

Legislative History for Connecticut Act

PA 18-61

SB509

House	6552-6553, 6598-6600, 6600-6602	8
Senate	1053-1057, 1120-1121	7
		15

The Connecticut General Assembly did not transcribe March 28, 2018 Joint Committee Public Hearing on Judiciary. Legislative history for Public Act 18-61 consists of House and Senate transcripts only.

Transcripts from the Senate and House of Representatives Proceedings
Joint Standing Committee Public Hearing – Not Transcribed

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2018

Vol. 61

Part 17

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aa
HOUSE OF REPRESENTATIVES

562
May 8, 2018

Will you remark further? Thank you,
representative. Will you remark further?
Representative Simmons.

REP. SIMMONS (144TH):

Thank you, Mr. Speaker. I just want to echo
the sentiments Representative Cheeseman said. She's
right. The rest of the world is way ahead of us
right now. Europe is adopting this. Switzerland
is. I didn't realize the Estonia example. That was
very interesting, so I urge my colleagues to support
this, and if there's no objection, I move that we
add this to the consent Calendar.

DEPUTY SPEAKER MORIN (28TH):

Is there objection? Is there objection? I'm
hearing none. This item will be placed on the
consent Calendar. Will the clerk please call
Calendar No. 508?

CLERK:

On page 31, Calendar 508, Substitute for Senate
Bill 509, AN ACT CONCERNING NEWLY DISCOVERED
EVIDENCE. Favorable report of the Joint Standing
Committee on Judiciary.

aa
HOUSE OF REPRESENTATIVES

563
May 8, 2018

DEPUTY SPEAKER MORIN (28TH):

Representative Albis. Representative Albis.

REP. ALBIS (99TH):

Thank you, Mr. Speaker. I move that we pass
this item temporarily.

DEPUTY SPEAKER MORIN (28TH):

So ordered. I'm going to try this again. Will
the clerk please call Calendar No. 455?

CLERK:

On page 27, Calendar 455, Substitute for Senate
Bill No. 145, AN ACT INCLUDING THE HIGHER EDUCATION
COMMITTEE AND THE RECEIPT OF ANNUAL REPORTS RELATING
TO MILITARY VETERANS AND LICENSURE. Favorable
report of Joint Standing Committee of Higher
Education and Employment Advancement.

DEPUTY SPEAKER MORIN (28TH):

Representative Ziogas.

REP. ZIOGAS (79TH):

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

DEPUTY SPEAKER MORIN (28TH):

aa
HOUSE OF REPRESENTATIVES

608
May 8, 2018

Calendar No. 508?

CLERK:

On page 31, Calendar 508, Substitute for Senate
Bill 509, AN ACT CONCERNING NEWLY DISCOVERED
EVIDENCE. Favorable report of the Joint Standing
Committee on Judiciary.

DEPUTY SPEAKER MORIN (28TH):

Representative Tong.

REP. TONG (147TH):

Good evening, Mr. Speaker. I move acceptance
of the Joint Committee's favorable report and
passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER MORIN (28TH):

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

REP. TONG (147TH):

Yes. Thank you, Mr. Speaker. This is an
expansion of our state's existing law on newly
discovered evidence and the right of a person who
petitioned for a new trial based on newly discovered

aa

609

HOUSE OF REPRESENTATIVES

May 8, 2018

evidence. We already have a provision for newly discovered evidence and a new trial when DNA evidence is provided that may be exonerating, and now, we expanding that to include new forensic and scientific information, and this measure was approved overwhelmingly in the Judiciary Committee and in the Senate, and I urge support for the bill.

DEPUTY SPEAKER MORIN (28TH):

Will you remark further? Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. Mr. Speaker, I rise in favor of the legislation -- or proposed legislation before us. Because this expansion is specifically only forensic scientific evidence, I'm comfortable in supporting it because again as technology improves, science improves, certainly, I think that any time we have something that could be similar to obviously DNA evidence, which is pretty difficult to dispute, we should be open to that, so this does allow for that. And, I just wanted to say I actually did reach out to LCO and just reaffirmed

aa

610

HOUSE OF REPRESENTATIVES

May 8, 2018

that in fact it is limited only to scientific evidence -- forensic scientific evidence, so I do rise in support of it.

