



House of Representatives

General Assembly

File No. 625

February Session, 2014

House Bill No. 5344

House of Representatives, April 17, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

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

1 Section 1. Section 53-21 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 (a) Any person who (1) wilfully or unlawfully causes or permits any
5 child under the age of sixteen years to be placed in such a situation
6 that the life or limb of such child is endangered, the health of such
7 child is likely to be injured or the morals of such child are likely to be
8 impaired, or does any act likely to impair the health or morals of any
9 such child, or (2) has contact with the intimate parts, as defined in
10 section 53a-65, of a child under the age of sixteen years or subjects a
11 child under sixteen years of age to contact with the intimate parts of
12 such person, in a sexual and indecent manner likely to impair the
13 health or morals of such child, or (3) permanently transfers the legal or

14 physical custody of a child under the age of sixteen years to another
 15 person for money or other valuable consideration or acquires or
 16 receives the legal or physical custody of a child under the age of
 17 sixteen years from another person upon payment of money or other
 18 valuable consideration to such other person or a third person, except in
 19 connection with an adoption proceeding that complies with the
 20 provisions of chapter 803, or (4) intentionally and unreasonably
 21 interferes with or prevents the making of a report of suspected child
 22 abuse or neglect required under section 17a-101a, or (5) violates any
 23 provision of subsection (a) of section 14-227a while a child under
 24 sixteen years of age is a passenger in the motor vehicle, shall be guilty
 25 of (A) a class D felony for a violation of subdivision (4) or (5) of this
 26 subsection, (B) a class C felony for a violation of subdivision (1) or (3)
 27 of this subsection, and (C) a class B felony for a violation of subdivision
 28 (2) of this subsection, except that, if the violation is of subdivision (2) of
 29 this subsection and the victim of the offense is under thirteen years of
 30 age, such person shall be sentenced to a term of imprisonment of
 31 which five years of the sentence imposed may not be suspended or
 32 reduced by the court.

33 (b) The act of a parent or agent leaving an infant thirty days or
 34 younger with a designated employee pursuant to section 17a-58 shall
 35 not constitute a violation of this section.

| | | |
|---|-----------------|-------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2014 | 53-21 |

JUD *Joint Favorable*

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. | GF - Potential Savings | See Below | See Below |

Municipal Impact: None

Explanation

The bill results in a potential savings to the Department of Correction by reducing the classification of driving under the influence with a child passenger from a Class C to a Class D felony. This reduces the maximum sentence allowed for the crime from 10 years to 5 years, and to the extent that future offenders receive shorter sentences under the bill, savings would result. On average, it costs the agency \$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**HB 5344*****AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.*****SUMMARY:**

This bill provides that someone guilty of driving under the influence (DUI) of alcohol or drugs with a child under age 16 as a passenger is also specifically guilty of risk of injury to a minor. It makes this version of the crime a class D felony.

Currently, someone charged with DUI with a child under age 16 as a passenger may be charged with risk of injury to a minor under a more general provision of the risk of injury law, which prohibits willfully or unlawfully causing or permitting a child under age 16 to be placed in a situation where the child's life or limb is endangered. That version of the crime is a class C felony. Thus, it appears that the bill lowers the penalty under the risk of injury statute, from a class C to a class D felony, for someone who drives under the influence with a child under 16.

A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both. A class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

Under existing law, unchanged by the bill, separate criminal penalties apply for DUI offenses.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 4 (04/02/2014)