thank you. Please go.

SENATOR DOYLE (9TH):

Sorry. So the -- the new first degree, as I said, deals with the added component is really a person physically harming or threaten to physically harm the witness or the person. It's an important piece of legislation. One of our colleagues presented it to the Judiciary Committee and it certainly is a significant problem and it makes perfect sense that if a person -- one thing is to tamper with a witness. The second one is to induce -- I mean the second one is to threaten or actually physically harm the witness would justify the second -- the first count and I urge our Chamber to approve this new crime. Thank you, Madam President.

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THE CHAIR:

Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Great to see you this afternoon. I stand in strong support of this Bill as well. It makes perfect sense to have heightened penalty available for state's attorneys if an individual actually attempts to tamper with a witness by threatening the use of physical force or actually using physical force and I'd like to thank Senator McCrory for bringing this matter to our attention in the Judiciary Committee and I just can't imagine how one would feel if someone actually says you go and you testify against me and I'm gonna hurt you or actually does some harm to scare you, punches you or threatens your life, who knows? So we need to do everything we can as a law abiding society to address these issues if they ever come to our attention and, again, I would urge my colleagues to support this Bill. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Bill?
Will you -- Senator Suzio -- oh, Senator Doyle.

SENATOR DOYLE (9TH):

I apologize, Madam President. It's an oversight on my part. The Clerk does have an Amendment. I should have called it. I apologize to the Chamber.

THE CHAIR:

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Please go forward.

SENATOR DOYLE (9TH):

Thank you. The Clerk has an Amendment, LCO 6620.
May the Clerk please call and I be allowed to
summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

~~LCO No. 6620~~, Senate A, offered by Senators Doyle,
Kissel, and McCrory.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Thank you, Madam President. This Amendment is to
strike everything amended but what it does is --

THE CHAIR:

Want to move to adopt?

SENATOR DOYLE (9TH):

Sorry. Move -- move adoption of the Amendment.

THE CHAIR:

Motion is on adoption. Please proceed, sir.

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SENATOR DOYLE (9TH):

Yes, so what the Amendment does, it changes it from a Class C felony to Class B felony for the person guilty of intimidating a witness and I urge the Chamber to accept the Amendment before us. Thank you, Madam President.

THE CHAIR:

Will you remark on the Amendment? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President, and the Amendment merely clarifies the points that we had raised earlier in supporting the Bill and I would urge its adoption as well.

THE CHAIR:

Will you remark on the Amendment? Will you remark on the Amendment? If not, I'll try your minds. All those in favor please say Aye [Ayes voiced]. Opposed? The Amendment passes.

Are there any questions on the Bill? Senator Suzio.

SENATOR SUZIO (13TH):

Thank you, Madam President. I, too, stand in support of the Bill. I wanna compliment Senator McCrory. This tampering with a witness or intimidating a witness is a fundamental threat to the operation of our system of justice and it's a very serious crime as far as I'm concerned that

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threatens to undermine the integrity of the entire judicial system. I strongly support this -- this law, this proposed Bill, I should say and, again, I wanna thank the good Senator for proposing it. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Bill? Will you remark further? Senator Doyle.

SENATOR DOYLE (9TH):

Yes, Madam President. If there's no objection I move this Bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

CLERK:

On page 90 -- I'm sorry, page 55, calendar 99, Senate Joint Resolution No. 25, RESOLUTION MEMORIALIZING CONGRESS TO RECOGNIZE WOMEN IN THE CADET NURSE CORPS DURING WORLD WAR II AS VETERANS.

THE CHAIR:

Good aft -- good evening. Senator Flexer.

SENATOR FLEXER (29TH):

Good evening, Madam President. Madam President, I move for acceptance of the Joint Committee Favorable Report and adoption of the Resolution.

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CLERK:

On page 2, calendar 49, Senate Bill No. 755. Page 3, calendar 91, Senate Bill 136. Page 6, calendar 123, Senate Bill 916. Page 9, calendar 145, Senate Bill 24. On page 10, calendar 160, Senate Bill 723. Also on page 10, calendar 167, Senate Bill 911. Page 10, calendar 170, Senate Bill 928. Page 13, calendar 199, Senate Bill 948. On page 14, 204, Senate Bill 41, and calendar 202, Senate Bill 923. On page 17, calendar 229, Senate Bill No. 962. On page 18, calendar 230, Senate Bill 963. On page 23, calendar 280, Senate Bill 954. On page 24, calendar 285, Senate Bill 983. Page 25, calendar 292, Senate Bill 377, and calendar 293, Senate Bill 922. On page 28, calendar 319, Senate Bill 887. Also on page 28, calendar 317, Senate Bill 1030. On page 33, calendar 354, Senate Bill 817. On page 34, calendar 362, Senate Bill 1045. On page 38, calendar 389, Senate Bill 980. On page 45, calendar 429, House Bill 6520. On page 51, calendar 75, Senate Bill 811. Also on page 51, calendar 111, Senate Bill 485. On page 55, calendar 154, Senate Joint Resolution No. 38, and on page 55, calendar 99, Senate Joint Resolution No. 25.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote on the first Consent -- Consent Calendar?

