



General Assembly

**Amendment**

February Session, 2006

LCO No. 4196

**\*SB0061804196SRO\***

Offered by:

SEN. DELUCA, 32<sup>nd</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.  
SEN. COOK, 18<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. FREEDMAN, 26<sup>th</sup> Dist.

SEN. GUGLIELMO, 35<sup>th</sup> Dist.  
SEN. GUNTHER, 21<sup>st</sup> Dist.  
SEN. HERLIHY, 8<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. NICKERSON, 36<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: Senate Bill No. 618

File No. 452

Cal. No. 335

**"AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL ASSAULT OF MINORS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 53-21 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2006*):

5 (a) Any person who (1) wilfully or unlawfully causes or permits any  
6 child under the age of sixteen years to be placed in such a situation  
7 that the life or limb of such child is endangered, the health of such  
8 child is likely to be injured or the morals of such child are likely to be  
9 impaired, or does any act likely to impair the health or morals of any  
10 such child, or (2) has contact with the intimate parts, as defined in

11 section 53a-65, of a child under the age of sixteen years or subjects a  
12 child under sixteen years of age to contact with the intimate parts of  
13 such person, in a sexual and indecent manner likely to impair the  
14 health or morals of such child, or (3) permanently transfers the legal or  
15 physical custody of a child under the age of sixteen years to another  
16 person for money or other valuable consideration or acquires or  
17 receives the legal or physical custody of a child under the age of  
18 sixteen years from another person upon payment of money or other  
19 valuable consideration to such other person or a third person, except in  
20 connection with an adoption proceeding that complies with the  
21 provisions of chapter 803, shall be guilty of a class C felony for a  
22 violation of subdivision (1) or (3) of this subsection and a class B felony  
23 for a violation of subdivision (2) of this subsection, except that, if the  
24 violation is of subdivision (2) of this subsection and the victim of the  
25 offense is under thirteen years of age, such person shall be guilty of a  
26 class A felony and, for a first offense, be sentenced to a term of  
27 imprisonment of twenty-five years which may not be suspended or  
28 reduced by the court and, for a subsequent offense, be sentenced to a  
29 term of life imprisonment.

30 (b) The act of a parent or agent leaving an infant thirty days or  
31 younger with a designated employee pursuant to section 17a-58 shall  
32 not constitute a violation of this section.

33 Sec. 502. Section 53a-70 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective July 1, 2006*):

35 (a) A person is guilty of sexual assault in the first degree when such  
36 person (1) compels another person to engage in sexual intercourse by  
37 the use of force against such other person or a third person, or by the  
38 threat of use of force against such other person or against a third  
39 person which reasonably causes such person to fear physical injury to  
40 such person or a third person, or (2) engages in sexual intercourse with  
41 another person and such other person is under thirteen years of age  
42 and the actor is more than two years older than such person, or (3)  
43 commits sexual assault in the second degree as provided in section

44 53a-71 and in the commission of such offense is aided by two or more  
45 other persons actually present, or (4) engages in sexual intercourse  
46 with another person and such other person is mentally incapacitated to  
47 the extent that such other person is unable to consent to such sexual  
48 intercourse.

49 (b) (1) Except as provided in subdivision (2) of this subsection,  
50 sexual assault in the first degree is a class B felony for which two years  
51 of the sentence imposed may not be suspended or reduced by the  
52 court. [or, if the victim of the offense is under ten years of age, for  
53 which ten years of the sentence imposed may not be suspended or  
54 reduced by the court.]

