



General Assembly

February Session, 2012

**Substitute Bill No. 280**

\*       SB00280JUD      032212      \*

**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 Section 53a-54b of the general statutes is repealed and the  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 the  
41 provisions of section 53a-54b in effect prior to the effective date of this  
42 section, a term of life imprisonment without the possibility of release  
43 unless a sentence of death is imposed in accordance with section 53a-  
44 46a, as amended by this act, or (B) for the class A felony of murder  
45 with special circumstances committed on or after the effective date of  
46 this section under the provisions of section 53a-54b in effect on or after  
47 the effective date of this section, a term of life imprisonment without  
48 the possibility of release; (2) for the class A felony of murder, a term  
49 not less than twenty-five years nor more than life; (3) for the class A  
50 felony of aggravated sexual assault of a minor under section 53a-70c, a  
51 term not less than twenty-five years or more than fifty years; (4) for a  
52 class A felony other than an offense specified in subdivision (2) or (3)  
53 of this section, a term not less than ten years nor more than twenty-five  
54 years; (5) for the class B felony of manslaughter in the first degree with  
55 a firearm under section 53a-55a, a term not less than five years nor

56 more than forty years; (6) for a class B felony other than manslaughter  
57 in the first degree with a firearm under section 53a-55a, a term not less  
58 than one year nor more than twenty years; (7) for a class C felony, a  
59 term not less than one year nor more than ten years; (8) for a class D  
60 felony, a term not less than one year nor more than five years; and (9)  
61 for an unclassified felony, a term in accordance with the sentence  
62 specified in 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 the  
89 provisions of section 53a-54b in effect prior to the effective date of this  
90 section only if a hearing is held in accordance with the provisions of  
91 this section.

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93 repealed and the following is substituted in lieu thereof (*Effective from*  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

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

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

105 (c) Murder is punishable as a class A felony in accordance with  
106 subdivision (2) of section 53a-35a, as amended by this act, unless it is a  
107 capital felony committed prior to the effective date of this section,  
108 punishable in accordance with subparagraph (A) of subdivision (1) of  
109 section 53a-35a, as amended by this act, murder with special  
110 circumstances committed on or after the effective date of this section,  
111 punishable as a class A felony in accordance with subparagraph (B) of  
112 subdivision (1) of section 53a-35a, as amended by this act, or murder  
113 under section 53a-54d.

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

117 (2) When the Commissioner of Education is notified, pursuant to

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

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

142 Notwithstanding the provisions of sections 10-144o to 10-146b,  
143 inclusive, and 10-149, the State Board of Education shall not issue or  
144 reissue any certificate, authorization or permit pursuant to said  
145 sections if (1) the applicant for such certificate, authorization or permit  
146 has been convicted of any of the following: (A) A capital felony, as  
147 defined [in] under the provisions of section 53a-54b in effect prior to  
148 the effective date of this section; (B) arson murder, as defined in section  
149 53a-54d; (C) any class A felony; (D) any class B felony except a  
150 violation of section 53a-122, 53a-252 or 53a-291; (E) a crime involving  
151 an act of child abuse or neglect as described in section 46b-120; or (F) a

152 violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-  
153 72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-  
154 196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of subsection  
155 (a) of section 21a-277, and (2) the applicant completed serving the  
156 sentence for such conviction within the five years immediately  
157 preceding the date of the application.

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

161 (a) The court shall automatically transfer from the docket for  
162 juvenile matters to the regular criminal docket of the Superior Court  
163 the case of any child charged with the commission of a capital felony  
164 under the provisions of section 53a-54b in effect prior to the effective  
165 date of this section, a class A or B felony or a violation of section 53a-  
166 54d, provided such offense was committed after such child attained  
167 the age of fourteen years and counsel has been appointed for such  
168 child if such child is indigent. Such counsel may appear with the child  
169 but shall not be permitted to make any argument or file any motion in  
170 opposition to the transfer. The child shall be arraigned in the regular  
171 criminal docket of the Superior Court at the next court date following  
172 such transfer, provided any proceedings held prior to the finalization  
173 of such transfer shall be private and shall be conducted in such parts of  
174 the courthouse or the building wherein court is located as shall be  
175 separate and apart from the other parts of the court which are then  
176 being held for proceedings pertaining to adults charged with crimes.  
177 The file of any case so transferred shall remain sealed until the end of  
178 the tenth working day following such arraignment unless the state's  
179 attorney has filed a motion pursuant to this subsection, in which case  
180 such file shall remain sealed until the court makes a decision on the  
181 motion. A state's attorney may, not later than ten working days after  
182 such arraignment, file a motion to transfer the case of any child  
183 charged with the commission of a class B felony or a violation of  
184 subdivision (2) of subsection (a) of section 53a-70 to the docket for  
185 juvenile matters for proceedings in accordance with the provisions of

186 this chapter. The court sitting for the regular criminal docket shall,  
187 after hearing and not later than ten working days after the filing of  
188 such motion, decide such motion.