CLERK:

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

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THE CHAIR:

All members have voted. All members have voted.
The machine will be closed. Excuse me. Hold on.
It's the Consent Calendar. I'm sorry, the machine
is closed.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. There was a Bill
mistakenly put on the Consent Calendar and if we can
have a re-vote of the Consent Calendar --

THE CHAIR:

You want to reconsider your vote, sir? Since you
were on the --

SENATOR DUFF (25TH):

I was on the prevailing side.

THE CHAIR:

Prevailing side, right.

SENATOR DUFF (25TH):

Though not a mistake of any of the -- any of the
Senators, a vote -- a Bill was put on the Consent
Calendar so we need to re-vote the Consent Calendar,
please.

THE CHAIR:

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First --

SENATOR DUFF (25TH):

Reconsider --

THE CHAIR:

Reconsider. So I can ask for a voice vote on reconsidering the Consent Calendar. All those in favor? [Ayes voiced]. Opposed? Motion carries. At this time --

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Yes.

SENATOR DUFF (25TH):

I probably should mention which Bill that was we're taking off.

THE CHAIR:

Yes, that would be a great idea, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Senate, stand at ease for a moment.

THE CHAIR:

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Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. The offending Bill was calendar page 13, calendar 199, Senate Bill 948.

THE CHAIR:

At this time that Bill will be removed without objection. Seeing no objection, at this time, Mr. Clerk, will you call for a roll call vote on the first Consent Calendar again? Machine is open.

CLERK:

~~Immediate roll call has been ordered in the Senate.~~
Immediate roll call on the real Consent Calendar No. 1 for today.

THE CHAIR:

Senator Suzio. Senator Suzio. Senator Kennedy. Senator Kennedy. Vote please. Thank you. Senator Fasano. We haven't gotten them all yet, sorry. Thank you, Senator Miner.

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

CLERK:

On the real Consent Calendar No. 1 for today.

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Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

And this time it passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, for some referrals please and other markings?

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 4, calendar 105, Senate Bill 769, I'd like to refer that item to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 7, calendar 124, Senate Bill 917, I'd like to refer that item to the Judiciary Committee.

THE CHAIR:

So ordered.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 4
1954 - 2627**

2017

PUBLIC HEARING

person signed up is Kevin Kane, Chief States Attorney. Attorney Kane, please come forward. Good morning.

ATTY. KANE: Good morning Senator Doyle, Senator Kissel -- Sorry, I don't think my mike was on. Good morning everybody again. Thank you very much for holding this hearing and allowing us to testify about these bills. You've got several on today. My name is Kevin Kane. I'm the Chief State's Attorney and I am testifying on behalf of the Division of Criminal Justice. On the bills that are on today, three of those are bills that we have asked that they be raised and two of them are not controversial. They're omnibus bills with technical amendments and changes, we've discussed some with other people involved and we are hoping that the Committee would favorably approve them. I'll down in order here.

With regard to the Senate Bill 980 is number one on the agenda, VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED. Our concern is the requirement on Line 65 to 67 that puts the burden on the States Attorney's Office to notify victims when a defendant make an application for one of the diversionary programs. That's always been on the defendant before to do that, it's their burden, it's their motion. We think that is appropriate. We just don't have the staff or the ability to notify every victim and be sure we can do it in each time especially when it is the defendant's motion and then we get a copy of it, sometimes on the day that it is being filed or just before.

SB1003
HB6200
HB7199
HB7256
HB7257
HB7259

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that has been addressed today even though many things have. The reason why sometimes people would carry, would open carry, and you mentioned what you are wearing. Could you expound on that a little bit?

ELIZABETH DRYSDALE: Sure, so for example if I'm dressed for camping or hiking or rugged outdoors activities and that is what I'm doing, hiking with my dog or my daughters, I will carry on the outside because it is more comfortable with the clothing that I am wearing and then I usually, you know, a tank top and a fitted pair of shorts and then a loose jacket or sweatshirt over it. But as you're hiking through the day, the sweatshirt comes off, so did I start out concealed, yes. Did I end up open, yes. So that is what I mean about what I am wearing.

