



General Assembly

January Session, 2009

Raised Bill No. 937

LCO No. 3501

03501_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING BURGLARY-RELATED OFFENSES.

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

1 Section 1. Section 53a-100aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) A person is guilty of home invasion when such person enters or
4 remains unlawfully in a dwelling, while a person other than a
5 participant in the crime is actually present in such dwelling, with
6 intent to commit a crime therein, and, in the course of committing the
7 offense: (1) Acting either alone or with one or more persons, such
8 person or another participant in the crime commits or attempts to
9 commit a felony against the person of another person other than a
10 participant in the crime who is actually present in such dwelling, or (2)
11 such person is armed with a firearm, explosives or [a] any other deadly
12 weapon or dangerous instrument.

13 (b) An act shall be deemed "in the course of committing" the offense
14 if it occurs in an attempt to commit the offense or flight after the
15 attempt or commission.

16 (c) Home invasion is a class A felony and any person found guilty
17 under this section shall be sentenced to a term of imprisonment of
18 which ten years may not be suspended or reduced by the court.

19 Sec. 2. Section 53a-101 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2009*):

21 (a) A person is guilty of burglary in the first degree when such
22 person (1) [such person] enters or remains unlawfully in a building
23 with intent to commit a crime therein and is armed with a firearm,
24 explosives or [a] any other deadly weapon or dangerous instrument,
25 [or] (2) [such person] enters or remains unlawfully in a building with
26 intent to commit a crime therein and, in the course of committing the
27 offense, intentionally, knowingly or recklessly inflicts or attempts to
28 inflict bodily injury on anyone, [or] (3) [such person] enters or remains
29 unlawfully in a dwelling, while a person other than the participant in
30 the crime is actually present in such dwelling, or (4) enters or remains
31 unlawfully in a dwelling at night with intent to commit a crime
32 therein.

33 (b) An act shall be deemed "in the course of committing" the offense
34 if it occurs in an attempt to commit the offense or flight after the
35 attempt or commission.

36 (c) Burglary in the first degree is a class B felony provided any
37 person found guilty under subdivision (1) of subsection (a) of this
38 section shall be sentenced to a term of imprisonment of which five
39 years of the sentence imposed may not be suspended or reduced by
40 the court.

41 Sec. 3. Section 53a-102 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2009*):

43 (a) A person is guilty of burglary in the second degree when such
44 person enters or remains unlawfully in a dwelling or building, while a
45 person other than a participant in the crime is actually present in such

46 dwelling or building, with intent to commit a crime therein.

47 (b) Burglary in the second degree is a class C felony.

48 Sec. 4. Section 46b-120 of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2009*):

50 The terms used in this chapter shall, in its interpretation and in the
51 interpretation of other statutes, be defined as follows: (1) "Child"
52 means any person under sixteen years of age and, for purposes of
53 delinquency matters, "child" means any person (A) under sixteen years
54 of age, or (B) sixteen years of age or older who, prior to attaining
55 sixteen years of age, has violated any federal or state law or municipal
56 or local ordinance, other than an ordinance regulating behavior of a
57 child in a family with service needs, and, subsequent to attaining
58 sixteen years of age, violates any order of the Superior Court or any
59 condition of probation ordered by the Superior Court with respect to
60 such delinquency proceeding; (2) "youth" means any person sixteen or
61 seventeen years of age; (3) "youth in crisis" means any youth who,
62 within the last two years, (A) has without just cause run away from the
63 parental home or other properly authorized and lawful place of abode,
64 (B) is beyond the control of the youth's parents, guardian or other
65 custodian, or (C) has four unexcused absences from school in any one
66 month or ten unexcused absences in any school year; (4) "abused"
67 means that a child or youth (A) has been inflicted with physical injury
68 or injuries other than by accidental means, or (B) has injuries that are at
69 variance with the history given of them, or (C) is in a condition that is
70 the result of maltreatment such as, but not limited to, malnutrition,
71 sexual molestation or exploitation, deprivation of necessities,
72 emotional maltreatment or cruel punishment; (5) a child may be found
73 "mentally deficient" who, by reason of a deficiency of intelligence that
74 has existed from birth or from early age, requires, or will require, for
75 his protection or for the protection of others, special care, supervision
76 and control; (6) a child may be convicted as "delinquent" who has
77 violated (A) any federal or state law or municipal or local ordinance,

