



General Assembly

January Session, 2007

Amendment

LCO No. 7264

SB0137207264SR0

Offered by:

SEN. DELUCA, 32nd Dist.
SEN. MCKINNEY, 28th Dist.
SEN. NICKERSON, 36th Dist.
SEN. FREEDMAN, 26th Dist.
SEN. HERLIHY, 8th Dist.
SEN. RORABACK, 30th Dist.

SEN. CAPPIELLO, 24th Dist.
SEN. FASANO, 34th Dist.
SEN. KISSEL, 7th Dist.
SEN. GUGLIELMO, 35th Dist.
SEN. CALIGIURI, 16th Dist.
SEN. DEBICELLA, 21st Dist.

To: Senate Bill No. 1372

File No. 594

Cal. No. 470

"AN ACT CONCERNING THE PENALTY FOR STALKING A PROSECUTOR."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2007*) (a) A person is guilty of
4 aggravated sexual assault of a minor when such person commits a
5 violation of subdivision (2) of subsection (a) of section 53-21 or section
6 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a of the general
7 statutes, as amended by this act, and the victim of such offense is
8 under thirteen years of age, and (1) such person kidnapped or illegally
9 restrained the victim, (2) such person stalked the victim, (3) such
10 person used violence to commit such offense against the victim, (4)
11 such person caused serious physical injury to or disfigurement of the

12 victim, (5) there was more than one victim of such offense under
13 thirteen years of age, (6) such person was not known to the victim, or
14 (7) such person has previously been convicted of a violent sexual
15 assault.

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

22 Sec. 502. Section 53-21 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective July 1, 2007*):

24 (a) Any person who (1) wilfully or unlawfully causes or permits any
25 child under the age of sixteen years to be placed in such a situation
26 that the life or limb of such child is endangered, the health of such
27 child is likely to be injured or the morals of such child are likely to be
28 impaired, or does any act likely to impair the health or morals of any
29 such child, or (2) has contact with the intimate parts, as defined in
30 section 53a-65, of a child under the age of sixteen years or subjects a
31 child under sixteen years of age to contact with the intimate parts of
32 such person, in a sexual and indecent manner likely to impair the
33 health or morals of such child, or (3) permanently transfers the legal or
34 physical custody of a child under the age of sixteen years to another
35 person for money or other valuable consideration or acquires or
36 receives the legal or physical custody of a child under the age of
37 sixteen years from another person upon payment of money or other
38 valuable consideration to such other person or a third person, except in
39 connection with an adoption proceeding that complies with the
40 provisions of chapter 803, shall be guilty of a class C felony for a
41 violation of subdivision (1) or (3) of this subsection and a class B felony
42 for a violation of subdivision (2) of this subsection, except that, if the
43 violation is of subdivision (2) of this subsection and the victim of the
44 offense is under thirteen years of age, such person shall be sentenced

45 to a term of imprisonment of which five years of the sentence imposed
46 may not be suspended or reduced by the court.

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

50 Sec. 503. Section 53a-90a of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

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

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

73 Sec. 504. Section 53a-196a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2007*):

75 (a) A person is guilty of employing a minor in an obscene
76 performance when [(1) he] such person (1) employs any minor,
77 whether or not such minor receives any consideration, for the purpose
78 of promoting any material or performance which is obscene as to
79 minors, notwithstanding that such material or performance is intended
80 for an adult audience, or (2) [he] permits any such minor to be
81 employed, whether or not such minor receives any consideration, in
82 the promotion of any material or performance which is obscene as to
83 minors, notwithstanding that such material or performance is intended
84 for an adult audience, and [he] such person is the parent or guardian
85 of such minor or otherwise responsible for the general supervision of
86 such minor's welfare.

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

91 Sec. 505. Section 53a-196c of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

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

101 Sec. 506. Section 53a-196d of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

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

110 Sec. 507. Section 53a-196e of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

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

119 Sec. 508. Section 53a-196f of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

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

128 Sec. 509. (NEW) (*Effective July 1, 2007*) Notwithstanding any other
129 rule of evidence or provision of law, a statement by a child under
130 thirteen years of age relating to a sexual offense committed against that
131 child, or an offense involving physical abuse committed against that
132 child by a person or persons who had authority or apparent authority
133 over the child, shall be admissible in a criminal, juvenile or civil
134 proceeding if (1) the court finds, on the basis of the time, content and
135 circumstances of the statement, there is a probability that the statement

136 is trustworthy, (2) the proponent of the statement makes known to the
137 adverse party an intention to offer the statement and the particulars of
138 the statement at such time as to provide the adverse party with a fair
139 opportunity to prepare to meet it, and (3) either (A) the child testifies
140 at the proceeding, or (B) the child is unavailable as a witness and there
141 is independent nontestimonial admissible evidence of the alleged act.
142 For the purposes of this section, "child" includes a person who is
143 chronologically thirteen years of age or older, but who has a mental or
144 developmental age of less than thirteen years because of mental
145 retardation or developmental disability.

146 Sec. 510. Section 53a-35a of the general statutes is repealed and the
147 following is substituted in lieu thereof (*Effective July 1, 2007*):

148 For any felony committed on or after July 1, 1981, the sentence of
149 imprisonment shall be a definite sentence and the term shall be fixed
150 by the court as follows: (1) For a capital felony, a term of life
151 imprisonment without the possibility of release unless a sentence of
152 death is imposed in accordance with section 53a-46a; (2) for the class A
153 felony of murder, a term not less than twenty-five years nor more than
154 life; (3) for the class A felony of aggravated sexual assault of a minor
155 under section 501 of this act, a term not less than twenty-five years nor
156 more than fifty years; (4) for a class A felony other than [murder] an
157 offense specified in subdivision (2) or (3) of this section, a term not less
158 than ten years nor more than twenty-five years; [(4)] (5) for the class B
159 felony of manslaughter in the first degree with a firearm under section
160 53a-55a, a term not less than five years nor more than forty years; [(5)]
161 (6) for a class B felony other than manslaughter in the first degree with
162 a firearm under section 53a-55a, a term not less than one year nor more
163 than twenty years, except that for a conviction under section 53a-
164 59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the
165 term shall be not less than five years nor more than twenty years; [(6)]
166 (7) for a class C felony, a term not less than one year nor more than ten
167 years, except that for a conviction under section 53a-56a, the term shall
168 be not less than three years nor more than ten years; [(7)] (8) for a class
169 D felony, a term not less than one year nor more than five years, except

170 that for a conviction under section 53a-60b or 53a-217, the term shall be
171 not less than two years nor more than five years, for a conviction
172 under section 53a-60c, the term shall be not less than three years nor
173 more than five years, and for a conviction under section 53a-216, the
174 term shall be five years; [(8)] (9) for an unclassified felony, a term in
175 accordance with the sentence specified in the section of the general
176 statutes that defines the crime.

177 Sec. 511. Subsection (b) of section 53a-55a of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective July*
179 *1, 2007*):

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

185 Sec. 512. Subsection (b) of section 54-125e of the general statutes is
186 repealed and the following is substituted in lieu thereof (*Effective*
187 *October 1, 2007*):

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