REP. DUBITSKY (47TH): Thank you. I appreciate that. Thank you Mr. Chair.

SEN. DOYLE (9TH): Thank you. Any further questions from the Committee? Seeing none, thank you very much. Thanks for your patience today.

ELIZABETH DRYSDALE: Thank you.

SEN. DOYLE (9TH): Next speaker James Richie. Is James Richie here. It does not look like it. James is gone. Christine Palm. Is Christine Palm here? Christine is here, yes. Then after Christine it's Thomas Campbell, then Henry Hoffman and Catherine Mayer. Christine.

JD980
CHRISTINE PALM: Good afternoon Distinguished Members of this body. It is my honor to come before you. I am Christine Palm. I am the Communications and Women's Policy Analyst for the Legislators

PUBLIC HEARING

Commission on Women, Children and Seniors and it is my privilege to speak in support of a Bill that has not come up yet today which is Senate Bill 980, AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED.

In the eight hours of debate that I have heard today on these other bills, the themes that resurfacing, victims' rights, law enforcement's duty to protect, racial profiling. The Bill that I am concerned with here today has echoes of the first two, but not the third and that's because domestic violence knows no racial, economic or geographic bounds. It does however, concern victims' rights and it is to me primarily a bill about information sharing. We live in a hypersensitive, hypervigilant era to potential threats, everything from Zika virus to the presence of sex offenders in our neighborhood to Governor Malloy's warning us about impending storms and where we live. We rely on our elected officials to protect us from impending threats. It makes sound and reasonable sense for victims of domestic violence to be informed about the status of a gun in home in which they live. The violence and potential violence in their own homes which is surely as devastating as for example, radon, and we all know we are supposed to test for radon in our homes. 980 would require that a victim of domestic violence is informed about the status of the surrender or the unwillingness to surrender a firearm in the case of a person against who a protective order has been issued. I won't belabor the statistics, you are probably well aware of it. In two-thirds of cases were a woman, and I use the female pronoun because it usually women who are victims of domestic violence although men certainly suffer from it too.

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Two-thirds of the time a firearm is used in those murders. It makes clear sense to let the victim know whether or not the gun has been removed from the home. Thank you.

SEN. DOYLE (9TH): Thank you. Any questions from the Committee? Seeing none, thank you for your patience.

CHRISTINE PALM: I appreciate your time and attention.

SEN. DOYLE (9TH): Yep. Next speaker Thomas Campbell. Is Thomas Campbell here? No response. We have, is Henry Hoffman here? Yes Henry is here and Catherine Mayer, Scott Wilson, Gabriel Starr. Henry, thank you.

HENRY HOFFMAN: Good Afternoon. Henry Hoffman from Stamford. I'm a simple citizen of the State of Connecticut. I just come before you to support HB 6200. When I think about the issue I think about what we all have been faced with since 9/11 and I think about the fact that almost all of us have repeatedly heard the words, if you see something - say something. And to me when it relates to this particular open carry issue and the right or not right of a police officer to request to see the permit, I think of it as almost directly relevant in a certain way and that is that I think that we as citizens, me, you, all of us are asked to be a bit more vigilant in terms of what is going on around us and what is happening in terms of potential violence in our lives. And I would just count myself among those that you heard from today that say your potentially alarmed when you see some folks who may be open carrying and I would say to you that I would hope that I in my situation, might be thoughtful enough to look and see whether I think there is



NATASHA M. PIERRE, ESQ.
State Victim Advocate

Testimony of Natasha M. Pierre, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Wednesday, March 15, 2017

Good morning Senator Doyle, Senator Kissel, Representative Tong and distinguished members of the Judiciary Committee. For the record, my name is Natasha Pierre and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

Raised Senate Bill No. 980, *An Act Concerning a Victim's Right to be Reasonably Protected from the Accused*

Crime victims in Connecticut are afforded specific constitutional protections throughout the criminal justice process, including the right to be reasonably protected from the accused and the right to receive various notifications throughout the criminal justice process. Raised Senate Bill No. 980 will further enforce these constitutional rights of crime victims by closing gaps identified by the Office of the Victim Advocate (OVA).

Section 1 will require the Commissioner of the Department of Emergency Services and Public Protection (DESPP) to provide notification to any protected person of an order of protection that the subject of the order has complied with or failed to comply with orders to transfer, deliver or surrender firearms.