78 other than an ordinance regulating behavior of a child in a family with
79 service needs, (B) any order of the Superior Court, except as provided
80 in section 46b-148, or (C) conditions of probation as ordered by the
81 court; (7) a child or youth may be found "dependent" whose home is a
82 suitable one for the child or youth, save for the financial inability of the
83 child's or youth's parents, parent or guardian, or other person
84 maintaining such home, to provide the specialized care the condition
85 of the child or youth requires; (8) "family with service needs" means a
86 family that includes a child who (A) has without just cause run away
87 from the parental home or other properly authorized and lawful place
88 of abode, (B) is beyond the control of the child's parent, parents,
89 guardian or other custodian, (C) has engaged in indecent or immoral
90 conduct, (D) is a truant or habitual truant or who, while in school, has
91 been continuously and overtly defiant of school rules and regulations,
92 or (E) is thirteen years of age or older and has engaged in sexual
93 intercourse with another person and such other person is thirteen
94 years of age or older and not more than two years older or younger
95 than such child; (9) a child or youth may be found "neglected" who (A)
96 has been abandoned, or (B) is being denied proper care and attention,
97 physically, educationally, emotionally or morally, or (C) is being
98 permitted to live under conditions, circumstances or associations
99 injurious to the well-being of the child or youth, or (D) has been
100 abused; (10) a child or youth may be found "uncared for" who is
101 homeless or whose home cannot provide the specialized care that the
102 physical, emotional or mental condition of the child requires. For the
103 purposes of this section, the treatment of any child by an accredited
104 Christian Science practitioner, in lieu of treatment by a licensed
105 practitioner of the healing arts, shall not of itself constitute neglect or
106 maltreatment; (11) "delinquent act" means the violation of any federal
107 or state law or municipal or local ordinance, other than an ordinance
108 regulating the behavior of a child in a family with service needs, or the
109 violation of any order of the Superior Court; (12) "serious juvenile
110 offense" means (A) the violation of, including attempt or conspiracy to
111 violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a,

112 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
113 inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive,
114 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, as
115 amended by this act, [53a-102a, 53a-103a] or 53a-111 to 53a-113,
116 inclusive, subdivision (1) of subsection (a) of section 53a-122,
117 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
118 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section
119 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a
120 child, or (B) running away, without just cause, from any secure
121 placement other than home while referred as a delinquent child to the
122 Court Support Services Division or committed as a delinquent child to
123 the Commissioner of Children and Families for a serious juvenile
124 offense; (13) "serious juvenile offender" means any child convicted as
125 delinquent for commission of a serious juvenile offense; (14) "serious
126 juvenile repeat offender" means any child charged with the
127 commission of any felony if such child has previously been convicted
128 delinquent at any age for two violations of any provision of title 21a,
129 29, 53 or 53a that is designated as a felony; (15) "alcohol-dependent
130 child" means any child who has a psychoactive substance dependence
131 on alcohol as that condition is defined in the most recent edition of the
132 American Psychiatric Association's "Diagnostic and Statistical Manual
133 of Mental Disorders"; and (16) "drug-dependent child" means any
134 child who has a psychoactive substance dependence on drugs as that
135 condition is defined in the most recent edition of the American
136 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
137 Disorders". No child shall be classified as drug dependent who is
138 dependent (A) upon a morphine-type substance as an incident to
139 current medical treatment of a demonstrable physical disorder other
140 than drug dependence, or (B) upon amphetamine-type, ataractic,
141 barbiturate-type, hallucinogenic or other stimulant and depressant
142 substances as an incident to current medical treatment of a
143 demonstrable physical or psychological disorder, or both, other than
144 drug dependence.

