

House Judiciary Committee Meeting
Tuesday, March 12, 1963

The House Judiciary Committee met Tuesday, March 12, 1963, in Room 523 at 8:30 A.M. with Chairman Clyde Hill presiding. Sixteen members were present. Members Arthur, Briggs, Davis and Williams were absent.

Chairman Hill called the meeting to order.

The members of the committee discussed House Bill No. 416, an act providing for a supreme court commissioner, prescribing his qualifications, the manner of his appointment and his duties, and fixing his term and compensation, considerably. Mr. Hill pointed out that if the work load dropped down, you could do away with the commissioner. Mr. Liebert stated that Section 6 bothers him. Mr. Griffith stated that this is in direct conflict with the last sentence in Section 4. The committee discussed this point considerably. Chairman Hill read a portion of the material submitted to him concerning justice protem. Mr. Tillotson moved House Bill No. 416 be recommended favorably for passage. Mr. Skoog seconded. Mr. Liebert asked if it is the general consensus that they want just one commissioner. Chairman Hill stated that the court will be satisfied with one, two or three. The Senate thought we should try just one and then if more are needed, they can be added two years from now. Mr. Skoog asked if it could be written in such a way as no number is mentioned. Then it could be handled by appropriation. It was the opinion of the committee that it should be handled as presently proposed in House Bill No. 416. Mr. Griffith again pointed out his objections to Section 6. Mr. Edwards made a substitute motion that House Bill No. 416 be amended by striking Section 6 in its entirety and renumbering Section 7, "Section 6.". Mr. Griffith seconded. Mr. Van Cleave stated that if this is taken out, then some substitute provision should be made. Chairman Hill asked if there was any further discussion. There was none. Motion carried unanimously.

Mr. Van Cleave moved House Bill No. 416 be recommended favorably for passage as amended. Mr. Malone seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill asked Mr. Crossan if he had anything to say in regard to House Bill No. 350, an act relating to criminal procedure, providing for the issuance of search warrants, and pertaining to the affidavit or testimony on which issued; making certain acts unlawful and prescribing penalties, and repealing sections 21-944, 21-946, 21-947, 21-2603, 21-2604, 21-2605, 41-1005, 41-1006, 41-1007, 41-1008, 41-1009, 62-1802, 62-1804, 62-1805, 62-1807, 62-1808, 62-1809, 62-1810, 62-1811, 62-1812, and 62-1813 of the General Statutes of 1949, and repealing section 62-1803 of the General Statutes Supplement

of 1961. Mr. Griffith stated that "evidence" should be included. Mr. Edwards asked if a search was made and evidence that would help was found, but not the fruits of the crime, if this evidence could be used. Mr. Skoog pointed out that this wording has been strained to include anything they want to get in. Mr. Crossan stated that the subcommittee struck out that procedure section. He also stated that those repealers are correct in spite of what was said. Mr. Crossan moved that House Bill No. 350 be reported favorably for passage. Mr. Krug seconded. Chairman Hill asked if there was any discussion. There was none. Motion carried unanimously.

Chairman Hill asked how many members of the committee intend to attend the dinner given for the committee tonight. The members attending raised their hands.

Chairman Hill stated that we have hearings concerning Senate Bill No. 343 Tuesday, March 19, 1963, and Wednesday, March 20, 1963. The proponents will be heard Tuesday, March 19, 1963. The opponents will be heard Wednesday, March 20, 1963.

Mr. Skoog moved House Bill No. 324, an act relating to crimes and punishment; requiring county attorneys to submit information, approved by sentencing judges, regarding convicted felons concerning the circumstances of the offense and the background of the offender, be amended in Section 1, line 10, by striking all of line 10 after the period after the word "attorney", striking all of lines 11 and 12 and striking in line 13 the words "by the sentencing judge." And, that it be further amended in the title by striking ", approved by sentencing judges," line 2. Mr. Krug seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Crossan moved that House Bill No. 324 be reported favorably for passage as amended. Mr. Malone seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill announced that the Welfare attorney will appear concerning House Bills 342, 346, 347 and 348 Wednesday, March 13, 1963. Paul Shanahan, Secretary of State, and W. Ray Stewart will appear concerning House Bills 411, 412 and 413.

Chairman Hill asked Mr. Tillotson if he was ready to report concerning House Bill No. 278, an act to provide for the appointment of conservators to manage and care for property of certain persons; prescribing the powers thereof; and providing for the discharge of such persons; requiring bonds; making certain laws applicable to conservators appointed; and requiring a copy of order of appointment to be filed in probate court of each county where real estate of persons under conservatorships is situated; and pertaining to termination of conservatorships. Mr. Tillotson presented his proposed amendments to the committee. Chairman Hill asked if there were any questions con-

cerning the amendments. There were none. Mr. Tillotson moved that House Bill No. 278 be amended as reported. Mr. Van Cleave seconded. There was a great deal of discussion by the members of the committee concerning this bill. Its disadvantages were pointed out and many examples of cases were related where this could be taken advantage of. Mr. Tillotson withdrew his motion. Chairman Hill appointed a subcommittee to work on this bill and to bring back amendments which will make the bill satisfactory to the members of the committee. They will report Wednesday, March 13, 1963.

Mr. Griffith moved that House Bill No. 391, an act relating to the trial of felony cases after a change of venue, and providing for the costs and expenses thereof, be reported favorably for passage. Mr. Tillotson seconded. Mr. Crossan stated that this would be another disadvantage for receiving change of venue. Chairman Hill asked if there was any further discussion. Mr. Fatzer suggested that a provision could be made where small counties could file a claim in legislature. Chairman Hill asked if there was any further discussion. There was none. Nine members of the committee were in favor of the motion and three opposed. Motion carried.

Mr. Crossan moved House Bill No. 340, an act relating to the criminal procedure, prescribing a procedure for sentencing of persons convicted of two or more offenses, amending section 62-1512 of the General Statutes of 1949, and repealing said original section, be reported favorably for passage. Mr. Skoog seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Smith explained House Bill No. 296, an act repealing section 40-908 of the General Statutes of 1949, relating to insurance and pertaining to attorneys' fees in certain actions. He stated that there is a general statute which the supreme court held covered these cases. Mr. Van Cleave moved House Bill No. 296 be reported favorably for passage. Mr. Tillotson seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Griffith moved House Bill No. 427, an act increasing the maximum amount of damages in wrongful death cases to thirty-five thousand dollars and costs, amending section 60-1903 of Senate Bill No. 140 of the 1963 regular session of the legislature, be reported favorably for passage. Mr. Smith seconded. Mr. Skoog stated that there has been a request for a hearing concerning this bill. Chairman Hill announced that there will be a hearing concerning this bill Thursday, March 14, 1963. Mr. Griffith withdrew his motion. House Bills 417, 291 and 286 will also be heard at this time.

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Mr. Euler explained House Bill No. 387, an act relating to counties and county officers, requiring peddlers to pay certain county taxes; amending section 19-2205 of the General Statutes of 1949 and repealing said original section. He stated that there is a definite need for this. Mr. Malone moved House Bill No. 387 be recommended favorably for passage. Mr. Tillotson seconded. There was a great deal of discussion by the members of the committee concerning this bill. Mr. Malone withdrew his motion. The bill will be cleaned up a little and made workable.

The meeting adjourned at 10:00 A.M. The next regular meeting will be Wednesday, March 13, 1963, at 8:30 A.M. in Room 523.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: