

Legislative History for Connecticut Act

PA 17-49

HB7250

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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 6
2171 – 2633**

jmf
HOUSE OF REPRESENTATIVES

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May 3, 2017

CLERK:

On page 40, Calendar 408, House Bill No. 7250 -
AN ACT CONCERNING DESECRATION OF AN ABANDONED
CEMETERY. Favorable report of the Joint Standing
Committee on Judiciary.

DEPUTY SPEAKER MORRIS (140TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER MORRIS (140TH):

Good afternoon, sir.

REP. STAFSTROM (129TH):

Mr. Speaker, I move acceptance of the Joint
Committee's favorable report and passage of the
bill.

DEPUTY SPEAKER MORRIS (140TH):

The question before the Chamber is on
acceptance of the Joint Committee's favorable report
and passage of the bill. Representative Stafstrom,
you have the floor.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, the bill

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before us is actually a fairly simple one which extends our current statute involving the crime of desecrating a cemetery to include abandoned cemeteries, which have a separate definition under our statutes. If this bill were to become law, what it would basically do is treat someone -- treat the crime of desecrating an abandoned cemetery in the same manner as the crime of desecrating a currently used cemetery. It comes to us from the good Representative from Greenwich, and I urge support for the bill.

DEPUTY SPEAKER MORRIS (140TH):

Will you remark further on this bill?

Representative Rebimbas of the 70th.

REP REBIMBAS (70TH):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the legislation before us. I think that this was certainly an oversight, because it was a separate statute, because clearly the intent, when we were talking about cemeteries, would be all types of cemeteries, including the abandoned ones. But I am happy that the good Chairman gave the Vice

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Chairman a very lively bill to address here in the House Chamber. So I do rise in support of the legislation that's before us.

DEPUTY SPEAKER MORRIS (140TH):

Thank you, madam. Representative Bocchino of the 150th District.

REP. BOCCHINO (150TH):

Thank you, Mr. Speaker. Thank you very much for bringing this bill to the Chair. We've actually had some issues with abandoned cemeteries, where we've had developers encroach upon those cemeteries, one of which was a cemetery of some of the settlers -- first settlers of the Town of Greenwich that was designated towards the front, but there was an abandoned area in the back that they encroached -- was encroached upon, and it was actually a cemetery of the slave individuals of the Town of Greenwich, in that area, and it was later on designated. So this is something that we're hopeful it will help the rest of the State of Connecticut. I urge adoption and I urge my colleagues to vote for it. Thank you very much.

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DEPUTY SPEAKER MORRIS (140TH):

Thank you, sir. Will you remark further on this bill? Will you remark further on this bill? If not, will staff and guests please come to the well of the House? Will the members please take your seats? The machine will be opened. (Bell)

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 MORRIS (140TH):

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

CLERK:

House Bill 7250,

Total number Voting	149
Necessary for Passage	75

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Those voting Yea	149
Those voting Nay	0
Those absent and not Voting	2

DEPUTY SPEAKER MORRIS (140TH):

The bill is passed. (Gavel) The House will stand at ease.

DEPUTY SPEAKER MORRIS (140TH):

We'll return to the Call of the Calendar. Will the Clerk please call Calendar No. 210?

CLERK:

On page 17, Calendar No. 210, favorable report of the Joint Standing Committee on Public Health. Substitute House Bill No. 5764 - AN ACT CONCERNING THE LICENSING OF BARBERS AND HAIRDRESSERS.

DEPUTY SPEAKER MORRIS (140TH):

Representative Tercyak.

REP. TERCYAK (26TH):

Thank you very much, Mr. Speaker. I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER MORRIS (140TH):

The question before the Chamber is on

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SENATOR DUFF (25TH):

Thank you, Madam President. Would the clerk now please call Calendar Page 27, Calendar 417, H.B. 7250?

THE CHAIR:

Mr. Clerk.

CLERK:

On Page 17 --

THE CHAIR:

27.

CLERK:

I'm sorry, 27, Calendar 417. It is --

THE CHAIR:

7250.

