



# Senate

General Assembly

**File No. 643**

January Session, 2015

Substitute Senate Bill No. 1108

*Senate, April 14, 2015*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING THE ZERO-TOLERANCE SAFE SCHOOL ENVIRONMENT ACT.**

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

1 Section 1. Section 53a-61aa of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) A person is guilty of threatening in the first degree when such  
4 person (1) (A) threatens to commit any crime involving the use of a  
5 hazardous substance with the intent to terrorize another person, to  
6 cause evacuation of a building, place of assembly or facility of public  
7 transportation or otherwise to cause serious public inconvenience, or  
8 (B) threatens to commit such crime in reckless disregard of the risk of  
9 causing such terror, evacuation or inconvenience; (2) (A) threatens to  
10 commit any crime of violence with the intent to cause evacuation of a  
11 building, place of assembly or facility of public transportation or  
12 otherwise to cause serious public inconvenience, or (B) threatens to  
13 commit such crime in reckless disregard of the risk of causing such  
14 evacuation or inconvenience; [or] (3) commits threatening in the

15 second degree as provided in section 53a-62, as amended by this act,  
16 and in the commission of such offense [he] such person uses or is  
17 armed with and threatens the use of or displays or represents by [his]  
18 such person's words or conduct that [he] such person possesses a  
19 pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4)  
20 violates subdivision (1) or (2) of this subsection with the intent to cause  
21 an evacuation of a building or the grounds of a public or nonpublic  
22 preschool, school or institution of higher education during preschool,  
23 school or instructional hours or when a building or the grounds of  
24 such preschool, school or institution are being used for preschool,  
25 school or institution-sponsored activities. No person shall be found  
26 guilty of threatening in the first degree under subdivision (3) of this  
27 subsection and threatening in the second degree upon the same  
28 transaction but such person may be charged and prosecuted for both  
29 such offenses upon the same information.

30 (b) For the purposes of this section, "hazardous substance" means  
31 any physical, chemical, biological or radiological substance or matter  
32 which, because of its quantity, concentration or physical, chemical or  
33 infectious characteristics, may cause or significantly contribute to an  
34 increase in mortality or an increase in serious irreversible or  
35 incapacitating reversible illness, or pose a substantial present or  
36 potential hazard to human health.

37 (c) Threatening in the first degree is a class D felony, except that a  
38 violation of subdivision (4) of subsection (a) of this section is a class C  
39 felony.

40 Sec. 2. Section 53a-62 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective October 1, 2015*):

42 (a) A person is guilty of threatening in the second degree when: (1)  
43 By physical threat, such person intentionally places or attempts to  
44 place another person in fear of imminent serious physical injury, (2)  
45 such person threatens to commit any crime of violence with the intent  
46 to terrorize another person, [or] (3) such person threatens to commit  
47 such crime of violence in reckless disregard of the risk of causing such

48 terror, or (4) violates subdivision (1), (2) or (3) of this subsection and  
 49 the person threatened is in a building or on the grounds of a public or  
 50 nonpublic preschool, school or institution of higher education during  
 51 preschool, school or instructional hours or when a building or the  
 52 grounds of such preschool, school or institution are being used for  
 53 preschool, school or institution-sponsored activities.

54 (b) Threatening in the second degree is a class A misdemeanor,  
 55 except that a violation of subdivision (4) of subsection (a) of this  
 56 section is a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	53a-61aa
Sec. 2	October 1, 2015	53a-62

**Statement of Legislative Commissioners:**

In section 1(a)(4), added a reference to preschool-sponsored activities, for consistency.

**JUD**      *Joint Favorable Subst. -LCO*

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 16 \$	FY 17 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill expands the crime of threatening and increases the penalty for both 1<sup>st</sup> and 2<sup>nd</sup> degree threatening when the intent is to cause the evacuation of a school or other institution. The bill results in a potential revenue gain from increasing the penalty. In FY 14, 15 charges resulted in fine revenue totaling \$6,710, but no specifics are available on how much, if any, of the revenue is generated by incidents involving the new circumstances outlined in the bill.

The bill results in a potential cost to the Department of Correction or Judicial Department Probation. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender. Currently there are 41 offenders incarcerated for violation of the current statutes.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Department of Correction Summary of Offenders by Controlling Offense, as of 1/1/2015*  
*Judicial Department Offenses and Revenue Database*

**OLR Bill Analysis****sSB 1108*****AN ACT CONCERNING THE ZERO-TOLERANCE SAFE SCHOOL ENVIRONMENT ACT.*****SUMMARY:**

This bill increases the penalty for 1<sup>st</sup> and 2<sup>nd</sup> degree threatening intended to cause a school to evacuate. It increases the penalty for 1<sup>st</sup> degree threatening in such a case from a class D felony, which is punishable by imprisonment for up to five years, a fine of up to \$5,000, or both, to a class C felony, which is punishable by imprisonment for one to 10 years, a fine of up to \$10,000, or both. It increases the penalty for 2<sup>nd</sup> degree threatening in such a case from a class A misdemeanor, which is punishable by imprisonment for up to one year, a fine of up to \$2,000, or both, to a class D felony.

EFFECTIVE DATE: October 1, 2015

**THREATENING CRIMES**

By law, 1<sup>st</sup> degree threatening includes threats to commit a violent crime, or a crime using a hazardous substance, with intent to cause, or with reckless disregard of the risk of causing, (1) evacuation of a building, place of assembly, or public transportation facility or (2) serious public inconvenience.

By law, a person is guilty of 2<sup>nd</sup> degree threatening when he or she (1) by physical threat, intentionally places or attempts to cause another person to fear imminent serious physical injury; (2) threatens to commit a violent crime to terrorize someone; or (3) threatens to commit the violent crime in reckless disregard of the risk of causing terror.

The bill increases the penalty for 1<sup>st</sup> degree threatening from a class

D to a class C felony and the penalty for 2<sup>nd</sup> degree threatening from a class A misdemeanor to a class D felony if, in either case, the threat was made with intent to cause the evacuation of a building or the grounds of a public or nonpublic preschool, school, or higher education institution during instructional hours or when the facility or the grounds are being used for school- or institution-sponsored activities.

EFFECTIVE DATE: October 1, 2015

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 35    Nay 7    (03/27/2015)