



General Assembly

January Session, 2011

**Raised Bill No. 1165**

LCO No. 4450

\*04450\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING CRIMINAL LIABILITY OF CORPORATIONS,  
OTHER LEGAL ENTITIES AND THEIR AGENTS.***

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

1 Section 1. Section 53a-11 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) A person shall be criminally liable for conduct constituting an  
4 offense which such person performs or causes to be performed in the  
5 name of or on behalf of a corporation or limited liability company to  
6 the same extent as if such conduct were performed in such person's  
7 own name or on such person's behalf.

8 (b) A person shall be criminally liable as provided in subsection (a)  
9 of this section or section 2 of this act, or shall be criminally liable for  
10 conduct performed in such person's own name or on such person's  
11 behalf, if:

12 (1) (A) The conduct which is an element of the offense occurs within  
13 this state, or (B) the result which is an element of the offense occurs  
14 within this state, except that this subparagraph shall not apply when

15 the result within this state is caused by conduct occurring outside this  
16 state which would not be a crime where the conduct occurred, unless  
17 the person intentionally or knowingly caused the result within this  
18 state;

19 (2) Conduct occurring outside this state is sufficient under the laws  
20 of this state to constitute an attempt to commit a crime within this  
21 state;

22 (3) Conduct occurring outside this state is sufficient under the laws  
23 of this state to constitute conspiracy to commit a crime within this  
24 state, and an overt act in pursuance of such conspiracy occurs within  
25 this state;

26 (4) Conduct occurring within this state establishes the element  
27 under subsection (a) of section 53a-8 of soliciting, requesting,  
28 commanding, importuning or intentionally aiding another person to  
29 engage in conduct which constitutes an offense in another jurisdiction  
30 and which is also an offense in this state;

31 (5) The offense consists of the omission to perform a legal duty  
32 imposed by the laws of this state with respect to domicile in this state,  
33 residence in this state, or the relationship to a person, thing or  
34 transaction in this state; or

35 (6) The offense is based on a provision of the general statutes, which  
36 expressly prohibits conduct outside this state, when such conduct  
37 bears a reasonable relationship to a legitimate interest of this state and  
38 the person knew or should have known that the person's conduct was  
39 likely to affect such interest of this state.

40 (c) For the purposes of this section, "this state" includes the land and  
41 water, and the air space above such land and water, with respect to  
42 which the state has jurisdiction to enact legislation.

43 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) As used in this section:

44 (1) "Agent" means a director, officer, employee or other person  
45 authorized to act on behalf of a corporation, a member of an  
46 unincorporated association or a partner in a partnership;

47 (2) "Corporation" means a public or private corporation, a limited  
48 liability company, an unincorporated association or a partnership.  
49 "Corporation" does not include a government or a governmental  
50 instrumentality; and

51 (3) "High managerial agent" means an agent of a corporation having  
52 duties of such responsibility that the agent's conduct may fairly be  
53 assumed to represent the policy of the corporation.

54 (b) A corporation may be convicted of a crime if:

55 (1) The crime is established in the general statutes and (A) the court  
56 determines that the legislative intent of the crime is to impose liability  
57 on a corporation, or (B) the statute designates the agents for whose  
58 conduct the corporation is accountable or the circumstances under  
59 which the corporation is accountable;

60 (2) The conduct is performed by an agent of the corporation on  
61 behalf of the corporation, within the scope of the agent's office or  
62 employment;

63 (3) The commission of the crime consists of an omission to discharge  
64 a specific duty to perform imposed on the corporation by law; or

65 (4) The commission of the crime was authorized, requested,  
66 commanded, performed or recklessly tolerated by the board of  
67 directors of the corporation, or by a high managerial agent acting on  
68 behalf of the corporation within the scope of the high managerial  
69 agent's office or employment.

70 (c) Whenever a duty to act is imposed by law on a corporation, any  
71 agent of the corporation having primary responsibility for the  
72 discharge of such duty shall be legally accountable for a reckless

73 omission to act to the same extent as if such duty were imposed by law  
74 directly on such agent.

75 (d) In any prosecution under this section, it shall be an affirmative  
76 defense that the defendant exercised due diligence to prevent the  
77 commission of the crime.

78 (e) Any agent, high managerial agent or corporation convicted of a  
79 crime pursuant to this section shall be subject to the penalty applicable  
80 when an individual commits such crime in such individual's capacity.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	53a-11
Sec. 2	<i>October 1, 2011</i>	New section

**Statement of Purpose:**

To clarify the criminal liability of corporations, limited liability companies, unincorporated associations, partnerships and individuals with respect to conduct which occurs within or outside of this state, in order to facilitate the prosecution of Medicaid fraud and other crimes.

*[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.]*