



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

H.B. NO. 6464: AN ACT CONCERNING SHAKEN BABY SYNDROME

COMMITTEE ON CHILDREN
February 26, 2013

The Division of Criminal Justice respectfully recommends the Committee's **JOINT FAVORABLE SUBSTITUTE REPORT** for **H.B. No. 6464, An Act Concerning Shaken Baby Syndrome**. While the Division believes the bill is well-intended, its enactment could in fact hinder the prosecution of serious child abuse and assault cases.

The bill makes specific reference to the term "shaken baby syndrome," a term that is no longer used in the health care field, which now uses descriptions including "abusive head trauma" or "inflicted injury" to reference such medical conditions. To create a new crime based on a term that is no longer accepted in the medical profession would be bad public policy and could, in fact, hinder and complicate efforts to successfully prosecute those who inflict such injuries on children.

The existing statutes governing injuries inflicted on children, i.e., Assault, Manslaughter, Risk of Injury, are sufficient for the prosecution of individuals who commit such injuries. The issue of concern is that in some cases the penalty for manslaughter (a maximum of 20 years' incarceration) is inadequate for repeated abuse that eventually results in death. The Division of Criminal Justice would respectfully recommend that the Committee amend H.B. No. 6464 to provide for a stronger penalty for Manslaughter in the First Degree when the victim is a child.

Specifically, the Division would recommend that Section 53a-55 be amended to read as follows:

(a) A person is guilty of manslaughter in the first degree when: (1) With intent to cause serious physical injury to another person, he or she causes the death of such person or of a third person; or (2) with intent to cause the death of another person, he or she causes the death of such person or of a third person under circumstances which do not constitute murder because he committed the proscribed act or acts under the influence of extreme emotional disturbance, as provided in subsection (a) of section 53a-54a, except that the fact that homicide was committed under the influence of extreme emotional disturbance constitutes a mitigating circumstance reducing murder to manslaughter in the first degree and need not be proved in any prosecution initiated under this subsection; or (3) under circumstances evincing an extreme indifference to human life, he or she recklessly engages

in conduct which creates a grave risk of death to another person, and thereby causes the death of another person.

(b) Manslaughter in the first degree is a class B felony[.] and any person found guilty under subdivision (1) of subsection (a) of this section for causing the death of a person under sixteen years of age may be sentenced to a term of imprisonment of not more than forty years.

This stronger penalty for intentional manslaughter of a child would be consistent with the harsher treatment afforded the murder of a person under the age of 16, which pursuant to section 53a-54b (8) is Murder with Special Circumstances (formerly capital felony).

In conclusion, the Division of Criminal Justice recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT for H.B. No. 6464 to replace the existing text with the recommended amendment to Section 53a-55. The Division wishes to express its appreciation to the Committee for allowing the opportunity to provide input on this issue. The Division would be happy to provide any additional information or to answer any questions the Committee might have.