145 Sec. 5. Section 46b-120 of the general statutes, as amended by section

146 73 of public act 07-4 of the June special session and section 4 of this act,
147 is repealed and the following is substituted in lieu thereof (*Effective*
148 *January 1, 2010*):

149 The terms used in this chapter shall, in its interpretation and in the
150 interpretation of other statutes, be defined as follows: (1) "Child"
151 means any person under sixteen years of age, except that for purposes
152 of delinquency matters and proceedings, "child" means any person (A)
153 under eighteen years of age, or (B) eighteen years of age or older who,
154 prior to attaining eighteen years of age, has committed a delinquent act
155 and, subsequent to attaining eighteen years of age, violates any order
156 of the Superior Court or any condition of probation ordered by the
157 Superior Court with respect to such delinquency proceeding; (2)
158 "youth" means any person sixteen or seventeen years of age; (3)
159 "abused" means that a child or youth (A) has been inflicted with
160 physical injury or injuries other than by accidental means, (B) has
161 injuries that are at variance with the history given of them, or (C) is in
162 a condition that is the result of maltreatment, including, but not
163 limited to, malnutrition, sexual molestation or exploitation,
164 deprivation of necessities, emotional maltreatment or cruel
165 punishment; (4) a child may be found "mentally deficient" who, by
166 reason of a deficiency of intelligence that has existed from birth or
167 from early age, requires, or will require, for such child's protection or
168 for the protection of others, special care, supervision and control; (5) a
169 child may be convicted as "delinquent" who has violated (A) any
170 federal or state law, other than the commission of (i) an infraction or
171 violation by a youth under subsection (b) of section 51-164n, or (ii) a
172 motor vehicle violation by a youth for which a sentence to a term of
173 imprisonment may be imposed, (B) any order of the Superior Court,
174 except as provided in section 46b-148, or (C) conditions of probation as
175 ordered by the court; (6) a child or youth may be found "dependent"
176 whose home is a suitable one for the child or youth, except for the
177 financial inability of the child's or youth's parents, parent or guardian,
178 or other person maintaining such home, to provide the specialized care
179 the condition of the child or youth requires; (7) "family with service

180 needs" means a family that includes a child or youth who (A) has
181 without just cause run away from the parental home or other properly
182 authorized and lawful place of abode, (B) is beyond the control of the
183 child's or youth's parent, parents, guardian or other custodian, (C) has
184 engaged in indecent or immoral conduct, (D) is a truant or habitual
185 truant or who, while in school, has been continuously and overtly
186 defiant of school rules and regulations, or (E) is thirteen years of age or
187 older and has engaged in sexual intercourse with another person and
188 such other person is thirteen years of age or older and not more than
189 two years older or younger than such child or youth; (8) a child or
190 youth may be found "neglected" who (A) has been abandoned, (B) is
191 being denied proper care and attention, physically, educationally,
192 emotionally or morally, (C) is being permitted to live under conditions,
193 circumstances or associations injurious to the well-being of the child or
194 youth, or (D) has been abused; (9) a child or youth may be found
195 "uncared for" who is homeless or whose home cannot provide the
196 specialized care that the physical, emotional or mental condition of the
197 child or youth requires. For the purposes of this section, the treatment
198 of any child or youth by an accredited Christian Science practitioner, in
199 lieu of treatment by a licensed practitioner of the healing arts, shall not
200 of itself constitute neglect or maltreatment; (10) "delinquent act" means
201 the violation of any federal or state law, or the violation of any order of
202 the Superior Court, other than the commission of (A) an infraction or
203 violation by a youth under subsection (b) of section 51-164n, or (B) a
204 motor vehicle violation by a youth for which a sentence to a term of
205 imprisonment may be imposed; (11) "serious juvenile offense" means
206 (A) the violation of, including attempt or conspiracy to violate, (i)
207 section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,
208 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-56a, inclusive,
209 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86,
210 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, as amended by this act,
211 [53a-102a, 53a-103a] or 53a-111 to 53a-113, inclusive, subdivision (1) of
212 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of
213 section 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c,

