



General Assembly

February Session, 2010

**Raised Bill No. 5253**

LCO No. 1205

\*01205\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES  
CONCERNING THE CRIMINAL JUSTICE SYSTEM.**

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

1 Section 1. Section 53a-172 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) A person is guilty of failure to appear in the first degree when (1)  
4 while charged with the commission of a felony and while out on bail  
5 or released under other procedure of law, [he] such person wilfully  
6 fails to appear when legally called according to the terms of [his] such  
7 person's bail bond or promise to appear, or (2) while on probation for  
8 conviction of a felony, [he] such person wilfully fails to appear when  
9 legally called for [a violation of probation hearing] any court hearing  
10 relating to a violation of such probation.

11 (b) Failure to appear in the first degree is a class D felony.

12 Sec. 2. Section 53a-173 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective October 1, 2010*):

14 (a) A person is guilty of failure to appear in the second degree when  
15 (1) while charged with the commission of a misdemeanor or a motor  
16 vehicle violation for which a sentence to a term of imprisonment may  
17 be imposed and while out on bail or released under other procedure of  
18 law, [he] such person wilfully fails to appear when legally called  
19 according to the terms of [his] such person's bail bond or promise to  
20 appear, or (2) while on probation for conviction of a misdemeanor or  
21 motor vehicle violation, [he] such person wilfully fails to appear when  
22 legally called for [a violation of probation hearing] any court hearing  
23 relating to a violation of such probation.

24 (b) Failure to appear in the second degree is a class A misdemeanor.

25 Sec. 3. Subsection (b) of section 53a-70 of the general statutes is  
26 repealed and the following is substituted in lieu thereof (*Effective*  
27 *October 1, 2010*):

28 (b) (1) Except as provided in subdivision (2) of this subsection,  
29 sexual assault in the first degree is a class B felony for which two years  
30 of the sentence imposed may not be suspended or reduced by the  
31 court or, if the victim of the offense is under ten years of age, for which  
32 ten years of the sentence imposed may not be suspended or reduced  
33 by the court.

34 (2) Sexual assault in the first degree is a class A felony if the offense  
35 is a violation of subdivision (1) of subsection (a) of this section and the  
36 victim of the offense is under sixteen years of age or the offense is a  
37 violation of subdivision (2) of subsection (a) of this section. Any person  
38 found guilty under said subdivision (1) or (2) shall be sentenced to a  
39 term of imprisonment of which ten years of the sentence imposed may  
40 not be suspended or reduced by the court if the victim is under ten  
41 years of age or of which five years of the sentence imposed may not be  
42 suspended or reduced by the court if the victim is under sixteen years  
43 of age.

44 (3) Any person found guilty under this section shall be sentenced to

45 a term of imprisonment and a period of special parole pursuant to  
46 subsection (b) of section 53a-28 which together constitute a sentence of  
47 at least ten years.

48 (4) Notwithstanding the provisions of this subsection concerning the  
49 imposition of a mandatory minimum sentence, the court may suspend  
50 the execution of such mandatory minimum sentence if at the time of  
51 the commission of the offense (A) such person was under eighteen  
52 years of age, or (B) such person's mental capacity was significantly  
53 impaired but not so impaired as to constitute a defense to prosecution.

54 Sec. 4. Section 51-237 of the general statutes is repealed and the  
55 following is substituted in lieu thereof (*Effective October 1, 2010*):

56 Each juror, duly chosen, drawn and summoned, who fails to appear  
57 shall [have committed an infraction] be subject to a civil penalty, the  
58 amount of which shall be established by the judges of the Superior  
59 Court, but the court may excuse [him] such juror from the payment  
60 thereof. If a sufficient number of the jurors summoned do not appear,  
61 or if for any cause there is not a sufficient number of jurors to make up  
62 the panel, the court may order such number of persons who qualify for  
63 jury service under section 51-217 to be summoned as may be  
64 necessary, as talesmen, and any talesman so summoned who makes  
65 default of appearance without sufficient cause shall [have committed  
66 an infraction] be subject to a civil penalty, the amount of which shall be  
67 established by the judges of the Superior Court. The provisions of this  
68 section shall be enforced by the Attorney General within available  
69 appropriations.

70 Sec. 5. Section 53a-137 of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective October 1, 2010*):

72 The following definitions are applicable to this part:

73 (1) "Written instrument" means any instrument or article containing  
74 written or printed matter or the equivalent thereof, used for the

75 purpose of reciting, embodying, conveying or recording information  
76 or constituting a symbol or evidence of value, right, privilege or  
77 identification, which is capable of being used to the advantage or  
78 disadvantage of some person.

