



General Assembly

February Session, 2012

Raised Bill No. 280

LCO No. 1371

01371_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT REVISING THE PENALTY FOR CAPITAL FELONIES.

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

1 Section 1. Section 53a-54b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to crimes committed on or after said date*):

4 A person is guilty of [a capital felony] murder with special
5 circumstances who is convicted of any of the following: (1) Murder of a
6 member of the Division of State Police within the Department of
7 Emergency Services and Public Protection or of any local police
8 department, a chief inspector or inspector in the Division of Criminal
9 Justice, a state marshal who is exercising authority granted under any
10 provision of the general statutes, a judicial marshal in performance of
11 the duties of a judicial marshal, a constable who performs criminal law
12 enforcement duties, a special policeman appointed under section 29-
13 18, a conservation officer or special conservation officer appointed by
14 the Commissioner of Energy and Environmental Protection under the
15 provisions of section 26-5, an employee of the Department of
16 Correction or a person providing services on behalf of said department

17 when such employee or person is acting within the scope of such
18 employee's or person's employment or duties in a correctional
19 institution or facility and the actor is confined in such institution or
20 facility, or any firefighter, while such victim was acting within the
21 scope of such victim's duties; (2) murder committed by a defendant
22 who is hired to commit the same for pecuniary gain or murder
23 committed by one who is hired by the defendant to commit the same
24 for pecuniary gain; (3) murder committed by one who has previously
25 been convicted of intentional murder or of murder committed in the
26 course of commission of a felony; (4) murder committed by one who
27 was, at the time of commission of the murder, under sentence of life
28 imprisonment; (5) murder by a kidnapper of a kidnapped person
29 during the course of the kidnapping or before such person is able to
30 return or be returned to safety; (6) murder committed in the course of
31 the commission of sexual assault in the first degree; (7) murder of two
32 or more persons at the same time or in the course of a single
33 transaction; or (8) murder of a person under sixteen years of age.

34 Sec. 2. Section 53a-35a of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective from passage*):

36 For any felony committed on or after July 1, 1981, the sentence of
37 imprisonment shall be a definite sentence and, unless the section of the
38 general statutes that defines the crime specifically provides otherwise,
39 the term shall be fixed by the court as follows: (1) (A) For a capital
40 felony committed prior to the effective date of this section under
41 section 53a-54b in effect prior to the effective date of this section, a
42 term of life imprisonment without the possibility of release unless a
43 sentence of death is imposed in accordance with section 53a-46a, as
44 amended by this act, or (B) for the class A felony of murder with
45 special circumstances committed on or after the effective date of this
46 section under section 53a-54b in effect on or after the effective date of
47 this section, a term of life imprisonment without the possibility of
48 release; (2) for the class A felony of murder, a term not less than
49 twenty-five years nor more than life; (3) for the class A felony of

50 aggravated sexual assault of a minor under section 53a-70c, a term not
51 less than twenty-five years or more than fifty years; (4) for a class A
52 felony other than an offense specified in subdivision (2) or (3) of this
53 section, a term not less than ten years nor more than twenty-five years;
54 (5) for the class B felony of manslaughter in the first degree with a
55 firearm under section 53a-55a, a term not less than five years nor more
56 than forty years; (6) for a class B felony other than manslaughter in the
57 first degree with a firearm under section 53a-55a, a term not less than
58 one year nor more than twenty years; (7) for a class C felony, a term
59 not less than one year nor more than ten years; (8) for a class D felony,
60 a term not less than one year nor more than five years; and (9) for an
61 unclassified felony, a term in accordance with the sentence specified in
62 the section of the general statutes that defines the crime.

63 Sec. 3. Section 53a-35b of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective from passage*):

65 A sentence of [imprisonment for life shall mean] life imprisonment
66 means a definite sentence of sixty years, unless the sentence is life
67 imprisonment without the possibility of release, imposed pursuant to
68 [subsection (g) of section 53a-46a] subparagraph (A) or (B) of
69 subdivision (1) of section 53a-35a, as amended by this act, in which
70 case the sentence shall be imprisonment for the remainder of the
71 defendant's natural life.

72 Sec. 4. Subsection (a) of section 53a-45 of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective from*
74 *passage*):

75 (a) Murder is punishable as a class A felony in accordance with
76 subdivision (2) of section 53a-35a, as amended by this act, unless it is a
77 capital felony committed prior to the effective date of this section,
78 punishable in accordance with subparagraph (A) of subdivision (1) of
79 section 53a-35a, as amended by this act, murder with special
80 circumstances committed on or after the effective date of this section,
81 punishable as a class A felony in accordance with subparagraph (B) of

82 subdivision (1) of section 53a-35a, as amended by this act, or murder
83 under section 53a-54d.

84 Sec. 5. Subsection (a) of section 53a-46a of the general statutes is
85 repealed and the following is substituted in lieu thereof (*Effective from*
86 *passage*):

87 (a) A person shall be subjected to the penalty of death for a capital
88 felony committed prior to the effective date of this section under
89 section 53a-54b in effect prior to the effective date of this section only if
90 a hearing is held in accordance with the provisions of this section.

91 Sec. 6. Subsection (a) of section 53a-46b of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective from*
93 *passage*):

94 (a) Any sentence of death imposed in accordance with the
95 provisions of section 53a-46a, as amended by this act, shall be
96 reviewed by the Supreme Court pursuant to its rules. In addition to its
97 authority to correct errors at trial, the Supreme Court shall either
98 affirm the sentence of death or vacate said sentence and remand for
99 imposition of a sentence in accordance with subparagraph (A) of
100 subdivision (1) of section 53a-35a, as amended by this act.

101 Sec. 7. Subsection (c) of section 53a-54a of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective from*
103 *passage*):

104 (c) Murder is punishable as a class A felony in accordance with
105 subdivision (2) of section 53a-35a, as amended by this act, unless it is a
106 capital felony committed prior to the effective date of this section,
107 punishable in accordance with subparagraph (A) of subdivision (1) of
108 section 53a-35a, as amended by this act, murder with special
109 circumstances committed on or after the effective date of this section,
110 punishable as a class A felony in accordance with subparagraph (B) of
111 subdivision (1) of section 53a-35a, as amended by this act, or murder

112 under section 53a-54d.

113 Sec. 8. Subdivision (2) of subsection (j) of section 10-145b of the 2012
114 supplement to the general statutes is repealed and the following is
115 substituted in lieu thereof (*Effective from passage*):

116 (2) When the Commissioner of Education is notified, pursuant to
117 section 10-149a or 17a-101i, that a person holding a certificate,
118 authorization or permit issued by the State Board of Education under
119 the provisions of sections 10-144o to 10-149, inclusive, has been
120 convicted of (A) a capital felony, pursuant to section 53a-54b in effect
121 prior to the effective date of this section, (B) arson murder, pursuant to
122 section 53a-54d, (C) a class A felony, (D) a class B felony, except a
123 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
124 an act of child abuse or neglect as described in section 46b-120, or (F) a
125 violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-
126 72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-
127 196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section
128 21a-277, any certificate, permit or authorization issued by the State
129 Board of Education and held by such person shall be deemed revoked
130 and the commissioner shall notify such person of such revocation,
131 provided such person may request reconsideration pursuant to
132 regulations adopted by the State Board of Education, in accordance
133 with the provisions of chapter 54. As part of such reconsideration
134 process, the board shall make the initial determination as to whether to
135 uphold or overturn the revocation. The commissioner shall make the
136 final determination as to whether to uphold or overturn the
137 revocation.

138 Sec. 9. Section 10-145i of the 2012 supplement to the general statutes
139 is repealed and the following is substituted in lieu thereof (*Effective*
140 *from passage*):

141 Notwithstanding the provisions of sections 10-144o to 10-146b,
142 inclusive, and 10-149, the State Board of Education shall not issue or
143 reissue any certificate, authorization or permit pursuant to said

144 sections if (1) the applicant for such certificate, authorization or permit
145 has been convicted of any of the following: (A) A capital felony, as
146 defined in section 53a-54b in effect prior to the effective date of this
147 section; (B) arson murder, as defined in section 53a-54d; (C) any class
148 A felony; (D) any class B felony except a violation of section 53a-122,
149 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
150 neglect as described in section 46b-120; or (F) a violation of section 53-
151 21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88,
152 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216,
153 53a-217b or 21a-278 or a violation of subsection (a) of section 21a-277,
154 and (2) the applicant completed serving the sentence for such
155 conviction within the five years immediately preceding the date of the
156 application.

157 Sec. 10. Subsection (a) of section 46b-127 of the 2012 supplement to
158 the general statutes is repealed and the following is substituted in lieu
159 thereof (*Effective from passage*):

160 (a) The court shall automatically transfer from the docket for
161 juvenile matters to the regular criminal docket of the Superior Court
162 the case of any child charged with the commission of a capital felony
163 under section 53a-54b in effect prior to the effective date of this section,
164 a class A or B felony or a violation of section 53a-54d, provided such
165 offense was committed after such child attained the age of fourteen
166 years and counsel has been appointed for such child if such child is
167 indigent. Such counsel may appear with the child but shall not be
168 permitted to make any argument or file any motion in opposition to
169 the transfer. The child shall be arraigned in the regular criminal docket
170 of the Superior Court at the next court date following such transfer,
171 provided any proceedings held prior to the finalization of such transfer
172 shall be private and shall be conducted in such parts of the courthouse
173 or the building wherein court is located as shall be separate and apart
174 from the other parts of the court which are then being held for
175 proceedings pertaining to adults charged with crimes. The file of any
176 case so transferred shall remain sealed until the end of the tenth

177 working day following such arraignment unless the state's attorney
178 has filed a motion pursuant to this subsection, in which case such file
179 shall remain sealed until the court makes a decision on the motion. A
180 state's attorney may, not later than ten working days after such
181 arraignment, file a motion to transfer the case of any child charged
182 with the commission of a class B felony or a violation of subdivision (2)
183 of subsection (a) of section 53a-70 to the docket for juvenile matters for
184 proceedings in accordance with the provisions of this chapter. The
185 court sitting for the regular criminal docket shall, after hearing and not
186 later than ten working days after the filing of such motion, decide such
187 motion.