Currently, the victim may provide information to the court regarding the possession of guns by the subject of the order, yet when a victim attempts to confirm whether those guns have been properly surrendered, the response from law enforcement is that the information is confidential. The OVA disagrees that this information is confidential. Victims seek an order of protection to enhance their safety; knowing whether or not guns are in the offender's possession is critical to victim safety.

Section 2 will require any person found eligible to participate in the supervised diversionary program to surrender, deliver or transfer any firearms in their possession during their participation in the program.

The supervised diversionary program is an opportunity for a person who has a psychiatric disability, after a criminal arrest, to seek treatment for the disability. To be found eligible for the



Connecticut Coalition Against Domestic Violence

Member Organizations

*The Umbrella Center for
Domestic Violence Services*

Ansonia, CT

*The Center for Family Justice
Bridgeport, CT*

*Women's Center
Danbury, CT*

*Domestic Violence Program
United Services
Dayville, CT*

*Network Against Domestic
Abuse
Enfield, CT*

*Domestic Abuse Services
Greenwich YWCA
Greenwich, CT*

*Interval House
Hartford, CT*

*Chrysalis Domestic Violence
Services
Meriden, CT*

*New Horizons
Middletown, CT*

*Prudence Crandall Center
New Britain, CT*

*The Umbrella Center for
Domestic Violence Services
New Haven, CT*

*Safe Futures
New London, CT*

*Domestic Violence Crisis Center
Norwalk, CT*

*Women's Support Services
Sharon, CT*

Domestic Violence Crisis Center

Testimony in Support of

SB 980, AAC a Victim's Right to be Reasonably Protected from the Accused

Judiciary Committee

March 15, 2017

Good afternoon Senator Doyle, Senator Kissel, Representative Tong and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those who serve them. Our members provide essential services to nearly 40,000 victims of domestic violence each year. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, agency/staff training, support groups and court advocacy.

We support SB 980 and the efforts of the Office of the Victim Advocate to ensure that victims obtaining orders of protection are notified of respondent compliance with firearm provisions and protected from employer retaliation related to the issuance of any order of protection.

This bill will require that a protected person under a restraining or protective order be notified when the subject of the order has complied or failed to comply with the firearm surrender provisions of the order. The process of obtaining a civil restraining order or seeking police intervention that may result in the issuance of a criminal protective order can be traumatizing for the victim. This is often a time at which the victim may be taking steps to end the abusive relationship and therefore a time at which violence may escalate. Uncertainty about whether or not their abuser has complied with firearm surrender provisions can increase victim anxiety and trauma.

Victims often question whether or not their abuser has complied, but unfortunately obtaining that information is not always possible. According to the Office of the Victim Advocate, when victims contact law enforcement to determine compliance, they are sometimes told that this information is confidential. Although the name and address of any individual holding a firearm permit or eligibility certificate is confidential, the confirmation of compliance with firearm restrictions of an order of protection is not protected information by statute, and therefore, compliance information may be provided to victims.

Following passage of legislation last year that requires the surrender of firearms during temporary restraining orders, our partners in law enforcement developed a system of tracking and reporting compliance. That system may help facilitate this proposed notification process.

We also support the inclusion of all orders of protection under the statute (54-85b) that prohibits employer retaliation against victims of crime involved with the court system. Currently, an employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect to employment because a civil restraining or criminal protective order has been issued by the court on the employee's behalf. This protection should also be afforded to victims who have a standing criminal protective order or victims of sexual violence or stalking who have obtained a civil order of protection.

Thank you for your consideration. Please do not hesitate to contact me with questions.

Liza Andrews
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**CONNECTICUT ALLIANCE
TO END SEXUAL VIOLENCE**

Support. Advocate. Prevent.

formerly CONNSACS

**Testimony of Kaitlyn Fydenkevez, Esq.
Director of Policy & Public Relations
Connecticut Alliance to End Sexual Violence
Judiciary Committee Public Hearing
Wednesday, March 15, 2017**

In Support of S.B. 980, *An Act Concerning a Victim's Right to be Reasonably Protected From the Accused*.

Good morning, Senator Kissel, Senator Doyle, Representative Tong, and members of the Judiciary Committee. My name is Kaitlyn Fydenkevez and I am the Director of Policy and Public Relations at Connecticut Alliance to End Sexual Violence. For over 35 years, The Alliance, formerly known as CONNSACS, has been the state's leading voice to end sexual violence and the coalition of nine community based sexual assault service programs.

