



General Assembly

Amendment

February Session, 2006

LCO No. 5426

SB0036005426SRO

Offered by:

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

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

To: Senate Bill No. 360

File No. 147

Cal. No. 160

"AN ACT CONCERNING ARRAIGNMENTS ON ARREST WARRANTS."

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 Section 53-21 of the general statutes is repealed and the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 offense is a
68 violation of subdivision (1), (3) or (4) of subsection (a) of this section
69 and the victim is under thirteen years of age or if the offense is a
70 violation of subdivision (2) of subsection (a) of this section and the
71 victim is under thirteen years of age and such person is eighteen years
72 of age or older such person shall, for a first offense, be sentenced to a
73 term of imprisonment of twenty-five years which may not be
74 suspended or reduced by the court and, for a subsequent offense, be
75 sentenced to a term of life imprisonment.

76 (3) [Any] Except as provided in subdivision (2) of this subsection, a
77 person found guilty under this section shall be sentenced to a term of

78 imprisonment and a period of special parole pursuant to subsection (b)
79 of section 53a-28 which together constitute a sentence of at least ten
80 years.

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 Section 53a-70a of the general statutes is repealed and the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

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

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

111 sentenced to a term of life imprisonment. Any person found guilty
112 under this section shall also be sentenced to a period of special parole
113 pursuant to subsection (b) of section 53a-28 of at least five years.

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

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

145 power, authority or supervision over such other person by virtue of
146 the actor's professional, legal, occupational or volunteer status and
147 such other person's participation in a program or activity, and such
148 other person is under eighteen years of age.

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

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

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

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

168 (a) A person is guilty of sexual assault in the third degree when
169 such person (1) compels another person to submit to sexual contact (A)
170 by the use of force against such other person or a third person, or (B)
171 by the threat of use of force against such other person or against a third
172 person, which reasonably causes such other person to fear physical
173 injury to himself or herself or a third person, or (2) engages in sexual
174 intercourse with another person whom the actor knows to be related to
175 him or her within any of the degrees of kindred specified in section
176 46b-21.

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

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

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

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

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

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

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

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

206 (a) A person is guilty of promoting prostitution in the second degree

207 when [he] such person knowingly: (1) Advances or profits from
208 prostitution by managing, supervising, controlling or owning, either
209 alone or in association with others, a house of prostitution or a
210 prostitution business or enterprise involving prostitution activity by
211 two or more prostitutes; or (2) advances or profits from prostitution of
212 a person less than eighteen years old.

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

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

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

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

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

238 (2) Enticing a minor is a class A felony if the victim of the offense is
239 under thirteen years of age and any person found guilty of such class
240 A felony shall, for a first offense, be sentenced to a term of
241 imprisonment of twenty-five years which may not be suspended or
242 reduced by the court and, for a subsequent offense, be sentenced to a
243 term of life imprisonment.

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

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

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

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

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

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

269 Sec. 510. Section 53a-196a of the general statutes is repealed and the
270 following is substituted in lieu thereof (*Effective July 1, 2006*):

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

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

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

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

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

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

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

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

312 For any felony committed on or after July 1, 1981, the sentence of
313 imprisonment shall be a definite sentence and the term shall be fixed
314 by the court as follows: (1) For a capital felony, a term of life
315 imprisonment without the possibility of release unless a sentence of
316 death is imposed in accordance with section 53a-46a; (2) for the class A
317 felony of murder or for a class A felony as provided in section 53-21,
318 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-
319 196a or 53a-196b, as amended by this act, where the victim of the
320 offense was under thirteen years of age, a term not less than twenty-
321 five years nor more than life; (3) for a class A felony other than
322 [murder] an offense specified in subdivision (2) of this section, a term
323 not less than ten years nor more than twenty-five years; (4) for the class
324 B felony of manslaughter in the first degree with a firearm under
325 section 53a-55a, a term not less than five years nor more than forty
326 years; (5) for a class B felony other than manslaughter in the first
327 degree with a firearm under section 53a-55a, a term not less than one
328 year nor more than twenty years, except that for a conviction under
329 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-
330 134(a)(2), the term shall be not less than five years nor more than
331 twenty years; (6) for a class C felony, a term not less than one year nor
332 more than ten years, except that for a conviction under section 53a-56a,
333 the term shall be not less than three years nor more than ten years; (7)

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

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