



General Assembly

January Session, 2015

Raised Bill No. 1105

LCO No. 5242



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING MINOR REVISIONS TO THE CRIMINAL JUSTICE STATUTES.

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

1 Section 1. Subsection (a) of section 53a-31 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2015*):

4 (a) A period of probation or conditional discharge commences on
5 the day it is imposed, [except that, where it is preceded by a sentence
6 of imprisonment with execution suspended after a period of
7 imprisonment set by the court,] unless the defendant is imprisoned, in
8 which case it commences on the day the defendant is released from
9 such imprisonment. Multiple periods, whether imposed at the same or
10 different times, shall run concurrently.

11 Sec. 2. Section 54-65c of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2015*):

13 A court shall vacate an order forfeiting a bail bond and release the
14 professional bondsman, as defined in section 29-144, or the surety bail

15 bond agent and the insurer, as both terms are defined in section 38a-
16 660, if (1) the principal on the bail bond (A) is detained or incarcerated
17 (i) in another state, territory or country, or (ii) by a federal agency, or
18 (B) has been removed by United States Immigration and Customs
19 Enforcement, and (2) the professional bondsman, the surety bail bond
20 agent or the insurer provides satisfactory proof of such detention,
21 incarceration or removal to the court and the state's attorney
22 prosecuting the case, and (3) (A) the state's attorney prosecuting the
23 case declines to seek extradition of the principal, or (B) the state's
24 attorney prosecuting the case decides to seek extradition of the principal
25 and the professional bondsman, surety bail bond agent or insurer
26 provides proof to the court that such bondsman, agent or insurer has paid
27 to the Division of Criminal Justice the costs it will incur in extraditing the
28 principal to the state.

29 Sec. 3. Section 53a-54c of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2015*):

31 A person is guilty of murder when, acting either alone or with one
32 or more persons, [he] such person commits or attempts to commit
33 robbery, home invasion, burglary, kidnapping, sexual assault in the
34 first degree, aggravated sexual assault in the first degree, sexual
35 assault in the third degree, sexual assault in the third degree with a
36 firearm, escape in the first degree, or escape in the second degree and,
37 in the course of and in furtherance of such crime or of flight therefrom,
38 [he] such person, or another participant, if any, causes the death of a
39 person other than one of the participants, except that in any
40 prosecution under this section, in which the defendant was not the
41 only participant in the underlying crime, it shall be an affirmative
42 defense that the defendant: (1) Did not commit the homicidal act or in
43 any way solicit, request, command, importune, cause or aid the
44 commission thereof; and (2) was not armed with a deadly weapon, or
45 any dangerous instrument; and (3) had no reasonable ground to
46 believe that any other participant was armed with such a weapon or
47 instrument; and (4) had no reasonable ground to believe that any other

48 participant intended to engage in conduct likely to result in death or
49 serious physical injury.

50 Sec. 4. Section 53a-60 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2015*):

52 (a) A person is guilty of assault in the second degree when: (1) With
53 intent to cause serious physical injury to another person, [he] the actor
54 causes such injury to such person or to a third person; or (2) with
55 intent to cause physical injury to another person, [he] the actor causes
56 such injury to such person or to a third person by means of a deadly
57 weapon or a dangerous instrument other than by means of the
58 discharge of a firearm; or (3) [he] the actor recklessly causes serious
59 physical injury to another person by means of a deadly weapon or a
60 dangerous instrument; or (4) for a purpose other than lawful medical
61 or therapeutic treatment, [he] the actor intentionally causes stupor,
62 unconsciousness or other physical impairment or injury to another
63 person by administering to such person, without his consent, a drug,
64 substance or preparation capable of producing the same; or (5) [he] the
65 actor is a parolee from a correctional institution and with intent to
66 cause physical injury to an employee or member of the Board of
67 Pardons and Paroles, he causes physical injury to such employee or
68 member; or (6) with intent to cause serious physical injury to another
69 person by rendering such other person unconscious, and without
70 provocation by such other person, [he] the actor causes such injury to
71 such other person by striking such other person on the head.

72 (b) Assault in the second degree is a class D felony or, if the offense
73 resulted in serious physical injury, a class C felony.