188 Sec. 11. Subsection (a) of section 46b-133 of the 2012 supplement to
189 the general statutes is repealed and the following is substituted in lieu
190 thereof (*Effective from passage*):

191 (a) Nothing in this part shall be construed as preventing the arrest of
192 a child, with or without a warrant, as may be provided by law, or as
193 preventing the issuance of warrants by judges in the manner provided
194 by section 54-2a, as amended by this act, except that no child shall be
195 taken into custody on such process except on apprehension in the act,
196 or on speedy information, or in other cases when the use of such
197 process appears imperative. Whenever a child is arrested and charged
198 with a crime, such child may be required to submit to the taking of his
199 photograph, physical description and fingerprints. Notwithstanding
200 the provisions of section 46b-124, the name, photograph and custody
201 status of any child arrested for the commission of a capital felony
202 under section 53a-54b in effect prior to the effective date of this section
203 or class A felony may be disclosed to the public.

204 Sec. 12. Subsection (c) of section 51-36 of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective from*
206 *passage*):

207 (c) (1) In any case in which a person has been convicted of a felony,
208 other than a capital felony under section 53a-54b in effect prior to the

209 effective date of this section or murder with special circumstances
210 under section 53a-54b, as amended by this act, in effect on or after the
211 effective date of this section, the official records of evidence or judicial
212 proceedings in the court may be destroyed upon the expiration of
213 twenty years from the date of imposition of the sentence in such case
214 or upon the expiration of the sentence imposed upon such person,
215 whichever is later.

216 (2) In any case in which a person has been convicted after trial of a
217 capital felony under section 53a-54b in effect prior to the effective date
218 of this section or murder with special circumstances under section 53a-
219 54b, as amended by this act, in effect on or after the effective date of
220 this section, the official records of evidence or judicial proceedings in
221 the court may be destroyed upon the expiration of seventy-five years
222 from the date of imposition of the sentence in such case.

223 (3) In any case in which a person has been found not guilty, or in
224 any case that has been dismissed or was not prosecuted, the court may
225 order the destruction or disposal of all exhibits entered in such case
226 upon the expiration of ninety days from the date of final disposition of
227 such case, unless a prior disposition of such exhibits has been ordered
228 pursuant to section 54-36a. In any case in which a nolle has been
229 entered, the court may order the destruction or disposal of all exhibits
230 entered in such case upon the expiration of thirteen months from the
231 date of final disposition of such case. Not less than thirty days prior to
232 the scheduled destruction or disposal of exhibits under this
233 subdivision, the clerk of the court shall send notice to all parties and
234 any party may request a hearing on the issue of such destruction or
235 disposal before the court in which the matter is pending.

236 (4) In any case in which a person has been convicted of a
237 misdemeanor or has been adjudicated a youthful offender, the court
238 may order the destruction or disposal of all exhibits entered in such
239 case upon the expiration of ten years from the date of imposition of the
240 sentence in such case or upon the expiration of the sentence imposed

241 on such person, whichever is later, unless a prior disposition of such
242 exhibits has been ordered pursuant to section 54-36a. Not less than
243 thirty days prior to the scheduled destruction or disposal of exhibits
244 under this subdivision, the clerk of the court shall send notice to all
245 parties and any party may request a hearing on the issue of such
246 destruction or disposal before the court in which the matter is pending.

247 (5) In any case in which a person is charged with multiple offenses,
248 no destruction or disposal of exhibits may be ordered under this
249 subsection until the longest applicable retention period under this
250 subsection has expired. The provisions of this subdivision and
251 subdivisions (3), (4) and (6) of this subsection shall apply to any
252 criminal or motor vehicle case disposed of before, on or after October
253 1, 2006.

254 (6) The retention period for the official records of evidence and
255 exhibits in any habeas corpus proceeding, petition for a new trial or
256 other proceeding arising out of a criminal case in which a person has
257 been convicted shall be the same as the applicable retention period
258 under this subsection for the criminal case from which such
259 proceeding or petition arose.

260 (7) For the purposes of this subsection, "sentence" includes any
261 period of incarceration, parole, special parole or probation.

