



General Assembly

Amendment

February Session, 2006

LCO No. 5596

SB0036005596SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. SLOSSBERG, 14th Dist.

SEN. DELUCA, 32nd Dist.
SEN. MCKINNEY, 28th Dist.
SEN. KISSEL, 7th 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4 statutes is repealed and the following is substituted in lieu thereof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-70 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 sexual assault in the first degree when such
57 person (1) compels another person to engage in sexual intercourse by
58 the use of force against such other person or a third person, or by the
59 threat of use of force against such other person or against a third
60 person which reasonably causes such person to fear physical injury to
61 such person or a third person, or (2) engages in sexual intercourse with
62 another person and such other person is under thirteen years of age
63 and the actor is more than two years older than such person, or (3)
64 commits sexual assault in the second degree as provided in section
65 53a-71 and in the commission of such offense is aided by two or more
66 other persons actually present, or (4) engages in sexual intercourse
67 with another person and such other person is mentally incapacitated to
68 the extent that such other person is unable to consent to such sexual
69 intercourse.

70 (b) (1) Except as provided in subdivision (2) of this subsection,
71 sexual assault in the first degree is a class B felony for which two years
72 of the sentence imposed may not be suspended or reduced by the
73 court. [or, if the victim of the offense is under ten years of age, for
74 which ten years of the sentence imposed may not be suspended or
75 reduced by the court.]

76 (2) Sexual assault in the first degree is a class A felony if the [offense

77 is a violation of subdivision (1) of subsection (a) of this section and the
78 victim of the offense is under sixteen years of age or the offense is a
79 violation of subdivision (2) of subsection (a) of this section. Any person
80 found guilty under said subdivision (1) or (2) shall be sentenced to a
81 term of imprisonment of which ten years of the sentence imposed may
82 not be suspended or reduced by the court if the victim is under ten
83 years of age or of which five years of the sentence imposed may not be
84 suspended or reduced by the court if the victim is under sixteen years
85 of age] victim of the offense is under sixteen years of age and any
86 person found guilty of such class A felony shall be sentenced to a term
87 of imprisonment of which five years of the sentence imposed may not
88 be suspended or reduced by the court, except that, if the offense is a
89 violation of subdivision (1), (3) or (4) of subsection (a) of this section
90 and the victim is under thirteen years of age or if the offense is a
91 violation of subdivision (2) of subsection (a) of this section and the
92 victim is under thirteen years of age and such person is eighteen years
93 of age or older, such person shall, for a first offense, be sentenced to a
94 term of imprisonment of twenty-five years which may not be
95 suspended or reduced by the court and, for a subsequent offense, be
96 sentenced to a term of life imprisonment.

97 (3) [Any] Except as provided in subdivision (2) of this subsection, a
98 person found guilty under this section shall be sentenced to a term of
99 imprisonment and a period of special parole pursuant to subsection (b)
100 of section 53a-28 which together constitute a sentence of at least ten
101 years.

102 Sec. 3. Section 53a-70a of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective July 1, 2006*):

104 (a) A person is guilty of aggravated sexual assault in the first degree
105 when such person commits sexual assault in the first degree as
106 provided in section 53a-70, and in the commission of such offense (1)
107 such person uses or is armed with and threatens the use of or displays
108 or represents by such person's words or conduct that such person
109 possesses a deadly weapon, (2) with intent to disfigure the victim

110 seriously and permanently, or to destroy, amputate or disable
111 permanently a member or organ of the victim's body, such person
112 causes such injury to such victim, (3) under circumstances evincing an
113 extreme indifference to human life such person recklessly engages in
114 conduct which creates a risk of death to the victim, and thereby causes
115 serious physical injury to such victim, or (4) such person is aided by
116 two or more other persons actually present. No person shall be
117 convicted of sexual assault in the first degree and aggravated sexual
118 assault in the first degree upon the same transaction but such person
119 may be charged and prosecuted for both such offenses upon the same
120 information.

