



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

---

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of Deborah J. Fuller  
Judiciary Committee  
March 26, 2009**

**House Bill 6710, An Act Concerning Court Operations**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, in support of House Bill 6710, *An Act Concerning Court Operations*. This bill consists of several proposals that were submitted by the Judicial Branch, with the exception of sections 21 through 23.

Sections 1 through 3 would raise the limit for facilities projects under the Judicial Branch's control from \$500,000 to \$2 million. This would benefit both the Judicial Branch and the Department of Public Works. It would benefit the Branch by allowing us to more efficiently initiate and complete much-needed repair and renovation projects. It would benefit the Department of Public Works by allowing them to focus on the larger construction projects that require a great deal of attention. I would like to point out that the costs of construction have risen sharply over the past ten years, but the statutory limit of \$500,000 has not been increased since 1999. As a result, the responsibility for more of the Judicial Branch's repair and renovation projects has been transferred to DPW. I can reassure you that the Judicial Branch can handle the responsibility for these additional projects within existing resources.

Sections 4 and 5 would authorize the Chief Justice and Chief Court Administrator to take any action necessary, in the event of a major disaster or public health emergency, to ensure the continued operation of the courts. These actions could include establishing alternative sites to conduct judicial business, if that became

necessary because existing court location(s) could not be used, authorizing the use of technology to conduct court business from an alternative location and suspending any judicial business that is not critical. Enactment of this language is important. While we all hope that we will never have to use these provisions, we also recognize that we must be prepared for a worst-case scenario. We would not want to compound the effects of a disaster by being unprepared to cope with it.

Section 6 would allow for the electronic filing of court documents, including criminal court documents such as summons for violations, misdemeanor complaints and criminal summons and informations. Because this language authorizes electronic signatures, it will also allow for electronic booking. This will greatly benefit local and state law enforcement as well as the courts. It is also supported by the Criminal Justice Information System governing board.

Section 7 would create statutory authorization for judges to review information from the automated registry of protection orders. Currently, pursuant to an order of the Chief Court Administrator, some judges review this information in order to minimize the issuance of contradictory protection orders, and to determine the best interests of a child in appropriate cases. You will note from the language that access to the information will continue to be governed by the policies and procedures adopted by the Chief Court Administrator.

Sections 8 and 9 are yet another step in the Judicial Branch's progress toward a paperless system of document filing and storage. This will facilitate access to stored documents and result in savings to the state, as we will no longer have to rent large facilities to store vast numbers of paper documents. It will also help out in court locations where we are running out of storage space.

Section 10 would allow judgment mittimus to be entered into the Paperless Arrest Warrant Network (PRAWN). A judgment mittimus is a warrant of commitment to the Commissioner of Correction following a criminal conviction, which is executed in court when the offender is transported from court to a DOC facility to begin serving a sentence. It is similar to other documents that are stored in PRAWN. PRAWN is now available to more than 140 criminal justice agencies around the clock, and it is regulated

with comprehensive entry and removal procedures that ensure accurate, complete and timely warrant information.

Section 12 would change the name of housing specialists to house mediators, in order to reflect their true function. Housing specialists spend the majority of their time mediating landlord/tenant disputes. Amending their title to "housing mediator" will make it clearer to the public just what they do.

Sections 13 and 14 would encourage effective service of process by making it clear that state marshals can be reimbursed for the mileage costs they reasonably incur while serving process. The Judicial Branch has a substantial interest in this subject because we pay for service of process in cases where court fees and costs have been waived because the party is indigent, and for all restraining orders. This language would just bring the situation back to what it was for many years, prior to the issuance of the Attorney General's advisory opinion on June 16, 2008. That opinion stated that current law permits payment of mileage fees only for those trips that result in successful service. The opinion also stated that mileage could be paid only for the most direct route between the place of receiving process and the place process is served. Our proposed language would institute a standard of reasonableness.

Sections 15 and 16 would add Judicial Branch Family Services staff to the list of mandated reporters. Although they are social workers and as such have long considered themselves mandated reporters, this statutory change is necessary to allow them to disclose information that they are otherwise mandated to hold confidential.

Sections 17 through 20 contain provisions to enhance the operations of the Judicial Branch's Court Support Services Division. Section 17 would expand probation officers' authority to address some real-life situations that they have encountered while in the field. This includes allowing a probation officer to detain, until a police officer arrives, any person who the probation officer observes in the act of violating a condition of their probation, as well as any person who is the subject of outstanding arrest warrants. Under current law, when a probation officer sees a probationer threatening

the public's or a victim's safety, the only thing the probation officer can do is to call the police and then try to persuade the probationer to remain until the police officer arrives. It would also allow them to detain probationers with outstanding warrants. This, along with the provision authorizing probation officers to participate in interagency warrant squads, will greatly assist in reducing the high number of outstanding arrest warrants.