262 Sec. 13. Subsection (b) of section 51-199 of the general statutes is
263 repealed and the following is substituted in lieu thereof (*Effective from*
264 *passage*):

265 (b) The following matters shall be taken directly to the Supreme
266 Court: (1) Any matter brought pursuant to the original jurisdiction of
267 the Supreme Court under section 2 of article sixteen of the
268 amendments to the Constitution; (2) an appeal in any matter where the
269 Superior Court declares invalid a state statute or a provision of the
270 state Constitution; (3) an appeal in any criminal action involving a
271 conviction for a capital felony under section 53a-54b in effect prior to

272 the effective date of this section, class A felony [,] or any other felony,
273 including any persistent offender status, for which the maximum
274 sentence which may be imposed exceeds twenty years; (4) review of a
275 sentence of death pursuant to section 53a-46b, as amended by this act;
276 (5) any election or primary dispute brought to the Supreme Court
277 pursuant to section 9-323 or 9-325; (6) an appeal of any reprimand or
278 censure of a probate judge pursuant to section 45a-65; (7) any matter
279 regarding judicial removal or suspension pursuant to section 51-51j; (8)
280 an appeal of any decision of the Judicial Review Council pursuant to
281 section 51-51r; (9) any matter brought to the Supreme Court pursuant
282 to section 52-265a; (10) writs of error; and (11) any other matter as
283 provided by law.

284 Sec. 14. Section 51-246 of the general statutes is repealed and the
285 following is substituted in lieu thereof (*Effective from passage*):

286 In the trial of any [capital case or any case involving imprisonment
287 for life] case involving a crime punishable by death, life imprisonment
288 without the possibility of release or life imprisonment, the court may,
289 in its discretion, require the jury to remain together in the charge of
290 judicial marshals during the trial and until the jury is discharged by
291 the court from further consideration of the case.

292 Sec. 15. Section 51-286c of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective from passage*):

294 The state's attorney for any judicial district may employ one or more
295 detectives to investigate for the purpose of discovering the
296 perpetrators of any crime committed within this state, whenever the
297 penalty for such crime is capital punishment, [or imprisonment in the
298 Connecticut Correctional Institution, Somers] life imprisonment
299 without the possibility of release or life imprisonment. The expenses
300 incurred in the employment of such detectives shall be paid from the
301 State Treasury on an order from the state's attorney employing them.

302 Sec. 16. Subdivision (1) of subsection (a) of section 52-434 of the

303 general statutes is repealed and the following is substituted in lieu
304 thereof (*Effective from passage*):

305 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
306 Court, each judge of the Superior Court and each judge of the Court of
307 Common Pleas who ceases or has ceased to hold office because of
308 retirement other than under the provisions of section 51-49 and who is
309 an elector and a resident of this state shall be a state referee for the
310 remainder of such judge's term of office as a judge and shall be eligible
311 for appointment as a state referee during the remainder of such judge's
312 life in the manner prescribed by law for the appointment of a judge of
313 the court of which such judge is a member. The Superior Court may
314 refer any civil, nonjury case or with the written consent of the parties
315 or their attorneys, any civil jury case pending before the court in which
316 the issues have been closed to a judge trial referee who shall have and
317 exercise the powers of the Superior Court in respect to trial, judgment
318 and appeal in the case, and any proceeding resulting from a demand
319 for a trial de novo pursuant to subsection (e) of section 52-549z may be
320 referred without the consent of the parties to a judge trial referee who
321 has been specifically designated to hear such proceedings pursuant to
322 subsection (b) of this section. The Superior Court may, with the
323 consent of the parties or their attorneys, refer any criminal case to a
324 judge trial referee who shall have and exercise the powers of the
325 Superior Court in respect to trial, judgment, sentencing and appeal in
326 the case, except that the Superior Court may, without the consent of
327 the parties or their attorneys, (A) refer any criminal case, other than a
328 criminal jury trial, to a judge trial referee assigned to a geographical
329 area criminal court session, and (B) refer any criminal case, other than
330 a class A or B felony or capital felony under section 53a-54b in effect
331 prior to the effective date of this section, to a judge trial referee to
332 preside over the jury selection process and any voir dire examination
333 conducted in such case, unless good cause is shown not to refer.

334 Sec. 17. Subsection (b) of section 53a-25 of the general statutes is
335 repealed and the following is substituted in lieu thereof (*Effective from*

336 *passage*):

337 (b) Felonies are classified for the purposes of sentence as follows: (1)
338 Class A, (2) class B, (3) class C, (4) class D, (5) unclassified and (6)
339 capital felonies under section 53a-54b in effect prior to the effective
340 date of this section.

341 Sec. 18. Subsection (a) of section 53a-30 of the general statutes is
342 repealed and the following is substituted in lieu thereof (*Effective from*
343 *passage*):