214 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,
215 53a-216 or 53a-217b, by a child, or (ii) section 53a-56b or 53a-57 by a
216 child under sixteen years of age, or (B) running away, without just
217 cause, from any secure placement other than home while referred as a
218 delinquent child to the Court Support Services Division or committed
219 as a delinquent child to the Commissioner of Children and Families for
220 a serious juvenile offense; (12) "serious juvenile offender" means any
221 child convicted as delinquent for the commission of a serious juvenile
222 offense; (13) "serious juvenile repeat offender" means any child
223 charged with the commission of any felony if such child has
224 previously been convicted as delinquent or otherwise convicted at any
225 age for two violations of any provision of title 21a, 29, 53 or 53a that is
226 designated as a felony; (14) "alcohol-dependent" means a psychoactive
227 substance dependence on alcohol as that condition is defined in the
228 most recent edition of the American Psychiatric Association's
229 "Diagnostic and Statistical Manual of Mental Disorders"; and (15)
230 "drug-dependent" means a psychoactive substance dependence on
231 drugs as that condition is defined in the most recent edition of the
232 American Psychiatric Association's "Diagnostic and Statistical Manual
233 of Mental Disorders". No child shall be classified as drug dependent
234 who is dependent (A) upon a morphine-type substance as an incident
235 to current medical treatment of a demonstrable physical disorder other
236 than drug dependence, or (B) upon amphetamine-type, ataractic,
237 barbiturate-type, hallucinogenic or other stimulant and depressant
238 substances as an incident to current medical treatment of a
239 demonstrable physical or psychological disorder, or both, other than
240 drug dependence.

241 Sec. 6. Section 53a-16a of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective October 1, 2009*):

243 In any prosecution for an offense under section 53a-55a, 53a-56a,
244 53a-60a, 53a-92a [,] or 53a-94a, [53a-102a or 53a-103a,] it shall be an
245 affirmative defense that the pistol, revolver, rifle, shotgun, machine
246 gun or other firearm was not a weapon from which a shot could be

247 discharged, but it shall not be an affirmative defense to any
248 prosecution under section 53a-55, 53a-56, 53a-60, 53a-92, 53a-94, 53a-
249 102, as amended by this act, or 53a-103.

250 Sec. 7. Section 53a-16b of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective October 1, 2009*):

252 In any prosecution for an offense under section 53a-55a, 53a-56a,
253 53a-60a, 53a-92a [,] or 53a-94a, [53a-102a or 53a-103a] in which the
254 defendant was not the only participant, it shall be an affirmative
255 defense that the defendant: (1) Was not armed with a pistol, revolver,
256 machine gun, shotgun, rifle or other firearm, and (2) had no reasonable
257 ground to believe that any other participant was armed with such a
258 weapon.

259 Sec. 8. Subsection (d) of section 53a-35 of the general statutes is
260 repealed and the following is substituted in lieu thereof (*Effective*
261 *October 1, 2009*):

262 (d) Notwithstanding the provisions of subsections (a) and (c), except
263 as provided in subdivision (2) of said subsection (c), when a person is
264 sentenced for a class C or D felony or for an unclassified felony, the
265 maximum sentence for which does not exceed ten years, the court may
266 impose a definite sentence of imprisonment and fix a term of one year
267 or less; except when a person is found guilty under sections 53a-55a,
268 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a [,] and 53a-94a, [53a-102a
269 and 53a-103a,] the court shall not fix a term of less than one year.

