

Senate, April 8, 1998. The Committee on Judiciary reported through SEN. WILLIAMS, 29th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PERSISTENT SEXUAL OFFENDERS.

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

1 Section 1. Section 53-21 of the general  
2 statutes, as amended by section 1 of public act  
3 97-147, is repealed and the following is  
4 substituted in lieu thereof:

5 (a) Any person who [(1)] wilfully or  
6 unlawfully causes or permits any child under the  
7 age of sixteen years to be placed in such a  
8 situation that the life or limb of such child is  
9 endangered, the health of such child is likely to  
10 be injured or the morals of such child are likely  
11 to be impaired, or does any act likely to impair  
12 the health or morals of any such child, [or (2)]  
13 SHALL BE GUILTY OF A CLASS C FELONY.

14 (b) ANY PERSON WHO has contact with the  
15 intimate parts, as defined in section 53a-65, of a  
16 child under the age of sixteen years or subjects a  
17 child under sixteen years of age to contact with  
18 the intimate parts of such person, in a sexual and  
19 indecent manner likely to impair the health or  
20 morals of such child, [or (3)] SHALL BE GUILTY OF  
21 A CLASS C FELONY.

22 (c) ANY PERSON WHO permanently transfers the  
23 legal or physical custody of a child under the age

24 of sixteen years to another person for money or  
25 other valuable consideration or acquires or  
26 receives the legal or physical custody of a child  
27 under the age of sixteen years from another person  
28 upon payment of money or other valuable  
29 consideration to such other person or a third  
30 person, except in connection with an adoption  
31 proceeding that complies with the provisions of  
32 chapter 803, shall be guilty of a class C felony.

33 Sec. 2. Section 53a-40 of the general  
34 statutes is repealed and the following is  
35 substituted in lieu thereof:

36 (a) A persistent dangerous felony offender is  
37 a person who (1) stands convicted of manslaughter,  
38 arson, kidnapping, [sexual assault in the first or  
39 third degree, aggravated sexual assault in the  
40 first degree, sexual assault in the third degree  
41 with a firearm,] robbery in the first or second  
42 degree, or assault in the first degree, and (2)  
43 has been, prior to the commission of the present  
44 crime, convicted of and imprisoned under a  
45 sentence to a term of imprisonment of more than  
46 one year or of death, in this state or in any  
47 other state or in a federal correctional  
48 institution, for any of the following crimes: (A)  
49 The crimes enumerated in subdivision (1) of this  
50 subsection, [murder,] or an attempt to commit any  
51 of said crimes; [or murder] OR (B) MURDER, SEXUAL  
52 ASSAULT IN THE FIRST OR THIRD DEGREE, AGGRAVATED  
53 SEXUAL ASSAULT IN THE FIRST DEGREE OR SEXUAL  
54 ASSAULT IN THE THIRD DEGREE WITH A FIREARM, OR AN  
55 ATTEMPT TO COMMIT ANY OF SAID CRIMES; or [(B)] (C)  
56 prior to October 1, 1975, any of the crimes  
57 enumerated in section 53a-72, 53a-75 or 53a-78 of  
58 the general statutes, revision of 1958, revised to  
59 1975, or prior to October 1, 1971, in this state,  
60 assault with intent to kill under section 54-117,  
61 or any of the crimes enumerated in sections 53-9,  
62 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19,  
63 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82,  
64 53-83, 53-86, 53-238 and 53-239 of the general  
65 statutes, revision of 1958, revised to 1968, or  
66 any predecessor statutes in this state, or an  
67 attempt to commit any of said crimes; or [(C)] (D)  
68 in any other state, any crimes the essential  
69 elements of which are substantially the same as  
70 any of the crimes enumerated in subdivision (1)  
71 [or (2)] of this subsection OR THIS SUBDIVISION.