55 (2) Sexual assault in the first degree is a class A felony if the [offense  
56 is a violation of subdivision (1) of subsection (a) of this section and the  
57 victim of the offense is under sixteen years of age or the offense is a  
58 violation of subdivision (2) of subsection (a) of this section. Any person  
59 found guilty under said subdivision (1) or (2) shall be sentenced to a  
60 term of imprisonment of which ten years of the sentence imposed may  
61 not be suspended or reduced by the court if the victim is under ten  
62 years of age or of which five years of the sentence imposed may not be  
63 suspended or reduced by the court if the victim is under sixteen years  
64 of age] victim of the offense is under sixteen years of age and any  
65 person found guilty of such class A felony shall be sentenced to a term  
66 of imprisonment of which five years of the sentence imposed may not  
67 be suspended or reduced by the court, except that, if the victim of the  
68 offense is under thirteen years of age, such person shall, for a first  
69 offense, be sentenced to a term of imprisonment of twenty-five years  
70 which may not be suspended or reduced by the court and, for a  
71 subsequent offense, be sentenced to a term of life imprisonment.

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

77 Sec. 503. Section 53a-70a of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective July 1, 2006*):

79 (a) A person is guilty of aggravated sexual assault in the first degree  
80 when such person commits sexual assault in the first degree as  
81 provided in section 53a-70, and in the commission of such offense (1)  
82 such person uses or is armed with and threatens the use of or displays  
83 or represents by such person's words or conduct that such person  
84 possesses a deadly weapon, (2) with intent to disfigure the victim  
85 seriously and permanently, or to destroy, amputate or disable  
86 permanently a member or organ of the victim's body, such person  
87 causes such injury to such victim, (3) under circumstances evincing an  
88 extreme indifference to human life such person recklessly engages in  
89 conduct which creates a risk of death to the victim, and thereby causes  
90 serious physical injury to such victim, or (4) such person is aided by  
91 two or more other persons actually present. No person shall be  
92 convicted of sexual assault in the first degree and aggravated sexual  
93 assault in the first degree upon the same transaction but such person  
94 may be charged and prosecuted for both such offenses upon the same  
95 information.

96 (b) Aggravated sexual assault in the first degree is a class B felony  
97 or, if the victim of the offense is under sixteen years of age, a class A  
98 felony. Any person found guilty under this section shall be sentenced  
99 to a term of imprisonment of which five years of the sentence imposed  
100 may not be suspended or reduced by the court, except that, if [such  
101 person committed sexual assault in the first degree by violating  
102 subdivision (1) of subsection (a) of section 53a-70, and] the victim of  
103 the offense is under [sixteen] thirteen years of age, [twenty years of the  
104 sentence imposed] such person shall, for a first offense, be sentenced to  
105 a term of imprisonment of twenty-five years which may not be  
106 suspended or reduced by the court and, for a subsequent offense, be  
107 sentenced to a term of life imprisonment. Any person found guilty  
108 under this section shall also be sentenced to a period of special parole  
109 pursuant to subsection (b) of section 53a-28 of at least five years.

110 Sec. 504. Section 53a-71 of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective July 1, 2006*):

112 (a) A person is guilty of sexual assault in the second degree when  
113 such person engages in sexual intercourse with another person and: (1)  
114 Such other person is thirteen years of age or older but under sixteen  
115 years of age and the actor is more than two years older than such  
116 person; or (2) such other person is mentally defective to the extent that  
117 such other person is unable to consent to such sexual intercourse; or (3)  
118 such other person is physically helpless; or (4) such other person is less  
119 than eighteen years old and the actor is such person's guardian or  
120 otherwise responsible for the general supervision of such person's  
121 welfare; or (5) such other person is in custody of law or detained in a  
122 hospital or other institution and the actor has supervisory or  
123 disciplinary authority over such other person; or (6) the actor is a  
124 psychotherapist and such other person is (A) a patient of the actor and  
125 the sexual intercourse occurs during the psychotherapy session, (B) a  
126 patient or former patient of the actor and such patient or former  
127 patient is emotionally dependent upon the actor, or (C) a patient or  
128 former patient of the actor and the sexual intercourse occurs by means  
129 of therapeutic deception; or (7) the actor accomplishes the sexual  
130 intercourse by means of false representation that the sexual intercourse  
131 is for a bona fide medical purpose by a health care professional; or (8)  
132 the actor is a school employee and such other person is a student  
133 enrolled in a school in which the actor works or a school under the  
134 jurisdiction of the local or regional board of education which employs  
135 the actor; or (9) the actor is a coach in an athletic activity or a person  
136 who provides intensive, ongoing instruction and such other person is a  
137 recipient of coaching or instruction from the actor and (A) is a  
138 secondary school student and receives such coaching or instruction in  
139 a secondary school setting, or (B) is under eighteen years of age; or (10)  
140 the actor is twenty years of age or older and stands in a position of  
141 power, authority or supervision over such other person by virtue of  
142 the actor's professional, legal, occupational or volunteer status and  
143 such other person's participation in a program or activity, and such

