

**Proposed Substitute
Bill No. 1048**

January Session, 2023

LCO No. 5307

**AN ACT ESTABLISHING AN AFFIRMATIVE DEFENSE TO A
MISDEMEANOR CONCERNING THE SUPERVISION OF CHILDREN.**

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

1 Section 1. Subdivision (4) of section 46b-120 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (4) (A) A child may be found "neglected" who, for reasons other than
5 being impoverished, ~~[(A)] (i)~~ has been abandoned, ~~[(B)] (ii)~~ is being
6 denied ~~[proper]~~ necessary care and attention, physically, educationally,
7 emotionally or morally, or ~~[(C)] (iii)~~ is being permitted to live under
8 conditions, circumstances or associations ~~[injurious to the]~~ that present
9 an obvious danger to the health or well-being of the child and which the
10 parent, guardian or caretaker who is responsible for such child's health
11 or well-being wilfully or recklessly disregard as an obvious danger;

12 (B) A child may not be found "neglected" solely because such child is
13 participating in independent activities, except if such activities present
14 an obvious danger to the child's health or safety as understood by and
15 based upon the parent, guardian or other caregiver's knowledge of the
16 child's maturity, condition and abilities. Such independent activities are
17 activities conducted by a child without direct supervision or being
18 attended by a parent, guardian or other caretaker, including, but not
19 limited to: (i) Traveling to and from school or commercial or recreational
20 facilities by means including walking, running, bicycling or other
21 similar mode of travel; (ii) engaging in outdoor play; and (iii) being in a

22 home or other location;

23 Sec. 2. Section 53-21 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective October 1, 2023*):

25 (a) Any person who (1) wilfully or unlawfully causes or permits any
26 child under the age of sixteen years to be placed in such a situation that
27 the life or limb of such child is endangered, the health of such child is
28 likely to be injured or the morals of such child are likely to be impaired,
29 or does any act likely to impair the health or morals of any such child,
30 or (2) has contact with the intimate parts, as defined in section 53a-65, of
31 a child under the age of sixteen years or subjects a child under sixteen
32 years of age to contact with the intimate parts of such person, in a sexual
33 and indecent manner likely to impair the health or morals of such child,
34 or (3) permanently transfers the legal or physical custody of a child
35 under the age of sixteen years to another person for money or other
36 valuable consideration or acquires or receives the legal or physical
37 custody of a child under the age of sixteen years from another person
38 upon payment of money or other valuable consideration to such other
39 person or a third person, except in connection with an adoption
40 proceeding that complies with the provisions of chapter 803, shall be
41 guilty of (A) a class C felony for a violation of subdivision (1) or (3) of
42 this subsection, and (B) a class B felony for a violation of subdivision (2)
43 of this subsection, except that, if the violation is of subdivision (2) of this
44 subsection and the victim of the offense is under thirteen years of age,
45 such person shall be sentenced to a term of imprisonment of which five
46 years of the sentence imposed may not be suspended or reduced by the
47 court.

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

51 (c) The act of a parent, guardian or caretaker of a child permitting
52 such child to engage in independent activities, as described section 46b-
53 120, as amended by this act, shall not constitute a violation of this

54 section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2023</i>	46b-120(4)
Sec. 2	<i>October 1, 2023</i>	53-21