Last year, certified sexual assault counselors at The Alliance and our member programs provided confidential, no cost, victim centered and trauma informed crisis counseling and advocacy services to over 6300 child, adolescent and adult survivors of sexual assault, hundreds of whom sought justice and safety through the Connecticut courts.

The Alliance supports S.B. 980, *An Act Concerning a Victim's Right to be Reasonably Protected From the Accused*, specifically the provisions of Section 4 of the raised bill. Changes to Section 4, beginning at line 79 prohibit an employer from discriminating against an employee who is the subject of a Civil Protective Order (CPO). Available to Connecticut residents since January of 2015, CPOs are a new protective order, developed through a multidisciplinary taskforce which included lawmakers, and representatives from the Judicial Branch and The Alliance, with the aim of ensuring that victims of sexual assault and stalking whose perpetrator is not a family or household member would be afforded the same protections of a restraining order. The addition of language to current law that includes CPOs, expands critical employment protections to victims of sexual violence, ensuring that victims can work without fear of negative consequences because they are the subject of a CPO.

Thank you for your time and consideration. I would be happy to answer questions you may have or provide additional information as needed.

Kaitlyn Fydenkevez, Esq.
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Connecticut Commission on
Women, Children *and* Seniors



CWCS

Testimony of
Christine Palm
Commission on Women, Children and Seniors
Submitted to the
Judiciary Committee
March 15, 2017

Re: **Raised Bill 980: AAC A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED.**

Senators Doyle and Kissel, Representative Tong, and distinguished members of the Judiciary Committee: thank you for the opportunity to provide testimony on behalf of the Commission on Women, Children and Seniors in reference to **Raised Bill 980: AAC a Victim's Right to be Reasonably Protected from the Accused.**

My name is Christine Palm, and I serve as Communication and Women's Policy Analyst for the CWCS.

The CWCS is strongly in favor of this bill, as it will protect victims of domestic violence by strengthening existing laws. It is, essentially, a bill about information. As citizens, we rely on our government, and its agencies that deal with emergencies, to notify us of potential threats: we are warned about severe snowstorms when we are in their path. We benefit from public notice if there is a registered sex offender living in our neighborhood. We get "Amber Alerts" on our phones and highway LED billboards when a child is kidnapped.

It only makes sense, then, for a victim of domestic violence to be forewarned if her abuser has surrendered — or has refused to surrender — a firearm. I use the female pronoun here because, while there are indeed men who suffer from domestic abuse, the majority of DV victims are women.

There is real urgency to this bill, because domestic violence is not going away any time soon. According to CCADV, in 2016 nearly 40,000 Connecticut residents sought help for violence at home. And these are just the people who reached out to one of CCADV's 18 member organizations. Many more acts go unreported. In fact, one-third of all criminal cases in Connecticut concern family violence.

The presence of guns greatly exacerbates the danger. The National Coalition Against Domestic Violence (NCADV) reports that "the presence of a gun in a domestic violence situation increases the risk of homicide by 500%."

The CWCS also represents the rights of children, one in 15 of whom are exposed to intimate partner violence each year, according to NCADV. Fully 90% of these children are eyewitnesses to this violence.

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Bill 980 allows for a week's grace time before such notification. In our view, this is a long wait, given that women who leave abusive partners are at greatest risk immediately after leaving, and so ideally, the notification period would be immediate. However, we realize this is procedurally difficult, and so a seven-day maximum is better than none at all.

Similarly, if the alleged offender enters a pre-trial diversionary program, the victim should be notified.

And finally, we believe it is right and just for any victim of violence who has applied for, or been granted, a protective order, to be able to work in an environment that is free from coercion or discrimination caused by her situation. Employees should be allowed to take necessary time off to make court-ordered appearances, and to participate in any investigations.

This bill will continue to strengthen Connecticut's laws — already among the toughest in the country — and will arm victims with knowledge they can use to make informed choices about their own safety and that of their loved ones.



Committee on Judiciary

S.B. 980: An Act Concerning a Victim's Right to be Reasonably Protected from the Accused
 Testimony of the CT Women's Education and Legal Fund (CWEALF)

Submitted by: Madeline Granato, Policy Manager

March 15, 2017

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide, non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. For forty-three years, CWEALF has provided information, referral and support to women about issues of family law, employment discrimination and civil rights, many of whom experience domestic violence.