344 (a) When imposing sentence of probation or conditional discharge,
345 the court may, as a condition of the sentence, order that the defendant:
346 (1) Work faithfully at a suitable employment or faithfully pursue a
347 course of study or of vocational training that will equip the defendant
348 for suitable employment; (2) undergo medical or psychiatric treatment
349 and remain in a specified institution, when required for that purpose;
350 (3) support the defendant's dependents and meet other family
351 obligations; (4) make restitution of the fruits of the defendant's offense
352 or make restitution, in an amount the defendant can afford to pay or
353 provide in a suitable manner, for the loss or damage caused thereby
354 and the court may fix the amount thereof and the manner of
355 performance; (5) if a minor, (A) reside with the minor's parents or in a
356 suitable foster home, (B) attend school, and (C) contribute to the
357 minor's own support in any home or foster home; (6) post a bond or
358 other security for the performance of any or all conditions imposed; (7)
359 refrain from violating any criminal law of the United States, this state
360 or any other state; (8) if convicted of a misdemeanor or a felony, other
361 than a capital felony under section 53a-54b in effect prior to the
362 effective date of this section, a class A felony or a violation of section
363 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
364 any offense for which there is a mandatory minimum sentence which
365 may not be suspended or reduced by the court, and any sentence of
366 imprisonment is suspended, participate in an alternate incarceration
367 program; (9) reside in a residential community center or halfway

368 house approved by the Commissioner of Correction, and contribute to
 369 the cost incident to such residence; (10) participate in a program of
 370 community service labor in accordance with section 53a-39c; (11)
 371 participate in a program of community service in accordance with
 372 section 51-181c; (12) if convicted of a violation of subdivision (2) of
 373 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
 374 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
 375 if convicted of a criminal offense against a victim who is a minor, a
 376 nonviolent sexual offense or a sexually violent offense, as defined in
 377 section 54-250, or of a felony that the court finds was committed for a
 378 sexual purpose, as provided in section 54-254, register such person's
 379 identifying factors, as defined in section 54-250, with the
 380 Commissioner of Emergency Services and Public Protection when
 381 required pursuant to section 54-251, 54-252 or 54-253, as the case may
 382 be; (14) be subject to electronic monitoring, which may include the use
 383 of a global positioning system; (15) if convicted of a violation of section
 384 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias
 385 crime education program; (16) if convicted of a violation of section 53-
 386 247, undergo psychiatric or psychological counseling or participate in
 387 an animal cruelty prevention and education program provided such a
 388 program exists and is available to the defendant; or (17) satisfy any
 389 other conditions reasonably related to the defendant's rehabilitation.
 390 The court shall cause a copy of any such order to be delivered to the
 391 defendant and to the probation officer, if any.

392 Sec. 19. Subsection (a) of section 53a-39a of the general statutes is
 393 repealed and the following is substituted in lieu thereof (*Effective from*
 394 *passage*):

395 (a) In all cases where a defendant has been convicted of a
 396 misdemeanor or a felony, other than a capital felony under section 53a-
 397 54b in effect prior to the effective date of this section, a class A felony
 398 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
 399 57, 53a-58 or 53a-70b or any other offense for which there is a
 400 mandatory minimum sentence which may not be suspended or

401 reduced by the court, after trial or by a plea of guilty without trial, and
402 a term of imprisonment is part of a stated plea agreement or the
403 statutory penalty provides for a term of imprisonment, the court may,
404 in its discretion, order an assessment for placement in an alternate
405 incarceration program under contract with the Judicial Department. If
406 the Court Support Services Division recommends placement in an
407 alternate incarceration program, it shall also submit to the court a
408 proposed alternate incarceration plan. Upon completion of the
409 assessment, the court shall determine whether such defendant shall be
410 ordered to participate in such program as an alternative to
411 incarceration. If the court determines that the defendant shall
412 participate in such program, the court shall suspend any sentence of
413 imprisonment and shall make participation in the alternate
414 incarceration program a condition of probation as provided in section
415 53a-30, as amended by this act.

416 Sec. 20. Subsection (a) of section 53a-40d of the general statutes is
417 repealed and the following is substituted in lieu thereof (*Effective from*
418 *passage*):

419 (a) A persistent offender of crimes involving assault, stalking,
420 trespass, threatening, harassment, criminal violation of a protective
421 order or criminal violation of a restraining order is a person who (1)
422 stands convicted of assault under section 53a-61, stalking under section
423 53a-181d, threatening under section 53a-62, harassment under section
424 53a-183, criminal violation of a protective order under section 53a-223,
425 criminal violation of a restraining order under section 53a-223b or
426 criminal trespass under section 53a-107 or 53a-108, and (2) has, (A)
427 been convicted of a capital felony under section 53a-54b in effect prior
428 to the effective date of this section, a class A felony, a class B felony,
429 except a conviction under section 53a-86 or 53a-122, a class C felony,
430 except a conviction under section 53a-87, 53a-152 or 53a-153, or a class
431 D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b,
432 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under
433 section 53a-61, stalking under section 53a-181d, threatening under

434 section 53a-62, harassment under section 53a-183, criminal violation of
435 a protective order under section 53a-223, criminal violation of a
436 restraining order under section 53a-223b, or criminal trespass under
437 section 53a-107 or 53a-108, (B) been convicted in any other state of any
438 crime the essential elements of which are substantially the same as any
439 of the crimes enumerated in subparagraph (A) of this subdivision, or
440 (C) been released from incarceration with respect to such conviction.

