



General Assembly

February Session, 2006

Raised Bill No. 618

LCO No. 2589



Referred to Committee on

Introduced by: **JUDICIARY**
(JUD)

**AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE
CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL
ASSAULT OF MINORS.**

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

1 Section 1. Section 54-193a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Notwithstanding the provisions of section 54-193, no person may be
4 prosecuted for any offense, except a class A felony, involving sexual
5 abuse, sexual exploitation or sexual assault of a minor except within
6 thirty years from the date the victim attains the age of majority or
7 within five years from the date the victim notifies any police officer or
8 state's attorney acting in such police officer's or state's attorney's
9 official capacity of the commission of the offense, whichever is earlier,
10 provided if the prosecution is for a violation of subdivision (1) of
11 subsection (a) of section 53a-71, the victim notified such police officer
12 or state's attorney not later than five years after the commission of the
13 offense. The provisions of this section shall be applicable to any offense
14 committed on or after May 23, 2002, and to any offense committed
15 prior to May 23, 2002, for which the statute of limitations in effect at

- 16 the time of the commission of the offense had not yet expired as of
17 May 23, 2002.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	54-193a
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Statement of Purpose:

To allow persons who were sexually abused as children to seek the criminal prosecution of the alleged perpetrator in accordance with the extended time period for prosecution enacted in 2002 by making that period applicable to offenses occurring prior to its enactment for which the then existing statute of limitations had not yet expired.

[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.]



Senate

General Assembly

File No. 452

February Session, 2006

Senate Bill No. 618

Senate, April 10, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE
CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL
ASSAULT OF MINORS.**

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

1 Section 1. Section 54-193a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Notwithstanding the provisions of section 54-193, no person may be
4 prosecuted for any offense, except a class A felony, involving sexual
5 abuse, sexual exploitation or sexual assault of a minor except within
6 thirty years from the date the victim attains the age of majority or
7 within five years from the date the victim notifies any police officer or
8 state's attorney acting in such police officer's or state's attorney's
9 official capacity of the commission of the offense, whichever is earlier,
10 provided if the prosecution is for a violation of subdivision (1) of
11 subsection (a) of section 53a-71, the victim notified such police officer
12 or state's attorney not later than five years after the commission of the
13 offense. The provisions of this section shall be applicable to any offense

14 committed on or after May 23, 2002, and to any offense committed
15 prior to May 23, 2002, for which the statute of limitations in effect at
16 the time of the commission of the offense had not yet expired as of
17 May 23, 2002.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	54-193a
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill extends the statute of limitations under certain conditions, which could result in additional prosecutions for the crime of sexual offense involving the sexual assault of a minor. To the extent that offenders are subject to incarceration or probation supervision in the community as a result of the bill, a potential cost to criminal justice agencies exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

OLR Bill Analysis**SB 618****AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL ASSAULT OF MINORS.****SUMMARY:**

This bill makes the current statute of limitations for prosecuting sexual abuse, sexual exploitation, or sexual assault of a minor, except a class A felony, apply retroactively. However, the only past crimes covered are those for which the applicable statute of limitation had not expired on May 23, 2002. May 23, 2002 is the date the current statute of limitation took effect.

EFFECTIVE DATE: Upon passage

BACKGROUND***Current Statute of Limitation***

Generally, the statute of limitations for prosecuting sexual abuse, sexual exploitation, or sexual assault of a minor is 30 years after the victim reaches age 18, or up to five years from the date he notifies the police or a prosecutor of the crime, whichever is earlier. In cases of second-degree sexual assault where the victim is between ages 13 and 16 and the offender is more than two years older, the five-year notification period applies only if the notice is given within five years after the crime was committed. First-degree sexual assault and first-degree aggravated sexual assault, both class A felonies, may be prosecuted at any time (CGS § 54-193a).

Immediate Past Statute of Limitation

The prior statute of limitations was two years after the victim

reaches age 18 or up to five years from the date he notifies the police or a prosecutor of the crime. But in either case, at least five years after the crime was committed.

Constitutionality of Retroactivity

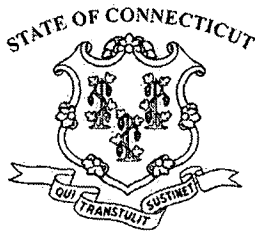
In a recent decision, the Connecticut Supreme Court overturned its decision in *State v. Paradise*, 189 Conn. 346 (1983) that statutes of limitations in criminal cases are to be construed liberally in favor of the accused and not accorded retroactive application in the absence of language clearly necessitating such a construction. Instead, the Court held that an amended statute of limitation applies to those offenses for which the pre-amendment limitation period had not expired (*State v. Skakel*, 276 Conn. 633 (2006)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/24/2006)



General Assembly

February Session, 2006

[SENATE] Amendment

LCO No. 4099



Offered by:

SEN. DELUCA, 32nd Dist.
SEN. MCKINNEY, 28th Dist.
SEN. CAPPIELLO, 24th Dist.
SEN. COOK, 18th Dist.
SEN. FASANO, 34th Dist.
SEN. FREEDMAN, 26th Dist.

