



Senate

General Assembly

File No. 239

February Session, 2014

Substitute Senate Bill No. 429

Senate, April 1, 2014

The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ASSAULT THAT RESULTS IN THE LOSS OF CONSCIOUSNESS.

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

1 Section 1. Section 53a-60 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) A person is guilty of assault in the second degree when: (1) With
4 intent to cause serious physical injury to another person, he causes
5 such injury to such person or to a third person; or (2) with intent to
6 cause physical injury to another person, he causes such injury to such
7 person or to a third person by means of a deadly weapon or a
8 dangerous instrument other than by means of the discharge of a
9 firearm; or (3) he recklessly causes serious physical injury to another
10 person by means of a deadly weapon or a dangerous instrument; or (4)
11 for a purpose other than lawful medical or therapeutic treatment, he
12 intentionally causes stupor, unconsciousness or other physical
13 impairment or injury to another person by administering to such

14 person, without his consent, a drug, substance or preparation capable
15 of producing the same; or (5) he is a parolee from a correctional
16 institution and with intent to cause physical injury to an employee or
17 member of the Board of Pardons and Paroles, he causes physical injury
18 to such employee or member; or (6) with intent to cause serious
19 physical injury to another person by rendering such other person
20 unconscious, and without provocation by such other person, he causes
21 such injury to such other person by striking such other person in the
22 head.

23 (b) Assault in the second degree is a class D felony and any person
24 found guilty under subdivision (6) of subsection (a) of this section shall
25 be sentenced to a term of imprisonment of which two years of the
26 sentence imposed may not be suspended or reduced by the court.

27 Sec. 2. Subsection (a) of section 46b-127 of the 2014 supplement to
28 the general statutes is repealed and the following is substituted in lieu
29 thereof (*Effective October 1, 2014*):

30 (a) (1) The court shall automatically transfer from the docket for
31 juvenile matters to the regular criminal docket of the Superior Court
32 the case of any child charged with (A) the commission of a capital
33 felony under the provisions of section 53a-54b in effect prior to April
34 25, 2012, a class A or B felony or a violation of section 53a-54d,
35 provided such offense was committed after such child attained the age
36 of fourteen years and counsel has been appointed for such child if such
37 child is indigent, or (B) a violation of subdivision (6) of subsection (a)
38 of section 53a-60, as amended by this act, provided such offense was
39 committed after such child attained the age of sixteen years and
40 counsel has been appointed for such child if such child is indigent.
41 Such counsel may appear with the child but shall not be permitted to
42 make any argument or file any motion in opposition to the transfer.
43 The child shall be arraigned in the regular criminal docket of the
44 Superior Court at the next court date following such transfer, provided
45 any proceedings held prior to the finalization of such transfer shall be
46 private and shall be conducted in such parts of the courthouse or the

47 building in which the court is located that are separate and apart from
48 the other parts of the court which are then being used for proceedings
49 pertaining to adults charged with crimes.

50 (2) A state's attorney may, at any time after such arraignment, file a
51 motion to transfer the case of any child charged with the commission
52 of a class B felony, [or] a violation of subdivision (2) of subsection (a) of
53 section 53a-70, or a violation of subdivision (6) of subsection (a) of
54 section 53a-60, as amended by this act, to the docket for juvenile
55 matters for proceedings in accordance with the provisions of this
56 chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	53a-60
Sec. 2	October 1, 2014	46b-127(a)

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Correction, Dept.; Judicial Dept.	GF - Potential Cost	See Below	See Below
Judicial Dept.	GF - Potential Revenue Gain	See Below	See Below

Municipal Impact: None

Explanation

The bill results in a potential cost to the Department of Corrections and a potential revenue gain to the Judicial Department. It adds an action to assault in the second degree and imposes a mandatory minimum of two years for anyone convicted of this act.

To the extent that offenders are prosecuted for new offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 429*****AN ACT CONCERNING ASSAULT THAT RESULTS IN THE LOSS OF CONSCIOUSNESS.*****SUMMARY:**

By law, a person who intentionally causes serious physical injury to anyone commits 2nd degree assault, which is a class D felony, punishable by imprisonment for up to five years, a fine of up to \$5,000, or both. This bill imposes a mandatory minimum two-year sentence if the violator, intending to cause serious physical injury and without provocation, injures and renders a victim unconscious by striking him or her in the head.

It requires the court to automatically transfer any such violator age 16 or 17 to the adult court, provided counsel has been appointed for him or her if he or she is indigent. It allows a prosecutor to file a motion to transfer the case back to the juvenile court any time after the arraignment. None of the crimes classified as 2nd degree assault in existing law requires a mandatory minimum sentence or transfer of juveniles to the adult court (see BACKGROUND).

EFFECTIVE DATE: October 1, 2014

BACKGROUND***Second-Degree Assault***

A person commits 2nd degree assault when he or she does any of the following to another person:

1. intentionally causes serious physical injury;
2. intentionally causes physical injury by using a deadly weapon or a dangerous instrument other than by discharging a firearm;

3. recklessly causes serious physical injury by using a deadly weapon or dangerous instrument; or
4. for a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same.

A person also commits this crime if he or she is a parolee and intentionally causes physical injury to an employee or member of the Board of Pardons and Paroles.

Adult and Juvenile Court

In Connecticut, juvenile courts have jurisdiction over children under age 18. The law requires the juvenile court to automatically transfer a child aged 14 through 17 to adult criminal court if he or she is charged with a capital felony committed before April 25, 2012, a class A or B felony, or arson murder (CGS § 46b-127).

The prosecutor may file a motion to return the matter to juvenile court at any time if the child is charged with:

1. a class B felony or
2. 1st degree sexual assault, when it involves sexual intercourse with a victim under age 13 when the actor is more than two years older (but under age 18) (CGS § 53a-70(a)(2)).

For children charged with other felonies (class C, D, or E or unclassified felonies), the prosecutor has discretion to request a transfer to adult court. The court can order the transfer only if (1) the child was at least age 14 at the time of the alleged offense, (2) there is probable cause to believe that the child committed the alleged offense, and (3) the best interests of the child and public are not served by keeping the case in juvenile court. The criminal court can return such a transferred case to juvenile court any time before a jury verdict or

guilty plea (CGS § 46b-127).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/18/2014)