72       **(b)** A PERSISTENT DANGEROUS SEXUAL OFFENDER IS  
73 A PERSON WHO (1) STANDS CONVICTED OF SEXUAL  
74 ASSAULT IN THE FIRST OR THIRD DEGREE, AGGRAVATED  
75 SEXUAL ASSAULT IN THE FIRST DEGREE OR SEXUAL  
76 ASSAULT IN THE THIRD DEGREE WITH A FIREARM AND (2)  
77 HAS BEEN, PRIOR TO THE COMMISSION OF THE PRESENT  
78 CRIME, CONVICTED OF AND IMPRISONED UNDER A  
79 SENTENCE TO A TERM OF IMPRISONMENT OF MORE THAN  
80 ONE YEAR, IN THIS STATE OR IN ANY OTHER STATE OR  
81 IN A FEDERAL CORRECTIONAL INSTITUTION, FOR (A) ANY  
82 OF THE CRIMES ENUMERATED IN SUBDIVISION (1) OF  
83 THIS SUBSECTION, OR (B) PRIOR TO OCTOBER 1, 1975,  
84 ANY OF THE CRIMES ENUMERATED IN SECTION 53a-72,  
85 53a-75 OR 53a-78 OF THE GENERAL STATUTES, REVISION  
86 OF 1958, REVISED TO 1975, OR PRIOR TO OCTOBER 1,  
87 1971, IN THIS STATE, ANY OF THE CRIMES ENUMERATED  
88 IN SECTION 53-238 OR 53-239 OF THE GENERAL  
89 STATUTES, REVISION OF 1958, REVISED TO 1968, OR  
90 ANY PREDECESSOR STATUTES IN THIS STATE, OR AN  
91 ATTEMPT TO COMMIT ANY OF SAID CRIMES; OR (C) IN  
92 ANY OTHER STATE, ANY CRIMES THE ESSENTIAL ELEMENTS  
93 OF WHICH ARE SUBSTANTIALLY THE SAME AS ANY OF THE  
94 CRIMES ENUMERATED IN SUBDIVISION (1) OF THIS  
95 SUBSECTION OR THIS SUBDIVISION.

96       **[(b)] (c)** A persistent serious felony  
97 offender is a person who (1) stands convicted of a  
98 felony, and (2) has been, prior to the commission  
99 of the present felony, convicted of and imprisoned  
100 under an imposed term of more than one year or of  
101 death, in this state or in any other state or in a  
102 federal correctional institution, for a crime.  
103 This subsection shall not apply where the present  
104 conviction is for a crime enumerated in  
105 subdivision (1) of subsection (a) of this section  
106 and the prior conviction was for a crime other  
107 than those enumerated in subsection (a) of this  
108 section.

109       **(d)** A PERSISTENT SERIOUS SEXUAL OFFENDER IS A  
110 PERSON, OTHER THAN A PERSON WHO QUALIFIES AS A  
111 PERSISTENT DANGEROUS SEXUAL OFFENDER UNDER  
112 SUBSECTION (b) OF THIS SECTION, WHO QUALIFIES AS A  
113 PERSISTENT SERIOUS FELONY OFFENDER UNDER  
114 SUBSECTION (c) OF THIS SECTION AND THE FELONY OF  
115 WHICH SUCH PERSON PRESENTLY STANDS CONVICTED IS A  
116 VIOLATION OF SUBSECTION (b) OF SECTION 53-21, AS  
117 AMENDED BY SECTION 1 OF THIS ACT, OR SECTION  
118 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a OR  
119 53a-72b AND THE PRIOR CONVICTION IS FOR A

120 VIOLATION OF SECTION 53-21 OF THE GENERAL  
121 STATUTES, REVISED TO JANUARY 1, 1995, INVOLVING  
122 SEXUAL CONTACT, COMMITTED PRIOR TO OCTOBER 1,  
123 1995, A VIOLATION OF SUBDIVISION (2) OF SECTION  
124 53-21 OF THE GENERAL STATUTES, REVISED TO JANUARY  
125 1, 1997, COMMITTED ON OR AFTER OCTOBER 1, 1995,  
126 AND PRIOR TO THE EFFECTIVE DATE OF THIS ACT, OR A  
127 VIOLATION OF SUBSECTION (b) OF SECTION 53-21, AS  
128 AMENDED BY SECTION 1 OF THIS ACT, OR SECTION  
129 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b  
130 OR 53a-73a.