441 Sec. 21. Section 53a-46d of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective from passage*):

443 A victim impact statement prepared with the assistance of a victim
444 advocate to be placed in court files in accordance with subdivision (2)
445 of subsection (a) of section 54-220 may be read in court prior to
446 imposition of sentence upon a defendant found guilty of a crime
447 punishable by death or life imprisonment without the possibility of
448 release.

449 Sec. 22. Subsection (a) of section 53a-182b of the general statutes is
450 repealed and the following is substituted in lieu thereof (*Effective from*
451 *passage*):

452 (a) A person is guilty of harassment in the first degree when, with
453 the intent to harass, annoy, alarm or terrorize another person, he
454 threatens to kill or physically injure that person or any other person,
455 and communicates such threat by telephone, or by telegraph, mail,
456 computer network, as defined in section 53a-250, or any other form of
457 written communication, in a manner likely to cause annoyance or
458 alarm and has been convicted of a capital felony under section 53a-54b
459 in effect prior to the effective date of this section, a class A felony, a
460 class B felony, except a conviction under section 53a-86 or 53a-122, a
461 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
462 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
463 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For
464 the purposes of this section, "convicted" means having a judgment of
465 conviction entered by a court of competent jurisdiction.

466 Sec. 23. Subsection (a) of section 53a-217d of the general statutes is
467 repealed and the following is substituted in lieu thereof (*Effective from*
468 *passage*):

469 (a) A person is guilty of criminal possession of body armor when he
470 possesses body armor and has been (1) convicted of a capital felony
471 under section 53a-54b in effect prior to the effective date of this section,
472 a class A felony, except a conviction under section 53a-196a, a class B
473 felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a
474 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
475 153 or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
476 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or
477 (2) convicted as delinquent for the commission of a serious juvenile
478 offense, as defined in section 46b-120.

479 Sec. 24. Subsection (b) of section 54-2a of the general statutes is
480 repealed and the following is substituted in lieu thereof (*Effective from*
481 *passage*):

482 (b) The court, judge or judge trial referee issuing a bench warrant
483 for the arrest of the person or persons complained against shall, in
484 cases punishable by death, life imprisonment without the possibility of
485 release or life imprisonment, set the conditions of release or indicate
486 that the person or persons named in the warrant shall not be entitled to
487 bail and may, in all other cases, set the conditions of release. The
488 conditions of release, if included in the warrant, shall fix the first of the
489 following conditions which the court, judge or judge trial referee finds
490 necessary to assure such person's appearance in court: (1) Written
491 promise to appear; (2) execution of a bond without surety in no greater
492 amount than necessary; or (3) execution of a bond with surety in no
493 greater amount than necessary.

494 Sec. 25. Subsection (a) of section 54-46a of the general statutes is
495 repealed and the following is substituted in lieu thereof (*Effective from*
496 *passage*):

497 (a) No person charged by the state, who has not been indicted by a
498 grand jury prior to May 26, 1983, shall be put to plea or held to trial for
499 any crime punishable by death, life imprisonment without the
500 possibility of release or life imprisonment unless the court at a
501 preliminary hearing determines there is probable cause to believe that
502 the offense charged has been committed and that the accused person
503 has committed it. The accused person may knowingly and voluntarily
504 waive such preliminary hearing to determine probable cause.

505 Sec. 26. Section 54-82 of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective from passage*):

507 (a) In any criminal case, prosecution or proceeding, the [party]
508 accused may, if [he] the accused so elects when called upon to plead,
509 be tried by the court instead of by the jury; and, in such case, the court
510 shall have jurisdiction to hear and try such case and render judgment
511 and sentence thereon.

512 (b) If the accused is charged with a crime punishable by death, [or
513 imprisonment for] life imprisonment without the possibility of release
514 or life imprisonment and elects to be tried by the court, the court shall
515 be composed of three judges to be designated by the Chief Court
516 Administrator, or [his] the Chief Court Administrator's designee, who
517 shall name one such judge to preside over the trial. Such judges, or a
518 majority of them, shall have power to decide all questions of law and
519 fact arising upon the trial and render judgment accordingly.

520 (c) If the [party] accused does not elect to be tried by the court, [he]
521 the accused shall be tried by a jury of six except that no person []
522 charged with an offense which is punishable by death, life
523 imprisonment without the possibility of release or life imprisonment,
524 shall be tried by a jury of less than twelve without [his] such person's
525 consent.

526 Sec. 27. Section 54-82g of the general statutes is repealed and the
527 following is substituted in lieu thereof (*Effective from passage*):

528 The accused may challenge peremptorily, in any criminal trial
529 before the Superior Court for any offense punishable by death or life
530 imprisonment without the possibility of release, twenty-five jurors; for
531 any offense punishable by [imprisonment for] life imprisonment,
532 fifteen jurors; for any offense the punishment for which may be
533 imprisonment for more than one year and for less than life, six jurors;
534 and for any other offense, three jurors. In any criminal trial in which
535 the accused is charged with more than one count on the information or
536 where there is more than one information, the number of challenges is
537 determined by the count carrying the highest maximum punishment.
538 The state, on the trial of any criminal prosecution, may challenge
539 peremptorily the same number of jurors as the accused.

