

---

---

## OLR Bill Analysis

### sSB 429 (as amended by Senate "A")\*

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

#### **SUMMARY:**

This bill expands the 2<sup>nd</sup> degree assault definition, adding a category for cases in which someone who intends to cause serious injury, and without provocation, strikes a person in the head rendering him or her unconscious. The bill makes anyone who commits this crime ineligible for existing law's accelerated rehabilitation (AR) program.

By law, a person who intentionally causes serious physical injury to anyone commits 2<sup>nd</sup> 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.

\*Senate Amendment "A" (1) adds the AR program provision and (2) eliminates provisions in the underlying bill (File 239) imposing a mandatory minimum two-year prison sentence on violators and automatically transferring violators age 16 or 17 to adult court.

EFFECTIVE DATE: October 1, 2014

#### **BACKGROUND**

##### ***Second-Degree Assault***

A person commits 2<sup>nd</sup> degree assault when he or she does any of the following to someone:

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.

***Accelerated Rehabilitation Diversionary Program***

Under Connecticut's criminal justice system, certain criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned, community-based treatment programs (called diversionary programs) before the trial. A defendant who is ineligible for, does not complete, or violates any condition of, the program is brought to trial.

By law, someone is eligible for the program if he or she is charged with certain nonserious crimes or motor vehicle violations, has no prior convictions of a crime or certain motor vehicle violations, and has not used accelerated rehabilitation before. The court may allow an eligible defendant to participate if it believes the defendant will probably not offend in the future.

Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. The court places them under the supervision of the Judicial Department's Court Support Services Division for up to two years under whatever conditions it orders. If the defendant successfully completes the program, the court dismisses the charges and the record is erased (CGS § 54-56e).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/18/2014)

Judiciary Committee

Joint Favorable

Yea 31 Nay 10 (04/14/2014)