



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

---

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

**Testimony of the Honorable Barbara M. Quinn  
Chief Court Administrator  
Judiciary Committee Public Hearing  
March 26, 2010**

**House Bill 5539, An Act Concerning Judicial Branch Powers and  
Procedures and the Criminal Justice Information System**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, in support of *House Bill 5539, An Act Concerning Judicial Branch Powers and Procedures and the Criminal Justice Information System*. This bill includes the majority of the Judicial Branch's legislative proposals for this year, and I respectfully request that the Committee approve it.

Many of the provisions of this bill may look familiar to you, because they have been included in previous years' bills. Recognizing that the bill covers a wide variety of areas, my written testimony goes through it section by section, but I will summarize it here today.

Sections 1 through 6 concern Supreme Court procedures. Sections 1 - 4 eliminate obsolete language and conform the statutes to current practice. I have submitted a proposed amendment to section 3 of the bill, to reflect the most current draft of the requested revision, and I would respectfully request that you incorporate this amendment into substitute language.

Sections 5 and 6 stem from the need to require some basic judicial process, in terms of service, in the statutes authorizing electors and candidates aggrieved by a ruling of elections officials to file a complaint with the Supreme Court. The proposed changes would require complainants to certify that they have sent a copy of the complaint to the State Elections Enforcement Commission. Since the current statute requires that a complainant send a copy by "first class mail or hand deliver" but does not require a certification that this has occurred, the only way to determine if this has occurred is for the clerk's office to personally contact the Elections Enforcement Commission. A certification of service requirement for election complaints would bring

these types of actions in line with the existing practice of requiring a certification of service for submissions to the Supreme Court.

Sections 8 and 9 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.

Sections 10 and 11 would include children, adolescents and families served by the Court Support Services Division in the Behavioral Health Partnership's integrated behavioral health service system, and add a representative of the Court Support Services Division, as an ex-officio, nonvoting member, to the Behavioral Health Partnership Oversight Council. We have been working with the Department of Social Services to ensure that eligible court-involved children are covered by the Behavioral Health Partnership; this statutory change will facilitate that goal.

Sections 12 and 13 would add Judicial Branch Family Services staff to the list of mandated reporters and would amend the language that currently prohibits them from disclosing the information they would need to disclose in that role.

Section 14 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.

Section 15 would broaden the pool of professionals who can certify that a person who has been summoned to jury duty is incapable of serving due to a physical or mental disability, to include licensed health care providers who are not physicians. This would apply only to non-permanent medical disqualifications. This reflects the reality that medical professionals who are not physicians are taking on an increasingly prominent role in the health care system.

Section 16 would replace the obsolete requirement that a plaintiff in a court action post a bond for prosecution, and instead provide for it to be posted only upon the request of the defendant and an order of the judge.

Section 17 would establish a statutory fee of \$10.00 for a certificate of good standing for attorneys.

Section 18 is included at the request of the United States Probation Office. It would provide them with the same exemption from paying for certified copies of criminal records that the Immigration and Naturalization Service and the Federal Public Defenders currently enjoy.

Section 19 would make a minor change to the process for early termination of probation that was established by Public Act 08-102, so that a probationer who is serving more than one term is considered for early termination only of the probation period that runs the longest. It would not make sense to go through the termination review process for one period of probation if the person would still be on probation for another offense.

Section 21 would allow judgment mittimuses 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.

Sections 20, 22, 24, and 25 would repeal the Zero Tolerance Drug Supervision Program. The implementation of the Technical Violations Unit project (TVU) has eliminated the need for this pilot program, which provides no treatment services and is inconsistent with a risk reduction model. The components of the Zero Tolerance program (random urinalysis and a 2-day residential confinement for positive test results) can be achieved under existing conditions of probation. Further, statistics indicate minimal use of the Zero Tolerance program and an unsuccessful discharge rate of 60%, as compared to TVU, which utilizes a research-based approach.

Section 23 eliminates some leftover obsolete references to the "Office of Alternative Sanctions" and replaces them with "Court Support Services Division." The Office of Alternative Sanctions was absorbed by the Court Support Services Division approximately ten years ago.

Section 26 creates some much-needed exceptions to the requirement, enacted two years ago, that the Judicial Branch post all violation of probation warrants on the Internet.

