



Senate

General Assembly

File No. 13

January Session, 2001

Senate Bill No. 1000

Senate, February 28, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING DAMAGE TO ELECTRONIC MONITORING EQUIPMENT.

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

1 Section 53a-115 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) A person is guilty of criminal mischief in the first degree when:
4 (1) With intent to cause damage to tangible property of another and
5 having no reasonable ground to believe that such person has a right to
6 do so, such person damages tangible property of another in an amount
7 exceeding one thousand five hundred dollars, or (2) with intent to
8 cause an interruption or impairment of service rendered to the public
9 and having no reasonable ground to believe that such person has a
10 right to do so, such person damages or tampers with tangible property
11 of a utility or mode of public transportation, power or communication,
12 and thereby causes an interruption or impairment of service rendered
13 to the public, or (3) with intent to cause damage to any electronic

14 monitoring equipment owned or leased by the state or its agent and
15 required as a condition of probation or conditional discharge pursuant
16 to section 53a-30, [or] as a condition of release pursuant to section 54-
17 64a or as a condition of community release pursuant to section 18-100c,
18 and having no reasonable ground to believe that such person has a
19 right to do so, such person damages such electronic monitoring
20 equipment and thereby causes an interruption in its ability to function,
21 or (4) with intent to cause an interruption or impairment of service
22 rendered to the public and having no reasonable ground to believe
23 that such person has a right to do so, such person damages or tampers
24 with (A) any tangible property owned by the state, a municipality or a
25 person for fire alarm or police alarm purposes, (B) any
26 telecommunication system operated by the state police or a municipal
27 police department, (C) any emergency medical or fire service
28 dispatching system, (D) any fire suppression equipment owned by the
29 state, a municipality, a person or a fire district, or (E) any fire hydrant
30 or hydrant system owned by the state or a municipality, a person, a
31 fire district or a private water company.

32 (b) Criminal mischief in the first degree is a class D felony.

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost

Affected Agencies: Department of Correction

Municipal Impact: None

Explanation**State Impact:**

Passage of the bill would result in potential cost to the Department of Correction (DOC). Although it is not anticipated that the proposal as described in the bill will result in a significant increase to the DOC inmate population, it should be noted that the establishment of new crimes and penalties eventually results in the need for additional resources. The department was unable to provide specific information on numbers of incidences where offenders on community release damaged electronic monitoring equipment.

According to DOC, the inmate population will increase by some 1,600 by the end of the 2001 - 2003 biennium. The average cost per inmate is approximately \$70 per day or \$25,000 per year. The current population is about 17,500, which represents a 20% increase over the last six years.

OLR Bill Analysis

SB 1000

AN ACT CONCERNING DAMAGE TO ELECTRONIC MONITORING EQUIPMENT.**SUMMARY:**

The bill makes it a class D felony for someone to intentionally damage electronic monitoring equipment owned or leased by the state or its agents and required as a condition of community release. The penalty applies if (1) the person has no reasonable basis to believe he has a right to cause the damage and (2) it interrupts the equipment's ability to function. A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.

Community release is a program whereby the commissioner of corrections releases inmates sentenced to a prison term of two years or less who have served at least half of their sentences minus any good time credits to any community correction program he approves.

Under current law, the penalty for intentionally damaging property is primarily determined by the amount of damage. If damages exceed \$1,500, it is a class D felony; if they exceed \$250 but are less than \$1,500, a class A misdemeanor (punishable by up to one year in prison, up to a \$2,000 fine, or both); and if they are \$250 or less, a class B misdemeanor (punishable by up to six months in prison, a fine of up to \$1,000, or both).

It is already a class D felony for someone to intentionally damage electronic equipment owned or leased by the state or its agents and required as a condition of probation, conditional discharge, or pretrial release.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 34 Nay 1