74 Sec. 5. Subsection (a) of section 54-251 of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*
76 *October 1, 2015*):

77 (a) Any person who has been convicted or found not guilty by
78 reason of mental disease or defect of a criminal offense against a victim

79 who is a minor or a nonviolent sexual offense, and is released into the
80 community on or after October 1, 1998, shall, within three days
81 following such release or, if such person is in the custody of the
82 Commissioner of Correction, at such time prior to release as the
83 commissioner shall direct, and whether or not such person's place of
84 residence is in this state, register such person's name, identifying
85 factors, criminal history record, residence address and electronic mail
86 address, instant message address or other similar Internet
87 communication identifier, if any, with the Commissioner of Emergency
88 Services and Public Protection, on such forms and in such locations as
89 the commissioner shall direct, and shall maintain such registration for
90 ten years from the date of such person's release into the community,
91 except that any person who has one or more prior convictions of any
92 such offense or who is convicted of a violation of subdivision (2) of
93 subsection (a) of section 53a-70 shall maintain such registration for life.
94 Prior to accepting a plea of guilty or nolo contendere from a person
95 with respect to a criminal offense against a victim who is a minor or a
96 nonviolent sexual offense, the court shall (1) inform the person that the
97 entry of a finding of guilty after acceptance of the plea will subject the
98 person to the registration requirements of this section, and (2)
99 determine that the person fully understands the consequences of the
100 plea. If any person who is subject to registration under this section
101 changes such person's name, such person shall, without undue delay,
102 notify the Commissioner of Emergency Services and Public Protection
103 in writing of the new name. If any person who is subject to registration
104 under this section changes such person's address, such person shall,
105 without undue delay, notify the Commissioner of Emergency Services
106 and Public Protection in writing of the new address and, if the new
107 address is in another state, such person shall also register with an
108 appropriate agency in that state, provided that state has a registration
109 requirement for such offenders. If any person who is subject to
110 registration under this section establishes or changes an electronic mail
111 address, instant message address or other similar Internet
112 communication identifier, such person shall, without undue delay,

113 notify the Commissioner of Emergency Services and Public Protection
114 in writing of such identifier. If any person who is subject to registration
115 under this section is employed at, carries on a vocation at or is a
116 student at a trade or professional institution or institution of higher
117 learning in this state, such person shall, without undue delay, notify
118 the Commissioner of Emergency Services and Public Protection of
119 such status and of any change in such status. If any person who is
120 subject to registration under this section is employed in another state,
121 carries on a vocation in another state or is a student in another state,
122 such person shall, without undue delay, notify the Commissioner of
123 Emergency Services and Public Protection and shall also register with
124 an appropriate agency in that state, provided that state has a
125 registration requirement for such offenders. During such period of
126 registration, each registrant shall complete and return forms mailed to
127 such registrant to verify such registrant's residence address and shall
128 submit to the retaking of a photographic image upon request of the
129 Commissioner of Emergency Services and Public Protection.

130 Sec. 6. Subsection (b) of section 54-252 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective*
132 *October 1, 2015*):

133 (b) Any person who has been subject to the registration
134 requirements of section 54-102r of the general statutes, revised to
135 January 1, 1997, as amended by section 1 of public act 97-183, shall, not
136 later than three working days after October 1, 1998, register under this
137 section and thereafter comply with the provisions of sections 54-102g
138 and 54-250 to 54-258a, inclusive, except that any person who was
139 convicted or found not guilty by reason of mental disease or defect of
140 an offense that is classified as a criminal offense against a victim who is
141 a minor under subdivision (2) of section 54-250 and that is subject to a
142 ten-year period of registration under section 54-251, as amended by
143 this act, shall maintain such registration for ten years from the date of
144 such person's release into the community.

145 Sec. 7. Subsection (a) of section 54-254 of the general statutes is
146 repealed and the following is substituted in lieu thereof (*Effective*
147 *October 1, 2015*):

148 (a) Any person who has been convicted or found not guilty by
149 reason of mental disease or defect in this state on or after October 1,
150 1998, of any felony that the court finds was committed for a sexual
151 purpose, may be required by the court upon release into the
152 community or, if such person is in the custody of the Commissioner of
153 Correction, at such time prior to release as the commissioner shall
154 direct to register such person's name, identifying factors, criminal
155 history record, residence address and electronic mail address, instant
156 message address or other similar Internet communication identifier, if
157 any, with the Commissioner of Emergency Services and Public
158 Protection, on such forms and in such locations as the commissioner
159 shall direct, and to maintain such registration for ten years from the
160 date of such person's release into the community. If the court finds that
161 a person has committed a felony for a sexual purpose and intends to
162 require such person to register under this section, prior to accepting a
163 plea of guilty or nolo contendere from such person with respect to
164 such felony, the court shall (1) inform the person that the entry of a
165 finding of guilty after acceptance of the plea will subject the person to
166 the registration requirements of this section, and (2) determine that the
167 person fully understands the consequences of the plea. If any person
168 who is subject to registration under this section changes such person's
169 name, such person shall, without undue delay, notify the
170 Commissioner of Emergency Services and Public Protection in writing
171 of the new name. If any person who is subject to registration under this
172 section changes such person's address, such person shall, without
173 undue delay, notify the Commissioner of Emergency Services and
174 Public Protection in writing of the new address and, if the new address
175 is in another state, such person shall also register with an appropriate
176 agency in that state, provided that state has a registration requirement
177 for such offenders. If any person who is subject to registration under