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

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

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

208 (c) (1) In any case in which a person has been convicted of a felony,  
209 other than a capital felony under the provisions of section 53a-54b in  
210 effect prior to the effective date of this section or murder with special  
211 circumstances under the provisions of section 53a-54b, as amended by  
212 this act, in effect on or after the effective date of this section, the official  
213 records of evidence or judicial proceedings in the court may be  
214 destroyed upon the expiration of twenty years from the date of  
215 imposition of the sentence in such case or upon the expiration of the  
216 sentence imposed upon such person, whichever is later.

217 (2) In any case in which a person has been convicted after trial of a

218 capital felony under the provisions of section 53a-54b in effect prior to  
219 the effective date of this section or murder with special circumstances  
220 under the provisions of section 53a-54b, as amended by this act, in  
221 effect on or after the effective date of this section, the official records of  
222 evidence or judicial proceedings in the court may be destroyed upon  
223 the expiration of seventy-five years from the date of imposition of the  
224 sentence in such case.

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

238 (4) In any case in which a person has been convicted of a  
239 misdemeanor or has been adjudicated a youthful offender, the court  
240 may order the destruction or disposal of all exhibits entered in such  
241 case upon the expiration of ten years from the date of imposition of the  
242 sentence in such case or upon the expiration of the sentence imposed  
243 on such person, whichever is later, unless a prior disposition of such  
244 exhibits has been ordered pursuant to section 54-36a. Not less than  
245 thirty days prior to the scheduled destruction or disposal of exhibits  
246 under this subdivision, the clerk of the court shall send notice to all  
247 parties and any party may request a hearing on the issue of such  
248 destruction or disposal before the court in which the matter is pending.

249 (5) In any case in which a person is charged with multiple offenses,  
250 no destruction or disposal of exhibits may be ordered under this

251 subsection until the longest applicable retention period under this  
252 subsection has expired. The provisions of this subdivision and  
253 subdivisions (3), (4) and (6) of this subsection shall apply to any  
254 criminal or motor vehicle case disposed of before, on or after October  
255 1, 2006.

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

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

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

267 (b) The following matters shall be taken directly to the Supreme  
268 Court: (1) Any matter brought pursuant to the original jurisdiction of  
269 the Supreme Court under section 2 of article sixteen of the  
270 amendments to the Constitution; (2) an appeal in any matter where the  
271 Superior Court declares invalid a state statute or a provision of the  
272 state Constitution; (3) an appeal in any criminal action involving a  
273 conviction for a capital felony under the provisions of section 53a-54b  
274 in effect prior to the effective date of this section, class A felony [,] or  
275 any other felony, including any persistent offender status, for which  
276 the maximum sentence which may be imposed exceeds twenty years;  
277 (4) review of a sentence of death pursuant to section 53a-46b, as  
278 amended by this act; (5) any election or primary dispute brought to the  
279 Supreme Court pursuant to section 9-323 or 9-325; (6) an appeal of any  
280 reprimand or censure of a probate judge pursuant to section 45a-65; (7)  
281 any matter regarding judicial removal or suspension pursuant to  
282 section 51-51j; (8) an appeal of any decision of the Judicial Review

283 Council pursuant to section 51-51r; (9) any matter brought to the  
284 Supreme Court pursuant to section 52-265a; (10) writs of error; and  
285 (11) any other matter as provided by law.

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

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

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

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

304 Sec. 16. Subdivision (1) of subsection (a) of section 52-434 of the  
305 general statutes is repealed and the following is substituted in lieu  
306 thereof (*Effective from passage*):

307 (a) (1) Each judge of the Supreme Court, each judge of the Appellate  
308 Court, each judge of the Superior Court and each judge of the Court of  
309 Common Pleas who ceases or has ceased to hold office because of  
310 retirement other than under the provisions of section 51-49 and who is  
311 an elector and a resident of this state shall be a state referee for the  
312 remainder of such judge's term of office as a judge and shall be eligible  
313 for appointment as a state referee during the remainder of such judge's