131 [(c)] (e) A persistent larceny offender is a  
132 person who (1) stands convicted of larceny in the  
133 third degree in violation of the provisions of  
134 section 53a-124 in effect prior to October 1,  
135 1982, or larceny in the fourth, fifth or sixth  
136 degree and (2) has been, at separate times prior  
137 to the commission of the present larceny, twice  
138 convicted of the crime of larceny.

139 [(d)] (f) A persistent felony offender is a  
140 person who (1) stands convicted of a felony other  
141 than a class D felony, and (2) has been, at  
142 separate times prior to the commission of the  
143 present felony, twice convicted of a felony other  
144 than a class D felony.

145 [(e)] (g) It shall be an affirmative defense  
146 to the charge of being a persistent offender under  
147 this section that (1) as to any prior conviction  
148 on which the state is relying the defendant was  
149 pardoned on the ground of innocence, and (2)  
150 without such conviction, the defendant was not two  
151 or more times convicted and imprisoned as required  
152 by this section.

153 [(f)] (h) When any person has been found to  
154 be a persistent dangerous felony offender, and the  
155 court is of the opinion that his history and  
156 character and the nature and circumstances of his  
157 criminal conduct indicate that extended  
158 incarceration and lifetime supervision will best  
159 serve the public interest, the court, in lieu of  
160 imposing the sentence of imprisonment authorized  
161 by section 53a-35 for the crime of which such  
162 person presently stands convicted, or authorized  
163 by section 53a-35a if the crime of which such  
164 person presently stands convicted was committed on  
165 or after July 1, 1981, shall sentence such person  
166 to a term of imprisonment of not more than forty  
167 years and, if such person has, at separate times

168 prior to the commission of the present crime, been  
169 twice convicted of and imprisoned for any of the  
170 crimes enumerated in subdivision (2) of subsection  
171 (a) of this section, sentence such person to a  
172 term of imprisonment of not more than life.

173 (i) WHEN ANY PERSON HAS BEEN FOUND TO BE A  
174 PERSISTENT DANGEROUS SEXUAL OFFENDER, AND THE  
175 COURT IS OF THE OPINION THAT HIS HISTORY AND  
176 CHARACTER AND THE NATURE AND CIRCUMSTANCES OF HIS  
177 CRIMINAL CONDUCT INDICATE THAT EXTENDED  
178 INCARCERATION AND LIFETIME SUPERVISION WILL BEST  
179 SERVE THE PUBLIC INTEREST, THE COURT, IN LIEU OF  
180 IMPOSING THE SENTENCE OF IMPRISONMENT AUTHORIZED  
181 BY SECTION 53a-35 FOR THE CRIME OF WHICH SUCH  
182 PERSON PRESENTLY STANDS CONVICTED, OR AUTHORIZED  
183 BY SECTION 53a-35a IF THE CRIME OF WHICH SUCH  
184 PERSON PRESENTLY STANDS CONVICTED WAS COMMITTED ON  
185 OR AFTER JULY 1, 1981, SHALL SENTENCE SUCH PERSON  
186 TO A TERM OF IMPRISONMENT OF NOT MORE THAN LIFE  
187 FOR WHICH TEN YEARS OF THE SENTENCE IMPOSED MAY  
188 NOT BE SUSPENDED OR REDUCED BY THE COURT.

189 [(g)] (j) When any person has been found to  
190 be a persistent serious felony offender, and the  
191 court is of the opinion that his history and  
192 character and the nature and circumstances of his  
193 criminal conduct indicate that extended  
194 incarceration will best serve the public interest,  
195 the court in lieu of imposing the sentence of  
196 imprisonment authorized by section 53a-35 for the  
197 crime of which such person presently stands  
198 convicted, or authorized by section 53a-35a if the  
199 crime of which such person presently stands  
200 convicted was committed on or after July 1, 1981,  
201 may impose the sentence of imprisonment authorized  
202 by said section for the next more serious degree  
203 of felony.

