
OLR Bill Analysis

sSB 1133

AN ACT CONCERNING CIRCUMSTANCES PRESENTING A SUBSTANTIAL RISK TO A CHILD'S HEALTH OR SAFETY.

SUMMARY

This bill limits the circumstances under which a parent or guardian may be found guilty of leaving a minor unattended in a public place or motor vehicle. In doing so, it also limits the circumstances under which injury or risk of injury to a minor may be found (see BACKGROUND).

Under existing law, it is a class A misdemeanor for any parent, guardian, or person with custody, control, or supervision of a child under age 12 to knowingly leave the child unsupervised in a place of public accommodation or motor vehicle for a period of time that presents a substantial risk to the child's health or safety. (A class A misdemeanor is punishable by up to 364 days in prison, a fine up to \$2,000, or both.)

When determining whether someone committed this violation, the bill requires consideration to be given to whether the person exercised judgment that a reasonable person would use to determine if the child was of sufficient age, maturity, and physical and mental ability to be unsupervised under the circumstances.

Additionally, the bill prohibits a finding of substantial risk based solely on the person allowing a child who is of sufficient age, maturity, physical condition, and mental ability to participate in independent activities, if a reasonable person would not believe participating creates an obvious danger to the child's safety.

Under the bill, "independent activities" include:

1. traveling to and from school,

2. traveling to and from commercial or recreational facilities near the child's home, and
3. unsupervised outdoor play.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Leaving Children Unsupervised in a Place of Public Accommodation

By law, it is a class C felony to leave a child unsupervised in a place of public accommodation between 8:00 p.m. and 6:00 a.m., and a class D felony if the public accommodation holds an alcohol permit for on-premises consumption. (A class C felony is punishable by one to 10 years in prison, a fine up to \$10,000, or both. A class D felony is punishable by up to five years in prison, a fine up to \$5,000, or both.)

It is also a class A misdemeanor to knowingly fail to report the disappearance of a child under age 12. The duty to report applies to any parent, guardian, or person who has custody or control of, or is supervising, the child and who either does not know the child's location or has not had contact with him or her for a 24-hour period (CGS § 53-21a).

Neglect or Risk of Injury to a Minor

By law, a person who does any act likely to impair a child's health or morals may be found guilty of the crime of neglect or risk of injury to a minor. Among other things, this includes when a person willfully or unlawfully causes or allows any child under age 16 to be placed in a situation that (1) endangers the child's life or limb, (2) injures the child's health, or (3) impairs the child's morals.

Neglect or risk of injury to a minor is a class C felony (punishable by up to 10 years imprisonment) or class B felony (punishable by up to 20 years imprisonment, up to a \$15,000 fine, or both) depending on the child's age and the nature of the violation (CGS § 53-21).

Related Bill

sSB 1048, reported favorably by the Children’s Committee, limits a finding of neglect if, among other things, a child is allowed to participate in “independent activities,” which it defines in a way that is substantially similar to this bill’s definition.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/31/2023)