314 life in the manner prescribed by law for the appointment of a judge of  
315 the court of which such judge is a member. The Superior Court may  
316 refer any civil, nonjury case or with the written consent of the parties  
317 or their attorneys, any civil jury case pending before the court in which  
318 the issues have been closed to a judge trial referee who shall have and  
319 exercise the powers of the Superior Court in respect to trial, judgment  
320 and appeal in the case, and any proceeding resulting from a demand  
321 for a trial de novo pursuant to subsection (e) of section 52-549z may be  
322 referred without the consent of the parties to a judge trial referee who  
323 has been specifically designated to hear such proceedings pursuant to  
324 subsection (b) of this section. The Superior Court may, with the  
325 consent of the parties or their attorneys, refer any criminal case to a  
326 judge trial referee who shall have and exercise the powers of the  
327 Superior Court in respect to trial, judgment, sentencing and appeal in  
328 the case, except that the Superior Court may, without the consent of  
329 the parties or their attorneys, (A) refer any criminal case, other than a  
330 criminal jury trial, to a judge trial referee assigned to a geographical  
331 area criminal court session, and (B) refer any criminal case, other than  
332 a class A or B felony or capital felony under the provisions of section  
333 53a-54b in effect prior to the effective date of this section, to a judge  
334 trial referee to preside over the jury selection process and any voir dire  
335 examination conducted in such case, unless good cause is shown not to  
336 refer.

337 Sec. 17. Subsection (b) of section 53a-25 of the general statutes is  
338 repealed and the following is substituted in lieu thereof (*Effective from*  
339 *passage*):

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

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

347 (a) When imposing sentence of probation or conditional discharge,  
348 the court may, as a condition of the sentence, order that the defendant:  
349 (1) Work faithfully at a suitable employment or faithfully pursue a  
350 course of study or of vocational training that will equip the defendant  
351 for suitable employment; (2) undergo medical or psychiatric treatment  
352 and remain in a specified institution, when required for that purpose;  
353 (3) support the defendant's dependents and meet other family  
354 obligations; (4) make restitution of the fruits of the defendant's offense  
355 or make restitution, in an amount the defendant can afford to pay or  
356 provide in a suitable manner, for the loss or damage caused thereby  
357 and the court may fix the amount thereof and the manner of  
358 performance; (5) if a minor, (A) reside with the minor's parents or in a  
359 suitable foster home, (B) attend school, and (C) contribute to the  
360 minor's own support in any home or foster home; (6) post a bond or  
361 other security for the performance of any or all conditions imposed; (7)  
362 refrain from violating any criminal law of the United States, this state  
363 or any other state; (8) if convicted of a misdemeanor or a felony, other  
364 than a capital felony under the provisions of section 53a-54b in effect  
365 prior to the effective date of this section, a class A felony or a violation  
366 of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or  
367 53a-70b or any offense for which there is a mandatory minimum  
368 sentence which may not be suspended or reduced by the court, and  
369 any sentence of imprisonment is suspended, participate in an alternate  
370 incarceration program; (9) reside in a residential community center or  
371 halfway house approved by the Commissioner of Correction, and  
372 contribute to the cost incident to such residence; (10) participate in a  
373 program of community service labor in accordance with section 53a-  
374 39c; (11) participate in a program of community service in accordance  
375 with section 51-181c; (12) if convicted of a violation of subdivision (2)  
376 of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-  
377 71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment;  
378 (13) if convicted of a criminal offense against a victim who is a minor, a  
379 nonviolent sexual offense or a sexually violent offense, as defined in  
380 section 54-250, or of a felony that the court finds was committed for a  
381 sexual purpose, as provided in section 54-254, register such person's

382 identifying factors, as defined in section 54-250, with the  
383 Commissioner of Emergency Services and Public Protection when  
384 required pursuant to section 54-251, 54-252 or 54-253, as the case may  
385 be; (14) be subject to electronic monitoring, which may include the use  
386 of a global positioning system; (15) if convicted of a violation of section  
387 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias  
388 crime education program; (16) if convicted of a violation of section 53-  
389 247, undergo psychiatric or psychological counseling or participate in  
390 an animal cruelty prevention and education program provided such a  
391 program exists and is available to the defendant; or (17) satisfy any  
392 other conditions reasonably related to the defendant's rehabilitation.  
393 The court shall cause a copy of any such order to be delivered to the  
394 defendant and to the probation officer, if any.

