



General Assembly
February Session, 2006

Raised Bill No. 442
LCO No. 1665



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL STATUTES AND RESTRICTING THE DISCLOSURE OF PERSONAL INFORMATION OF EMPLOYEES OF THE DIVISION OF CRIMINAL JUSTICE.

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

1 Section 1. Section 53a-172 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) A person is guilty of failure to appear in the first degree when (1)
4 while charged with the commission of a felony and while out on bail
5 or released under other procedure of law, [he] such person wilfully
6 fails to appear when legally called according to the terms of [his] such
7 person's bail bond or promise to appear, or (2) while on probation for
8 conviction of a felony, [he] such person wilfully fails to appear when
9 legally called for [a violation of probation hearing] any court hearing
10 relating to a violation of such probation.

11 (b) Failure to appear in the first degree is a class D felony.

12 Sec. 2. Section 53a-173 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2006*):

14 (a) A person is guilty of failure to appear in the second degree when
 15 (1) while charged with the commission of a misdemeanor or a motor
 16 vehicle violation for which a sentence to a term of imprisonment may
 17 be imposed and while out on bail or released under other procedure of
 18 law, [he] such person wilfully fails to appear when legally called
 19 according to the terms of [his] such person's bail bond or promise to
 20 appear, or (2) while on probation for conviction of a misdemeanor or
 21 motor vehicle violation, [he] such person wilfully fails to appear when
 22 legally called for [a violation of probation hearing] any court hearing
 23 relating to a violation of such probation.

24 (b) Failure to appear in the second degree is a class A misdemeanor.

25 Sec. 3. Subsection (e) of section 14-10 of the 2006 supplement to the
 26 general statutes is repealed and the following is substituted in lieu
 27 thereof (*Effective October 1, 2006*):

28 (e) In the event (1) a federal court judge, federal court magistrate or
 29 judge of the Superior Court, Appellate Court or Supreme Court of the
 30 state, (2) a member of a municipal police department or a member of
 31 the Division of State Police within the Department of Public Safety, (3)
 32 an employee of the Department of Correction, (4) an attorney-at-law
 33 who represents or has represented the state in a criminal prosecution,
 34 [or] (5) a member or employee of the Board of Pardons and Paroles, or
 35 (6) an employee of the Division of Criminal Justice submits a written
 36 request and furnishes such individual's business address to the
 37 commissioner, such business address only shall be disclosed or
 38 available for public inspection to the extent authorized by this section.

39 Sec. 4. Subsection (b) of section 30-86 of the general statutes is
 40 repealed and the following is substituted in lieu thereof (*Effective*
 41 *October 1, 2006*):

42 (b) (1) Any permittee or any servant or agent of a permittee who
 43 sells or delivers alcoholic liquor to any minor [,] or [to] any intoxicated
 44 person, or to any habitual drunkard, knowing the person to be such an

45 habitual drunkard, shall be subject to the penalties of section 30-113.

46 (2) Any person who sells, ships, delivers or gives [any such liquors
47 to such] alcoholic liquor to any minor, by any means, including, but
48 not limited to, the Internet or any other on-line computer network,
49 except on the order of a practicing physician, shall be fined not more
50 than one thousand five hundred dollars or imprisoned not more than
51 eighteen months, or both.

52 (3) The provisions of this [section] subsection shall not apply [(1)
53 (A) to a sale, shipment or delivery made to a person over age eighteen
54 who is an employee or permit holder under section 30-90a and where
55 such sale, shipment or delivery is made in the course of such person's
56 employment or business, [(2)] (B) to a sale, shipment or delivery made
57 in good faith to a minor who practices any deceit in the procurement of
58 an identity card issued in accordance with the provisions of section 1-
59 1h, as amended, who uses or exhibits any such identity card belonging
60 to any other person or who uses or exhibits any such identity card that
61 has been altered or tampered with in any way, or [(3)] (C) to a
62 shipment or delivery made to a minor by a parent, guardian or spouse
63 of the minor, provided such parent, guardian or spouse has attained
64 the age of twenty-one and provided such minor possesses such
65 alcoholic liquor while accompanied by such parent, guardian or
66 spouse.

67 Sec. 5. Section 53a-92a of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2006*):

69 (a) A person is guilty of kidnapping in the first degree with a
70 firearm when [he] such person commits kidnapping in the first degree
71 as provided in section 53a-92, and in the commission of said crime [he]
72 such person uses or is armed with and threatens the use of or displays
73 or represents by [his] such person's words or conduct that [he] such
74 person possesses a pistol, revolver, machine gun, shotgun, rifle or
75 other firearm. No person shall be convicted of kidnapping in the first
76 degree and kidnapping in the first degree with a firearm upon the

77 same transaction but such person may be charged and prosecuted for
 78 both such offenses upon the same information.

79 (b) Kidnapping in the first degree with a firearm is a class A felony.
 80 [for which one year of the sentence imposed may not be suspended or
 81 reduced by the court.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	53a-172
Sec. 2	<i>October 1, 2006</i>	53a-173
Sec. 3	<i>October 1, 2006</i>	14-10(e)
Sec. 4	<i>October 1, 2006</i>	30-86(b)
Sec. 5	<i>October 1, 2006</i>	53a-92a

Statement of Purpose:

To provide that the crime of failure to appear is committed when a person on probation wilfully fails to appear at any court hearing relating to a violation of that probation, restrict the disclosure by the Department of Motor Vehicles of personal information of employees of the Division of Criminal Justice, make technical changes to the statute prohibiting the sale or delivery of alcoholic liquor to minors and resolve an irreconcilable conflict in the penalties for kidnapping in the first degree and kidnapping in the first degree with a firearm.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]