



General Assembly

January Session, 2007

**Raised Bill No. 1458**

LCO No. 6333

\*06333\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING JESSICA'S LAW.**

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

1 Section 1. (NEW) (*Effective July 1, 2007*) (a) A person is guilty of  
2 aggravated sexual assault of a minor when such person commits a  
3 violation of subdivision (2) of subsection (a) of section 53-21 or section  
4 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a of the general  
5 statutes, as amended by this act, and the victim of such offense is  
6 under thirteen years of age, and (1) such person kidnapped or illegally  
7 restrained the victim, (2) such person stalked the victim, (3) such  
8 person used violence to commit such offense against the victim, (4)  
9 such person caused serious physical injury to or disfigurement of the  
10 victim, (5) there was more than one victim of such offense under  
11 thirteen years of age, (6) such person was not known to the victim, or  
12 (7) such person has previously been convicted of a violent sexual  
13 assault.

14 (b) Aggravated sexual assault of a minor is a class A felony and any  
15 person found guilty under this section shall, for a first offense, be  
16 sentenced to a term of imprisonment of twenty-five years which may  
17 not be suspended or reduced by the court and, for any subsequent

18 offense, be sentenced to a term of imprisonment of fifty years which  
19 may not be suspended or reduced by the court.

20 Sec. 2. Section 53-21 of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective July 1, 2007*):

22 (a) Any person who (1) wilfully or unlawfully causes or permits any  
23 child under the age of sixteen years to be placed in such a situation  
24 that the life or limb of such child is endangered, the health of such  
25 child is likely to be injured or the morals of such child are likely to be  
26 impaired, or does any act likely to impair the health or morals of any  
27 such child, or (2) has contact with the intimate parts, as defined in  
28 section 53a-65, of a child under the age of sixteen years or subjects a  
29 child under sixteen years of age to contact with the intimate parts of  
30 such person, in a sexual and indecent manner likely to impair the  
31 health or morals of such child, or (3) permanently transfers the legal or  
32 physical custody of a child under the age of sixteen years to another  
33 person for money or other valuable consideration or acquires or  
34 receives the legal or physical custody of a child under the age of  
35 sixteen years from another person upon payment of money or other  
36 valuable consideration to such other person or a third person, except in  
37 connection with an adoption proceeding that complies with the  
38 provisions of chapter 803, shall be guilty of a class C felony for a  
39 violation of subdivision (1) or (3) of this subsection and a class B felony  
40 for a violation of subdivision (2) of this subsection, except that, if the  
41 violation is of subdivision (2) of this subsection and the victim of the  
42 offense is under thirteen years of age, such person shall be sentenced  
43 to a term of imprisonment of which five years of the sentence imposed  
44 may not be suspended or reduced by the court.

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

48 Sec. 3. Section 53a-90a of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective July 1, 2007*):

50 (a) A person is guilty of enticing a minor when such person uses an  
51 interactive computer service to knowingly persuade, induce, entice or  
52 coerce any person under sixteen years of age to engage in prostitution  
53 or sexual activity for which the actor may be charged with a criminal  
54 offense. For purposes of this section, "interactive computer service"  
55 means any information service, system or access software provider  
56 that provides or enables computer access by multiple users to a  
57 computer server, including specifically a service or system that  
58 provides access to the Internet and such systems operated or services  
59 offered by libraries or educational institutions.

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

64 (2) Enticing a minor is a class B felony if the victim of the offense is  
65 under thirteen years of age and any person found guilty of such class B  
66 felony shall, for a first offense, be sentenced to a term of imprisonment  
67 of which five years of the sentence imposed may not be suspended or  
68 reduced by the court and, for any subsequent offense, be sentenced to  
69 a term of imprisonment of which ten years of the sentence imposed  
70 may not be suspended or reduced by the court.

71 Sec. 4. Section 53a-196a of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective July 1, 2007*):

73 (a) A person is guilty of employing a minor in an obscene  
74 performance when [(1) he] such person (1) employs any minor,  
75 whether or not such minor receives any consideration, for the purpose  
76 of promoting any material or performance which is obscene as to  
77 minors, notwithstanding that such material or performance is intended  
78 for an adult audience, or (2) [he] permits any such minor to be  
79 employed, whether or not such minor receives any consideration, in  
80 the promotion of any material or performance which is obscene as to  
81 minors, notwithstanding that such material or performance is intended

82 for an adult audience, and [he] such person is the parent or guardian  
83 of such minor or otherwise responsible for the general supervision of  
84 such minor's welfare.

85 (b) Employing a minor in an obscene performance is a class A felony  
86 and any person found guilty under this section shall be sentenced to a  
87 term of imprisonment of which ten years of the sentence imposed may  
88 not be suspended or reduced by the court.

89 Sec. 5. Section 53a-196c of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective July 1, 2007*):

91 (a) A person is guilty of importing child pornography when, with  
92 intent to promote child pornography, such person knowingly imports  
93 or causes to be imported into the state three or more visual depictions  
94 of child pornography of known content and character.

95 (b) Importing child pornography is a class B felony and any person  
96 found guilty under this section shall be sentenced to a term of  
97 imprisonment of which five years of the sentence imposed may not be  
98 suspended or reduced by the court.