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

398 (a) In all cases where a defendant has been convicted of a  
399 misdemeanor or a felony, other than a capital felony under the  
400 provisions of section 53a-54b in effect prior to the effective date of this  
401 section, a class A felony or a violation of section 21a-278, 21a-278a, 53a-  
402 55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any other offense for  
403 which there is a mandatory minimum sentence which may not be  
404 suspended or reduced by the court, after trial or by a plea of guilty  
405 without trial, and a term of imprisonment is part of a stated plea  
406 agreement or the statutory penalty provides for a term of  
407 imprisonment, the court may, in its discretion, order an assessment for  
408 placement in an alternate incarceration program under contract with  
409 the Judicial Department. If the Court Support Services Division  
410 recommends placement in an alternate incarceration program, it shall  
411 also submit to the court a proposed alternate incarceration plan. Upon  
412 completion of the assessment, the court shall determine whether such  
413 defendant shall be ordered to participate in such program as an  
414 alternative to incarceration. If the court determines that the defendant  
415 shall participate in such program, the court shall suspend any sentence

416 of imprisonment and shall make participation in the alternate  
417 incarceration program a condition of probation as provided in section  
418 53a-30, as amended by this act.

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

422 (a) A persistent offender of crimes involving assault, stalking,  
423 trespass, threatening, harassment, criminal violation of a protective  
424 order or criminal violation of a restraining order is a person who (1)  
425 stands convicted of assault under section 53a-61, stalking under section  
426 53a-181d, threatening under section 53a-62, harassment under section  
427 53a-183, criminal violation of a protective order under section 53a-223,  
428 criminal violation of a restraining order under section 53a-223b or  
429 criminal trespass under section 53a-107 or 53a-108, and (2) has, (A)  
430 been convicted of a capital felony under the provisions of section 53a-  
431 54b in effect prior to the effective date of this section, a class A felony, a  
432 class B felony, except a conviction under section 53a-86 or 53a-122, a  
433 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-  
434 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-  
435 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216,  
436 assault under section 53a-61, stalking under section 53a-181d,  
437 threatening under section 53a-62, harassment under section 53a-183,  
438 criminal violation of a protective order under section 53a-223, criminal  
439 violation of a restraining order under section 53a-223b, or criminal  
440 trespass under section 53a-107 or 53a-108, (B) been convicted in any  
441 other state of any crime the essential elements of which are  
442 substantially the same as any of the crimes enumerated in  
443 subparagraph (A) of this subdivision, or (C) been released from  
444 incarceration with respect to such conviction.

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

447 A victim impact statement prepared with the assistance of a victim

448 advocate to be placed in court files in accordance with subdivision (2)  
449 of subsection (a) of section 54-220 may be read in court prior to  
450 imposition of sentence upon a defendant found guilty of a crime  
451 punishable by death or life imprisonment without the possibility of  
452 release.

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

456 (a) A person is guilty of harassment in the first degree when, with  
457 the intent to harass, annoy, alarm or terrorize another person, he  
458 threatens to kill or physically injure that person or any other person,  
459 and communicates such threat by telephone, or by telegraph, mail,  
460 computer network, as defined in section 53a-250, or any other form of  
461 written communication, in a manner likely to cause annoyance or  
462 alarm and has been convicted of a capital felony under the provisions  
463 of section 53a-54b in effect prior to the effective date of this section, a  
464 class A felony, a class B felony, except a conviction under section 53a-  
465 86 or 53a-122, a class C felony, except a conviction under section 53a-  
466 87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-  
467 60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-  
468 136 or 53a-216. For the purposes of this section, "convicted" means  
469 having a judgment of conviction entered by a court of competent  
470 jurisdiction.

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

474 (a) A person is guilty of criminal possession of body armor when he  
475 possesses body armor and has been (1) convicted of a capital felony  
476 under the provisions of section 53a-54b in effect prior to the effective  
477 date of this section, a class A felony, except a conviction under section  
478 53a-196a, a class B felony, except a conviction under section 53a-86,  
479 53a-122 or 53a-196b, a class C felony, except a conviction under section

480 53a-87, 53a-152 or 53a-153 or a class D felony under sections 53a-60 to  
481 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114,  
482 53a-136 or 53a-216, or (2) convicted as delinquent for the commission  
483 of a serious juvenile offense, as defined in section 46b-120.

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

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

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

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

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

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

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

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

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

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

544 peremptorily the same number of jurors as the accused.

