
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)