

CODE OF EVIDENCE OVERSIGHT COMMITTEE MEETING

March 26, 2007

2:00 p.m.

Attorney Conference Room
231 Capitol Avenue, Hartford, Conn.

MINUTES

In attendance:

Hon. Joette Katz, Chair
Hon. Thomas J. Corradino
Atty. Susann E. Gill
Hon. John F. Kavanewsky, Jr.
Hon. Joseph Q. Koletsky

Atty. Joseph Rubin
Hon. Michael Sheldon (by telephone)
Attorney Jack Steigelfest
Prof. Colin Tait

Also in attendance:

Atty. Daniel B. Horwitch

1. Minutes of Meeting

The Committee approved the minutes of the meeting held on February 27, 2007.

2. Proposed new section of Code of Evidence - Tender Years

a. The committee discussed the revised draft, new Tender Years Hearsay Exception, drafted by Professor Tait and Attorney Horwitch (taking into consideration recommendations made by the committee at its previous meeting) as modified by Judge Sheldon and circulated to committee members in advance of the meeting.

After discussion, the committee voted to modify the draft proposal to make the draft rule applicable to criminal and juvenile proceedings, applicable to statements made by children twelve years old or younger at the time of the statement, and concerning alleged acts of sexual assault or other sexual misconduct of which the child is the alleged victim as well as concerning alleged acts of physical abuse against the child; that because of its vagueness, the term "emotional abuse" be eliminated from the proposal; that the indicia of the statement's trustworthiness be set forth in a more general manner; that the bases for determining whether the child is unavailable be set forth in a more general manner; and, that it be clarified that arrest before which the statement was made was related to the statement (with two committee members expressing the opinion that the language regarding the arrest should be eliminated entirely.

Professor Tait and Attorney Horwitch agreed to prepare and circulate a revised draft incorporating the agreed upon revisions in advance of the next meeting.

b. Senate Bill No. 1245, An Act Concerning The Admissibility of the Statement of a Child Concerning Sexual Misconduct

Attorney Horwitch was asked to track legislative action on the bill and report back to the committee.

3. Section 6-11. Prior Consistent Statements of Witnesses; Constancy of Accusation by Sexual Assault Victim.

The committee again tabled consideration of its prior decision to recommend the elimination of the Constancy of Accusation by Sexual Assault Victim provision of Section 6-11, a decision which it had also reserved to itself the opportunity to reconsider after completing its review of a proposed tender years hearsay exception

4. Next meeting

The committee scheduled its next meeting for Monday, May 14, 2007 at 2:00 p.m. in the Attorney Conference Room, 231 Capitol Avenue, Hartford, Conn.