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

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

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

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

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

573 (a) No defendant convicted of a crime, other than a capital felony  
574 under the provisions of section 53a-54b in effect prior to the effective

575 date of this section or murder with special circumstances under the  
576 provisions of section 53a-54b, as amended by this act, in effect on or  
577 after the effective date of this section, the punishment for which may  
578 include imprisonment for more than one year, may be sentenced, or  
579 the defendant's case otherwise disposed of, until a written report of  
580 investigation by a probation officer has been presented to and  
581 considered by the court, if the defendant is so convicted for the first  
582 time in this state; but any court may, in its discretion, order a  
583 presentence investigation for a defendant convicted of any crime or  
584 offense other than a capital felony under the provisions of section 53a-  
585 54b in effect prior to the effective date of this section or murder with  
586 special circumstances under the provisions of section 53a-54b, as  
587 amended by this act, in effect on or after the effective date of this  
588 section.

589 Sec. 31. Subsection (b) of section 54-102j of the general statutes is  
590 repealed and the following is substituted in lieu thereof (*Effective from*  
591 *passage*):

592 (b) Upon the conviction of a person of a capital felony under the  
593 provisions of section 53a-54b in effect prior to the effective date of this  
594 section or murder with special circumstances under the provisions of  
595 section 53a-54b, as amended by this act, in effect on or after the  
596 effective date of this section or the conviction of a person of a crime  
597 after trial, or upon order of the court for good cause shown, the state  
598 police, all local police departments, any agent of the state police or a  
599 local police department and any other person to whom biological  
600 evidence has been transferred shall preserve all biological evidence  
601 acquired during the course of the investigation of such crime for the  
602 term of such person's incarceration.

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

606 (b) (1) No person convicted of any of the following offenses, which

607 was committed on or after July 1, 1981, shall be eligible for parole  
608 under subsection (a) of this section: (A) Capital felony, as provided [in]  
609 under the provisions of section 53a-54b in effect prior to the effective  
610 date of this section, (B) murder with special circumstances, as provided  
611 under the provisions of section 53a-54b, as amended by this act, in  
612 effect on or after the effective date of this section, (C) felony murder, as  
613 provided in section 53a-54c, (D) arson murder, as provided in section  
614 53a-54d, (E) murder, as provided in section 53a-54a, as amended by  
615 this act, or (F) aggravated sexual assault in the first degree, as provided  
616 in section 53a-70a. (2) A person convicted of (A) a violation of section  
617 53a-100aa or 53a-102, or (B) an offense, other than an offense specified  
618 in subdivision (1) of this subsection, where the underlying facts and  
619 circumstances of the offense involve the use, attempted use or  
620 threatened use of physical force against another person shall be  
621 ineligible for parole under subsection (a) of this section until such  
622 person has served not less than eighty-five per cent of the definite  
623 sentence imposed less any risk reduction credit earned under the  
624 provisions of section 18-98e.

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

628 (d) Notwithstanding any provision of the general statutes, a  
629 sentencing court may refer any person convicted of an offense other  
630 than a capital felony under the provisions of section 53a-54b in effect  
631 prior to the effective date of this section or a class A felony who is an  
632 alien to the Board of Pardons and Paroles for deportation under this  
633 section.

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

636 The Board of Pardons and Paroles may release on medical parole  
637 any inmate serving any sentence of imprisonment, except an inmate  
638 convicted of a capital felony [as defined in] under the provisions of

639 section 53a-54b in effect prior to the effective date of this section or  
640 murder with special circumstances under the provisions of section 53a-  
641 54b, as amended by this act, in effect on or after the effective date of  
642 this section, who has been diagnosed pursuant to section 54-131c as  
643 suffering from a terminal condition, disease or syndrome, and is so  
644 debilitated or incapacitated by such condition, disease or syndrome as  
645 to be physically incapable of presenting a danger to society.  
646 Notwithstanding any provision of the general statutes to the contrary,  
647 the Board of Pardons and Paroles may release such inmate at any time  
648 during the term of [his] such inmate's sentence.

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

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

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

670 (a) There shall be no limitation of time within which a person may

671 be prosecuted for (1) a capital felony under the provisions of section  
 672 53a-54b in effect prior to the effective date of this section, a class A  
 673 felony or a violation of section 53a-54d or 53a-169, (2) a violation of  
 674 section 53a-165aa or 53a-166 in which such person renders criminal  
 675 assistance to another person who has committed an offense set forth in  
 676 subdivision (1) of this subsection, or (3) a violation of section 53a-156  
 677 committed during a proceeding that results in the conviction of  
 678 another person subsequently determined to be actually innocent of the  
 679 offense or 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 Legislative Commissioners:**

Throughout the bill, "under the provisions of section 53a-54b" was substituted for "under section 53a-54b" for clarity.

**JUD**      *Joint Favorable Subst.-LCO*