



General Assembly

January Session, 2007

Amendment

LCO No. 7990

HB0565607990SRO

Offered by:
SEN. DEBICELLA, 21st Dist.

To: Subst. House Bill No. 5656 File No. 859 Cal. No. 619

"AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION."

1 In line 2, strike "subdivision (9)" and insert "subdivisions (9) and
2 (10)" in lieu thereof

3 After line 14, add the following:

4 "(NEW) (10) Any person, regardless of residency, who was the
5 victim of sexual abuse as a minor shall be entitled to classification as an
6 in-state student."

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

9 "Sec. 501. (NEW) (*Effective July 1, 2007*) (a) A person is guilty of
10 aggravated sexual assault of a minor when such person commits a
11 violation of subdivision (2) of subsection (a) of section 53-21 or section
12 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a of the general
13 statutes, as amended by this act, and the victim of such offense is

14 under thirteen years of age, and (1) such person kidnapped or illegally
15 restrained the victim, (2) such person stalked the victim, (3) such
16 person used violence to commit such offense against the victim, (4)
17 such person caused serious physical injury to or disfigurement of the
18 victim, (5) there was more than one victim of such offense under
19 thirteen years of age, (6) such person was not known to the victim, or
20 (7) such person has previously been convicted of a violent sexual
21 assault.

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

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 Section 53-21 of the general statutes is repealed and the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

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

47 violation of subdivision (1) or (3) of this subsection and a class B felony
48 for a violation of subdivision (2) of this subsection, except that, if the
49 violation is of subdivision (2) of this subsection and the victim of the
50 offense is under thirteen years of age, such person shall be sentenced
51 to a term of imprisonment of which five years of the sentence imposed
52 may not be suspended or reduced by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154 For any felony committed on or after July 1, 1981, the sentence of
155 imprisonment shall be a definite sentence and the term shall be fixed
156 by the court as follows: (1) For a capital felony, a term of life
157 imprisonment without the possibility of release unless a sentence of
158 death is imposed in accordance with section 53a-46a; (2) for the class A
159 felony of murder, a term not less than twenty-five years nor more than
160 life; (3) for the class A felony of aggravated sexual assault of a minor
161 under section 501 of this act, a term not less than twenty-five years nor
162 more than fifty years; (4) for a class A felony other than [murder] an
163 offense specified in subdivision (2) or (3) of this section, a term not less
164 than ten years nor more than twenty-five years; [(4)] (5) for the class B
165 felony of manslaughter in the first degree with a firearm under section
166 53a-55a, a term not less than five years nor more than forty years; [(5)]
167 (6) for a class B felony other than manslaughter in the first degree with
168 a firearm under section 53a-55a, a term not less than one year nor more
169 than twenty years, except that for a conviction under section 53a-
170 59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the
171 term shall be not less than five years nor more than twenty years; [(6)]
172 (7) for a class C felony, a term not less than one year nor more than ten

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

183 Sec. 511. Subsection (b) of section 53a-55a of the general statutes is
184 repealed and the following is substituted in lieu thereof (*Effective July*
185 *1, 2007*):

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

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

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

205 pursuant to section 54-126."