



General Assembly

Amendment

February Session, 2006

LCO No. 5381

SB0036005381SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.
SEN. MCDONALD, 27th Dist.

To: Senate Bill No. 360

File No. 147

Cal. No. 160

"AN ACT CONCERNING ARRAIGNMENTS ON ARREST WARRANTS."

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

3 "Section 1. Section 54-1d of the 2006 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective from passage*):

6 (a) For the purposes of this section, "geographical area" means the
7 geographical area of the Superior Court established pursuant to
8 section 51-348.

9 [(a)] (b) Except as provided in subsections [(b) and (c)] (d) and (e) of
10 this section, defendants in criminal actions shall be [brought]
11 presented for arraignment to: [the]

12 (1) The court in the geographical area [, established pursuant to
13 section 51-348,] in which the crime was alleged to have been
14 committed; [, or, if]

15 (2) If the arrest was by warrant, [to] the court in the geographical
16 area in which the crime was alleged to have been committed or in
17 which the arrest was made; [, or, if] or

18 (3) If the [defendant is arrested on] arrest was by a warrant issued
19 pursuant to section 53a-32 or for failure to appear as provided in
20 section 53a-172 or 53a-173, [to] the court in the geographical area in
21 which the crime was alleged to have been committed or in which the
22 arrest was made, or the superior court having jurisdiction over the
23 underlying criminal prosecution.

24 (c) If the defendant was [brought] presented to the court in the
25 geographical area in which the arrest was made for arraignment and
26 was not released from custody after such arraignment, the defendant
27 shall be presented to the court in the geographical area in which the
28 crime was alleged to have been committed not later than the second
29 court day following such arraignment. Except as provided in
30 subsection (d) of this section, any defendant who has been presented to
31 the court in accordance with this section and is the subject of one or
32 more additional arrest warrants issued for crimes that were alleged to
33 have been committed in one or more geographical areas, other than the
34 geographical area in which the defendant is initially presented, shall
35 subsequently be presented to the court in each geographical area in
36 which such crimes were alleged to have been committed, in such order
37 as the courts may determine, not later than the second court day
38 following the prior arraignment. A criminal cause shall not fail on the
39 ground that it has been submitted to a session of improper venue.

40 [(b)] (d) Any defendant who is charged with multiple offenses
41 under any provision of section 53a-127b or sections 53a-128a to 53a-
42 128i, inclusive, where such offenses were alleged to have been
43 committed in more than one geographical area, [established pursuant

44 to section 51-348,] may be presented to the court in any one of such
45 geographical areas. The court may consolidate all such offenses into a
46 single criminal action and shall have jurisdiction over such action.

47 [(c)] (e) Any defendant who is charged with a violation of section
48 53a-129a of the general statutes, revision of 1958, revised to January 1,
49 2003, or section 53a-129b, 53a-129c or 53a-129d and any defendant who
50 is charged with any other offense committed as a result of such
51 violation may be presented to the court in the geographical area in
52 which the person whose personal identifying information has been
53 obtained and used by the defendant resides.

54 Sec. 2. Section 53a-70a of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2006*):

56 (a) A person is guilty of aggravated sexual assault in the first degree
57 when such person commits sexual assault in the first degree as
58 provided in section 53a-70, and in the commission of such offense (1)
59 such person uses or is armed with and threatens the use of or displays
60 or represents by such person's words or conduct that such person
61 possesses a deadly weapon, (2) with intent to disfigure the victim
62 seriously and permanently, or to destroy, amputate or disable
63 permanently a member or organ of the victim's body, such person
64 causes such injury to such victim, (3) under circumstances evincing an
65 extreme indifference to human life such person recklessly engages in
66 conduct which creates a risk of death to the victim, and thereby causes
67 serious physical injury to such victim, or (4) such person is aided by
68 two or more other persons actually present. No person shall be
69 convicted of sexual assault in the first degree and aggravated sexual
70 assault in the first degree upon the same transaction but such person
71 may be charged and prosecuted for both such offenses upon the same
72 information.

