



General Assembly

**Substitute Bill No. 5341**

February Session, 2014



**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 Section 53a-40d of the general statutes is repealed and the  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 prior to the commission of the present crime, (A) been convicted of a  
15 capital felony under the provisions of section 53a-54b in effect prior to  
16 April 25, 2012, a class A felony, a class B felony, except a conviction  
17 under section 53a-86 or 53a-122, a class C felony, except a conviction  
18 under section 53a-87, 53a-152 or 53a-153, or a class D felony under

19 sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103,  
20 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section 53a-61,  
21 stalking under section 53a-181d, threatening under section 53a-62,  
22 harassment under section 53a-183, criminal violation of a protective  
23 order under section 53a-223, criminal violation of a standing criminal  
24 protective order under section 53a-223a, criminal violation of a  
25 restraining order under section 53a-223b, or criminal trespass under  
26 section 53a-107 or 53a-108, or (B) been convicted in any other state of  
27 any crime the essential elements of which are substantially the same as  
28 any of the crimes enumerated in subparagraph (A) of this subdivision,  
29 [or (C) been released from incarceration with respect to such  
30 conviction.]

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

42 Sec. 2. Section 53a-40e of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective October 1, 2014*):

44 (a) If any person is convicted of (1) a violation of subdivision (1) or  
45 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,  
46 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-  
47 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,  
48 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of  
49 said sections or section 53a-54a, against a family or household  
50 member, as defined in section 46b-38a, or (2) any crime that the court  
51 determines constitutes a family violence crime, as defined in section

52 46b-38a, or attempt or conspiracy to commit any such crime, the court  
53 may, in addition to imposing the sentence authorized for the crime  
54 under section 53a-35a or 53a-36, if the court is of the opinion that the  
55 history and character and the nature and circumstances of the criminal  
56 conduct of such offender indicate that a standing criminal protective  
57 order will best serve the interest of the victim and the public, issue a  
58 standing criminal protective order which shall remain in effect for a  
59 duration specified by the court until modified or revoked by the court  
60 for good cause shown. If any person is convicted of any crime against a  
61 family or household member, as defined in section 46b-38a, other than  
62 a crime specified in subdivision (1) or (2) of this subsection, the court  
63 may, for good cause shown, issue a standing criminal protective order  
64 pursuant to this subsection.

65 (b) Such standing criminal protective order may include, but need  
66 not be limited to, provisions enjoining the offender from (1) imposing  
67 any restraint upon the person or liberty of the victim; (2) threatening,  
68 harassing, assaulting, molesting, sexually assaulting or attacking the  
69 victim; or (3) entering the family dwelling or the dwelling of the  
70 victim.

71 (c) Such standing criminal protective order shall include the  
72 following notice: "In accordance with section 53a-223a of the  
73 Connecticut general statutes, violation of this order shall be punishable  
74 by a term of imprisonment of not less than one year nor more than five  
75 years, a fine of not more than five thousand dollars, or both."

76 (d) For the purposes of this section and any other provision of the  
77 general statutes, "standing criminal protective order" means (1) a  
78 standing criminal restraining order issued prior to October 1, 2010, or  
79 (2) a standing criminal protective order issued on or after October 1,  
80 2010.

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
Sec. 2	<i>October 1, 2014</i>	53a-40e

**JUD**      *Joint Favorable Subst.*