204 (k) WHEN ANY PERSON HAS BEEN FOUND TO BE A  
205 PERSISTENT SERIOUS SEXUAL OFFENDER, AND THE COURT  
206 IS OF THE OPINION THAT HIS HISTORY AND CHARACTER  
207 AND THE NATURE AND CIRCUMSTANCES OF HIS CRIMINAL  
208 CONDUCT INDICATE THAT EXTENDED INCARCERATION WILL  
209 BEST SERVE THE PUBLIC INTEREST, THE COURT IN LIEU  
210 OF IMPOSING THE SENTENCE OF IMPRISONMENT  
211 AUTHORIZED BY SECTION 53a-35 FOR THE CRIME OF  
212 WHICH SUCH PERSON PRESENTLY STANDS CONVICTED, OR  
213 AUTHORIZED BY SECTION 53a-35a IF THE CRIME OF  
214 WHICH SUCH PERSON PRESENTLY STANDS CONVICTED WAS  
215 COMMITTED ON OR AFTER JULY 1, 1981, MAY IMPOSE THE

216 SENTENCE OF IMPRISONMENT AUTHORIZED BY SAID  
217 SECTION FOR THE NEXT MORE SERIOUS DEGREE OF FELONY  
218 FOR WHICH FIVE YEARS OF THE SENTENCE IMPOSED MAY  
219 NOT BE SUSPENDED OR REDUCED BY THE COURT.

220 [(h)] (l) When any person has been found to  
221 be a persistent larceny offender, and the court is  
222 of the opinion that his history and character and  
223 the nature and circumstances of his criminal  
224 conduct indicate that extended incarceration will  
225 best serve the public interest, the court, in lieu  
226 of imposing the sentence authorized by section  
227 53a-36 for the crime of which such person  
228 presently stands convicted, may impose the  
229 sentence of imprisonment for a class D felony  
230 authorized by section 53a-35, if the crime of  
231 which such person presently stands convicted was  
232 committed prior to July 1, 1981, or authorized by  
233 section 53a-35a, if the crime of which such person  
234 presently stands convicted was committed on or  
235 after July 1, 1981.

236 [(i)] (m) When any person has been found to  
237 be a persistent felony offender, and the court is  
238 of the opinion that his history and character and  
239 the nature and circumstances of his criminal  
240 conduct indicate that extended incarceration will  
241 best serve the public interest, the court, in lieu  
242 of imposing the sentence authorized by section  
243 53a-35a for the crime of which such person  
244 presently stands convicted, may impose the  
245 sentence of imprisonment authorized by said  
246 section for the next more serious degree of  
247 felony; provided the sentence imposed may not be  
248 less than three years, and provided further three  
249 years of the sentence so imposed may not be  
250 suspended or reduced by the court.

251 Sec. 3. Subsection (e) of section 53a-29 of  
252 the general statutes is repealed and the following  
253 is substituted in lieu thereof:

254 (e) The period of probation, unless  
255 terminated sooner as provided in section 53a-32,  
256 shall be not less than ten years nor more than  
257 thirty-five years for conviction of a violation of  
258 [subdivision (2)] SUBSECTION (b) of section 53-21,  
259 AS AMENDED BY THIS ACT, section 53a-70, 53a-70a,  
260 53a-70b, 53a-71, 53a-72a or 53a-72b.

261 Sec. 4. Subsection (a) of section 53a-30 of  
262 the general statutes, as amended by section 3 of  
263 public act 97-199 and section 62 of public act