540 Sec. 28. Subsection (a) of section 54-82h of the general statutes is
541 repealed and the following is substituted in lieu thereof (*Effective from*
542 *passage*):

543 (a) In any criminal prosecution to be tried to the jury in the Superior
544 Court if it appears to the court that the trial is likely to be protracted,
545 the court may, in its discretion, direct that, after a jury has been
546 selected, two or more additional jurors shall be added to the jury
547 panel, to be known as "alternate jurors". Such alternate jurors shall
548 have the same qualifications and be selected and subject to
549 examination and challenge in the same manner and to the same extent
550 as the jurors constituting the regular panel, provided, in any case when
551 the court directs the selection of alternate jurors, the number of
552 peremptory challenges allowed shall be as follows: In any criminal
553 prosecution the state and the accused may each peremptorily
554 challenge thirty jurors if the offense for which the accused is arraigned
555 is punishable by death or life imprisonment without the possibility of
556 release, eighteen jurors if the offense is punishable by life
557 imprisonment, eight jurors if the offense is punishable by
558 imprisonment for more than one year and for less than life, and four
559 jurors in any other case.

560 Sec. 29. Section 54-83 of the general statutes is repealed and the
561 following is substituted in lieu thereof (*Effective from passage*):

562 No person may be convicted of any crime punishable by death or
563 life imprisonment without the possibility of release without the
564 testimony of at least two witnesses, or that which is equivalent thereto.

565 Sec. 30. Subsection (a) of section 54-91a of the general statutes is
566 repealed and the following is substituted in lieu thereof (*Effective from*
567 *passage*):

568 (a) No defendant convicted of a crime, other than a capital felony
569 under section 53a-54b in effect prior to the effective date of this section
570 or murder with special circumstances under section 53a-54b, as
571 amended by this act, in effect on or after the effective date of this
572 section, the punishment for which may include imprisonment for more
573 than one year, may be sentenced, or the defendant's case otherwise
574 disposed of, until a written report of investigation by a probation
575 officer has been presented to and considered by the court, if the
576 defendant is so convicted for the first time in this state; but any court
577 may, in its discretion, order a presentence investigation for a defendant
578 convicted of any crime or offense other than a capital felony under
579 section 53a-54b in effect prior to the effective date of this section or
580 murder with special circumstances under section 53a-54b, as amended
581 by this act, in effect on or after the effective date of this section.

582 Sec. 31. Subsection (b) of section 54-102jj of the general statutes is
583 repealed and the following is substituted in lieu thereof (*Effective from*
584 *passage*):

585 (b) Upon the conviction of a person of a capital felony under section
586 53a-54b in effect prior to the effective date of this section or murder
587 with special circumstances under section 53a-54b, as amended by this
588 act, in effect on or after the effective date of this section or the
589 conviction of a person of a crime after trial, or upon order of the court
590 for good cause shown, the state police, all local police departments,

591 any agent of the state police or a local police department and any other
592 person to whom biological evidence has been transferred shall
593 preserve all biological evidence acquired during the course of the
594 investigation of such crime for the term of such person's incarceration.

595 Sec. 32. Subsection (b) of section 54-125a of the 2012 supplement to
596 the general statutes is repealed and the following is substituted in lieu
597 thereof (*Effective from passage*):

598 (b) (1) No person convicted of any of the following offenses, which
599 was committed on or after July 1, 1981, shall be eligible for parole
600 under subsection (a) of this section: (A) Capital felony, as provided in
601 section 53a-54b in effect prior to the effective date of this section, (B)
602 murder with special circumstances, as provided in section 53a-54b, as
603 amended by this act, in effect on or after the effective date of this
604 section, (C) felony murder, as provided in section 53a-54c, (D) arson
605 murder, as provided in section 53a-54d, (E) murder, as provided in
606 section 53a-54a, as amended by this act, or (F) aggravated sexual
607 assault in the first degree, as provided in section 53a-70a. (2) A person
608 convicted of (A) a violation of section 53a-100aa or 53a-102, or (B) an
609 offense, other than an offense specified in subdivision (1) of this
610 subsection, where the underlying facts and circumstances of the
611 offense involve the use, attempted use or threatened use of physical
612 force against another person shall be ineligible for parole under
613 subsection (a) of this section until such person has served not less than
614 eighty-five per cent of the definite sentence imposed less any risk
615 reduction credit earned under the provisions of section 18-98e.