79 (2) "Complete written instrument" means [one] a written instrument  
80 which purports to be a genuine written instrument fully drawn with  
81 respect to every essential feature thereof. An endorsement, attestation,  
82 acknowledgment or other similar signature or statement is deemed  
83 both a complete written instrument in itself and a part of the main  
84 instrument in which it is contained or to which it attaches.

85 (3) "Incomplete written instrument" means [one] a written  
86 instrument which contains some matter by way of content or  
87 authentication but which requires additional matter in order to render  
88 it a complete written instrument.

89 (4) A person "falsely makes" a written instrument when [he] (A)  
90 such person makes or draws a complete written instrument in its  
91 entirety, or an incomplete written instrument, which purports to be an  
92 authentic creation of its ostensible maker or drawer, but which is not  
93 such either because the ostensible maker or drawer is fictitious or  
94 because, if real, [he] the ostensible maker or drawer did not authorize  
95 the making or drawing thereof, or (B) such person signs his or her own  
96 name to a written instrument, thereby falsely and fraudulently  
97 representing that he or she has authority to sign in such capacity.

98 (5) A person "falsely completes" a written instrument when (A) such  
99 person, by adding, inserting or changing matter, [he] transforms an  
100 incomplete written instrument into a complete [one] written  
101 instrument, without the authority of [anyone] any person entitled to  
102 grant it, so that such complete written instrument appears or purports  
103 to be in all respects an authentic creation of or fully authorized by its  
104 ostensible maker or drawer, or (B) such person signs his or her own  
105 name to a written instrument, thereby falsely and fraudulently

106 representing that he or she has authority to sign in such capacity.

107 (6) A person "falsely alters" a written instrument when (A) such  
108 person, without the authority of [anyone] any person entitled to grant  
109 it, [he] changes a written instrument, whether it be in complete or  
110 incomplete form, by means of erasure, obliteration, deletion, insertion  
111 of new matter [,] or transposition of matter [,] or in any other manner,  
112 so that such instrument in its thus altered form appears or purports to  
113 be in all respects an authentic creation of or fully authorized by its  
114 ostensible maker or drawer, or (B) such person signs his or her own  
115 name to a written instrument, thereby falsely and fraudulently  
116 representing that he or she has authority to sign in such capacity.

117 (7) "Forged instrument" means a written instrument which has been  
118 falsely made, completed or altered.

119 Sec. 6. Subsection (b) of section 54-76l of the general statutes is  
120 repealed and the following is substituted in lieu thereof (*Effective*  
121 *October 1, 2010*):

122 (b) The records of any such youth, or any part thereof, may be  
123 disclosed to and between individuals and agencies, and employees of  
124 such agencies, providing services directly to the youth, including law  
125 enforcement officials, state and federal prosecutorial officials, school  
126 officials in accordance with section 10-233h, court officials, the Division  
127 of Criminal Justice, the Court Support Services Division and an  
128 advocate appointed pursuant to section 54-221 for a victim of a crime  
129 committed by the youth. Such records shall also be available to the  
130 attorney representing the youth, in any proceedings in which such  
131 records are relevant, to the parents or guardian of such youth, until  
132 such time as the youth reaches the age of majority or is emancipated,  
133 and to the youth upon his or her emancipation or attainment of the age  
134 of majority, provided proof of the identity of such youth is submitted  
135 in accordance with guidelines prescribed by the Chief Court  
136 Administrator. Such records shall also be available to members and

137 employees of the Board of Pardons and Paroles and employees of the  
138 Department of Correction who, in the performance of their duties,  
139 require access to such records, provided the subject of the record has  
140 been adjudged a youthful offender and sentenced to a term of  
141 imprisonment or been convicted of a crime in the regular criminal  
142 docket of the Superior Court, and such records are relevant to the  
143 performance of a risk and needs assessment of such person while such  
144 person is incarcerated, the determination of such person's suitability  
145 for release from incarceration or for a pardon, or the determination of  
146 the supervision and treatment needs of such person while on parole or  
147 other supervised release. Such records shall also be available to law  
148 enforcement officials and prosecutorial officials conducting legitimate  
149 criminal investigations. Such records disclosed pursuant to this  
150 subsection shall not be further disclosed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	53a-172
Sec. 2	<i>October 1, 2010</i>	53a-173
Sec. 3	<i>October 1, 2010</i>	53a-70(b)
Sec. 4	<i>October 1, 2010</i>	51-237
Sec. 5	<i>October 1, 2010</i>	53a-137
Sec. 6	<i>October 1, 2010</i>	54-76l(b)

**Statement of Purpose:**

To revise the elements of the crime of failure to appear, to provide for judicial discretion in the sentencing of teenagers in certain sexual assault cases, to revise the penalty for failing to appear for jury duty and the agency responsible for enforcing such violation, to facilitate the investigation and prosecution of forgery and to make youthful offender records available to law enforcement and prosecutorial officials conducting criminal investigations.

*[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.]*