



WORKING DRAFT

General Assembly

Raised Bill No.

No. 3

09943 _____ JUD

Referred to Committee on

Introduced by:
(JUD)

AN ACT CONCERNING HOME INVASION PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) A person is guilty of
2 home invasion in the first degree when such person enters or remains
3 unlawfully in a dwelling with intent to commit a crime therein and (1)
4 is armed with explosives, a deadly weapon or a dangerous instrument,
5 or (2) in the course of committing the offense, intentionally, knowingly
6 or recklessly uses explosives, a deadly weapon or a dangerous
7 instrument that causes physical injury, serious physical injury or death
8 to a person lawfully present in the dwelling.

9 (b) Home invasion in the first degree is a class A felony and any
10 person found guilty under this section shall be sentenced to a term of
11 imprisonment of not less than twenty-five years or more than life and
12 twenty-five years of the sentence imposed may not be suspended or
13 reduced by the court. Notwithstanding the provisions of section 53a-37
14 of the general statutes, the sentence imposed under this section shall
15 run consecutively to any term of imprisonment imposed for conviction
16 of any other offense arising from the same transaction.

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17 Sec. 2. (NEW) (*Effective from passage*) (a) A person is guilty of home
18 invasion in the second degree when such person enters or remains
19 unlawfully in a dwelling with the intent to commit a crime therein and
20 uses or threatens the use of physical force against a person lawfully
21 present in the dwelling.

22 (b) Home invasion in the second degree is a class B felony and any
23 person found guilty under this section shall be sentenced to a term of
24 imprisonment of twenty years which may not be suspended or
25 reduced by the court. Notwithstanding the provisions of section 53a-37
26 of the general statutes, the sentence imposed under this section shall
27 run consecutively to any term of imprisonment imposed for conviction
28 of any other offense arising from the same transaction.

29 Sec. 3. (NEW) (*Effective from passage*) (a) A person is guilty of home
30 invasion in the third degree when such person enters or remains
31 unlawfully in a dwelling with the intent to commit a crime therein and
32 another person is lawfully present in the dwelling.

33 (b) Home invasion in the third degree is a class C felony and any
34 person found guilty under this section shall be sentenced to a term of
35 imprisonment of ten years which may not be suspended or reduced by
36 the court. Notwithstanding the provisions of section 53a-37 of the
37 general statutes, the sentence imposed under this section shall run
38 consecutively to any term of imprisonment imposed for conviction of
39 any other offense arising from the same transaction.

40 Sec. 4. (NEW) (*Effective from passage*) (a) A person is guilty of home
41 invasion in the fourth degree when such person enters or remains
42 unlawfully in a dwelling with the intent to commit a crime therein.

43 (b) Home invasion in the fourth degree is a class D felony and any
44 person found guilty under this section shall be sentenced to a term of
45 imprisonment of five years which may not be suspended or reduced
46 by the court. Notwithstanding the provisions of section 53a-37 of the
47 general statutes, the sentence imposed under this section shall run

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48 consecutively to any term of imprisonment imposed for conviction of
49 any other offense arising from the same transaction.

50 Sec. 5. Subsection (b) of section 54-125a of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective from*
52 *passage*):

53 (b) (1) No person convicted of any of the following offenses, which
54 was committed on or after July 1, 1981, shall be eligible for parole
55 under subsection (a) of this section: Capital felony, as provided in
56 section 53a-54b, felony murder, as provided in section 53a-54c, arson
57 murder, as provided in section 53a-54d, murder, as provided in section
58 53a-54a, [or] aggravated sexual assault in the first degree, as provided
59 in section 53a-70a, home invasion in the first degree, as provided in
60 section 1 of this act, home invasion in the second degree, as provided
61 in section 2 of this act, home invasion in the third degree, as provided
62 in section 3 of this act, or home invasion in the fourth degree, as
63 provided in section 4 of this act. (2) A person convicted of an offense,
64 other than an offense specified in subdivision (1) of this subsection,
65 where the underlying facts and circumstances of the offense involve
66 the use, attempted use or threatened use of physical force against
67 another person shall be ineligible for parole under subsection (a) of
68 this section until such person has served not less than eighty-five per
69 cent of the definite sentence imposed.

70 Sec. 6. (NEW) (*Effective from passage*) No person convicted of a
71 violation of section 1, 2, 3 or 4 of this act shall be eligible for temporary
72 leave, furlough or any other early release program or be eligible for
73 any credit that would reduce the mandatory minimum term of
74 imprisonment imposed pursuant to said section.