In addition, this section would make it clear that probation officers, in the course of the official duties, can possess contraband. They need this explicit authority because although it seems only logical that a probation officer who discovers, for example, illegal drugs while conducting a visit would be able to seize those drugs, this authority is not currently in statute.

Section 18 would remove from statute the cap on the cost of electronic monitoring, which includes GPS, as this cap was unworkable. Although the intent of the language may have been to limit the amount that the offenders could be charged for this monitoring, the language actually limits the amount that the Judicial Branch can pay for electronic monitoring. We have been unable to find a provider that will provide GPS services for the statutory cap of \$6.00 a day.

Section 19 would authorize probation officers to notify a police officer that the probationer is in violation of probation, and that such notice would be sufficient to authorize the police officer to arrest the probationer for violation of probation. Currently, probation officers have this authority for sex offenders. The proposed language would expand it to all situations where a probation office has probable cause to believe that a probationer has violated a condition of probation, but the exercise of this authority will be limited to situations where the probationer is presenting a threat to public safety. This will be delineated in Court Support Services Division policy, which will also require that the officer obtain approval from their supervisor prior to exercising this authority. It is an important tool in those cases where field contact shows a probationer to be in violation, but the time that it takes to obtain a warrant will allow someone to be victimized and the probationer to abscond. Examples of this are sex offenders who are in violation of no-contact conditions, domestic violence

probationers in violation of no-contact conditions, curfew violations and proximity violations, among others.

Section 20 is a conforming change to the period of time for which records of participation in the Alcohol Education Program are retained, to reflect the fact that a few years ago the statute was changed to allow participation in the program once every ten years.

Section 21 addresses the budget process for the Judicial Branch. The current budget process for the Judicial Branch is not working well for anyone – the Legislative Branch, the Executive Branch or the Judicial Branch. These difficulties have existed for years, but are made worse by our present financial crisis. Recognizing these conflicts, legislative leaders have, for the last two years, been questioning the present process and are now suggesting that the budget process be changed for the Judicial Branch. Some have suggested a higher education-style block grant and others have suggested a direct submittal of the Judicial Branch's recommended budget to the Legislature through OPM. The language in section 21 suggested by our legislative partners is the latter – a direct submittal to the Legislature through OPM.

While the Branch itself has proposed the block grant style approach, whatever the methodology, changing the process will benefit all three branches. If the Judicial Branch had more flexibility in its budgeting, it would be in the best position to maximize the scarce resources available to accomplish delivery of the services and programs important to the Executive and Legislative Branches. The Judicial Branch has a long history of being responsible – both fiscally and programmatically. It always lives within its means, however difficult that may be. It does not ask for deficiencies.

Our goal is to achieve the most we can with the funding we will have through flexibility. Flexibility is not separate from accountability. Whatever model is used for change, the same level of detail would be provided to both the Legislature and to OPM to help them analyze and make funding recommendations, and to fulfill their review functions.

The Branch is not asking to be exempt from sharing in the burden in these difficult times. We are only asking for flexibility, so we can best serve the residents of the state of Connecticut, as a co-equal branch of government.

Finally, I would like to turn to sections 22 and 23, neither of which was proposed by the Judicial Branch. We are opposed to section 22 but do not object to section 23. Section 22 would require a court, when making or modifying an order regarding the custody, care, education, visitation or support of a child, to include a detailed statement on the conditions and obligations of the noncustodial parent during visitation. The problem with this is that it treats every noncustodial parent like an incapable parent who must be told what to do and does not reflect the progress that has been made in this area to reflect the responsibility of both parents. Rather than custody and visitation, we speak now of parental access and parental responsibility. A parent may be noncustodial in the sense that the child lives primarily with the other parent, but the noncustodial parent is not relegated to a mere visitor whose rights to the child are regulated by detailed conditions and obligations imposed by the court. It is only the seriously flawed parent who is subjected to these kinds of court orders and that is only for the safety of the child. This section will undo a lot of what has been achieved over the past ten years or so.

As stated above, we do not object to section 23; however, we do believe that the language needs some work. We would be happy to work with the proponent to draft more workable language.

In conclusion, I urge the Committee to act favorably on this bill, with the exception of section 22, which I would respectfully request be deleted.

Thank you for your consideration.