



General Assembly

**Amendment**

January Session, 2007

LCO No. 7901

**\*SB0071707901SR0\***

Offered by:

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

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

To: Subst. Senate Bill No. 717

File No. 216

Cal. No. 263

**"AN ACT CONCERNING FREE PUBLIC TRANSPORTATION FOR SENIOR CITIZENS."**

1 In line 4, after "older" insert ", or any Connecticut resident who is a  
2 victim of aggravated sexual assault of a minor, as defined in section  
3 501 of this act"

4 After the last section, add the following and renumber sections and  
5 internal references accordingly:

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

12 restrained the victim, (2) such person stalked the victim, (3) such  
13 person used violence to commit such offense against the victim, (4)  
14 such person caused serious physical injury to or disfigurement of the  
15 victim, (5) there was more than one victim of such offense under  
16 thirteen years of age, (6) such person was not known to the victim, or  
17 (7) such person has previously been convicted of a violent sexual  
18 assault.

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

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 Section 53-21 of the general statutes is repealed and the  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

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

45 for a violation of subdivision (2) of this subsection, except that, if the  
46 violation is of subdivision (2) of this subsection and the victim of the  
47 offense is under thirteen years of age, such person shall be sentenced  
48 to a term of imprisonment of which five years of the sentence imposed  
49 may not be suspended or reduced by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

131 Sec. 509. (NEW) (*Effective July 1, 2007*) Notwithstanding any other  
132 rule of evidence or provision of law, a statement by a child under  
133 thirteen years of age relating to a sexual offense committed against that  
134 child, or an offense involving physical abuse committed against that  
135 child by a person or persons who had authority or apparent authority

136 over the child, shall be admissible in a criminal, juvenile or civil  
137 proceeding if (1) the court finds, on the basis of the time, content and  
138 circumstances of the statement, there is a probability that the statement  
139 is trustworthy, (2) the proponent of the statement makes known to the  
140 adverse party an intention to offer the statement and the particulars of  
141 the statement at such time as to provide the adverse party with a fair  
142 opportunity to prepare to meet it, and (3) either (A) the child testifies  
143 at the proceeding, or (B) the child is unavailable as a witness and there  
144 is independent nontestimonial admissible evidence of the alleged act.  
145 For the purposes of this section, "child" includes a person who is  
146 chronologically thirteen years of age or older, but who has a mental or  
147 developmental age of less than thirteen years because of mental  
148 retardation or developmental disability.

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

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

170 years, except that for a conviction under section 53a-56a, the term shall  
171 be not less than three years nor more than ten years; [(7)] (8) for a class  
172 D felony, a term not less than one year nor more than five years, except  
173 that for a conviction under section 53a-60b or 53a-217, the term shall be  
174 not less than two years nor more than five years, for a conviction  
175 under section 53a-60c, the term shall be not less than three years nor  
176 more than five years, and for a conviction under section 53a-216, the  
177 term shall be five years; [(8)] (9) for an unclassified felony, a term in  
178 accordance with the sentence specified in the section of the general  
179 statutes that defines the crime.

180 Sec. 511. Subsection (b) of section 53a-55a of the general statutes is  
181 repealed and the following is substituted in lieu thereof (*Effective July*  
182 *1, 2007*):

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

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

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

202 pursuant to section 54-126."