DEPUTY SPEAKER MORIN (28TH):

Thank you, Representative Rebimbas. Will you remark further? Representative Tong.

REP. TONG (147TH):

Yes, thank you, Mr. Speaker. I move that this item be added to consent Calendar.

DEPUTY SPEAKER MORIN (28TH):

Is there objection? Is there objection? I'm hearing none, so ordered. This item will be placed on the consent Calendar. The Chamber will stand at ease.

The Chamber will come back to order (Gavel) (Gavel) (Gavel). Will the clerk please call consent Calendar No. 1?

CLERK:

Consent Calendar No. 1, Bill No. 268, 215, 426, 170, 183, 438, 472, 432, 391, 443, 145, 229, 489, 106, 517, 357, 260, 479, 327, 142, 439, 295, 509.

DEPUTY SPEAKER MORIN (28TH):

aa
HOUSE OF REPRESENTATIVES

611
May 8, 2018

Representative Albis.

REP. ALBIS (99TH):

Thank you, Mr. Speaker. I move adoption of the consent Calendar.

DEPUTY SPEAKER MORIN (28TH):

The question is on adoption. Will staff and guests please come to the well of the House? Will members please take your seats? The machine will be opened. [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 RYAN (139TH):

Have all member voted? Have all members voted? Will members please check the board to ensure that their vote is properly cast? If all members have voted, the machine will be locked, and the clerk will take a tally. Will the clerk announce the tally?

CLERK:

aa
HOUSE OF REPRESENTATIVES

612
May 8, 2018

Consent Calendar No. 1

Total number Voting	150
Necessary for Passage	76
Those voting Yea	150
Those voting Nay	0
Absent not Voting	0

DEPUTY SPEAKER RYAN (139TH):

The consent Calendar passes. The Chamber will stand at ease.

The Chamber will come back to order. I'd just like to make the announcement that the Calendar is now the go list. You will now be using the Calendar as your go list, so anything on the Calendar is fair game. Representative Albis, for what reason do you rise?

REP. ALBIS (99TH):

Thank you, Mr. Speaker. I move that we suspend the rules for immediate consideration of House Calendar 571.

DEPUTY SPEAKER RYAN (139TH):

Is there any objection? Is there any objection? I'm hearing no objections. We will now

Connecticut
Gen.Assembly
Senate

Proceedings

2018

Vol. 61

Part 3

796-1183

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I appreciate the remarks of Chairman Doyle, and if seeing no further remarks, I would like to move this matter to the consent Calendar.

THE CHAIR:

I'm seeing no objections, so ordered, sir.

SENATOR KISSEL (7TH):

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

CLERK:

On page 40, Calendar 365, Substitute for Senate Bill No. 509, AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Yes, thank you, 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, sir?

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. This piece of legislation was voted out unanimously by the Judiciary Committee, and what it deals with in criminal cases after a person is convicted the question is really here -- you know many people sometimes seek new trials and sometimes request for new trials really have no basis in law. That's not the case here. What we have here is the general rule is upon when a person's convicted, you have three years to seek a new trial. Unless under current law -- there's one exception -- unless DNA evidence was not discoverable at the time of trial, that means under current law you can then seek a new trial. What this case is it expands that concept, so right now, it's just DNA. What it says is newly discovered evidence that was not discovered at trial, so generally forensic evidence, and to try to explain what it really means is so if under current law DNA comes up and DNA can help exonerate a person or other significant forensic evidence is discovered that can ultimately achieve the exoneration of a person, this gives the defendant the right to petition for a new trial so that if that -- if those standards are met and the motion is made to the court -- but again, at that point, still the court does have -- the court must consider it and consider the newly discovered forensic evidence, and then determine that it was not discoverable or available at the time of the trial because the important thing is you don't want to have a whole new flood of new trials based on evidence that was already presented

