



General Assembly

January Session, 2015

Raised Bill No. 6939

LCO No. 4398



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING SEXUAL ASSAULT IN THE FIRST DEGREE.

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

1 Section 1. Subsection (a) of section 53a-29 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (a) The court may sentence a person to a period of probation upon
5 conviction of any crime, [other than] except for a class A felony other
6 than a violation of section 53a-70, as amended by this act, or 53a-70a,
7 as amended by this act, if it is of the opinion that: (1) Present or
8 extended institutional confinement of the defendant is not necessary
9 for the protection of the public; (2) the defendant is in need of
10 guidance, training or assistance which, in the defendant's case, can be
11 effectively administered through probation supervision; and (3) such
12 disposition is not inconsistent with the ends of justice.

13 Sec. 2. Subsection (b) of section 53a-70 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective*
15 *October 1, 2015*):

16 (b) (1) Except as provided in subdivision (2) of this subsection,
17 sexual assault in the first degree is a class B felony for which two years
18 of the sentence imposed may not be suspended or reduced by the
19 court or, if the victim of the offense is under ten years of age, for which
20 ten years of the sentence imposed may not be suspended or reduced
21 by the court.

22 (2) Sexual assault in the first degree is a class A felony if the offense
23 is a violation of subdivision (1) of subsection (a) of this section and the
24 victim of the offense is under sixteen years of age or the offense is a
25 violation of subdivision (2) of subsection (a) of this section. Any person
26 found guilty under said subdivision (1) or (2) shall be sentenced to a
27 term of imprisonment of which ten years of the sentence imposed may
28 not be suspended or reduced by the court if the victim is under ten
29 years of age or of which five years of the sentence imposed may not be
30 suspended or reduced by the court if the victim is under sixteen years
31 of age.

32 (3) Any person found guilty under this section shall be sentenced to
33 a term of imprisonment that is at least ten years, including any portion
34 of such term which is suspended, or a term of imprisonment and a
35 period of special parole pursuant to subsection (b) of section 53a-28
36 which together constitute a sentence of at least ten years.

37 Sec. 3. Subsection (b) of section 53a-70a of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2015*):

40 (b) Aggravated sexual assault in the first degree is a class B felony
41 or, if the victim of the offense is under sixteen years of age, a class A
42 felony. Any person found guilty under this section shall be sentenced
43 to a term of imprisonment of which five years of the sentence imposed
44 may not be suspended or reduced by the court, except that, if such
45 person committed sexual assault in the first degree by violating
46 subdivision (1) of subsection (a) of section 53a-70, and the victim of the

47 offense is under sixteen years of age, twenty years of the sentence
 48 imposed may not be suspended or reduced by the court, or if such
 49 person committed sexual assault in the first degree by violating
 50 subdivision (2) of subsection (a) of section 53a-70, and the victim of the
 51 offense is under ten years of age, ten years of the sentence may not be
 52 suspended or reduced by the court. Any person found guilty under this
 53 section, except a person who committed sexual assault in the first degree
 54 by violating subdivision (1) of subsection (a) of section 53a-70, and the
 55 victim of the offense is under sixteen years of age, shall be sentenced to a
 56 term of imprisonment that is at least ten years, including any portion
 57 of such term which is suspended, or a term of imprisonment and a
 58 period of special parole pursuant to subsection (b) of section 53a-28
 59 which together constitute a sentence of at least [five] ten years. Any
 60 person found guilty under this section who committed sexual assault in
 61 the first degree by violating subdivision (1) of subsection (a) of section
 62 53a-70, and the victim of the offense is under sixteen years of age, shall be
 63 sentenced to a term of imprisonment that is twenty-five years, including
 64 any portion of such term which may be suspended, a term of
 65 imprisonment and a period of special parole pursuant to subsection (b) of
 66 section 53a-28 which together constitute a sentence of twenty-five years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	53a-29(a)
Sec. 2	<i>October 1, 2015</i>	53a-70(b)
Sec. 3	<i>October 1, 2015</i>	53a-70a(b)

Statement of Purpose:

To clarify the options available to the court in imposing sentence for a conviction for certain sexual assaults, and authorize the court to impose a traditional "split" sentence of prison and probation because probation permits longer terms of conditional liberty and official supervision.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]