144 other person is under eighteen years of age.

145 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this  
146 subsection, sexual assault in the second degree is a class C felony [or,]  
147 and any person found guilty of such class C felony shall be sentenced  
148 to a term of imprisonment of which nine months of the sentence  
149 imposed may not be suspended or reduced by the court.

150 (2) Sexual assault in the second degree is a class B felony if the  
151 victim of the offense is thirteen years of age or older but under sixteen  
152 years of age, [a class B felony,] and any person found guilty [under this  
153 section] of such class B felony shall be sentenced to a term of  
154 imprisonment of which nine months of the sentence imposed may not  
155 be suspended or reduced by the court.

156 (3) Sexual assault in the second degree is a class A felony if the  
157 victim of the offense is under thirteen years of age, and any person  
158 found guilty of such class A felony shall, for a first offense, be  
159 sentenced to a term of imprisonment of twenty-five years which may  
160 not be suspended or reduced by the court and, for a subsequent  
161 offense, be sentenced to a term of life imprisonment.

162 Sec. 505. Section 53a-72a of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective July 1, 2006*):

164 (a) A person is guilty of sexual assault in the third degree when  
165 such person (1) compels another person to submit to sexual contact (A)  
166 by the use of force against such other person or a third person, or (B)  
167 by the threat of use of force against such other person or against a third  
168 person, which reasonably causes such other person to fear physical  
169 injury to himself or herself or a third person, or (2) engages in sexual  
170 intercourse with another person whom the actor knows to be related to  
171 him or her within any of the degrees of kindred specified in section  
172 46b-21.

173 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this  
174 subsection, sexual assault in the third degree is a class D felony. [or,]

175 (2) Sexual assault in the third degree is a class C felony if the victim  
176 of the offense is thirteen years of age or older but under sixteen years  
177 of age. [, a class C felony.]

178 (3) Sexual assault in the third degree is a class A felony if the victim  
179 of the offense is under thirteen years of age and any person found  
180 guilty of such class A felony shall, for a first offense, be sentenced to a  
181 term of imprisonment of twenty-five years which may not be  
182 suspended or reduced by the court and, for a subsequent offense, be  
183 sentenced to a term of life imprisonment.

184 Sec. 506. Section 53a-86 of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective July 1, 2006*):

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

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

194 (2) Promoting prostitution in the first degree is a class A felony if  
195 the victim of the offense is under thirteen years of age and any person  
196 found guilty of such class A felony shall, for a first offense, be  
197 sentenced to a term of imprisonment of twenty-five years which may  
198 not be suspended or reduced by the court and, for a subsequent  
199 offense, be sentenced to a term of life imprisonment.

200 Sec. 507. Section 53a-87 of the general statutes is repealed and the  
201 following is substituted in lieu thereof (*Effective July 1, 2006*):

202 (a) A person is guilty of promoting prostitution in the second degree  
203 when [he] such person knowingly: (1) Advances or profits from  
204 prostitution by managing, supervising, controlling or owning, either

205 alone or in association with others, a house of prostitution or a  
206 prostitution business or enterprise involving prostitution activity by  
207 two or more prostitutes; or (2) advances or profits from prostitution of  
208 a person less than eighteen years old.

209 (b) [Promoting] (1) Except as provided in subdivision (2) of this  
210 subsection, promoting prostitution in the second degree is a class C  
211 felony.

