



House of Representatives

General Assembly

File No. 565

February Session, 2018

Substitute House Bill No. 5466

House of Representatives, April 18, 2018

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 THE PROTECTION OF CHILDREN.

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

1 Section 1. Section 53-21 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

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

16 sixteen years from another person upon payment of money or other
 17 valuable consideration to such other person or a third person, except in
 18 connection with an adoption proceeding that complies with the
 19 provisions of chapter 803, shall be guilty of (A) a class C felony for a
 20 violation of subdivision (1) or (3) of this subsection, provided such
 21 person shall be sentenced to a term of imprisonment of which thirty
 22 consecutive days of the sentence imposed may not be suspended or
 23 reduced in any manner, and (B) a class B felony for a violation of
 24 subdivision (2) of this subsection, [except that,] provided if the
 25 violation is of subdivision (2) of this subsection, [and] such person
 26 shall be sentenced to a term of imprisonment of which thirty
 27 consecutive days of the sentence imposed may not be suspended or
 28 reduced in any manner, except that, if the victim of the offense is
 29 under thirteen years of age, such person shall be sentenced to a term of
 30 imprisonment of which five years of the sentence imposed may not be
 31 suspended or reduced by the court.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	53-21

Statement of Legislative Commissioners:

In Section 1(a), the exception clauses for the new language were changed to provisos for accuracy.

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 19 \$	FY 20 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill imposes a 30-day mandatory minimum prison sentence for any offense that constitutes risk of injury to a child and results in a potential cost to the state. There are approximately 1,500 people on probation for this offense who may receive the mandatory minimum of 30 days in prison. On average, the marginal cost to the state for incarcerating an offender for a month is \$160.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses.

¹ Inmate marginal cost is based on reduced consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis**sHB 5466*****AN ACT CONCERNING THE PROTECTION OF CHILDREN.*****SUMMARY**

This bill imposes a 30-day mandatory minimum prison sentence for any of the offenses that constitute the crime of risk of injury to a child (CGS § 53-21). (Existing law already imposes a five-year mandatory minimum sentence for certain of these offenses if the victim is under age 13.)

Specifically, the bill imposes a 30-day mandatory minimum sentence for:

1. willfully or unlawfully causing or permitting a child under age 16 to be placed in a situation that (a) endangers the child's life or limb, (b) is likely to injure the child's health, or (c) is likely to impair the child's morals;
2. with certain exceptions related to adoption, (a) permanently transferring the legal or physical custody of a child under age 16 to another person for money or other valuable consideration or (b) acquiring or receiving the custody of such a child from another person upon payment of money or other valuable consideration to that person or to a third person; or
3. having contact with the intimate parts of a child under age 16 or subjecting such a child to contact with the intimate parts of another person in a sexual or indecent manner likely to impair the child's health or morals.

By law, unchanged by the bill:

1. the first two offenses are class C felonies, punishable by up to 10

years in prison, up to a \$10,000 fine, or both; and

2. the last offense is a class B felony punishable by up to 20 years in prison, up to a \$15,000 fine, or both. As mentioned above, there is also a five-year mandatory minimum prison sentence for this offense if the victim is under age 13.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/04/2018)