



General Assembly

**Amendment**

February Session, 2008

LCO No. 4841

**\*SB0067104841SD0\***

Offered by:

SEN. MCDONALD, 27<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. Senate Bill No. 671

File No. 436

Cal. No. 265

**"AN ACT CONCERNING IDENTITY THEFT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (h) of section 53a-40 of the general statutes, as  
4 amended by section 7 of public act 08-1 of the January special session,  
5 is repealed and the following is substituted in lieu thereof (*Effective*  
6 *from passage*):

7 (h) When any person has been found to be a persistent dangerous  
8 felony offender, the court, in lieu of imposing the sentence of  
9 imprisonment authorized by [section 53a-35 for the crime of which  
10 such person presently stands convicted, or authorized by section  
11 53a-35a if the crime of which such person presently stands convicted  
12 was committed on or after July 1, 1981, shall] the general statutes for  
13 the crime of which such person presently stands convicted, shall (1)  
14 sentence such person to a term of imprisonment [of not more than  
15 forty years] that is not (A) less than twice the minimum term of

16 imprisonment authorized for such crime or (B) more than twice the  
17 maximum term of imprisonment authorized for such crime or forty  
18 years, whichever is greater, provided, if a mandatory minimum term  
19 of imprisonment is authorized for such crime, such sentence shall  
20 include a mandatory minimum term of imprisonment that is twice  
21 such authorized mandatory minimum term of imprisonment, and [.]  
22 (2) if such person has, at separate times prior to the commission of the  
23 present crime, been twice convicted of and imprisoned for any of the  
24 crimes enumerated in [subparagraph (B) of subdivision (1) of]  
25 subsection (a) of this section, as amended, sentence such person to a  
26 term of imprisonment [of not more than life] that is not less than three  
27 times the minimum term of imprisonment authorized for such crime  
28 or more than life, provided, if a mandatory minimum term of  
29 imprisonment is authorized for such crime, such sentence shall include  
30 a mandatory minimum term of imprisonment that is three times such  
31 authorized mandatory minimum term of imprisonment.

32 Sec. 2. Section 53a-40 of the general statutes, as amended by sections  
33 6 and 7 of public act 08-1 of the January special session, is amended by  
34 adding subsection (n) as follows (*Effective from passage*):

35 (NEW) (n) (1) Whenever a person is arrested for any of the crimes  
36 enumerated in subsection (a) of this section, as amended, the  
37 prosecuting authority shall investigate and ascertain whether such  
38 person has, at separate times prior to the commission of the present  
39 crime, been twice convicted of and imprisoned for any of the crimes  
40 enumerated in said subsection (a) and would be eligible to be  
41 sentenced under subsection (h) of this section if convicted of such  
42 crime.

43 (2) If the prosecuting authority ascertains that such person has, at  
44 separate times prior to the commission of the present crime, been twice  
45 convicted of and imprisoned for any of the crimes enumerated in  
46 subsection (a) of this section, as amended, and such person has been  
47 presented to a geographical area courthouse, the prosecuting authority  
48 shall cause such person to be transferred to a judicial district

49 courthouse.

50 (3) No court shall accept a plea of guilty, not guilty or nolo  
51 contendere from a person arrested for any of the crimes enumerated in  
52 subsection (a) of this section, as amended, unless it finds that the  
53 prosecuting authority has complied with the requirements of  
54 subdivision (1) of this subsection.

55 (4) If the prosecuting authority ascertains that such person has, at  
56 separate times prior to the commission of the present crime, been twice  
57 convicted of and imprisoned for any of the crimes enumerated in  
58 subsection (a) of this section, as amended, but decides not to initiate  
59 proceedings to seek the sentence enhancement provided by subsection  
60 (h) of this section, the prosecuting authority shall state for the record  
61 the specific reason or reasons for not initiating such proceedings.

62 (5) If the prosecuting authority ascertains that such person has, at  
63 separate times prior to the commission of the present crime, been twice  
64 convicted of and imprisoned for any of the crimes enumerated in  
65 subsection (a) of this section, as amended, and initiates proceedings to  
66 seek the sentence enhancement provided by subsection (h) of this  
67 section, but subsequently decides to terminate such proceedings, the  
68 prosecuting authority shall state for the record the specific reason or  
69 reasons for terminating such proceedings.

70 Sec. 3. (*Effective July 1, 2008*) The sum of six hundred eighty-one  
71 thousand dollars is appropriated to the Division of Criminal Justice,  
72 from the General Fund, for the fiscal year ending June 30, 2009, for the  
73 purpose of enhancing prosecution of repeat offenders, administrative  
74 coordination and information technology capacity.

75 Sec. 4. (*Effective July 1, 2008*) The sum of five hundred twelve  
76 thousand dollars is appropriated to the Public Defender Services  
77 Commission, from the General Fund, for the fiscal year ending June 30,  
78 2009, for the purpose of enhancing the legal defense of indigent  
79 defendants and handling increased prosecutions.

80       Sec. 5. (*Effective July 1, 2008*) The sum of five million two hundred  
81 thirty-two thousand dollars is appropriated to the Judicial  
82 Department, from the General Fund, for the fiscal year ending June 30,  
83 2009, for the purpose of enhancing court operations and probation  
84 supervision of sexual offenders, including the use of global positioning  
85 system and polygraph technologies, increasing the capacity to serve  
86 outstanding warrants for violations of probation, providing truancy  
87 prevention and establishing a juvenile justice urban cities pilot  
88 program.

89       Sec. 6. (*Effective July 1, 2008*) The sum of five hundred fourteen  
90 thousand dollars is appropriated to the Department of Public Safety,  
91 from the General Fund, for the fiscal year ending June 30, 2009, for the  
92 purpose of hiring additional staff within the State Police Major Crime  
93 Squad.

94       Sec. 7. (*Effective July 1, 2008*) The sum of two million one hundred  
95 forty-seven thousand dollars is appropriated to the Department of  
96 Correction, from the General Fund, for the fiscal year ending June 30,  
97 2009, for the purpose of funding alternative housing, additional  
98 correction and parole officers, expansion of the use of global  
99 positioning system devices in the supervision of parolees and  
100 additional staff for the Board of Pardons and Paroles to screen parole  
101 candidates and process files.

102       Sec. 8. (*Effective July 1, 2008*) The sum of nine hundred ten thousand  
103 dollars is appropriated to the Department of Mental Health and  
104 Addiction Services, from the General Fund, for the fiscal year ending  
105 June 30, 2009, for the purpose of enhancing coordination and  
106 monitoring of community services for individuals served by the  
107 alternative supervision and intervention support teams, providing  
108 supportive housing for individuals served in the jail diversion or  
109 reentry programs, enhancing the women's jail diversion program and  
110 hiring an additional clinician to expand the capacity of the alternative  
111 drug intervention program."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	53a-40(h)
Sec. 2	<i>from passage</i>	53a-40
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>July 1, 2008</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section