



General Assembly

January Session, 2007

Raised Bill No. 7335

LCO No. 3877

03877 _____ JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PERSISTENT OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-40d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A persistent offender of crimes involving assault, stalking,
4 trespass, threatening, harassment, criminal violation of a protective
5 order or criminal violation of a restraining order is a person who (1)
6 stands convicted of assault under section 53a-61, stalking under section
7 53a-181d, threatening under section 53a-62, harassment under section
8 53a-183, criminal violation of a protective order under section 53a-223,
9 criminal violation of a restraining order under section 53a-223b or
10 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
11 the [five] ten years preceding the commission of the present crime,
12 been convicted of a capital felony, a class A felony, a class B felony,
13 except a conviction under section 53a-86 or 53a-122, a class C felony,
14 except a conviction under section 53a-87, 53a-152 or 53a-153, [or] a
15 class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-
16 72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault
17 under section 53a-61, stalking under section 53a-181d, threatening

18 under section 53a-62, harassment under section 53a-183, criminal
19 violation of a protective order under section 53a-223, criminal violation
20 of a restraining order under section 53a-223b, or criminal trespass
21 under section 53a-107 or 53a-108 or has been released from
22 incarceration with respect to such conviction, whichever is later.

23 (b) When any person has been found to be a persistent offender of
24 crimes involving assault, stalking, trespass, threatening, harassment,
25 criminal violation of a protective order or criminal violation of a
26 restraining order, and the court is of the opinion that such person's
27 history and character and the nature and circumstances of such
28 person's criminal conduct indicate that an increased penalty will best
29 serve the public interest, the court shall, in lieu of imposing the
30 sentence authorized for the crime under section 53a-36 or section 53a-
31 35a, as applicable, impose the sentence of imprisonment authorized by
32 said section 53a-36 or section 53a-35a for the next more serious degree
33 of misdemeanor or felony, except that if the crime is a class A
34 misdemeanor the court shall impose the sentence of imprisonment for
35 a class D felony, as authorized by section 53a-35a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	53a-40d

Statement of Purpose:

To provide that certain offenses committed up to ten years prior to a current conviction for assault, stalking, trespass, threatening, harassment or criminal violation of a protective or restraining order are considered when classifying a person as a persistent offender of those crimes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]