212 (2) Promoting prostitution in the second degree is a class A felony if  
213 the victim of the offense is under thirteen years of age and any person  
214 found guilty of such class A felony shall, for a first offense, be  
215 sentenced to a term of imprisonment of twenty-five years which may  
216 not be suspended or reduced by the court and, for a subsequent  
217 offense, be sentenced to a term of life imprisonment.

218 Sec. 508. Section 53a-90a of the general statutes is repealed and the  
219 following is substituted in lieu thereof (*Effective July 1, 2006*):

220 (a) A person is guilty of enticing a minor when such person uses an  
221 interactive computer service to knowingly persuade, induce, entice or  
222 coerce any person under sixteen years of age to engage in prostitution  
223 or sexual activity for which the actor may be charged with a criminal  
224 offense. For purposes of this section, "interactive computer service"  
225 means any information service, system or access software provider  
226 that provides or enables computer access by multiple users to a  
227 computer server, including specifically a service or system that  
228 provides access to the Internet and such systems operated or services  
229 offered by libraries or educational institutions.

230 (b) [Enticing] (1) Except as provided in subdivision (2) of this  
231 subsection, enticing a minor is a class D felony for a first offense, a  
232 class C felony for a second offense and a class B felony for any  
233 subsequent offense.

234 (2) Enticing a minor is a class A felony if the victim of the offense is  
235 under thirteen years of age and any person found guilty of such class

236 A felony shall, for a first offense, be sentenced to a term of  
237 imprisonment of twenty-five years which may not be suspended or  
238 reduced by the court and, for a subsequent offense, be sentenced to a  
239 term of life imprisonment.

240 Sec. 509. Section 53a-196 of the general statutes is repealed and the  
241 following is substituted in lieu thereof (*Effective July 1, 2006*):

242 (a) A person is guilty of obscenity as to minors when [he] such  
243 person knowingly promotes to a minor, for monetary consideration,  
244 any material or performance which is obscene as to minors.

245 (b) For purposes of this section, "knowingly" means having general  
246 knowledge of or reason to know or a belief or ground for belief which  
247 warrants further inspection or inquiry as to (1) the character and  
248 content of any material or performance which is reasonably susceptible  
249 of examination by such person, and (2) the age of the minor.

250 (c) In any prosecution for obscenity as to minors, it shall be an  
251 affirmative defense that the defendant made (1) a reasonable mistake  
252 as to age, and (2) a reasonable bona fide attempt to ascertain the true  
253 age of such minor, by examining a draft card, driver's license, birth  
254 certificate or other official or apparently official document, exhibited  
255 by such minor, purporting to establish that such minor was seventeen  
256 years of age or older.

257 (d) [Obscenity] (1) Except as provided in subdivision (2) of this  
258 subsection, obscenity as to minors is a class D felony.

259 (2) Obscenity as to minors is a class A felony if the victim of the  
260 offense is under thirteen years of age and any person found guilty of  
261 such class A felony shall, for a first offense, be sentenced to a term of  
262 imprisonment of twenty-five years which may not be suspended or  
263 reduced by the court and, for a subsequent offense, be sentenced to a  
264 term of life imprisonment.

265 Sec. 510. Section 53a-196a of the general statutes is repealed and the

266 following is substituted in lieu thereof (*Effective July 1, 2006*):

267 (a) A person is guilty of employing a minor in an obscene  
268 performance when [(1) he] such person (1) employs any minor,  
269 whether or not such minor receives any consideration, for the purpose  
270 of promoting any material or performance which is obscene as to  
271 minors, notwithstanding that such material or performance is intended  
272 for an adult audience, or (2) [he] permits any such minor to be  
273 employed, whether or not such minor receives any consideration, in  
274 the promotion of any material or performance which is obscene as to  
275 minors, notwithstanding that such material or performance is intended  
276 for an adult audience, and [he] such person is the parent or guardian  
277 of such minor or otherwise responsible for the general supervision of  
278 such minor's welfare.