270 Sec. 9. Section 53a-40d of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective October 1, 2009*):

272 (a) A persistent offender of crimes involving assault, stalking,
273 trespass, threatening, harassment, criminal violation of a protective
274 order or criminal violation of a restraining order is a person who (1)
275 stands convicted of assault under section 53a-61, stalking under section
276 53a-181d, threatening under section 53a-62, harassment under section

277 53a-183, criminal violation of a protective order under section 53a-223,
278 criminal violation of a restraining order under section 53a-223b or
279 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
280 the five years preceding the commission of the present crime, been
281 convicted of a capital felony, a class A felony, a class B felony, except a
282 conviction under section 53a-86 or 53a-122, a class C felony, except a
283 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony
284 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,
285 53a-103, [53a-103a,] 53a-114, 53a-136 or 53a-216, assault under section
286 53a-61, stalking under section 53a-181d, threatening under section 53a-
287 62, harassment under section 53a-183, criminal violation of a protective
288 order under section 53a-223, criminal violation of a restraining order
289 under section 53a-223b, or criminal trespass under section 53a-107 or
290 53a-108 or has been released from incarceration with respect to such
291 conviction, whichever is later.

292 (b) When any person has been found to be a persistent offender of
293 crimes involving assault, stalking, trespass, threatening, harassment,
294 criminal violation of a protective order or criminal violation of a
295 restraining order, the court shall, in lieu of imposing the sentence
296 authorized for the crime under section 53a-36 or section 53a-35a, as
297 applicable, impose the sentence of imprisonment authorized by said
298 section 53a-36 or section 53a-35a for the next more serious degree of
299 misdemeanor or felony, except that if the crime is a class A
300 misdemeanor the court shall impose the sentence of imprisonment for
301 a class D felony, as authorized by section 53a-35a.

302 Sec. 10. Section 53a-182b of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective October 1, 2009*):

304 (a) A person is guilty of harassment in the first degree when, with
305 the intent to harass, annoy, alarm or terrorize another person, he
306 threatens to kill or physically injure that person or any other person,
307 and communicates such threat by telephone, or by telegraph, mail,
308 computer network, as defined in section 53a-250, or any other form of

309 written communication, in a manner likely to cause annoyance or
310 alarm and has been convicted of a capital felony, a class A felony, a
311 class B felony, except a conviction under section 53a-86 or 53a-122, a
312 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
313 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
314 72a, 53a-72b, 53a-95, 53a-103, [53a-103a,] 53a-114, 53a-136 or 53a-216.
315 For the purposes of this section, "convicted" means having a judgment
316 of conviction entered by a court of competent jurisdiction.

317 (b) For purposes of this section, such offense may be deemed to
318 have been committed either at the place where the telephone call was
319 made or where it was received.

320 (c) The court may order any person convicted under this section to
321 be examined by one or more psychiatrists.

322 (d) Harassment in the first degree is a class D felony.

323 Sec. 11. Section 53a-217d of the general statutes is repealed and the
324 following is substituted in lieu thereof (*Effective October 1, 2009*):

325 (a) A person is guilty of criminal possession of body armor when he
326 possesses body armor and has been (1) convicted of a capital felony, a
327 class A felony, except a conviction under section 53a-196a, a class B
328 felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a
329 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
330 153 or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
331 72a, 53a-72b, 53a-95, 53a-103, [53a-103a,] 53a-114, 53a-136 or 53a-216, or
332 (2) convicted as delinquent for the commission of a serious juvenile
333 offense, as defined in section 46b-120, as amended by this act.

334 (b) For the purposes of this section, "body armor" means any
335 material designed to be worn on the body and to provide bullet
336 penetration resistance and "convicted" means having a judgment of
337 conviction entered by a court of competent jurisdiction.

338 (c) Criminal possession of body armor is a class A misdemeanor.

