



General Assembly

Amendment

January Session, 2001

LCO No. 7889

Offered by:

SEN. DELUCA, 32nd Dist.

SEN. ANISKOVICH, 12th Dist.

SEN. KISSEL, 7th Dist.

SEN. SMITH, 14th Dist.

To: Subst. Senate Bill No. 1161

File No. 828

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 (i) of section 53a-46a of the general statutes is
4 repealed and the following is substituted in lieu thereof:

5 (i) The aggravating factors to be considered shall be limited to the
6 following: (1) The defendant committed the offense during the
7 commission or attempted commission of, or during the immediate
8 flight from the commission or attempted commission of, a felony and
9 [he] the defendant had previously been convicted of the same felony;
10 or (2) the defendant committed the offense after having been convicted
11 of two or more state offenses or two or more federal offenses or of one
12 or more state offenses and one or more federal offenses for each of
13 which a penalty of more than one year imprisonment may be imposed,

14 which offenses were committed on different occasions and which
15 involved the infliction of serious bodily injury upon another person; or
16 (3) the defendant committed the offense and in such commission
17 knowingly created a grave risk of death to another person in addition
18 to the victim of the offense; or (4) the defendant committed the offense
19 in an especially heinous, cruel or depraved manner; or (5) the
20 defendant procured the commission of the offense by payment, or
21 promise of payment, of anything of pecuniary value; or (6) the
22 defendant committed the offense as consideration for the receipt, or in
23 expectation of the receipt, of anything of pecuniary value; or (7) the
24 defendant committed the offense with an assault weapon, as defined
25 in section 53-202a; or (8) the defendant committed the offense set forth
26 in subdivision (1) of section 53a-54b, as amended by this act, to avoid
27 arrest for a criminal act or prevent detection of a criminal act or to
28 hamper or prevent the victim from carrying out any act within the
29 scope of the victim's official duties or to retaliate against the victim for
30 the performance of the victim's official duties.

31 Sec. 2. Subsection (h) of section 53a-46a of the general statutes is
32 repealed and the following is substituted in lieu thereof:

33 (h) The court shall not impose the sentence of death on the
34 defendant if the jury or, if there is no jury, the court finds by a special
35 verdict, as provided in subsection (e), that at the time of the offense (1)
36 [he] the defendant was under the age of eighteen years, or (2) the
37 defendant was a person with mental retardation, as defined in section
38 1-1g, or [(2) his] (3) the defendant's mental capacity was significantly
39 impaired or [his] the defendant's ability to conform [his] the
40 defendant's conduct to the requirements of law was significantly
41 impaired but not so impaired in either case as to constitute a defense to
42 prosecution, or [(3) he] (4) the defendant was criminally liable under
43 sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed
44 by another, but [his] the defendant's participation in such offense was
45 relatively minor, although not so minor as to constitute a defense to
46 prosecution, or [(4) he] (5) the defendant could not reasonably have
47 foreseen that [his] the defendant's conduct in the course of commission

48 of the offense of which [he] the defendant was convicted would cause,
49 or would create a grave risk of causing, death to another person.

50 Sec. 3. Section 53a-54b of the general statutes is repealed and the
51 following is substituted in lieu thereof:

52 A person is guilty of a capital felony who is convicted of any of the
53 following: (1) Murder of a member of the Division of State Police
54 within the Department of Public Safety or of any local police
55 department, a chief inspector or inspector in the Division of Criminal
56 Justice, a state marshal who is exercising authority granted under any
57 provision of the general statutes, a judicial marshal in performance of
58 the duties of a judicial marshal, a constable who performs criminal law
59 enforcement duties, a special policeman appointed under section 29-
60 18, a conservation officer or special conservation officer appointed by
61 the Commissioner of Environmental Protection under the provisions of
62 section 26-5, an employee of the Department of Correction or a person
63 providing services on behalf of said department when such employee
64 or person is acting within the scope of [his] such employee's or
65 person's employment or duties in a correctional institution or facility
66 and the actor is confined in such institution or facility, or any fireman,
67 while such victim was acting within the scope of [his] such victim's
68 duties; (2) murder committed by a defendant who is hired to commit
69 the same for pecuniary gain or murder committed by one who is hired
70 by the defendant to commit the same for pecuniary gain; (3) murder
71 committed by one who has previously been convicted of intentional
72 murder or of murder committed in the course of commission of a
73 felony; (4) murder committed by one who was, at the time of
74 commission of the murder, under sentence of life imprisonment; (5)
75 murder by a kidnapper of a kidnapped person during the course of the
76 kidnapping or before such person is able to return or be returned to
77 safety; (6) the illegal sale, for economic gain, of cocaine, heroin or
78 methadone to a person who dies as a direct result of the use by [him]
79 such person of such cocaine, heroin or methadone; (7) murder
80 committed in the course of the commission of sexual assault in the first
81 degree; (8) murder of two or more persons at the same time or in the

82 course of a single transaction; or (9) murder of a person under sixteen
83 years of age.

84 Sec. 4. This act shall take effect July 1, 2001."