



General Assembly

Amendment

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LCO No. 6420

SB0090106420SD0

Offered by:

SEN. PRAGUE, 19th Dist.

SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 901

File No. 499

Cal. No. 320

**"AN ACT CONCERNING REPORTS OF SUSPECTED ABUSE,
NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY
PERSONS OR PERSONS IN LONG-TERM CARE FACILITIES."**

1 In line 22, strike the opening and closing brackets and after "dollars"
2 insert ", except that, if such person intentionally fails to make such
3 report within the prescribed time period, such person shall be"

4 In line 122, after "report" insert "within the prescribed time period"
5 and strike the opening bracket

6 In line 123, strike the closing bracket and after "dollars" insert
7 "except that, if such person intentionally fails to make such report
8 within the prescribed time period, such person shall be"

9 After the last section, add the following and renumber sections and
10 internal references accordingly:

11 "Sec. 501. (NEW) (*Effective October 1, 2003*) For the purposes of
12 sections 501 to 505, inclusive, of this act:

13 (1) "Person" means any natural person, corporation, partnership,
14 limited liability company, unincorporated business or other business
15 entity;

16 (2) "Elderly person" means any person who is sixty years of age or
17 older;

18 (3) "Blind person" means any person who is blind, as defined in
19 section 1-1f of the general statutes;

20 (4) "Disabled person" means any person who is physically disabled,
21 as defined in section 1-1f of the general statutes;

22 (5) "Mentally retarded person" means any person with mental
23 retardation, as defined in section 1-1g of the general statutes;

24 (6) "Abuse" means any repeated act or omission that causes physical
25 injury or serious physical injury to an elderly, blind, disabled or
26 mentally retarded person, except when (A) the act or omission is a part
27 of the treatment and care, and in furtherance of the health and safety,
28 of the elderly, blind, disabled or mentally retarded person, or (B) the
29 act or omission is based upon the instructions, wishes, consent, refusal
30 to consent or revocation of consent of an elderly, blind, disabled or
31 mentally retarded person, or the legal representative of an incapable
32 elderly, blind, disabled or mentally retarded person. For purposes of
33 this subdivision, "repeated" means an act or omission that occurs on
34 two or more occasions;

35 (7) "Intentionally" means "intentionally" as defined in subdivision
36 (11) of section 53a-3 of the general statutes;

37 (8) "Knowingly" means "knowingly" as defined in subdivision (12)
38 of section 53a-3 of the general statutes;

39 (9) "Recklessly" means "recklessly" as defined in subdivision (13) of
40 section 53a-3 of the general statutes;

41 (10) "Physical injury" means "physical injury" as defined in

42 subdivision (3) of section 53a-3 of the general statutes; and

43 (11) "Serious physical injury" means "serious physical injury" as
44 defined in subdivision (4) of section 53a-3 of the general statutes.

45 Sec. 502. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
46 abuse in the first degree when such person intentionally commits
47 abuse of an elderly, blind, disabled or mentally retarded person and
48 causes serious physical injury to such elderly, blind, mentally retarded,
49 or disabled person.

50 (b) Abuse in the first degree is a class D felony and any person
51 found guilty under this section shall be sentenced to a term of
52 imprisonment of which two years of the sentence imposed may not be
53 suspended or reduced by the court.

54 Sec. 503. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
55 abuse in the second degree when such person: (1) Intentionally
56 commits abuse of an elderly, blind, disabled or mentally retarded
57 person and causes physical injury to such elderly, blind, disabled or
58 mentally retarded person, or (2) knowingly commits abuse of an
59 elderly, blind, disabled or mentally retarded person and causes serious
60 physical injury to such elderly, blind, disabled or mentally retarded
61 person.

62 (b) Abuse in the second degree is a class A misdemeanor and any
63 person found guilty under this section shall be sentenced to a term of
64 imprisonment of one year which shall not be suspended or reduced.

65 Sec. 504. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
66 abuse in the third degree when such person (1) knowingly commits
67 abuse of an elderly, blind, disabled or mentally retarded person and
68 causes physical injury to such elderly, blind, disabled or mentally
69 retarded person, or (2) recklessly commits abuse of an elderly, blind,
70 disabled or mentally retarded person and causes physical injury to
71 such elderly, blind, disabled or mentally retarded person.

72 (b) Abuse in the third degree is a class A misdemeanor.

73 Sec. 505. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this
74 section, "license" means a license, certificate or permit to engage in a
75 profession issued by the Department of Public Health.

76 (b) Whenever a person holding a license is convicted of a violation
77 of section 502, 503 or 504 of this act or subsection (a) of section 17b-407
78 or subsection (a) of section 17b-451 of the general statutes, the
79 appropriate state's attorney or assistant state's attorney shall transmit a
80 notice of conviction to the Department of Public Health.

81 (c) The Department of Public Health may suspend or revoke the
82 license of such person for any period of time or permanently revoke
83 such license, or take any other action authorized by section 19a-17 of
84 the general statutes, in the sole discretion of the department."