



General Assembly

Substitute Bill No. 1458

January Session, 2007

* _____SB01458JUD__041307_____*

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 Section 53-21 of the general statutes is repealed and the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 the 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.

175 Sec. 11. Subsection (b) of section 53a-55a of the general statutes is
176 repealed and the following is substituted in lieu thereof (*Effective July*
177 *1, 2007*):

178 (b) Manslaughter in the first degree with a firearm is a class B felony
 179 and any person found guilty under this section shall be sentenced to a
 180 term of imprisonment in accordance with subdivision [(4)] (5) of
 181 section 53a-35a, as amended by this act, of which five years of the
 182 sentence imposed may not be suspended or reduced by the court.

183 Sec. 12. Subsection (b) of section 54-125e of the general statutes is
 184 repealed and the following is substituted in lieu thereof (*Effective*
 185 *October 1, 2007*):

186 (b) When sentencing a person to a period of special parole, the court
 187 may, as a condition of the sentence, order such person to comply with
 188 any or all of the requirements of subsection (a) of section 53a-30. The
 189 court shall cause a copy of any such order to be delivered to such
 190 person and to the Department of Correction. The Board of Pardons and
 191 Paroles may require that such person comply with any or all of the
 192 requirements of subsection (a) of section 53a-30 which the court could
 193 have imposed and which are not inconsistent with any condition
 194 actually imposed by the court. Any person sentenced to a period of
 195 special parole shall also be subject to such rules and conditions as may
 196 be established by the Board of Pardons and Paroles or its chairperson
 197 pursuant to section 54-126.

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
Sec. 11	<i>July 1, 2007</i>	53a-55a(b)
Sec. 12	<i>October 1, 2007</i>	54-125e(b)

JUD *Joint Favorable Subst.*