264 97-11 of the June 18 special session, is repealed  
265 and the following is substituted in lieu thereof:  
266 (a) When imposing sentence of probation or  
267 conditional discharge, the court may, as a  
268 condition of the sentence, order that the  
269 defendant: (1) Work faithfully at a suitable  
270 employment or faithfully pursue a course of study  
271 or of vocational training that will equip him for  
272 suitable employment; (2) undergo medical or  
273 psychiatric treatment and remain in a specified  
274 institution, when required for that purpose; (3)  
275 support his dependents and meet other family  
276 obligations; (4) make restitution of the fruits of  
277 his offense or make restitution, in an amount he  
278 can afford to pay or provide in a suitable manner,  
279 for the loss or damage caused thereby and the  
280 court may fix the amount thereof and the manner of  
281 performance; (5) if a minor, (A) reside with his  
282 parents or in a suitable foster home, (B) attend  
283 school, and (C) contribute to his own support in  
284 any home or foster home; (6) post a bond or other  
285 security for the performance of any or all  
286 conditions imposed; (7) refrain from violating any  
287 criminal law of the United States, this state or  
288 any other state; (8) if convicted of a misdemeanor  
289 or a felony, other than a capital felony, a class  
290 A felony or a violation of section 21a-278,  
291 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58  
292 or 53a-70b or any offense for which there is a  
293 mandatory minimum sentence which may not be  
294 suspended or reduced by the court, and any  
295 sentence of imprisonment is suspended, participate  
296 in an alternate incarceration program; (9) reside  
297 in a residential community center or halfway house  
298 approved by the Commissioner of Correction, and  
299 contribute to the cost incident to such residence;  
300 (10) participate in a program of community service  
301 labor in accordance with section 53a-39c; (11)  
302 participate in a program of community service in  
303 accordance with section 2 of [this act] PUBLIC ACT  
304 97-199; (12) if convicted of a violation of  
305 [subdivision (2)] SUBSECTION (b) of section 53-21,  
306 AS AMENDED BY THIS ACT, section 53a-70, 53a-70a,  
307 53a-70b, 53a-71, 53a-72a or 53a-72b, undergo  
308 specialized sexual offender treatment; (13)  
309 satisfy any other conditions reasonably related to  
310 his rehabilitation. The court shall cause a copy

311 of any such order to be delivered to the defendant  
312 and to the probation officer, if any.

313 Sec. 5. Section 53a-33 of the general  
314 statutes is repealed and the following is  
315 substituted in lieu thereof:

316 The court or sentencing judge may at any time  
317 during the period of probation or conditional  
318 discharge, after hearing and for good cause shown,  
319 terminate a sentence of probation or conditional  
320 discharge before the completion thereof, except a  
321 sentence of probation imposed for conviction of a  
322 violation of [subdivision (2)] SUBSECTION (b) of  
323 section 53-21, AS AMENDED BY THIS ACT, section  
324 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or  
325 53a-72b.

326 Sec. 6. Section 54-56e of the general  
327 statutes, as amended by section 10 of public act  
328 97-248, is repealed and the following is  
329 substituted in lieu thereof:

330 There shall be a pretrial program for  
331 accelerated rehabilitation of persons accused of a  
332 crime or crimes or a motor vehicle violation or  
333 violations for which a sentence to a term of  
334 imprisonment may be imposed, which crimes or  
335 violations are not of a serious nature. The court  
336 may, in its discretion, invoke such program on  
337 motion of the defendant or on motion of a state's  
338 attorney or prosecuting attorney with respect to  
339 an accused who, the court believes, will probably  
340 not offend in the future, who has no previous  
341 record of conviction of a crime or of a violation  
342 of section 14-196, subsection (c) of section  
343 14-215, section 14-222a, subsection (a) of section  
344 14-224 or section 14-227a, who has not previously  
345 been adjudged a youthful offender under the  
346 provisions of sections 54-76b to 54-76n,  
347 inclusive, and who states under oath, in open  
348 court or before any person designated by the clerk  
349 and duly authorized to administer oaths, under the  
350 penalties of perjury that he has never had such  
351 program invoked in his behalf, provided the  
352 defendant shall agree thereto and provided notice  
353 has been given by the accused, on a form approved  
354 by rule of court, to the victim or victims of such  
355 crime or motor vehicle violation, if any, by  
356 registered or certified mail and such victim or  
357 victims have an opportunity to be heard thereon.  
358 Any defendant who makes application for

