



House of Representatives

General Assembly

File No. 530

February Session, 2016

Substitute House Bill No. 5495

House of Representatives, April 7, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENHANCED PENALTIES FOR THREATENING A JUDGE.

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 Section 53a-61aa of the general statutes is repealed and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, 2016*):

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 (3) of this subsection and the person being
21 threatened is a family support magistrate, a family support referee or a
22 judge of any court, either elected or appointed, and the threat is related
23 to the magistrate's, referee's or judge's official duties. No person shall
24 be found guilty of threatening in the first degree under subdivision (3)
25 of this subsection and threatening in the second degree upon the same
26 transaction but such person may be charged and prosecuted for both
27 such offenses upon the same information.

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

35 (c) Threatening in the first degree is a class D felony, except that a
36 violation of subdivision (4) of subsection (a) is a class C felony.

37 Sec. 2. Section 53a-62 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2016*):

39 (a) A person is guilty of threatening in the second degree when: (1)
40 By physical threat, such person intentionally places or attempts to
41 place another person in fear of imminent serious physical injury, (2)
42 (A) such person threatens to commit any crime of violence with the
43 intent to terrorize another person, or [(3)] (B) such person threatens to
44 commit such crime of violence in reckless disregard of the risk of
45 causing such terror, or (3) such person violates subdivision (1) or (2) of
46 this subsection and the person being threatened is a family support
47 magistrate, a family support referee or a judge of any court, either

48 elected or appointed, and the threat is related to the magistrate's,
49 referee's or judge's official duties.

50 (b) Threatening in the second degree is a class A misdemeanor,
51 except that a violation of subdivision (3) of subsection (a) of this
52 section is a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	53a-61aa
Sec. 2	<i>October 1, 2016</i>	53a-62

JUD *Joint Favorable Subst.*

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 17 \$	FY 18 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which increases the penalty for certain cases of threatening, results in a potential revenue gain from criminal fines and a potential cost for increased sentences. In FY 15 there were 11 charges with a total revenue gain of \$2,640. Currently there are 35 inmates incarcerated for the charges specified.

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 state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

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 2/21/2016
Judicial Department Offenses and Revenue Database

OLR Bill Analysis**sHB 5495****AN ACT CONCERNING ENHANCED PENALTIES FOR THREATENING A JUDGE.****SUMMARY:**

This bill raises the penalty for 2nd degree threatening, and certain cases of 1st degree threatening, when the victim is a judge (elected or appointed), family support magistrate, or family support magistrate referee and the threat is related to the victim's official duties.

For 1st degree threatening, the bill raises the penalty from a class D to a class C felony. Thus, the bill increases the (1) maximum imprisonment from five to 10 years and (2) maximum fine from \$5,000 to \$10,000.

For 2nd degree threatening, the bill raises the penalty from a class A misdemeanor to a class D felony. Thus, the bill increases the (1) maximum imprisonment from one year to five years and (2) maximum fine from \$2,000 to \$5,000.

EFFECTIVE DATE: October 1, 2016

ENHANCED PENALTY FOR THREATENING CERTAIN JUDICIAL OFFICIALS***First-Degree Threatening***

The bill's enhanced penalty for 1st degree threatening applies if the defendant commits the crime against a judicial official listed above by:

1. threatening to commit a crime involving the use of a hazardous substance (a) intending to terrorize another person, cause evacuation of a building, place of assembly, or public transportation facility, or otherwise cause serious public inconvenience, or (b) in reckless disregard of the risk of causing

such terror, evacuation, or inconvenience or

2. committing 2nd degree threatening (see below) and, during the crime, uses, is armed with and threatens to use, or displays or represents that he or she possesses a firearm.

Second-Degree Threatening

The bill’s enhanced penalty for 2nd degree threatening applies if the defendant commits this crime against a judicial official listed above.

Under existing law, a person commits 2nd degree threatening when he or she:

1. by physical threat, intentionally places, or attempts to place, another person in fear of imminent serious physical injury;
2. threatens to commit a violent crime intending to terrorize another person; or
3. threatens to commit a violent crime in disregard of the risk of terrorizing someone.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 1 (03/21/2016)