CLERK:

It is H.B. 7250, AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY.

THE CHAIR:

Thank you. Senator Doyle.

SENATOR DOYLE (9TH):

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Good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR DOYLE (9TH):

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark?

SENATOR DOYLE (9TH):

Yes, Madam President. This piece of legislation passed unanimously out of the Judiciary Committee 39 to nothing. What it does is over the past several years we've created the crime of interference with the cemetery or burial grounds and basically the desecration of our burial grounds. The past legislatures have dealt with that issue. The current law, it's a class C felony. What this piece of legislation simply does is it deals with the situation where someone damages or desecrates an abandoned cemetery where for over 40 years nobody's been buried. It's really a clarifying piece of legislation. It corresponds with the past intention of the legislature. I think it makes good sense and it just protects the sacred buried. Thank you, Madam President. I urge the Chamber to approve it.

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Thank you. Will you remark further? Good evening,
Senator Kissel.

SENATOR KISSEL (7TH):

Good afternoon, Madam President. I stand in strong support of this legislation as well. I'd like to be associated with remarks of my friend and colleague, Chairman Doyle. When we passed the original legislation protecting cemeteries, I think we all contemplated that abandoned cemeteries would be included in that, but apparently there has been various disagreements regarding that and so as Senator Doyle indicated this clarifies the point that desecration of a cemetery, whether it's abandoned or not, is a crime in the state of Connecticut. I can't really imagine anything to be more sacred than where other human beings are laid to rest and would urge my colleagues to support this bill. Thank you, Madam President.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. I just have a couple questions if I might to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR MINER (30TH):

Thank you, Madam President. So, as this is constructed as it's written, if there is no marker, if there is no delineation of where perhaps a private cemetery -- if you go back and look at some very old farm property, you'll find that there actually are burial grounds there. Some of them may have headstones. Some of them may not. In the case where there's been no demonstration, no written record, would this pertain? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. I would say it would condition upon if it's objectively evident to be a graveyard or cemetery would be appropriate. I mean, you have an interesting question. I guess your point is, Senator, what if it's on a particular farm, they have one little headstone, I mean it is what it is. I would think if its' identifiable to be a burial place, it could be covered under this statute. Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you. My last question then; so that stone if it were placed on the ground would have to have some writing on it that would demonstrate that there's actually someone there as opposed to a stone that

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may be conveniently laid up against a tree for someone's pet or something like that? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. And your hypothetical clearly laid against a tree would not apply; however, there are, for instance, in my town there's old cemeteries that don't have marked gravestones and don't have markings on them 'cause they're so old. So, I don't want to say in the record if there's no writing on a stone, it's not applicable because there are some that are just worn off over time. So, your hypothetical makes sense, if it's a stone against a tree and it clearly doesn't look like it, but we have many cemeteries that are so old and so abandoned, you may not have markings, so for the purpose of legislative intent, markings are not required to desecrate a cemetery. Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. I thank the gentleman for his response.

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Thank you. Will you remark further? Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. Just a question to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR LEONE (27TH):

Thank you, Madam President. If, as we're talking about abandoned cemeteries, if we're talking about a cemetery say a few hundred years ago and there are no headstones, but there's historical records that a cemetery was once there and there doesn't seem to be any graves or no proof the bodies are even there, would this be applicable?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. The answer is no, because like in any criminal statute, you need intent to desecrate, so any criminal laws need intention to break, so in your hypothetical, if say you purchased land and you happened to dig it up and it turned out there were unknown graves, you do not have the requisite mens rea or intent. Through you, Madam President.

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Senator Leone.

SENATOR LEONE (27TH):

But, if it was an abutting property and someone disputed it, if you were doing some work and it went onto the abutting property and someone disputed it for the fact that it was once an abandoned cemetery, would that fall under this proposed legislation? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. It that hypothetical was proposed, I would before I started digging up, I would try to establish whether it is, but clearly there's a factual issue in your hypothetical. Whether it is or it isn't a cemetery, I would advise a client to determine what it is before you start digging, but again, even if you in good faith determine it was not a cemetery and you dug and there was, you would not have the requisite intent to be charged. Through you, Madam President.