359 participation in such program shall pay to the  
360 court an application fee of thirty-five dollars.  
361 This section shall not be applicable to any person  
362 charged with a class A or class B felony or a  
363 violation of section 14-227a, [subdivision (2)]  
364 SUBSECTION (b) of section 53-21, AS AMENDED BY  
365 THIS ACT, section 53a-56b, 53a-60d, 53a-70,  
366 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or to  
367 any person accused of a family violence crime as  
368 defined in section 46b-38a who (1) is eligible for  
369 the pretrial family violence education program  
370 established under section 46b-38c, or (2) has  
371 previously had the pretrial family violence  
372 education program invoked in his behalf. Unless  
373 good cause is shown, this section shall not be  
374 applicable to any person charged with a class C  
375 felony. Any defendant who enters such program  
376 shall pay to the court a participation fee of one  
377 hundred dollars. Any defendant who enters such  
378 program shall agree to the tolling of any statute  
379 of limitations with respect to such crime and to a  
380 waiver of his right to a speedy trial. Any such  
381 defendant shall appear in court and shall, under  
382 such conditions as the court shall order, be  
383 released to the custody of the Office of Adult  
384 Probation, except that, if a criminal docket for  
385 drug-dependent persons has been established  
386 pursuant to section 51-181b, AS AMENDED, in the  
387 judicial district, such defendant may be  
388 transferred, under such conditions as the court  
389 shall order, to the court handling such docket for  
390 supervision by such court. If the defendant  
391 refuses to accept, or, having accepted, violates  
392 such conditions, his case shall be brought to  
393 trial. The period of such probation or  
394 supervision, or both, shall not exceed two years.  
395 If the defendant has reached the age of sixteen  
396 years but has not reached the age of eighteen  
397 years, the court may order that as a condition of  
398 such probation the defendant be referred for  
399 services to a youth service bureau established  
400 pursuant to section 17a-39, provided the court  
401 finds, through an assessment by a youth service  
402 bureau or its designee, that the defendant is in  
403 need of and likely to benefit from such services.  
404 If a defendant released to the custody of the  
405 Office of Adult Probation satisfactorily completes  
406 his period of probation, he may apply for

407 dismissal of the charges against him and the  
408 court, on finding such satisfactory completion,  
409 shall dismiss such charges. If the defendant does  
410 not apply for dismissal of the charges against him  
411 after satisfactorily completing his period of  
412 probation, the court, upon receipt of a report  
413 submitted by the Office of Adult Probation that  
414 the defendant satisfactorily completed his period  
415 of probation, may on its own motion make a finding  
416 of such satisfactory completion and dismiss such  
417 charges. If a defendant transferred to the court  
418 handling the criminal docket for drug-dependent  
419 persons satisfactorily completes his period of  
420 supervision, the court shall release the defendant  
421 to the custody of the Office of Adult Probation  
422 under such conditions as the court shall order or  
423 shall dismiss such charges. Upon dismissal, all  
424 records of such charges shall be erased pursuant  
425 to section 54-142a. An order of the court denying  
426 a motion to dismiss the charges against a  
427 defendant who has completed his period of  
428 probation or supervision or terminating the  
429 participation of a defendant in such program shall  
430 be a final judgment for purposes of appeal.

431 Sec. 7. Section 54-76b of the general  
432 statutes is repealed and the following is  
433 substituted in lieu thereof:

434 For the purpose of sections 54-76b to 54-76n,  
435 inclusive, "youth" means a minor who has reached  
436 the age of sixteen years but has not reached the  
437 age of eighteen years or a child who has been  
438 transferred to the regular criminal docket  
439 pursuant to section 46b-127, AS AMENDED; and  
440 "youthful offender" means a youth who is charged  
441 with the commission of a crime which is not a  
442 class A felony or a violation of [subdivision (2)]  
443 SUBSECTION (b) of section 53-21, AS AMENDED BY  
444 THIS ACT, section 53a-70, 53a-70a, 53a-70b,  
445 53a-71, 53a-72a or 53a-72b, who has not previously  
446 been convicted of a felony or been previously  
447 adjudged a serious juvenile offender or serious  
448 juvenile repeat offender, as defined in section  
449 46b-120, AS AMENDED, or a youthful offender, or  
450 been afforded a pretrial program for accelerated  
451 rehabilitation under section 54-56e, AS AMENDED,  
452 and who is adjudged a youthful offender pursuant  
453 to the provisions of said sections. The Interstate  
454 Compact on Juveniles, except the provisions of

455 article four thereof, shall apply to youthful  
456 offenders to the same extent as to minors below  
457 sixteen years of age.