616 Sec. 33. Subsection (d) of section 54-125d of the general statutes is
617 repealed and the following is substituted in lieu thereof (*Effective from*
618 *passage*):

619 (d) Notwithstanding any provision of the general statutes, a
620 sentencing court may refer any person convicted of an offense other
621 than a capital felony under section 53a-54b in effect prior to the
622 effective date of this section or a class A felony who is an alien to the

623 Board of Pardons and Paroles for deportation under this section.

624 Sec. 34. Section 54-131b of the general statutes is repealed and the
625 following is substituted in lieu thereof (*Effective from passage*):

626 The Board of Pardons and Paroles may release on medical parole
627 any inmate serving any sentence of imprisonment, except an inmate
628 convicted of a capital felony [as defined in] under section 53a-54b in
629 effect prior to the effective date of this section or murder with special
630 circumstances under section 53a-54b, as amended by this act, in effect
631 on or after the effective date of this section, who has been diagnosed
632 pursuant to section 54-131c as suffering from a terminal condition,
633 disease or syndrome, and is so debilitated or incapacitated by such
634 condition, disease or syndrome as to be physically incapable of
635 presenting a danger to society. Notwithstanding any provision of the
636 general statutes to the contrary, the Board of Pardons and Paroles may
637 release such inmate at any time during the term of [his] such inmate's
638 sentence.

639 Sec. 35. Subsection (a) of section 54-131k of the general statutes is
640 repealed and the following is substituted in lieu thereof (*Effective from*
641 *passage*):

642 (a) The Board of Pardons and Paroles may grant a compassionate
643 parole release to any inmate serving any sentence of imprisonment,
644 except an inmate convicted of a capital felony [, as defined in] under
645 section 53a-54b in effect prior to the effective date of this section or
646 murder with special circumstances under section 53a-54b, as amended
647 by this act, in effect on or after the effective date of this section, if it
648 finds that such inmate (1) is so physically or mentally debilitated,
649 incapacitated or infirm as a result of advanced age or as a result of a
650 condition, disease or syndrome that is not terminal as to be physically
651 incapable of presenting a danger to society, and (2) (A) has served not
652 less than one-half of such inmate's definite or aggregate sentence, or
653 (B) has served not less than one-half of such inmate's remaining
654 definite or aggregate sentence after commutation of the original

655 sentence by the Board of Pardons and Paroles.

656 Sec. 36. Subsection (a) of section 54-193 of the general statutes is
 657 repealed and the following is substituted in lieu thereof (*Effective from*
 658 *passage*):

659 (a) There shall be no limitation of time within which a person may
 660 be prosecuted for (1) a capital felony under section 53a-54b in effect
 661 prior to the effective date of this section, a class A felony or a violation
 662 of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or
 663 53a-166 in which such person renders criminal assistance to another
 664 person who has committed an offense set forth in subdivision (1) of
 665 this subsection, or (3) a violation of section 53a-156 committed during a
 666 proceeding that results in the conviction of another person
 667 subsequently determined to be actually innocent of the offense or
 668 offenses of which such other person was convicted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to crimes committed on or after said date</i>	53a-54b
Sec. 2	<i>from passage</i>	53a-35a
Sec. 3	<i>from passage</i>	53a-35b
Sec. 4	<i>from passage</i>	53a-45(a)
Sec. 5	<i>from passage</i>	53a-46a(a)
Sec. 6	<i>from passage</i>	53a-46b(a)
Sec. 7	<i>from passage</i>	53a-54a(c)
Sec. 8	<i>from passage</i>	10-145b(j)(2)
Sec. 9	<i>from passage</i>	10-145i
Sec. 10	<i>from passage</i>	46b-127(a)
Sec. 11	<i>from passage</i>	46b-133(a)
Sec. 12	<i>from passage</i>	51-36(c)
Sec. 13	<i>from passage</i>	51-199(b)
Sec. 14	<i>from passage</i>	51-246
Sec. 15	<i>from passage</i>	51-286c

Sec. 16	<i>from passage</i>	52-434(a)(1)
Sec. 17	<i>from passage</i>	53a-25(b)
Sec. 18	<i>from passage</i>	53a-30(a)
Sec. 19	<i>from passage</i>	53a-39a(a)
Sec. 20	<i>from passage</i>	53a-40d(a)
Sec. 21	<i>from passage</i>	53a-46d
Sec. 22	<i>from passage</i>	53a-182b(a)
Sec. 23	<i>from passage</i>	53a-217d(a)
Sec. 24	<i>from passage</i>	54-2a(b)
Sec. 25	<i>from passage</i>	54-46a(a)
Sec. 26	<i>from passage</i>	54-82
Sec. 27	<i>from passage</i>	54-82g
Sec. 28	<i>from passage</i>	54-82h(a)
Sec. 29	<i>from passage</i>	54-83
Sec. 30	<i>from passage</i>	54-91a(a)
Sec. 31	<i>from passage</i>	54-102jj(b)
Sec. 32	<i>from passage</i>	54-125a(b)
Sec. 33	<i>from passage</i>	54-125d(d)
Sec. 34	<i>from passage</i>	54-131b
Sec. 35	<i>from passage</i>	54-131k(a)
Sec. 36	<i>from passage</i>	54-193(a)

Statement of Purpose:

To replace the death penalty with a penalty of life imprisonment without the possibility of release for certain murders committed on or after the effective date of this act.

[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.]