



General Assembly

January Session, 2009

Amendment

LCO No. 7990

HB0657807990SRO

Offered by:
SEN. DEBICELLA, 21st 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 Section 53a-70 of the general statutes is repealed and the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 sexual assault in the first degree when such
6 person (1) compels another person to engage in sexual intercourse by
7 the use of force against such other person or a third person, or by the
8 threat of use of force against such other person or against a third
9 person which reasonably causes such person to fear physical injury to
10 such person or a third person, or (2) engages in sexual intercourse with
11 another person and such other person is under thirteen years of age
12 and the actor is more than two years older than such person, or (3)
13 commits sexual assault in the second degree as provided in section
14 53a-71 and in the commission of such offense is aided by two or more
15 other persons actually present, or (4) engages in sexual intercourse

16 with another person and such other person is mentally incapacitated to
17 the extent that such other person is unable to consent to such sexual
18 intercourse.

19 (b) (1) Except as provided in subdivision (2) of this subsection,
20 sexual assault in the first degree is a class B felony for which [two] five
21 years of the sentence imposed may not be suspended or reduced by
22 the court or, if the victim of the offense is under ten years of age, for
23 which ten years of the sentence imposed may not be suspended or
24 reduced by the court.

25 (2) Sexual assault in the first degree is a class A felony if the offense
26 is a violation of subdivision (1) of subsection (a) of this section and the
27 victim of the offense is under sixteen years of age or the offense is a
28 violation of subdivision (2) of subsection (a) of this section. Any person
29 found guilty under said subdivision (1) or (2) shall be sentenced to a
30 term of imprisonment of which ten years of the sentence imposed may
31 not be suspended or reduced by the court if the victim is under ten
32 years of age or of which five years of the sentence imposed may not be
33 suspended or reduced by the court if the victim is under sixteen years
34 of age.

35 (3) Any person found guilty under this section shall be sentenced to
36 a term of imprisonment and a period of special parole pursuant to
37 subsection (b) of section 53a-28 which together constitute a sentence of
38 at least ten years."