



General Assembly

Amendment

September Special Session, 2007

LCO No. 9912

SB0160009912HRO

Offered by:

REP. CAFERO, 142nd Dist.

REP. HAMZY, 78th Dist.

REP. KLARIDES, 114th Dist.

To: Senate Bill No. 1600

File No.

Cal. No.

"AN ACT CONCERNING CLEAN CONTRACTING STANDARDS."

1 After line 1047, after "apply to" insert "(1)"

2 In line 1051, after "section" insert ", or (2) contracts or agreements for
3 the supervision of inmates outside the state entered into pursuant to
4 section 18-86b of the general statutes or sections 18-105 to 18-107,
5 inclusive, of the general statutes"

6 After the last section, add the following and renumber sections and
7 internal references accordingly:

8 "Sec. 501. (NEW) (*Effective from passage*) (a) Notwithstanding any
9 other provision of the general statutes, whenever a person (1) stands
10 convicted of manslaughter, arson, kidnapping, robbery in the first or
11 second degree, robbery involving an occupied motor vehicle, assault
12 constituting a felony, sexual assault in the first or third degree,
13 aggravated sexual assault in the first degree, sexual assault in the third

14 degree with a firearm, burglary in the first or second degree, stalking
15 in the first degree or stealing a firearm, and (2) has been, prior to the
16 commission of the present crime, two or more times convicted of and
17 imprisoned in this state or in any other state or in a federal correctional
18 institution for (A) any of the crimes enumerated in subdivision (1) of
19 this subsection or any predecessor statutes in this state, or an attempt
20 to commit any of said crimes, or (B) in any other state, any crimes the
21 essential elements of which are substantially the same as any of the
22 crimes enumerated in subdivision (1) of this subsection, the court shall
23 sentence such person to a term of life imprisonment without the
24 possibility of release.

25 (b) It shall be an affirmative defense to a charge under this section
26 that (1) as to any prior conviction on which the state is relying the
27 defendant was pardoned on the ground of innocence, and (2) without
28 such conviction, the defendant was not two or more times convicted
29 and imprisoned as required by this section.

30 Sec. 502. Section 53a-40 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective from passage*):

32 (a) A persistent dangerous felony offender is a person who:

33 (1) (A) Stands convicted of manslaughter, arson, kidnapping,
34 robbery in the first or second degree, [or] assault in the first degree or
35 burglary in the first or second degree, and (B) has been, prior to the
36 commission of the present crime, convicted of and imprisoned under a
37 sentence to a term of imprisonment of more than one year or of death,
38 in this state or in any other state or in a federal correctional institution,
39 for any of the following crimes: (i) The crimes enumerated in
40 subparagraph (A) of this subdivision or an attempt to commit any of
41 said crimes; or (ii) murder, sexual assault in the first or third degree,
42 aggravated sexual assault in the first degree or sexual assault in the
43 third degree with a firearm, or an attempt to commit any of said
44 crimes; or (iii) prior to October 1, 1975, any of the crimes enumerated
45 in section 53a-72, 53a-75 or 53a-78 of the general statutes, revision of

46 1958, revised to 1975, or prior to October 1, 1971, in this state, assault
47 with intent to kill under section 54-117, or any of the crimes
48 enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-
49 19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83, 53-86, 53-238 and
50 53-239 of the general statutes, revision of 1958, revised to 1968, or any
51 predecessor statutes in this state, or an attempt to commit any of said
52 crimes; or (iv) in any other state, any crimes the essential elements of
53 which are substantially the same as any of the crimes enumerated in
54 subparagraph (A) of this subdivision or this subparagraph; or

55 (2) (A) Stands convicted of sexual assault in the first or third degree,
56 aggravated sexual assault in the first degree or sexual assault in the
57 third degree with a firearm, and (B) has been, prior to the commission
58 of the present crime, convicted of and imprisoned under a sentence to
59 a term of imprisonment of more than one year or of death, in this state
60 or in any other state or in a federal correctional institution, for any of
61 the following crimes: (i) Murder, manslaughter, arson, kidnapping,
62 robbery in the first or second degree, [or] assault in the first degree or
63 burglary in the first or second degree, or an attempt to commit any of
64 said crimes; or (ii) prior to October 1, 1971, in this state, assault with
65 intent to kill under section 54-117, or any of the crimes enumerated in
66 sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69,
67 53-78 to 53-80, inclusive, 53-82, 53-83 and 53-86 of the general statutes,
68 revision of 1958, revised to 1968, or any predecessor statutes in this
69 state, or an attempt to commit any of said crimes; or (iii) in any other
70 state, any crimes the essential elements of which are substantially the
71 same as any of the crimes enumerated in subparagraph (A) of this
72 subdivision or this subparagraph.