339 Sec. 12. Subsection (b) of section 54-64a of the general statutes is
340 repealed and the following is substituted in lieu thereof (*Effective*
341 *October 1, 2009*):

342 (b) (1) When any arrested person charged with the commission of a
343 class A felony, a class B felony, except a violation of section 53a-86 or
344 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
345 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
346 inclusive, section 53a-72a, 53a-95, 53a-103, [53a-103a,] 53a-114, 53a-136
347 or 53a-216, or a family violence crime, as defined in section 46b-38a, is
348 presented before the Superior Court, said court shall, in bailable
349 offenses, promptly order the release of such person upon the first of
350 the following conditions of release found sufficient to reasonably
351 assure the appearance of the arrested person in court and that the
352 safety of any other person will not be endangered: (A) Upon such
353 person's execution of a written promise to appear without special
354 conditions, (B) upon such person's execution of a written promise to
355 appear with nonfinancial conditions, (C) upon such person's execution
356 of a bond without surety in no greater amount than necessary, (D)
357 upon such person's execution of a bond with surety in no greater
358 amount than necessary. In addition to or in conjunction with any of the
359 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
360 subdivision, the court may, when it has reason to believe that the
361 person is drug-dependent and where necessary, reasonable and
362 appropriate, order the person to submit to a urinalysis drug test and to
363 participate in a program of periodic drug testing and treatment. The
364 results of any such drug test shall not be admissible in any criminal
365 proceeding concerning such person.

366 (2) The court may, in determining what conditions of release will
367 reasonably assure the appearance of the arrested person in court and
368 that the safety of any other person will not be endangered, consider the
369 following factors: (A) The nature and circumstances of the offense, (B)
370 such person's record of previous convictions, (C) such person's past
371 record of appearance in court after being admitted to bail, (D) such

372 person's family ties, (E) such person's employment record, (F) such
373 person's financial resources, character and mental condition, (G) such
374 person's community ties, (H) the number and seriousness of charges
375 pending against the arrested person, (I) the weight of the evidence
376 against the arrested person, (J) the arrested person's history of
377 violence, (K) whether the arrested person has previously been
378 convicted of similar offenses while released on bond, and (L) the
379 likelihood based upon the expressed intention of the arrested person
380 that such person will commit another crime while released.

381 (3) When imposing conditions of release under this subsection, the
382 court shall state for the record any factors under subdivision (2) of this
383 subsection that it considered and the findings that it made as to the
384 danger, if any, that the arrested person might pose to the safety of any
385 other person upon the arrested person's release that caused the court
386 to impose the specific conditions of release that it imposed.

387 Sec. 13. Subsection (m) of section 10-145b of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective*
389 *October 1, 2009*):

390 (m) (1) The State Board of Education may revoke any certificate,
391 authorization or permit issued pursuant to sections 10-144o to 10-149,
392 inclusive, for any of the following reasons: (A) The holder of the
393 certificate, authorization or permit obtained such certificate,
394 authorization or permit through fraud or misrepresentation of a
395 material fact; (B) the holder has persistently neglected to perform the
396 duties for which the certificate, authorization or permit was granted;
397 (C) the holder is professionally unfit to perform the duties for which
398 the certificate, authorization or permit was granted; (D) the holder is
399 convicted in a court of law of a crime involving moral turpitude or of
400 any other crime of such nature that in the opinion of the board
401 continued holding of a certificate, authorization or permit by the
402 person would impair the standing of certificates, authorizations or
403 permits issued by the board; or (E) other due and sufficient cause. The

404 State Board of Education shall revoke any certificate, authorization or
405 permit issued pursuant to said sections if the holder is found to have
406 intentionally disclosed specific questions or answers to students or
407 otherwise improperly breached the security of any administration of a
408 state-wide examination pursuant to section 10-14n. In any revocation
409 proceeding pursuant to this section, the State Board of Education shall
410 have the burden of establishing the reason for such revocation by a
411 preponderance of the evidence. Revocation shall be in accordance with
412 procedures established by the State Board of Education pursuant to
413 chapter 54.