73 (b) Aggravated sexual assault in the first degree is a class B felony
74 or, if the victim of the offense is under sixteen years of age, a class A
75 felony. Any person found guilty under this section shall be sentenced

76 to a term of imprisonment of which five years of the sentence imposed
77 may not be suspended or reduced by the court, except that, if such
78 person committed sexual assault in the first degree by violating
79 subdivision (1) of subsection (a) of section 53a-70, and (1) the victim of
80 the offense is under sixteen years of age, such person shall, for a first
81 offense, be sentenced to a term of imprisonment of which twenty years
82 of the sentence imposed may not be suspended or reduced by the
83 court and, for a subsequent offense, be sentenced to a term of life
84 imprisonment, or (2) if the victim of the offense is under thirteen years
85 of age, such person shall, for a first offense, be sentenced to a term of
86 imprisonment of twenty-five years which may not be suspended or
87 reduced by the court and, for a subsequent offense, be sentenced to a
88 term of life imprisonment. Any person found guilty under this section
89 shall be sentenced to a period of special parole pursuant to subsection
90 (b) of section 53a-28 of at least five years.

91 Sec. 3. Section 53a-35a of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective July 1, 2006*):

93 For any felony committed on or after July 1, 1981, the sentence of
94 imprisonment shall be a definite sentence and the term shall be fixed
95 by the court as follows: (1) For a capital felony, a term of life
96 imprisonment without the possibility of release unless a sentence of
97 death is imposed in accordance with section 53a-46a; (2) for the class A
98 felony of murder, a term not less than twenty-five years nor more than
99 life; (3) for a class A felony other than murder or as provided in
100 subdivision (4) of this section, a term not less than ten years nor more
101 than twenty-five years; (4) for a subsequent violation of the class A
102 felony of aggravated sexual assault in the first degree under
103 subdivision (1) or (2) of subsection (b) of section 53a-70a, as amended
104 by this act, a term of life; (5) for the class B felony of manslaughter in
105 the first degree with a firearm under section 53a-55a, a term not less
106 than five years nor more than forty years; [(5)] (6) for a class B felony
107 other than manslaughter in the first degree with a firearm under
108 section 53a-55a, a term not less than one year nor more than twenty
109 years, except that for a conviction under section 53a-59(a)(1), 53a-59a,

110 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall be not
111 less than five years nor more than twenty years; ~~[(6)]~~ (7) for a class C
112 felony, a term not less than one year nor more than ten years, except
113 that for a conviction under section 53a-56a, the term shall be not less
114 than three years nor more than ten years; ~~[(7)]~~ (8) for a class D felony, a
115 term not less than one year nor more than five years, except that for a
116 conviction under section 53a-60b or 53a-217, as amended, the term
117 shall be not less than two years nor more than five years, for a
118 conviction under section 53a-60c, the term shall be not less than three
119 years nor more than five years, and for a conviction under section 53a-
120 216, the term shall be five years; ~~[(8)]~~ (9) for an unclassified felony, a
121 term in accordance with the sentence specified in the section of the
122 general statutes that defines the crime.

123 Sec. 4. (*Effective from passage*) (a) The Chief State's Attorney and the
124 Chief Public Defender, or their designees, shall conduct a study of the
125 prevalence of the commission of sexual assault crimes against minors
126 in this state.

127 (b) Such study shall include, but not be limited to, an examination of
128 (1) the number of sexual assaults committed against minors each year,
129 (2) the incidence of such assaults by geographical area, (3) the
130 demographics of the perpetrators and their victims, (4) whether the
131 perpetrators are strangers or are known to the victims, (5) whether the
132 perpetrators had previously committed similar crimes, (6) the manner
133 in which contact with the victims was enticed or solicited such as in
134 person, by mail, by telephone or by the Internet, (7) the location where
135 such assaults were initiated such as in a public space, in a home or in a
136 school, and (8) the sentences and conditions of probation, parole or
137 special parole imposed on persons convicted of committing sexual
138 assault crimes against a minor.

139 (c) The Chief State's Attorney and the Chief Public Defender shall
140 report their findings and recommendations, including any proposed
141 legislation, to the joint standing committee of the General Assembly
142 having cognizance of matters relating to criminal law and procedure in

143 accordance with the provisions of section 11-4a of the general statutes
144 not later than January 3, 2007."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-1d
Sec. 2	<i>July 1, 2006</i>	53a-70a
Sec. 3	<i>July 1, 2006</i>	53a-35a
Sec. 4	<i>from passage</i>	New section