Section 27 is another technical change to make it clear that the access to criminal records provided by the Branch can be through the Paperless Rearrest Warrant Network (PRAWN).

Section 28 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 their 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.

Sections 29 - 33 eliminate references to the appointment of victim advocates. C.G.S. Sec. 54-221, which authorizes the court to appoint a victim advocate, is repealed by section 45. This provision is a vestige of the time when victim services were overseen by the Commission on Victims Services, before this function became part of the Judicial Branch. The court has not appointed any individual to act as an advocate for any particular victim of crime since 1993, when victim advocates became Judicial Branch employees. Furthermore, the current statute inhibits our victim service advocates' ability to access information normally available to them as Judicial Branch employees because the appointing language is sometimes given more consideration than the advocate's standing as a Branch employee.

Please note that sections 29, 31, 32, and 33 eliminate the reference to section 54-221, and replace it with a reference to section 54-220, the section pertaining to the responsibilities and duties of the Branch's victim service advocates. Section 30 removes the reference to 54-221; any further amendment of that section is not needed because it already provides for Judicial Branch employees to have access to the referenced records.

Section 34 would allow the Office of Victim Services (OVS) to expend money deposited into the Criminal Injuries Compensation Fund (CICF) that has been recovered pursuant to subrogation. As members of the Committee are aware, OVS faces an annual challenge in compensating crime victims who have suffered a personal injury in a timely fashion because OVS is limited in each fiscal year to spending the amount that has been allocated by the legislature, despite the fact that there is additional money available in the fund. Currently, the amount allocated is not nearly enough money to compensate all eligible crime victims. While this change would not

substantially increase the amount of money that could be expended – recovery receipts average approximately \$89,500 – it would allow victims to obtain timelier pay-outs.

Section 35 of the bill seeks to repeal the provision which authorizes OVS to grant loans to crime victims. Although the Branch appreciates the intent behind the enactment of this provision in 2000, we would respectfully note that an increase in the annual allocation to the CICF was never received to implement this initiative, nor have we ever received any requests for a loan.

Section 36 more accurately describes the practice of OVS when it receives a claim for immediate payment due to an undue hardship. When such a claim is received, OVS gathers and reviews the documents needed to support the granting of the claim as quickly as possible, and then orders payment. Currently, the law creates the false expectation that payment will be made immediately; the bill clarifies this by stating that the payment will be expedited.

Sections 37-39 would allow the court to take measures to identify the father of children who are the subject of abuse and neglect proceedings. This is needed so that we can ensure that fathers receive proper notice of neglect and termination of parental rights proceedings involving their children.

Sections 40 – 41 make it clear that a victim who has been assaulted by a juvenile may request that the court order the perpetrator be tested for sexually transmitted diseases. This is currently done in cases involving adults.

Section 42 would delete the statutory requirement that court be held at least 40 weeks a year in Bristol. This is the unfortunate result of the state's budget crisis. Our plan is to close the Bristol court and move that caseload to New Britain, where it can be easily absorbed.

I would just note that sections 43 and 44, concerning the Criminal Justice Information System (CJIS), were not part of the Judicial Branch's legislative package.

Thank you for your time. I would like to conclude by urging the Committee to act favorably on this proposal.

**Proposed Amendment to H. B. 5539, AAC Judicial Branch Powers and Procedures and  
the Criminal Justice Information System**

1. In line 35, insert brackets around "full court. A full court shall consist" and "panel consisting" immediately thereafter.
2. In line 36, insert an opening bracket before "or, upon".
3. In line 38, insert a closing bracket after "judges".
4. In line 39, insert brackets around "absent and such right is claimed" and "disabled" immediately thereafter.
5. In line 40, insert brackets around "absence or".
6. In line 42, insert brackets around "absence or" and "disability" immediately thereafter.
7. In line 43, insert brackets around "present and qualified".
8. In line 44, insert brackets around the first "full court" and "panel" immediately thereafter, insert brackets around the second "full court" and "panel" immediately thereafter.
9. In line 46, insert brackets around "absence" and "disability" thereafter.
10. In line 48, insert brackets around "present and".
11. In line 51, insert brackets around "full court" and "panel" immediately thereafter.
12. In line 68, insert "on the panel" after "judges".
13. In line 1017, insert "in the subsequent fiscal year" after "expended".