73 (b) A persistent dangerous sexual offender is a person who (1)
74 stands convicted of sexual assault in the first or third degree,
75 aggravated sexual assault in the first degree or sexual assault in the
76 third degree with a firearm, and (2) has been, prior to the commission
77 of the present crime, convicted of and imprisoned under a sentence to
78 a term of imprisonment of more than one year, in this state or in any
79 other state or in a federal correctional institution, for (A) any of the

80 crimes enumerated in subdivision (1) of this subsection, or (B) prior to
81 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
82 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
83 prior to October 1, 1971, in this state, any of the crimes enumerated in
84 section 53-238 or 53-239 of the general statutes, revision of 1958,
85 revised to 1968, or any predecessor statutes in this state, or an attempt
86 to commit any of said crimes, or (C) in any other state, any crimes the
87 essential elements of which are substantially the same as any of the
88 crimes enumerated in subdivision (1) of this subsection or this
89 subdivision.

90 (c) A persistent serious felony offender is a person who (1) stands
91 convicted of a felony, and (2) has been, prior to the commission of the
92 present felony, convicted of and imprisoned under an imposed term of
93 more than one year or of death, in this state or in any other state or in a
94 federal correctional institution, for a crime. This subsection shall not
95 apply where the present conviction is for a crime enumerated in
96 subdivision (1) of subsection (a) of this section and the prior conviction
97 was for a crime other than those enumerated in subsection (a) of this
98 section.

99 (d) A persistent serious sexual offender is a person, other than a
100 person who qualifies as a persistent dangerous sexual offender under
101 subsection (b) of this section, who qualifies as a persistent serious
102 felony offender under subsection (c) of this section and the felony of
103 which such person presently stands convicted is a violation of
104 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-
105 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for
106 a violation of section 53-21 of the general statutes, revised to January 1,
107 1995, involving sexual contact, committed prior to October 1, 1995, a
108 violation of subdivision (2) of section 53-21 of the general statutes,
109 committed on or after October 1, 1995, and prior to October 1, 2000, a
110 violation of subdivision (2) of subsection (a) of section 53-21 or a
111 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

112 (e) A persistent larceny offender is a person who (1) stands

113 convicted of larceny in the third degree in violation of the provisions of
114 section 53a-124 in effect prior to October 1, 1982, or larceny in the
115 fourth, fifth or sixth degree, and (2) has been, at separate times prior to
116 the commission of the present larceny, twice convicted of the crime of
117 larceny.

118 (f) A persistent felony offender is a person who (1) stands convicted
119 of a felony other than a class D felony, and (2) has been, at separate
120 times prior to the commission of the present felony, twice convicted of
121 a felony other than a class D felony.

122 (g) It shall be an affirmative defense to the charge of being a
123 persistent offender under this section that (1) as to any prior conviction
124 on which the state is relying the defendant was pardoned on the
125 ground of innocence, and (2) without such conviction, the defendant
126 was not two or more times convicted and imprisoned as required by
127 this section.

128 (h) When any person has been found to be a persistent dangerous
129 felony offender, and [the court is of the opinion that] such person's
130 history and character and the nature and circumstances of such
131 person's criminal conduct indicate that extended incarceration and
132 lifetime supervision will best serve the public interest, the court, in lieu
133 of imposing the sentence of imprisonment authorized by section
134 53a-35 for the crime of which such person presently stands convicted,
135 or authorized by section 53a-35a if the crime of which such person
136 presently stands convicted was committed on or after July 1, 1981,
137 shall sentence such person to a term of imprisonment of not more than
138 forty years and, if such person has, at separate times prior to the
139 commission of the present crime, been twice convicted of and
140 imprisoned for any of the crimes enumerated in subdivision (2) of
141 subsection (a) of this section, sentence such person to a term of
142 imprisonment of not more than life.

143 (i) When any person has been found to be a persistent dangerous
144 sexual offender, and [the court is of the opinion that] such person's

145 history and character and the nature and circumstances of such
146 person's criminal conduct indicate that extended incarceration and
147 lifetime supervision will best serve the public interest, the court, in lieu
148 of imposing the sentence of imprisonment authorized by section 53a-
149 35a for the crime of which such person presently stands convicted,
150 shall sentence such person to a term of imprisonment and a period of
151 special parole pursuant to subsection (b) of section 53a-28 which
152 together constitute a sentence of imprisonment for life, as defined in
153 section 53a-35b.

154 (j) When any person has been found to be a persistent serious felony
155 offender, and [the court is of the opinion that] such person's history
156 and character and the nature and circumstances of such person's
157 criminal conduct indicate that extended incarceration will best serve
158 the public interest, the court in lieu of imposing the sentence of
159 imprisonment authorized by section 53a-35 for the crime of which such
160 person presently stands convicted, or authorized by section 53a-35a if
161 the crime of which such person presently stands convicted was
162 committed on or after July 1, 1981, may impose the sentence of
163 imprisonment authorized by said section for the next more serious
164 degree of felony.

