



General Assembly

January Session, 2001

Amendment

LCO No. 6923

Offered by:

SEN. RORABACK, 30th Dist.

To: Subst. Senate Bill No. 1161

File No. 581

Cal. No. 385

"AN ACT CONCERNING THE DEATH PENALTY."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (h) of section 53a-46a of the general statutes is
4 repealed and the following is substituted in lieu thereof:

5 (h) The court shall not impose the sentence of death on the
6 defendant if the jury or, if there is no jury, the court finds by a special
7 verdict, as provided in subsection (e), that at the time of the offense (1)
8 [he] the defendant was under the age of eighteen years, or (2) the
9 defendant was a person with mental retardation, as defined in section
10 1-1g, or [(2) his] (3) the defendant's mental capacity was significantly
11 impaired or [his] the defendant's ability to conform [his] the
12 defendant's conduct to the requirements of law was significantly
13 impaired but not so impaired in either case as to constitute a defense to
14 prosecution, or [(3) he] (4) the defendant was criminally liable under
15 sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed
16 by another, but [his] the defendant's participation in such offense was

17 relatively minor, although not so minor as to constitute a defense to
18 prosecution, or [(4) he] (5) the defendant could not reasonably have
19 foreseen that [his] the defendant's conduct in the course of commission
20 of the offense of which [he] the defendant was convicted would cause,
21 or would create a grave risk of causing, death to another person.

22 Sec. 2. Section 53a-54b of the general statutes is repealed and the
23 following is substituted in lieu thereof:

24 A person is guilty of a capital felony who is convicted of any of the
25 following: (1) Murder of a member of the Division of State Police
26 within the Department of Public Safety or of any local police
27 department, a chief inspector or inspector in the Division of Criminal
28 Justice, a state marshal who is exercising authority granted under any
29 provision of the general statutes, a judicial marshal in performance of
30 the duties of a judicial marshal, a constable who performs criminal law
31 enforcement duties, a special policeman appointed under section 29-
32 18, an employee of the Department of Correction or a person
33 providing services on behalf of said department when such employee
34 or person is acting within the scope of [his] such employee's or
35 person's employment or duties in a correctional institution or facility
36 and the actor is confined in such institution or facility, or any fireman,
37 while such victim was acting within the scope of [his] such victim's
38 duties; (2) murder committed by a defendant who is hired to commit
39 the same for pecuniary gain or murder committed by one who is hired
40 by the defendant to commit the same for pecuniary gain; (3) murder
41 committed by one who has previously been convicted of intentional
42 murder or of murder committed in the course of commission of a
43 felony; (4) murder committed by one who was, at the time of
44 commission of the murder, under sentence of life imprisonment; (5)
45 murder by a kidnapper of a kidnapped person during the course of the
46 kidnapping or before such person is able to return or be returned to
47 safety; [(6) the illegal sale, for economic gain, of cocaine, heroin or
48 methadone to a person who dies as a direct result of the use by him of
49 such cocaine, heroin or methadone; (7)] (6) murder committed in the
50 course of the commission of sexual assault in the first degree; [(8)] (7)

51 murder of two or more persons at the same time or in the course of a
52 single transaction; or [(9)] (8) murder of a person under sixteen years of
53 age.

54 Sec. 3. This act shall take effect July 1, 2001."