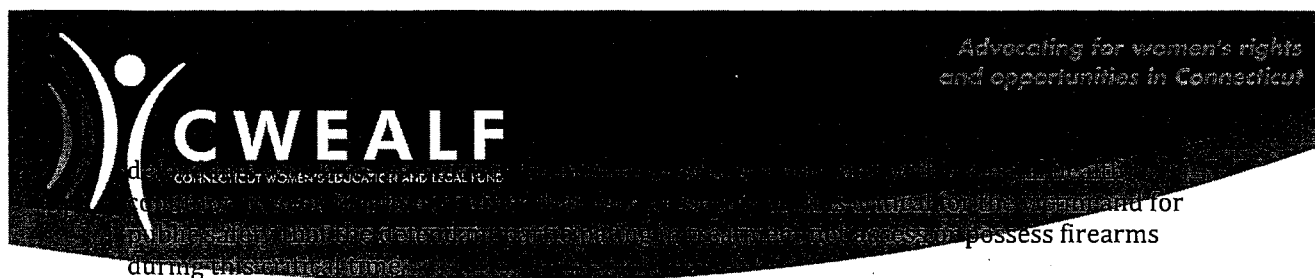
CWEALF urges the Committee to support Senate Bill No. 980: *An Act Concerning a Victim's Right to be Reasonably Protected from the Accused*.

Clients with an abusive spouse often come to CWEALF for information and resources to initiate a divorce. To initiate divorce proceedings in the midst of violence, however, may result in more danger to the victim. It is imperative that we protect victims as best as possible during this time, especially when they choose to make major changes that may be perceived as threatening to the abuser.

Women in an abusive relationship are more than five times more likely to be killed if their abuser has access to a firearm. Last legislative session, we supported and applauded the passage of Public Act 16-34: *An Act Protecting Victims of Domestic Violence*, which requires the removal of firearms during temporary (ex parte) restraining orders. Senate Bill 980 considerably builds on last year's bill and requires the Commissioner of Emergency Services and Public Protection to provide written notification to a person who is protected under an order of protection, that the respondent of the order complied with requirements to surrender, deliver or transfer any firearms as a result of the issuance of an order of protection.

The issuance of an order of protection often triggers increased violence against the victim. While victims provide critical information to the court regarding the defendant's possession of firearms, they do not receive any notification regarding the defendant's compliance with the requirement to surrender those firearms. This notification will provide victims with the knowledge and small measure of safety that the defendant has complied with firearms requirements.

Senate Bill No. 980 will also require a defendant, upon determination of the court that there is a risk to the victim, to surrender firearms when they are granted entry into the Supervised Diversionary Program. The Supervised Diversionary Program allows



Victims of crime have a state constitutional right to be reasonably protected from the accused. The most dangerous time for a victim of domestic violence is when they take steps to end the relationship. As a state, we must continue to provide the most comprehensive protection of victims of domestic violence, and proactively strengthen the systems designed to help them. We urge Connecticut lawmakers to support Senate Bill No. 980 and remain committed to ensure the health and safety of women who are victims of abuse and domestic violence in our state.¹

¹ Information retrieved from the Office of the Victim Advocate, 2017 Legislative Priorities.
http://www.ct.gov/ova/lib/ova/ova_2017_legislative_package_1-24-2017.pdf.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

**S.B. No. 980 (RAISED) AN ACT CONCERNING A VICTIM'S RIGHT TO BE
REASONABLY PROTECTED FROM THE ACCUSED.**

JOINT COMMITTEE ON JUDICIARY
March 15, 2017

The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for S.B. No. 980, An Act Concerning a Victim's Right to Be Reasonably Protected From the Accused.

The Division does not oppose the concept behind this bill, but we cannot support the provisions on lines 65 through 67 that would shift the requirement for notifying crime victims when the defendant applies for accelerated pretrial rehabilitation to the Division of Criminal Justice.

The application for Accelerated Pretrial Rehabilitation is filed by the defendant with the court, not with the prosecutor. The decision whether to grant the application rests with the court, not the prosecutor. The prosecutor, like the victim, only learns of the application after it has been filed. As such, it makes no sense to place the burden for making notification of such applications with the prosecutor, who essentially is also only "notified" after the application is filed with the court.

The notification requirement should either remain where it is now, with the defendant who is seeking the benefits of the pretrial diversionary program, or be placed with a more appropriate entity such as the court that actually receives the application. We would also note that shifting the notification requirement from the defendant to either the prosecutor or the court would have an obvious fiscal impact.

In conclusion, the Division respectfully recommends that the Committee delete the language on lines 65 through 67 to place the notification requirement with the prosecutor. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.