458 Sec. 8. Subsection (a) of section 54-102r of  
459 the general statutes, as amended by section 1 of  
460 public act 97-183, is repealed and the following  
461 is substituted in lieu thereof:

462 (a) For the purposes of this section: (1)  
463 "Sexual assault" means (A) a violation of  
464 [subdivision (2)] SUBSECTION (b) of section 53-21,  
465 AS AMENDED BY THIS ACT, section 53a-70, 53a-70a,  
466 53a-70b, 53a-71, 53a-72a or 53a-72b or (B) any  
467 crime committed in any other state or jurisdiction  
468 the essential elements of which are substantially  
469 the same as any of the crimes enumerated in  
470 subparagraph (A) of this subdivision; (2)  
471 "sentence termination date" means the scheduled  
472 date of release from the correctional system if  
473 the convicted person served the maximum term or  
474 terms for which he was sentenced, without being  
475 released on parole, receiving a reduction in such  
476 sentence for good conduct and obedience to rules  
477 or receipt of an outstandingly meritorious  
478 performance award, or on account of any other  
479 early release provision; (3) "probation  
480 termination date" means the date that supervision  
481 by the Office of Adult Probation ends for a person  
482 sentenced to a period of probation.

483 Sec. 9. Subsection (a) of section 54-102s of  
484 the general statutes is repealed and the following  
485 is substituted in lieu thereof:

486 (a) For the purposes of this section, "sexual  
487 offender" means any person convicted of a  
488 violation of [subdivision (2)] SUBSECTION (b) of  
489 section 53-21, AS AMENDED BY THIS ACT, section  
490 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or  
491 53a-72b committed on or after October 1, 1995.

492 Sec. 10. There is established a task force to  
493 study the feasibility of establishing procedures  
494 whereby certain convicted predatory sexual  
495 offenders, based upon a finding of mental  
496 abnormality, may be committed to the custody of  
497 the Commissioner of Mental Health and Addiction  
498 Services following the completion of their prison  
499 sentences and to study which types of sexual  
500 offenders pose a danger to the community upon  
501 their release from incarceration and whether  
502 changing criminal penalties and sentences would

503 better address the dangers posed by certain types  
504 of sexual offenders. The task force shall be  
505 comprised of: The Secretary of the Office of  
506 Policy and Management, or his designee; the Chief  
507 Court Administrator, or his designee; the Chief  
508 State's Attorney, or his designee; the  
509 Commissioner of Correction, or his designee; the  
510 Commissioner of Mental Health and Addiction  
511 Services, or his designee; one member appointed by  
512 the president pro tempore of the Senate; one  
513 member appointed by the minority leader of the  
514 Senate; one member appointed by the Speaker of the  
515 House of Representatives and one member appointed  
516 by the minority leader of the House of  
517 Representatives. The task force shall examine  
518 similar initiatives in other jurisdictions, review  
519 applicable state and federal law, and identify the  
520 fiscal and programmatic implications of adopting  
521 such procedures in this state. The task force  
522 shall submit its report to the Governor and the  
523 General Assembly not later than January 15, 1999.

524 JUD COMMITTEE VOTE: YEA 39 NAY 0 JFS

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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**FISCAL IMPACT STATEMENT - BILL NUMBER sSB 66**

STATE IMPACT	Implements a Provision in the Budget, Potential Cost, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Criminal Justice Agencies, Department of Mental Health and Addiction Services, Office of Policy and Management

**EXPLANATION OF ESTIMATES:**

The bill's provisions concerning enhanced criminal penalties, especially relating to mandatory minimum sentences, would result in increased pressures on the criminal justice system. Over the long term, these pressures would lead to a need for increased criminal justice resources, especially for incarceration and community supervision. It should be noted that sHB 5021 (the revised Appropriations Act for FY 1998-99 as favorably reported by Appropriations) includes \$5.4 million to address overcrowding in the state's prisons and jails. In addition, the Public Defender Services Commission is currently under suit by the American Civil Liberties Union relating to the adequacy of funding for public defenders. Increases in criminal penalties will at some point require additional funds for criminal justice agencies in order to maintain adequate enforcement of other criminal laws.

