



General Assembly

**Amendment**

January Session, 2009

LCO No. 7986

**\*HB0657807986SRO\***

Offered by:  
SEN. DEBICELLA, 21<sup>st</sup> Dist.

To: House Bill No. 6578

File No. 726

Cal. No. 661

**"AN ACT CONCERNING THE PENALTY FOR A CAPITAL FELONY."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 53a-70a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) A person is guilty of aggravated sexual assault in the first degree  
6 when such person commits sexual assault in the first degree as  
7 provided in section 53a-70, and in the commission of such offense (1)  
8 such person uses or is armed with and threatens the use of or displays  
9 or represents by such person's words or conduct that such person  
10 possesses a deadly weapon, (2) with intent to disfigure the victim  
11 seriously and permanently, or to destroy, amputate or disable  
12 permanently a member or organ of the victim's body, such person  
13 causes such injury to such victim, (3) under circumstances evincing an  
14 extreme indifference to human life such person recklessly engages in

15 conduct which creates a risk of death to the victim, and thereby causes  
16 serious physical injury to such victim, or (4) such person is aided by  
17 two or more other persons actually present. No person shall be  
18 convicted of sexual assault in the first degree and aggravated sexual  
19 assault in the first degree upon the same transaction but such person  
20 may be charged and prosecuted for both such offenses upon the same  
21 information.

22 (b) Aggravated sexual assault in the first degree is a class B felony  
23 or, if the victim of the offense is under sixteen years of age, a class A  
24 felony. Any person found guilty under this section shall be sentenced  
25 to a term of imprisonment of which [~~five~~] ten years of the sentence  
26 imposed may not be suspended or reduced by the court, except that, if  
27 such person committed sexual assault in the first degree by violating  
28 subdivision (1) of subsection (a) of section 53a-70, and the victim of the  
29 offense is under sixteen years of age, twenty years of the sentence  
30 imposed may not be suspended or reduced by the court. Any person  
31 found guilty under this section shall be sentenced to a period of special  
32 parole pursuant to subsection (b) of section 53a-28 of at least five  
33 years."