



General Assembly

February Session, 2008

Raised Bill No. 5876

LCO No. 3030

03030_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING MANDATORY LIFE SENTENCES FOR
REPEAT VIOLENT OFFENDERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any
2 other provision of the general statutes, whenever a person (1) stands
3 convicted of murder other than a capital felony, manslaughter, arson,
4 kidnapping, robbery in the first or second degree, robbery involving
5 an occupied motor vehicle, assault constituting a felony, sexual assault
6 in the first degree, aggravated sexual assault in the first degree, sexual
7 assault in the third degree, sexual assault in the third degree with a
8 firearm, home invasion, burglary in the first degree, burglary in the
9 second degree with a firearm or stalking in the first degree, and (2) has
10 been, prior to the commission of the present crime, two or more times
11 convicted in this state or in any other state or in the federal system for
12 (A) any of the crimes enumerated in subdivision (1) of this subsection
13 or any predecessor statutes in this state, or an attempt to commit any
14 of said crimes, or (B) in any other state, any crimes the essential
15 elements of which are substantially the same as any of the crimes
16 enumerated in subdivision (1) of this subsection, the court shall

17 sentence such person to a term of life imprisonment without the
18 possibility of release.

19 (b) Whenever a person is arrested for any of the crimes enumerated
20 in subdivision (1) of subsection (a) of this section, the prosecuting
21 authority shall investigate and ascertain whether such person meets
22 the requirements of subdivision (2) of said subsection and would be
23 eligible to be sentenced under said subsection if convicted of such
24 crime.

25 (c) No court shall accept a plea of guilty, not guilty or nolo
26 contendere from a person arrested for any of the crimes enumerated in
27 subdivision (1) of subsection (a) of this section unless it finds that the
28 prosecuting authority has complied with the requirements of
29 subsection (b) of this section.

30 (d) If the prosecuting authority ascertains that such person meets
31 the requirements of subdivision (2) of subsection (a) of this section but
32 decides not to initiate proceedings to seek the sentence enhancement
33 provided by said subsection, the prosecuting authority shall state for
34 the record the specific reason or reasons for not initiating such
35 proceedings.

36 (e) If the prosecuting authority ascertains that such person meets the
37 requirements of subdivision (2) of subsection (a) of this section and
38 initiates proceedings to seek the sentence enhancement provided by
39 said subsection, but subsequently decides to terminate such
40 proceedings, the prosecuting authority shall state for the record the
41 specific reason or reasons for terminating such proceedings.

42 (f) It shall be an affirmative defense to a charge under this section
43 that (1) as to any prior conviction on which the state is relying the
44 defendant was pardoned on the ground of innocence, and (2) without
45 such conviction, the defendant was not two or more times convicted as
46 required by this section.

47 Sec. 2. Section 53a-35b of the general statutes is repealed and the
48 following is substituted in lieu thereof (*Effective July 1, 2008*):

49 A sentence of imprisonment for life shall mean a definite sentence of
50 sixty years, unless the sentence is life imprisonment without the
51 possibility of release, imposed pursuant to subsection (g) of section
52 53a-46a or section 1 of this act, in which case the sentence shall be
53 imprisonment for the remainder of the defendant's natural life.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	53a-35b

Statement of Purpose:

To require a sentence of life imprisonment without the possibility of release for a person convicted of a violent offense for the third time and to require a prosecutor to state his or her reasons for not charging an otherwise eligible defendant as a third-time offender.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]