The bill also establishes a task force to study the feasibility of establishing a procedure to civilly commit certain convicted predatory sexual offenders. It is anticipated that the state departments involved in

this task force can participate within their anticipated budgetary resources. Additionally, \$5,000 is included in sHB 5021, (the Revised FY 1998-99 Appropriations Act as favorably reported by Appropriations) under the Department of Mental Health and Addiction Services, to fund a portion of this study.

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### OLR BILL ANALYSIS

sSB 66

#### AN ACT CONCERNING PERSISTENT SEXUAL OFFENDERS

**SUMMARY:** This bill increases from 40 years to life with a 10-year mandatory minimum sentence the maximum penalty the court may impose for offenders convicted a second time of certain serious sex crimes. It also requires imposition of five-year mandatory minimum sentences on certain other repeat sexual offenders. It creates two new categories of persistent offenders: persistent dangerous sexual offenders and persistent serious sexual offenders. With one exception, all of the people covered by the bill's provisions are already covered by the current persistent dangerous and persistent serious felony offenders, but the new categories created by the bill carry more serious penalties.

The bill also establishes a task force to study the feasibility of civilly committing certain predatory sexual offenders once their prison term is up if they are found to be mentally abnormal.

EFFECTIVE DATE: October 1, 1998

#### FURTHER EXPLANATION

##### Persistent Dangerous Sexual Offenders

Under the bill, a persistent dangerous sexual offender is someone who (1) is convicted of first degree sexual assault, first degree aggravated sexual assault, third degree sexual assault, or third degree sexual assault with a firearm and (2) previously was convicted and sentenced to prison for one of the same crimes or

similar crimes in earlier versions of the penal code, an attempt to commit one of these crimes, or a substantially similar crime in another jurisdiction.

Under current law these offenders are classified as persistent dangerous felony offenders and may be sentenced to up to 40 years rather than the normal maximum for the crime they are convicted of and, if convicted for a third offense, they may be sentenced to life (by law, a definite sentence of 60 years). The bill authorizes the court to sentence a persistent dangerous sexual offender to a maximum term of life imprisonment, 10 years of which may not be reduced or suspended by the court. As with dangerous felony offenders, if the court finds, based on the offender's history and character and the nature and circumstances of his criminal conduct, that the public interest will be served by the enhanced sentence, it must impose it.

### **Persistent Serious Sexual Offenders**

Under the bill, a persistent serious sexual offender is someone who is not a persistent dangerous sexual offender but who (1) is convicted of risk of injury involving sexual contact with a child; first, second, or third degree sexual assault; aggravated first degree sexual assault; sexual assault in a spousal or cohabiting relationship; and third degree sexual assault with a firearm and (2) was previously convicted and sentenced to prison for one of the same crimes, or for fourth degree sexual assault.

Under current law, all of these offenders would be classified as persistent serious felony offenders except someone whose first offense was fourth degree sexual assault, which is a misdemeanor and therefore not covered as a felony. Persistent serious felony offenders can be sentenced based on the imprisonment penalty for the next most serious degree of felony than the one for which the person is convicted. The bill allows the same type of sentence but prohibits suspending or reducing five years of it.

### **Predatory Sexual Offender Task Force**

The bill establishes a nine-member task force to study the feasibility of establishing a procedure to civilly commit predatory sexual offenders when they are

released from prison. The commitment to the commissioner of Mental Health and Addiction services would be based on a finding of mental abnormality. The task force must also study which types of sexual offenders pose a danger to the community on release and if changing penalties and sentences would address these offenders. It must look at similar initiatives in other jurisdictions, review applicable laws, and identify fiscal and program issues of adopting such a procedure.

The task force consists of five state officials (the secretary of the Office of Policy and Management, the chief court administrator, the chief state's attorney, the commissioners of correction and mental health) or their designees and four members, one each appointed by the House speaker, Senate president pro tempore, and House and Senate minority leaders.

The task force must submit a report to the governor and General Assembly by January 15, 1999.

#### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 39      Nay 0