165 (k) When any person has been found to be a persistent serious
166 sexual offender, and [the court is of the opinion that] such person's
167 history and character and the nature and circumstances of such
168 person's criminal conduct indicate that extended incarceration will best
169 serve the public interest, the court, in lieu of imposing the sentence of
170 imprisonment authorized by section 53a-35a for the crime of which
171 such person presently stands convicted, may impose a sentence of
172 imprisonment and a period of special parole pursuant to subsection (b)
173 of section 53a-28 which together constitute the maximum sentence
174 specified by section 53a-35a for the next more serious degree of felony.

175 (l) When any person has been found to be a persistent larceny
176 offender, and [the court is of the opinion that] such person's history
177 and character and the nature and circumstances of such person's

178 criminal conduct indicate that extended incarceration will best serve
179 the public interest, the court, in lieu of imposing the sentence
180 authorized by section 53a-36 for the crime of which such person
181 presently stands convicted, may impose the sentence of imprisonment
182 for a class D felony authorized by section 53a-35, if the crime of which
183 such person presently stands convicted was committed prior to July 1,
184 1981, or authorized by section 53a-35a, if the crime of which such
185 person presently stands convicted was committed on or after July 1,
186 1981.

187 (m) When any person has been found to be a persistent felony
188 offender, and [the court is of the opinion that] such person's history
189 and character and the nature and circumstances of such person's
190 criminal conduct indicate that extended incarceration will best serve
191 the public interest, the court, in lieu of imposing the sentence
192 authorized by section 53a-35a for the crime of which such person
193 presently stands convicted, may impose the sentence of imprisonment
194 authorized by said section for the next more serious degree of felony;
195 provided the sentence imposed may not be less than three years, and
196 provided further three years of the sentence so imposed may not be
197 suspended or reduced by the court.

198 Sec. 503. Subsection (b) of section 53a-40a of the general statutes is
199 repealed and the following is substituted in lieu thereof (*Effective from*
200 *passage*):

201 (b) When any person has been found to be a persistent offender of
202 crimes involving bigotry or bias, and [the court is of the opinion that]
203 such person's history and character and the nature and circumstances
204 of such person's criminal conduct indicate that an increased penalty
205 will best serve the public interest, the court shall: (1) In lieu of
206 imposing the sentence authorized for the crime under section 53a-35a
207 if the crime is a felony, impose the sentence of imprisonment
208 authorized by said section for the next more serious degree of felony,
209 or (2) in lieu of imposing the sentence authorized for the crime under
210 section 53a-36 if the crime is a misdemeanor, impose the sentence of

211 imprisonment authorized by said section for the next more serious
212 degree of misdemeanor, except that if the crime is a class A
213 misdemeanor the court shall impose the sentence of imprisonment for
214 a class D felony as authorized by section 53a-35a.

215 Sec. 504. Subsection (b) of section 53a-40d of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective from*
217 *passage*):

218 (b) When any person has been found to be a persistent offender of
219 crimes involving assault, stalking, trespass, threatening, harassment,
220 criminal violation of a protective order or criminal violation of a
221 restraining order, and [the court is of the opinion that] such person's
222 history and character and the nature and circumstances of such
223 person's criminal conduct indicate that an increased penalty will best
224 serve the public interest, the court shall, in lieu of imposing the
225 sentence authorized for the crime under section 53a-36 or section 53a-
226 35a, as applicable, impose the sentence of imprisonment authorized by
227 said section 53a-36 or section 53a-35a for the next more serious degree
228 of misdemeanor or felony, except that if the crime is a class A
229 misdemeanor the court shall impose the sentence of imprisonment for
230 a class D felony, as authorized by section 53a-35a.

231 Sec. 505. Subsection (b) of section 53a-40f of the general statutes is
232 repealed and the following is substituted in lieu thereof (*Effective from*
233 *passage*):

234 (b) When any person has been found to be a persistent operating
235 while under the influence felony offender, and [the court is of the
236 opinion that his] such person's history and character and the nature
237 and circumstances of [his] such person's criminal conduct indicate that
238 extended incarceration will best serve the public interest, the court, in
239 lieu of imposing the sentence authorized by section 53a-35a for the
240 crime of which such person presently stands convicted, may impose
241 the sentence of imprisonment authorized by said section for the next
242 more serious degree of felony.

243 Sec. 506. Subsection (b) of section 53a-300 of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective from*
245 *passage*):

246 (b) When any person has been found guilty of an act of terrorism,
247 and [the court is of the opinion that] such person's history and
248 character and the nature and circumstances of such person's criminal
249 conduct indicate that an increased penalty will best serve the public
250 interest, the court shall, in lieu of imposing the sentence authorized for
251 the crime under section 53a-35a, impose the sentence of imprisonment
252 authorized by said section for the next more serious degree of felony."