



General Assembly

**Amendment**

January Session, 2011

LCO No. 8710

**\*SB0095208710SD0\***

Offered by:

SEN. COLEMAN, 2<sup>nd</sup> Dist.

REP. FOX, 146<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

REP. MORRIS, 140<sup>th</sup> Dist.

To: Subst. Senate Bill No. 952

File No. 629

Cal. No. 387

**"AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 21a-278a of the general statutes  
4 is repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2011*):

6 (b) Any person who violates section 21a-277 or 21a-278 by  
7 manufacturing, distributing, selling, prescribing, dispensing,  
8 compounding, transporting with the intent to sell or dispense,  
9 possessing with the intent to sell or dispense, offering, giving or  
10 administering to another person any controlled substance in or on, or  
11 within one thousand five hundred feet of, the real property comprising

12 a public or private elementary or secondary school [, a public housing  
13 project] or a licensed child day care center, as defined in section 19a-77,  
14 that is identified as a child day care center by a sign posted in a  
15 conspicuous place shall be imprisoned for a term of three years, which  
16 shall not be suspended and shall be in addition and consecutive to any  
17 term of imprisonment imposed for violation of section 21a-277 or 21a-  
18 278. To constitute a violation of this subsection, an act of transporting  
19 or possessing a controlled substance shall be with intent to sell or  
20 dispense in or on, or within one thousand five hundred feet of, the real  
21 property comprising a public or private elementary or secondary  
22 school [, a public housing project] or a licensed child day care center,  
23 as defined in section 19a-77, that is identified as a child day care center  
24 by a sign posted in a conspicuous place. [For the purposes of this  
25 subsection, "public housing project" means dwelling accommodations  
26 operated as a state or federally subsidized multifamily housing project  
27 by a housing authority, nonprofit corporation or municipal developer,  
28 as defined in section 8-39, pursuant to chapter 128 or by the  
29 Connecticut Housing Authority pursuant to chapter 129.]

30 Sec. 2. Subsection (a) of section 53a-118 of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective July*  
32 *1, 2011*):

33 (a) The following definitions are applicable to this part: (1)  
34 "Property" means any money, personal property, real property, thing  
35 in action, evidence of debt or contract, or article of value of any kind.  
36 Commodities of a public utility nature such as gas, electricity, steam  
37 and water constitute property, but the supplying of such a commodity  
38 to premises from an outside source by means of wires, pipes, conduits  
39 or other equipment shall be deemed a rendition of a service rather than  
40 a sale or delivery of property. (2) "Obtain" includes, but is not limited  
41 to, the bringing about of a transfer or purported transfer of property or  
42 of a legal interest therein, whether to the obtainer or another. (3) To  
43 "deprive" another of property means (A) to withhold it or cause it to be  
44 withheld from him permanently or for so extended a period or under  
45 such circumstances that the major portion of its economic value or

46 benefit is lost to him, or (B) to dispose of the property in such manner  
47 or under such circumstances as to render it unlikely that an owner will  
48 recover such property. (4) To "appropriate" property of another to  
49 oneself or a third person means (A) to exercise control over it, or to aid  
50 a third person to exercise control over it, permanently or for so  
51 extended a period or under such circumstances as to acquire the major  
52 portion of its economic value or benefit, or (B) to dispose of the  
53 property for the benefit of oneself or a third person. (5) An "owner"  
54 means any person who has a right to possession superior to that of a  
55 taker, obtainer or withholder. (6) To "receive" means to acquire  
56 possession, control or title, or to lend on the security of the property.  
57 (7) "Service" includes, but is not limited to, labor, professional service,  
58 public utility and transportation service, the supplying of hotel  
59 accommodations, restaurant services, entertainment, and the  
60 supplying of equipment for use, but does not include school  
61 accommodations provided by a school district to a child, emancipated  
62 minor or pupil eighteen years of age or older who was a homeless  
63 person, as defined in subdivision (3) of section 8-355, at the time of the  
64 offense. (8) "Check" means any check, draft or similar sight order for  
65 the payment of money which is not postdated with respect to the time  
66 of issuance. (9) "Drawer" of a check means a person whose name  
67 appears thereon as the primary obligor, whether the actual signature  
68 be that of himself or of a person purportedly authorized to draw the  
69 check in his behalf. (10) "Representative drawer" means a person who  
70 signs a check as drawer in a representative capacity or as agent of the  
71 person whose name appears thereon as the principal drawer or  
72 obligor. (11) A person "issues" a check when, as a drawer or  
73 representative drawer thereof, he delivers it or causes it to be delivered  
74 to a person who thereby acquires a right against the drawer with  
75 respect to such check. One who draws a check with intent that it be so  
76 delivered is deemed to have issued it if the delivery occurs. (12) A  
77 person "passes" a check when, being a payee, holder or bearer of a  
78 check which previously has been or purports to have been drawn and  
79 issued by another, he delivers it, for a purpose other than collection, to  
80 a third person who thereby acquires a right with respect thereto. (13)

81 "Funds" means money or credit. (14) A drawer has "insufficient funds"  
 82 with a drawee to cover a check when he has no funds or account  
 83 whatever, or funds in an amount less than that of the check; and a  
 84 check dishonored for "no account" shall also be deemed to have been  
 85 dishonored for "insufficient funds". (15) "Credit" means an  
 86 arrangement or understanding with a bank or depository for the  
 87 payment of a check, draft or order in full on presentation.

88 Sec. 3. (NEW) (*Effective July 1, 2011*) Any parent or guardian of a  
 89 child or any emancipated minor or pupil eighteen years of age or older  
 90 who knowingly makes a false written statement concerning the  
 91 residency of such child, minor or pupil with the intent to obtain school  
 92 accommodations from a school district when such child, minor or  
 93 pupil is not a resident of the school district and therefore not entitled  
 94 to school accommodations from such district shall be guilty of a class  
 95 A misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	21a-278a(b)
Sec. 2	<i>July 1, 2011</i>	53a-118(a)
Sec. 3	<i>July 1, 2011</i>	New section