75 Sec. 7. Section 53a-100 of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective from passage*):

77 (a) The following definitions are applicable to this part and sections
78 1 to 4, inclusive, of this act: (1) "Building" in addition to its ordinary

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79 meaning, includes any watercraft, aircraft, trailer, sleeping car, railroad
80 car or other structure or vehicle or any building with a valid certificate
81 of occupancy. Where a building consists of separate units, such as, but
82 not limited to separate apartments, offices or rented rooms, any unit
83 not occupied by the actor is, in addition to being a part of such
84 building, a separate building; (2) "dwelling" means a building which is
85 usually occupied by a person lodging therein at night, whether or not a
86 person is actually present; (3) "night" means the period between thirty
87 minutes after sunset and thirty minutes before sunrise; and (4) "public
88 land" means a state park, state forest or municipal park or any other
89 publicly-owned land that is open to the public for active or passive
90 recreation.

91 (b) The following [definition is] definitions are applicable to sections
92 53a-101 to 53a-106, inclusive, as amended by this act, and sections 1 to
93 4, inclusive, of this act: (1) A person "enters or remains unlawfully" in
94 or upon premises when the premises, at the time of such entry or
95 remaining, are not open to the public and when the actor is not
96 otherwise licensed or privileged to do so; (2) an act shall be deemed "in
97 the course of committing" the offense if it occurs in an attempt to
98 commit the offense or flight after the attempt or commission; (3)
99 "deadly weapon" has the meaning provided in subdivision (6) of
100 section 53a-3, as amended; and (4) "dangerous instrument" has the
101 meaning provided in subdivision (7) of section 53a-3, as amended.

102 Sec. 8. Section 53a-101 of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective from passage*):

104 (a) A person is guilty of burglary in the first degree when [he] such
105 person enters or remains unlawfully in a building other than a
106 dwelling with intent to commit a crime therein and: (1) [He] Such
107 person is armed with explosives or a deadly weapon or dangerous
108 instrument, or (2) in the course of committing the offense, [he] such
109 person intentionally, knowingly or recklessly inflicts or attempts to
110 inflict bodily injury on anyone.

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111 [(b) An act shall be deemed "in the course of committing" the
112 offense if it occurs in an attempt to commit the offense or flight after
113 the attempt or commission.]

114 [(c) (b) Burglary in the first degree is a class B felony [provided]
115 and any person found guilty under subdivision (1) of subsection (a) of
116 this section shall be sentenced to a term of imprisonment of which five
117 years of the sentence imposed may not be suspended or reduced by
118 the court.

119 Sec. 9. Section 53a-102 of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective from passage*):

121 (a) A person is guilty of burglary in the second degree when such
122 person [(1)] enters or remains unlawfully in a [dwelling at night]
123 building other than a dwelling with intent to commit a crime therein. [,
124 or (2) enters or remains unlawfully in a dwelling, while a person other
125 than a participant in the crime is actually present in such dwelling,
126 with intent to commit a crime therein.]

127 (b) Burglary in the second degree is a class C felony and any person
128 found guilty under this section shall be sentenced to a term of
129 imprisonment of which one year of the sentence imposed may not be
130 suspended or reduced by the court.

131 Sec. 10. Section 53a-102a of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective from passage*):

133 (a) A person is guilty of burglary in the second degree with a
134 firearm when [he] such person commits burglary in the second degree
135 as provided in section 53a-102, as amended by this act, and in the
136 commission of such offense [he] such person uses or is armed with and
137 threatens the use of or displays or represents by [his] such person's
138 words or conduct that [he] such person possesses a pistol, revolver,
139 rifle, shotgun, machine gun or other firearm. No person shall be
140 convicted of burglary in the second degree and burglary in the second

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141 degree with a firearm upon the same transaction but such person may
142 be charged and prosecuted for both such offenses upon the same
143 information.

144 (b) Burglary in the second degree with a firearm is a class C felony
145 [for which one year of the sentence imposed shall] and any person
146 found guilty under this section shall be sentenced to a term of
147 imprisonment of which two years of the sentence imposed may not be
148 suspended or reduced by the court.

149 Sec. 11. Sections 53a-103 and 53a-103a of the general statutes are
150 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	54-125a(b)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	53a-100
Sec. 8	<i>from passage</i>	53a-101
Sec. 9	<i>from passage</i>	53a-102
Sec. 10	<i>from passage</i>	53a-102a
Sec. 11	<i>from passage</i>	Repealer section

Statement of Purpose:

To establish four degrees of the crime of home invasion that occurs when a person enters or remains unlawfully in a dwelling with the intent to commit a crime therein, prohibit the parole or other early release of any person convicted of home invasion and revise the burglary statutes to make them applicable to buildings other than dwellings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]