414 (2) When the Commissioner of Education is notified, pursuant to
415 section 10-149a or 17a-101i that a person holding a certificate,
416 authorization or permit issued by the State Board of Education under
417 the provisions of sections 10-144o to 10-149, inclusive, has been
418 convicted of (A) a capital felony, pursuant to section 53a-54b, (B) arson
419 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B
420 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a
421 crime involving an act of child abuse or neglect as described in section
422 46b-120, as amended by this act, or (F) a violation of section 53-21, 53-
423 37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99,
424 [53a-103a,] 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or
425 21a-278 or subsection (a) of section 21a-277, any certificate, permit or
426 authorization issued by the State Board of Education and held by such
427 person shall be deemed revoked and the commissioner shall notify
428 such person of such revocation, provided such person may request
429 reconsideration pursuant to regulations adopted by the State Board of
430 Education, in accordance with the provisions of chapter 54. As part of
431 such reconsideration process, the board shall make the initial
432 determination as to whether to uphold or overturn the revocation. The
433 commissioner shall make the final determination as to whether to
434 uphold or overturn the revocation.

435 (3) The State Board of Education may deny an application for a
436 certificate, authorization or permit for any of the following reasons: (A)

437 The applicant seeks to obtain a certificate, authorization or permit
438 through fraud or misrepresentation of a material fact; (B) the applicant
439 has been convicted in a court of law of a crime involving moral
440 turpitude or of any other crime of such nature that in the opinion of
441 the board issuance of a certificate, authorization or permit would
442 impair the standing of certificates, authorizations or permits issued by
443 the board; or (C) other due and sufficient cause. Any applicant denied
444 a certificate, authorization or permit shall be notified in writing of the
445 reasons for denial. Any applicant denied a certificate, authorization or
446 permit may request a review of such denial by the State Board of
447 Education.

448 Sec. 14. Section 10-145i of the general statutes is repealed and the
449 following is substituted in lieu thereof (*Effective October 1, 2009*):

450 Notwithstanding the provisions of sections 10-144o to 10-146b,
451 inclusive, and 10-149, the State Board of Education shall not issue or
452 reissue any certificate, authorization or permit pursuant to said
453 sections if (1) the applicant for such certificate, authorization or permit
454 has been convicted of any of the following: (A) A capital felony, as
455 defined in section 53a-54b; (B) arson murder, as defined in section 53a-
456 54d; (C) any class A felony; (D) any class B felony except a violation of
457 section 53a-122, 53a-252 or 53a-291; (E) a crime involving an act of
458 child abuse or neglect as described in section 46b-120, as amended by
459 this act; or (F) a violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-
460 71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99, [53a-103a,] 53a-181c, 53a-
461 191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of
462 subsection (a) of section 21a-277, and (2) the applicant completed
463 serving the sentence for such conviction within the five years
464 immediately preceding the date of the application.

465 Sec. 15. Sections 53a-102a and 53a-103a of the general statutes are
466 repealed. (*Effective October 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-100aa
Sec. 2	<i>October 1, 2009</i>	53a-101
Sec. 3	<i>October 1, 2009</i>	53a-102
Sec. 4	<i>October 1, 2009</i>	46b-120
Sec. 5	<i>January 1, 2010</i>	46b-120
Sec. 6	<i>October 1, 2009</i>	53a-16a
Sec. 7	<i>October 1, 2009</i>	53a-16b
Sec. 8	<i>October 1, 2009</i>	53a-35(d)
Sec. 9	<i>October 1, 2009</i>	53a-40d
Sec. 10	<i>October 1, 2009</i>	53a-182b
Sec. 11	<i>October 1, 2009</i>	53a-217d
Sec. 12	<i>October 1, 2009</i>	54-64a(b)
Sec. 13	<i>October 1, 2009</i>	10-145b(m)
Sec. 14	<i>October 1, 2009</i>	10-145i
Sec. 15	<i>October 1, 2009</i>	Repealer section

Statement of Purpose:

To create a more consistent penalty scheme for burglary by making entering a dwelling while a person is present in the dwelling first degree burglary, adding specific references to being armed with a firearm to the crimes of burglary in the first degree and home invasion, adding the element of unlawful entry of a building to the crime of burglary in the second degree and conforming changes.

[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.]