178 this section establishes or changes an electronic mail address, instant
179 message address or other similar Internet communication identifier,
180 such person shall, without undue delay, notify the Commissioner of
181 Emergency Services and Public Protection in writing of such identifier.
182 If any person who is subject to registration under this section is
183 employed at, carries on a vocation at or is a student at a trade or
184 professional institution or institution of higher learning in this state,
185 such person shall, without undue delay, notify the Commissioner of
186 Emergency Services and Public Protection of such status and of any
187 change in such status. If any person who is subject to registration
188 under this section is employed in another state, carries on a vocation in
189 another state or is a student in another state, such person shall, without
190 undue delay, notify the Commissioner of Emergency Services and
191 Public Protection and shall also register with an appropriate agency in
192 that state, provided that state has a registration requirement for such
193 offenders. During such period of registration, each registrant shall
194 complete and return forms mailed to such registrant to verify such
195 registrant's residence address and shall submit to the retaking of a
196 photographic image upon request of the Commissioner of Emergency
197 Services and Public Protection.

198 Sec. 8. Section 53a-110a of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective October 1, 2015*):

200 (a) A person is guilty of simple trespass when, knowing that [he]
201 such person is not licensed or privileged to do so, [he] such person
202 enters or remains in or on any premises without intent to harm any
203 property.

204 (b) Simple trespass is an infraction.

205 Sec. 9. Section 53a-151 of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective October 1, 2015*):

207 (a) A person is guilty of tampering with a witness if, believing that
208 an investigation or official proceeding is pending or about to be

209 instituted, [he] such person induces or attempts to induce a witness to
210 testify or inform falsely, withhold testimony, information, a document
211 or a thing, elude legal process summoning [him] such person to testify
212 or provide evidence, or absent himself or herself from any official
213 proceeding or investigation to which such person has been summoned.

214 (b) Tampering with a witness is a class C felony.

215 Sec. 10. Section 53a-151a of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective October 1, 2015*):

217 (a) A person is guilty of intimidating a witness when, believing that
218 an investigation or official proceeding is pending or about to be
219 instituted, such person uses, attempts to use or threatens the use of
220 physical force against a witness or another person with intent to (1)
221 influence, delay or prevent the testimony of the witness in the official
222 proceeding, or the cooperation of the witness in the investigation, or
223 (2) induce the witness to testify or inform falsely, withhold testimony,
224 information, a document or a thing, elude legal process summoning
225 the witness to testify or provide evidence, or absent himself or herself
226 from the official proceeding or investigation to which such person has
227 been summoned.

228 (b) Intimidating a witness is a class C felony.

229 Sec. 11. Section 53a-155 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2015*):

231 (a) A person is guilty of tampering with or fabricating physical
232 evidence if, believing that an investigation or official proceeding is
233 pending, or about to be instituted, [he] such person: (1) Alters,
234 destroys, conceals or removes any record, document or thing with
235 purpose to impair its verity or availability in such investigation or
236 proceeding; or (2) makes, presents or uses any record, document or
237 thing knowing it to be false and with purpose to mislead a public
238 servant who is or may be engaged in such investigation or official

239 proceeding.

240 (b) Tampering with or fabricating physical evidence is a class D
 241 felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	53a-31(a)
Sec. 2	<i>October 1, 2015</i>	54-65c
Sec. 3	<i>October 1, 2015</i>	53a-54c
Sec. 4	<i>October 1, 2015</i>	53a-60
Sec. 5	<i>October 1, 2015</i>	54-251(a)
Sec. 6	<i>October 1, 2015</i>	54-252(b)
Sec. 7	<i>October 1, 2015</i>	54-254(a)
Sec. 8	<i>October 1, 2015</i>	53a-110a
Sec. 9	<i>October 1, 2015</i>	53a-151
Sec. 10	<i>October 1, 2015</i>	53a-151a
Sec. 11	<i>October 1, 2015</i>	53a-155

Statement of Purpose:

To clarify that the period of probation for an incarcerated individual begins after the completion of the period of incarceration in response to the ruling in State v. Moore, to facilitate the return to Connecticut of fugitive defendants in criminal cases who have absconded to another jurisdiction after having bond posted through a bail bond agent, to include home invasion as a predicate offense to the crime of felony murder, to provide an appropriate penalty for assault that results in serious physical injury, to clarify that the ten-year period of registration for certain sexual offenders commences after any term of incarceration is completed, to provide for a more appropriate means of disposition in certain cases of simple trespass and to amend the statutes concerning tampering with a witness.

[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.]