99 Sec. 6. Section 53a-196d of the general statutes is repealed and the  
100 following is substituted in lieu thereof (*Effective July 1, 2007*):

101 (a) A person is guilty of possessing child pornography in the first  
102 degree when such person knowingly possesses fifty or more visual  
103 depictions of child pornography.

104 (b) Possessing child pornography in the first degree is a class B  
105 felony and any person found guilty under this section shall be  
106 sentenced to a term of imprisonment of which five years of the  
107 sentence imposed may not be suspended or reduced by the court.

108 Sec. 7. Section 53a-196e of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective July 1, 2007*):

110 (a) A person is guilty of possessing child pornography in the second  
111 degree when such person knowingly possesses twenty or more but  
112 fewer than fifty visual depictions of child pornography.

113 (b) Possessing child pornography in the second degree is a class C  
114 felony and any person found guilty under this section shall be  
115 sentenced to a term of imprisonment of which two years of the  
116 sentence imposed may not be suspended or reduced by the court.

117 Sec. 8. Section 53a-196f of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective July 1, 2007*):

119 (a) A person is guilty of possessing child pornography in the third  
120 degree when such person knowingly possesses fewer than twenty  
121 visual depictions of child pornography.

122 (b) Possessing child pornography in the third degree is a class D  
123 felony and any person found guilty under this section shall be  
124 sentenced to a term of imprisonment of which one year of the sentence  
125 imposed may not be suspended or reduced by the court.

126 Sec. 9. (NEW) (*Effective July 1, 2007*) Notwithstanding any other rule  
127 of evidence or provision of law, a statement by a child under thirteen  
128 years of age relating to a sexual offense committed against that child,  
129 or an offense involving physical abuse committed against that child by  
130 a person or persons who had authority or apparent authority over the  
131 child, shall be admissible in a criminal, juvenile or civil proceeding if  
132 (1) the court finds, on the basis of the time, content and circumstances  
133 of the statement, there is a probability that the statement is  
134 trustworthy, (2) the proponent of the statement makes known to the  
135 adverse party an intention to offer the statement and the particulars of  
136 the statement at such time as to provide the adverse party with a fair  
137 opportunity to prepare to meet it, and (3) either (A) the child testifies  
138 at the proceeding, or (B) the child is unavailable as a witness and there  
139 is independent nontestimonial admissible evidence of the alleged act.  
140 For purposes of this section, "child" includes a person who is

141 chronologically thirteen years of age or older, but who has a mental or  
142 developmental age of less than thirteen years because of mental  
143 retardation or developmental disability.

144 Sec. 10. Section 53a-35a of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective July 1, 2007*):

146 For any felony committed on or after July 1, 1981, the sentence of  
147 imprisonment shall be a definite sentence and the term shall be fixed  
148 by the court as follows: (1) For a capital felony, a term of life  
149 imprisonment without the possibility of release unless a sentence of  
150 death is imposed in accordance with section 53a-46a; (2) for the class A  
151 felony of murder, a term not less than twenty-five years nor more than  
152 life; (3) for the class A felony of aggravated sexual assault of a minor  
153 under section 1 of this act, a term not less than twenty-five years nor  
154 more than fifty years; (4) for a class A felony other than [murder] an  
155 offense specified in subdivision (2) or (3) of this section, a term not less  
156 than ten years nor more than twenty-five years; [(4)] (5) for the class B  
157 felony of manslaughter in the first degree with a firearm under section  
158 53a-55a, a term not less than five years nor more than forty years; [(5)]  
159 (6) for a class B felony other than manslaughter in the first degree with  
160 a firearm under section 53a-55a, a term not less than one year nor more  
161 than twenty years, except that for a conviction under section 53a-  
162 59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the  
163 term shall be not less than five years nor more than twenty years; [(6)]  
164 (7) for a class C felony, a term not less than one year nor more than ten  
165 years, except that for a conviction under section 53a-56a, the term shall  
166 be not less than three years nor more than ten years; [(7)] (8) for a class  
167 D felony, a term not less than one year nor more than five years, except  
168 that for a conviction under section 53a-60b or 53a-217, the term shall be  
169 not less than two years nor more than five years, for a conviction  
170 under section 53a-60c, the term shall be not less than three years nor  
171 more than five years, and for a conviction under section 53a-216, the  
172 term shall be five years; [(8)] (9) for an unclassified felony, a term in  
173 accordance with the sentence specified in the section of the general

174 statutes that defines the crime.

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|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>July 1, 2007</i> | New section |
| Sec. 2  | <i>July 1, 2007</i> | 53-21       |
| Sec. 3  | <i>July 1, 2007</i> | 53a-90a     |
| Sec. 4  | <i>July 1, 2007</i> | 53a-196a    |
| Sec. 5  | <i>July 1, 2007</i> | 53a-196c    |
| Sec. 6  | <i>July 1, 2007</i> | 53a-196d    |
| Sec. 7  | <i>July 1, 2007</i> | 53a-196e    |
| Sec. 8  | <i>July 1, 2007</i> | 53a-196f    |
| Sec. 9  | <i>July 1, 2007</i> | New section |
| Sec. 10   | <i>July 1, 2007</i> | 53a-35a     |

**Statement of Purpose:**

To provide enhanced penalties for the sexual assault of children under thirteen years of age, require mandatory minimum terms of imprisonment for the crimes of enticing a minor, employing a minor in an obscene performance and importing or possessing child pornography and enact a tender years exception to the hearsay rule.

*[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.]*