aa
Senate

18
May 2, 2018

at the trial. This is designed -- this whole new exception in the DNA is designed for persons convicted and after the conviction new evidence comes in whether DNA or forensic or any newly discovered evidence that really can exonerate a person, that's the correct approach and that's why this legislation is before it, and I guess you would consider Mr. Tillman is the classic case. Many in the Chamber are aware of that individual. The poor guy spent a lot of time in prison. He was subsequently -- DNA through the Innocence Project determined his innocence, he was given a new trial, and he was freed from prison. That's really what we're doing here. You know, we recognize we don't want a flood of frivolous motions. These are people that have solid -- solid evidence, so again, I urge the Chamber to support this important piece of legislation. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I too associate myself with the remarks of Chairman Doyle, and clearly, one of the most heart wrenching things that we could stumble upon is if an individual was imprisoned but was innocent. I can't imagine that happening to myself or any loved one or anyone in the circle, and I'm sure that all of our sense of justice would make us strive to try to make sure that would never ever happen, so right now with the advent of technology we have DNA, which has just worked wonders in convicting people that are -- should be convicted but actually exonerating those

aa
Senate

19
May 2, 2018

that should never have been convicted in the first place, but what this bill does is actually acknowledge that the mark of technology is amazing. I don't know if anybody in the circle is like myself. One of the shows I like to watch is Forensic Files and all of those shows, and there's just any number of new technologies that can actually go in there and help make sure that justice is appropriately done, so I think this bill is very worthy and I would urge my colleagues to support it. Thank you.

THE CHAIR:

Will you remark further? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President, and speaking in support of the bill, I wanted to thank the co-chairs of the Judiciary Committee for bringing this bill forward and as both of the chairs said our current law is quite arbitrary in exempting from the current three-year statute of limitations or the three-year bar only DNA evidence. There are lots of other kinds of evidence that can be significantly probative and indicating that there was a mistaken result in a trial, not just DNA evidence, and this now opens the door and closes and removes that arbitrary shutoff of people that -- of evidence that might be strongly indicative of innocence that could not be brought forward because of the fact that there was not DNA evidence and was subject to this three-year bar. We will now be joining most other states that already have significantly more flexible rules about the introduction of newly discovered evidence and the opening up of prior erroneous convictions, so we are

aa
Senate

20
May 2, 2018

significantly moving in the right direction with this bill. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Doyle.

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. Without objection, I move this bill to the consent Calendar.

THE CHAIR:

I'm seeing no objections, so ordered. At this time, are there any points of personal privilege? Senator Larson.

SENATOR LARSON (3RD):

Thank you, Madam President. Yes, I rise for a point of personal privilege. I don't know if many people know this today, but this is a historic event today here in the state Capitol. We have the eldest child of Ray and Peggy Ramsey, our own clerk, Noel Ramsey Kidney. She's no longer 50, and she's celebrating her birthday --

THE CHAIR:

[Laughing] Oh, you're mean.

SENATOR LARSON (3RD):

-- Today, so we just would like to give a warm happy birthday welcome to Noel Kidney who's here.

aa
Senate

83

May 2, 2018

THE CHAIR:

The Senate will stand at ease, sir. The Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the clerk please call the items on the first consent Calendar followed by a vote of the consent Calendar, then we'll do the two other bills after, please?

THE CHAIR:

Mr. Clerk. [Talking Off Record] [Pause]

CLERK:

Page 7, Calendar 67, Senate Bill 229. Page 9, Calendar 94, Senate Bill 312. Page 15, Calendar 164, Senate Bill 380. Page 16, Calendar 179, Senate Bill 206. Page 22, Calendar 230, Senate Bill 443. Page 27, Calendar 282, Senate Bill 455. On page 28, Calendar 286, Senate Bill 413. And, on page 40, Calendar 365, Senate Bill 509.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote on the first consent Calendar and the machine will be open.

CLERK:

Immediate roll call has been ordered in the Senate on consent Calendar 1. Immediate roll call has been ordered in the Senate.

aa
Senate

84

May 2, 2018

THE CHAIR:

The Senate will stand at ease for a moment before they vote. The Senate will stand at ease for a sec -- a few seconds. We have a little bit of a computer problem here. Mr. Clerk, will you call for a roll call vote again for consent Calendar No. 1? The machine will be open.

CLERK:

Immediate roll call in the Senate on consent
Calendar 1. Immediate roll call in the Senate.

THE CHAIR:

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

CLERK:

On consent Calendar No. 1	
Total number Voting	35
Those voting Yea	35
Those voting Nay	0
Absent not Voting	1

THE CHAIR:

Consent Calendar is adopted (Gavel). Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the clerk please call once again Calendar page 35, Calendar 241 --