



Senate

General Assembly

File No. 52

January Session, 2003

Senate Bill No. 355

Senate, March 25, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ASSAULT OF A PREGNANT WOMAN.

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

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
2 assault of a pregnant woman resulting in termination of pregnancy
3 when such person commits assault in the first degree as provided
4 under subdivision (1) or (2) of subsection (a) of section 53a-59 of the
5 general statutes and (1) the victim of such assault is pregnant, and (2)
6 such assault results in the termination of pregnancy that does not
7 result in a live birth.

8 (b) In any prosecution for an offense under this section, it shall be an
9 affirmative defense that the actor, at the time such actor engaged in the
10 conduct constituting the offense, did not know that the victim was
11 pregnant.

12 (c) Assault of a pregnant woman resulting in termination of
13 pregnancy is a class A felony.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes the assault of a pregnant woman resulting in termination of pregnancy a crime. It makes the crime a class A felony, punishable by 10 (mandatory minimum) to 20 years in prison, a fine of up to \$20,000, or both. Under current law, such an assault is a class B felony, punishable by 5 (mandatory minimum) to 20 years in prison, a fine of up to \$15,000, or both. Increasing the penalty could result in lengthier prison sentences for convicted offenders, but is unlikely to result in a revenue impact because fines are not typically collected.¹

In FY 02 there were nine convictions under CGS Section 53a-59a, assault of an elderly, blind, disabled, pregnant or mentally retarded person in the first degree. It is unknown if any of these convictions involved assault of a pregnant woman. Increasing sentences for certain offenders generally translates into increased costs for the Department of Correction. However, the potential annual cost is minimal because few convicted offenders are anticipated. The average cost for an inmate is \$26,000 per year. The cumulative (multi-year) cost would be significant per incarcerated individual: \$130,000 over five years.

OLR Bill Analysis

SB 355

AN ACT CONCERNING ASSAULT OF A PREGNANT WOMAN**SUMMARY:**

This bill creates a new penalty for someone who assaults a pregnant woman and causes her pregnancy to terminate without a live birth, when the person intended to:

1. cause serious physical injury and he caused the injury with a deadly weapon or dangerous instrument or
2. seriously and permanently disfigure a person or permanently destroy, amputate, or disable a member or organ, and he caused that injury.

It is an affirmative defense if the person did not know that the victim was pregnant at the time of the offense.

The bill makes the new crime a class A felony, punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Affirmative Defense***

By law, the defendant must prove an affirmative defense by a preponderance of the evidence.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 40 Nay 0

¹ In FY 02, there was one fine imposed (for \$1,000) under CGS Sections 53a-59 and 53a-59a.