279 (b) Employing a minor in an obscene performance is a class A felony  
280 and any person found guilty under this section shall, for a first offense,  
281 be sentenced to a term of imprisonment of twenty-five years which  
282 may not be suspended or reduced by the court and, for a subsequent  
283 offense, be sentenced to a term of life imprisonment.

284 Sec. 511. Section 53a-196b of the general statutes is repealed and the  
285 following is substituted in lieu thereof (*Effective July 1, 2006*):

286 (a) A person is guilty of promoting a minor in an obscene  
287 performance when [he] such person knowingly promotes any material  
288 or performance in which a minor is employed, whether or not such  
289 minor receives any consideration, and such material or performance is  
290 obscene as to minors notwithstanding that such material or  
291 performance is intended for an adult audience.

292 (b) For purposes of this section, "knowingly" means having general  
293 knowledge of or reason to know or a belief or ground for belief which  
294 warrants further inspection or inquiry as to (1) the character and  
295 content of any material or performance which is reasonably susceptible  
296 of examination by such person, and (2) the age of the minor employed.

297 (c) [Promoting] (1) Except as provided in subdivision (2) of this  
298 subsection, promoting a minor in an obscene performance is a class B  
299 felony.

300 (2) Promoting a minor in an obscene performance is a class A felony  
301 if the victim of the offense is under thirteen years of age and any  
302 person found guilty of such class A felony shall, for a first offense, be  
303 sentenced to a term of imprisonment of twenty-five years which may  
304 not be suspended or reduced by the court and, for a subsequent  
305 offense, be sentenced to a term of life imprisonment.

306 Sec. 512. Section 53a-35a of the general statutes is repealed and the  
307 following is substituted in lieu thereof (*Effective July 1, 2006*):

308 For any felony committed on or after July 1, 1981, the sentence of  
309 imprisonment shall be a definite sentence and the term shall be fixed  
310 by the court as follows: (1) For a capital felony, a term of life  
311 imprisonment without the possibility of release unless a sentence of  
312 death is imposed in accordance with section 53a-46a; (2) for the class A  
313 felony of murder or for a class A felony as provided in section 53-21,  
314 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-  
315 196a or 53a-196b, as amended by this act, where the victim of the  
316 offense was under thirteen years of age, a term not less than twenty-  
317 five years nor more than life; (3) for a class A felony other than  
318 [murder] an offense specified in subdivision (2) of this section, a term  
319 not less than ten years nor more than twenty-five years; (4) for the class  
320 B felony of manslaughter in the first degree with a firearm under  
321 section 53a-55a, a term not less than five years nor more than forty  
322 years; (5) for a class B felony other than manslaughter in the first  
323 degree with a firearm under section 53a-55a, a term not less than one  
324 year nor more than twenty years, except that for a conviction under  
325 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-  
326 134(a)(2), the term shall be not less than five years nor more than  
327 twenty years; (6) for a class C felony, a term not less than one year nor  
328 more than ten years, except that for a conviction under section 53a-56a,  
329 the term shall be not less than three years nor more than ten years; (7)

330 for a class D felony, a term not less than one year nor more than five  
331 years, except that for a conviction under section 53a-60b or 53a-217, as  
332 amended, the term shall be not less than two years nor more than five  
333 years, for a conviction under section 53a-60c, the term shall be not less  
334 than three years nor more than five years, and for a conviction under  
335 section 53a-216, the term shall be five years; (8) for an unclassified  
336 felony, a term in accordance with the sentence specified in the section  
337 of the general statutes that defines the crime.

338 Sec. 513. (NEW) (*Effective July 1, 2006*) Any person who is released  
339 on parole or special parole after being convicted of a violation of  
340 subdivision (2) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-  
341 72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-196a or 53a-196b of the  
342 general statutes, as amended by this act, where the victim of the  
343 offense was under thirteen years of age, shall, as a condition of such  
344 parole or special parole, be subject to electronic monitoring that shall  
345 include the use of a global positioning system for the duration of such  
346 person's period of parole or special parole."