121 (b) Aggravated sexual assault in the first degree is a class B felony
122 or, if the victim of the offense is under sixteen years of age, a class A
123 felony. Any person found guilty under this section shall be sentenced
124 to a term of imprisonment of which five years of the sentence imposed
125 may not be suspended or reduced by the court, except that, if such
126 person committed sexual assault in the first degree by violating
127 subdivision (1) of subsection (a) of section 53a-70, and (1) the victim of
128 the offense is under sixteen years of age, such person shall, for a first
129 offense, be sentenced to a term of imprisonment of which twenty years
130 of the sentence imposed may not be suspended or reduced by the
131 court and, for a subsequent offense, be sentenced to a term of life
132 imprisonment, or (2) if the victim of the offense is under thirteen years
133 of age, such person shall, for a first offense, be sentenced to a term of
134 imprisonment of twenty-five years which may not be suspended or
135 reduced by the court and, for a subsequent offense, be sentenced to a
136 term of life imprisonment. Any person found guilty under this section
137 shall be sentenced to a period of special parole pursuant to subsection
138 (b) of section 53a-28 of at least five years.

139 Sec. 4. Section 53a-71 of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective July 1, 2006*):

141 (a) A person is guilty of sexual assault in the second degree when
142 such person engages in sexual intercourse with another person and: (1)

143 Such other person is thirteen years of age or older but under sixteen
144 years of age and the actor is more than two years older than such
145 person; or (2) such other person is mentally defective to the extent that
146 such other person is unable to consent to such sexual intercourse; or (3)
147 such other person is physically helpless; or (4) such other person is less
148 than eighteen years old and the actor is such person's guardian or
149 otherwise responsible for the general supervision of such person's
150 welfare; or (5) such other person is in custody of law or detained in a
151 hospital or other institution and the actor has supervisory or
152 disciplinary authority over such other person; or (6) the actor is a
153 psychotherapist and such other person is (A) a patient of the actor and
154 the sexual intercourse occurs during the psychotherapy session, (B) a
155 patient or former patient of the actor and such patient or former
156 patient is emotionally dependent upon the actor, or (C) a patient or
157 former patient of the actor and the sexual intercourse occurs by means
158 of therapeutic deception; or (7) the actor accomplishes the sexual
159 intercourse by means of false representation that the sexual intercourse
160 is for a bona fide medical purpose by a health care professional; or (8)
161 the actor is a school employee and such other person is a student
162 enrolled in a school in which the actor works or a school under the
163 jurisdiction of the local or regional board of education which employs
164 the actor; or (9) the actor is a coach in an athletic activity or a person
165 who provides intensive, ongoing instruction and such other person is a
166 recipient of coaching or instruction from the actor and (A) is a
167 secondary school student and receives such coaching or instruction in
168 a secondary school setting, or (B) is under eighteen years of age; or (10)
169 the actor is twenty years of age or older and stands in a position of
170 power, authority or supervision over such other person by virtue of
171 the actor's professional, legal, occupational or volunteer status and
172 such other person's participation in a program or activity, and such
173 other person is under eighteen years of age.

174 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this
175 subsection, sexual assault in the second degree is a class C felony [or,]
176 and any person found guilty of such class C felony shall be sentenced

177 to a term of imprisonment of which nine months of the sentence
178 imposed may not be suspended or reduced by the court.

179 (2) Except as provided in subdivision (3) of this subsection, sexual
180 assault in the second degree is a class B felony if the victim of the
181 offense is under sixteen years of age, [a class B felony,] and any person
182 found guilty [under this section] of such class B felony shall be
183 sentenced to a term of imprisonment of which nine months of the
184 sentence imposed may not be suspended or reduced by the court.

185 (3) Sexual assault in the second degree is a class A felony if the
186 victim of the offense is under thirteen years of age and the actor is
187 eighteen years of age or older, and any person found guilty of such
188 class A felony shall, for a first offense, be sentenced to a term of
189 imprisonment of twenty-five years which may not be suspended or
190 reduced by the court and, for a subsequent offense, be sentenced to a
191 term of life imprisonment.

192 Sec. 5. Section 53a-86 of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective July 1, 2006*):

194 (a) A person is guilty of promoting prostitution in the first degree
195 when [he] such person knowingly: (1) Advances prostitution by
196 compelling a person by force or intimidation to engage in prostitution,
197 or profits from coercive conduct by another; or (2) advances or profits
198 from prostitution of a person less than sixteen years old.