THE CHAIR:

Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. I'll leave it at that for now. I understand the intent of this bill, but I think it does open up another door for some

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potential future litigation and that was the concern that I had, so I appreciate the answers. Thank you.

THE CHAIR:

Thank you. Will you remark further on the bill?
Will you remark further on the bill? If not, Mr.
Clerk, will you call for roll call vote? The
machine will be open.

CLERK:

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

THE CHAIR:

Senator Suzio. Senator Formica. Senator Miner.
Senator Formica. All members have voted. All
members have voted. The machine will be closed.
Mr. Clerk, will you please call a tally?

CLERK:

H.B. 7250,	
Total number voting	35
Those voting Aye	32
Those voting Nay	3
Absent, not voting	1

THE CHAIR:

The bill passes. Senator Duff.

SENATOR DUFF (25TH):

**JOINT
STANDING
COMMITTEE
HEARINGS**

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1954 - 2627**

2017



Greenwich Preservation Trust

greenwichpreservationtrust.org

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State of Connecticut Judiciary Committee

300 Capitol Avenue

Hartford, Ct.06106

Attention: Honorable Representative William Tong

Honorable Senator Paul Doyle

Honorable Senator John Kissel

Honorable Representative Rosa Rebinbas

March 12, 2017

Re Bill-H.B. No. 7250 AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY

Dear Representative William Tong, Senator Paul Doyle, Senator John Kissel and Representative Rosa Rebinbas,

The Greenwich Preservation Trust is writing to you in regard to, one of the proposed bills 6343 now H.B. 7250 AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY, hearing to be held on Monday, March 13, 2017 at 10:00 A. M. Unfortunately we will not be able to attend but wish to provide a written statement to be placed on the records.

The Greenwich Preservation Trust supports the bill; however we wish the language to include and expand the definition of desecration to "altering the grade within a cemetery by adding or removing earth or rock or construction of retaining walls except if needed to bury deceased individuals". In addition we believe the fine should be advanced to, "no less than \$1,000". We consider these changes will make the bill more comprehensive.

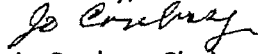
We are concerned that the abandoned hollow grounds in the state of Connecticut are not sufficiently covered by State Law.

We urge you to consider and sympathize and understand that burial grounds while often times neglected still hold sentimental value, familiar heritage and serve as sacred valid sites that are connected to our religious beliefs.

The Greenwich Preservation Trust wishes to thank Representative Mike Bocchino for acting on the protection of these abandoned cemeteries and bringing forth amending the present law.

We thank you for the opportunity for permitting us to testify in honor of those buried in these hollow grounds.

Sincerely,



Jo Conboy, Chairman



State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL

REPRESENTATIVE MIKE BOCCHINO
ONE HUNDRED FIFTIETH ASSEMBLY DISTRICT

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Testimony

In support of
**H.B. No. 7250, AN ACT CONCERNING DESECRATION OF AN ABANDONED
CEMETERY.**

Judiciary Committee

March 13, 2017

Dear Co-Chairs Doyle, Kissel, Tong, Ranking Member Rebimbas and distinguished members of the Judiciary Committee:

Thank you for the opportunity to submit testimony on **H.B. 7250, AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY.**

As State Representative of the 150th district in Greenwich CT, I have dealt firsthand with an issue of the desecration of an abandoned cemetery. A cemetery in our town, that had no apparent land record of ownership, is the final resting place of some of our earliest settlers. It was encroached upon by developers who were building a home adjacent to the cemetery. Since the cemetery seemed abandoned, the owners of the property being developed felt they were in their rights to develop the land.

I am hopeful that this bill will garner the support of the committee and will move forward through the legislative process so that we can ensure that all cemeteries and burial grounds even if abandoned will be preserved and unaltered.

Again, thank you for the opportunity to have this bill heard and for your consideration.