



General Assembly

February Session, 2014

Raised Bill No. 5341

LCO No. 1678



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE DESIGNATION OF A PERSON
CONVICTED OF CRIMINAL VIOLATION OF A STANDING CRIMINAL
PROTECTIVE ORDER AS A PERSISTENT OFFENDER.***

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

1 Section 1. Section 53a-40d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014, and*
3 *applicable to convictions entered on or after said date*):

4 (a) A persistent offender of crimes involving assault, stalking,
5 trespass, threatening, harassment, criminal violation of a protective
6 order, criminal violation of a standing criminal protective order or
7 criminal violation of a restraining order is a person who (1) stands
8 convicted of assault under section 53a-61, stalking under section 53a-
9 181d, threatening under section 53a-62, harassment under section 53a-
10 183, criminal violation of a protective order under section 53a-223,
11 criminal violation of a standing criminal protective order under section
12 53a-223a, criminal violation of a restraining order under section 53a-
13 223b or criminal trespass under section 53a-107 or 53a-108, and (2) has,
14 (A) been convicted of a capital felony under the provisions of section

15 53a-54b in effect prior to April 25, 2012, a class A felony, a class B
16 felony, except a conviction under section 53a-86 or 53a-122, a class C
17 felony, except a conviction under section 53a-87, 53a-152 or 53a-153, or
18 a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a,
19 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault
20 under section 53a-61, stalking under section 53a-181d, threatening
21 under section 53a-62, harassment under section 53a-183, criminal
22 violation of a protective order under section 53a-223, criminal violation
23 of a standing criminal protective order under section 53a-223a,
24 criminal violation of a restraining order under section 53a-223b, or
25 criminal trespass under section 53a-107 or 53a-108, (B) been convicted
26 in any other state of any crime the essential elements of which are
27 substantially the same as any of the crimes enumerated in
28 subparagraph (A) of this subdivision, or (C) been released from
29 incarceration with respect to such conviction.

30 (b) When any person has been found to be a persistent offender of
31 crimes involving assault, stalking, trespass, threatening, harassment,
32 criminal violation of a protective order, criminal violation of a standing
33 criminal protective order or criminal violation of a restraining order,
34 the court shall, in lieu of imposing the sentence authorized for the
35 crime under section 53a-36 or section 53a-35a, as applicable, impose
36 the sentence of imprisonment authorized by said section 53a-36 or
37 section 53a-35a for the next more serious degree of misdemeanor or
38 felony, except that if the crime is a class A misdemeanor the court shall
39 impose the sentence of imprisonment for a class D felony, as
40 authorized by section 53a-35a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014, and applicable to convictions entered on or after said date</i>	53a-40d

Statement of Purpose:

To add "criminal violation of a standing criminal protective order" to the enumerated crimes designated as persistent offender crimes.

[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.]