199 (b) [Promoting] (1) Except as provided in subdivision (2) of this
200 subsection, promoting prostitution in the first degree is a class B
201 felony.

202 (2) Promoting prostitution in the first degree is a class A felony if
203 the offense is a violation of subdivision (1) of subsection (a) of this
204 section and the victim of the offense is under thirteen years of age, and
205 any person found guilty of such class A felony shall, for a first offense,
206 be sentenced to a term of imprisonment of twenty-five years which
207 may not be suspended or reduced by the court and, for a subsequent

208 offense, be sentenced to a term of life imprisonment.

209 Sec. 6. Section 53a-35a of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective July 1, 2006*):

211 For any felony committed on or after July 1, 1981, the sentence of
212 imprisonment shall be a definite sentence and the term shall be fixed
213 by the court as follows: (1) For a capital felony, a term of life
214 imprisonment without the possibility of release unless a sentence of
215 death is imposed in accordance with section 53a-46a; (2) for the class A
216 felony of murder or for a class A felony as provided in section 53a-70,
217 53a-70a, 53a-71 or 53a-86, as amended by this act, where the victim of
218 the offense was under thirteen years of age, a term not less than
219 twenty-five years nor more than life; (3) for a class A felony other than
220 [murder] an offense specified in subdivision (2) of this section, a term
221 not less than ten years nor more than twenty-five years; (4) for the class
222 B felony of manslaughter in the first degree with a firearm under
223 section 53a-55a, a term not less than five years nor more than forty
224 years; (5) for a class B felony other than manslaughter in the first
225 degree with a firearm under section 53a-55a, a term not less than one
226 year nor more than twenty years, except that for a conviction under
227 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-
228 134(a)(2), the term shall be not less than five years nor more than
229 twenty years; (6) for a class C felony, a term not less than one year nor
230 more than ten years, except that for a conviction under section 53a-56a,
231 the term shall be not less than three years nor more than ten years; (7)
232 for a class D felony, a term not less than one year nor more than five
233 years, except that for a conviction under section 53a-60b or 53a-217, as
234 amended, the term shall be not less than two years nor more than five
235 years, for a conviction under section 53a-60c, the term shall be not less
236 than three years nor more than five years, and for a conviction under
237 section 53a-216, the term shall be five years; (8) for an unclassified
238 felony, a term in accordance with the sentence specified in the section
239 of the general statutes that defines the crime.

240 Sec. 7. (*Effective from passage*) (a) The Chief State's Attorney and the

241 Chief Public Defender, or their designees, shall conduct a study of the
 242 prevalence of the commission of sexual assault crimes against minors
 243 in this state.

244 (b) Such study shall include, but not be limited to, an examination of
 245 (1) the number of sexual assaults committed against minors each year,
 246 (2) the incidence of such assaults by geographical area, (3) the
 247 demographics of the perpetrators and their victims, (4) whether the
 248 perpetrators are strangers or are known to the victims, (5) whether the
 249 perpetrators had previously committed similar crimes, (6) the manner
 250 in which contact with the victims was enticed or solicited such as in
 251 person, by mail, by telephone or by the Internet, (7) the location where
 252 such assaults were initiated such as in a public space, in a home or in a
 253 school, and (8) the sentences and conditions of probation, parole or
 254 special parole imposed on persons convicted of committing sexual
 255 assault crimes against a minor.

256 (c) The Chief State's Attorney and the Chief Public Defender shall
 257 report their findings and recommendations, including any proposed
 258 legislation, to the joint standing committee of the General Assembly
 259 having cognizance of matters relating to criminal law and procedure in
 260 accordance with the provisions of section 11-4a of the general statutes
 261 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-70
Sec. 3	<i>July 1, 2006</i>	53a-70a
Sec. 4	<i>July 1, 2006</i>	53a-71
Sec. 5	<i>July 1, 2006</i>	53a-86
Sec. 6	<i>July 1, 2006</i>	53a-35a
Sec. 7	<i>from passage</i>	New section