SEN. GUGLIELMO, 35th Dist.
SEN. GUNTHER, 21st Dist.
SEN. HERLIHY, 8th Dist.
SEN. KISSEL, 7th Dist.
SEN. NICKERSON, 36th Dist.
SEN. RORABACK, 30th Dist.

To: Senate Bill No. 618

File No. 452

Cal. No. 335

**"AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR
THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE
SEXUAL ASSAULT OF MINORS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 54-250 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2006*):

5 For the purposes of sections 54-102g and 54-250 to 54-258a,
6 inclusive, and sections 6, 7 and 12 of this act:

7 (1) "Conviction" means a judgment entered by a court upon a plea of
8 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
9 court notwithstanding any pending appeal or habeas corpus

10 proceeding arising from such judgment.

11 (2) "Criminal offense against a victim who is a minor" means (A) a
12 violation of subdivision (2) of section 53-21 of the general statutes in
13 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
14 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
15 subdivision (1), (4), [or] (8) or (10) or subparagraph (B) of subdivision
16 (9) of subsection (a) of section 53a-71, subdivision (2) of subsection (a)
17 of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86,
18 subdivision (2) of subsection (a) of section 53a-87, section 53a-90a, 53a-
19 196, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a
20 violation of subparagraph (A) of subdivision (9) of subsection (a) of
21 section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96
22 or 53a-186, provided the court makes a finding that, at the time of the
23 offense, the victim was under eighteen years of age, (C) a violation of
24 any of the offenses specified in subparagraph (A) or (B) of this
25 subdivision for which a person is criminally liable under section 53a-8,
26 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
27 offense specified in subparagraph (A), (B) or (C) of this subdivision the
28 essential elements of which are substantially the same as said offense.

29 (3) "Identifying factors" means fingerprints, a photographic image,
30 and a description of any other identifying characteristics as may be
31 required by the Commissioner of Public Safety. The commissioner
32 shall also require a sample of the registrant's blood or other biological
33 sample be taken for DNA (deoxyribonucleic acid) analysis, unless such
34 sample has been previously obtained in accordance with section 54-
35 102g.

36 (4) "Mental abnormality" means a congenital or acquired condition
37 of a person that affects the emotional or volitional capacity of the
38 person in a manner that predisposes that person to the commission of
39 criminal sexual acts to a degree that makes the person a menace to the
40 health and safety of other persons.

41 (5) "Nonviolent sexual offense" means a violation of section 53a-73a

42 or a violation of section 53a-73a for which a person is criminally liable
43 under section 53a-8, 53a-48 or 53a-49.

44 (6) "Not guilty by reason of mental disease or defect" means a
45 finding by a court or jury of not guilty by reason of mental disease or
46 defect pursuant to section 53a-13 notwithstanding any pending appeal
47 or habeas corpus proceeding arising from such finding.

48 (7) "Personality disorder" means a condition as defined in the most
49 recent edition of the Diagnostic and Statistical Manual of Mental
50 Disorders, published by the American Psychiatric Association.

51 (8) "Registrant" means a person required to register under section
52 54-251, 54-252, 54-253 or 54-254, as amended by this act, or section 6 or
53 7 of this act.

54 (9) "Registry" means a central record system in this state, any other
55 state or the federal government that receives, maintains and
56 disseminates information on persons convicted or found not guilty by
57 reason of mental disease or defect of criminal offenses against victims
58 who are minors, nonviolent sexual offenses, sexually violent offenses,
59 [and] felonies found by the sentencing court to have been committed
60 for a sexual purpose, predatory sexual offenses against victims who
61 are minors and predatory sexual offenses against protected or other
62 persons.

63 (10) "Release into the community" means, with respect to a
64 conviction or a finding of not guilty by reason of mental disease or
65 defect of a criminal offense against a victim who is a minor, a
66 nonviolent sexual offense, a sexually violent offense or a felony found
67 by the sentencing court to have been committed for a sexual purpose,
68 (A) any release by a court after such conviction or finding of not guilty
69 by reason of mental disease or defect, a sentence of probation or any
70 other sentence under section 53a-28 that does not result in the
71 offender's immediate placement in the custody of the Commissioner of
72 Correction; (B) release from a correctional facility at the discretion of
73 the Board of Pardons and Paroles, by the Department of Correction to

74 a program authorized by section 18-100c or upon completion of the
75 maximum term or terms of the offender's sentence or sentences, or to
76 the supervision of the Court Support Services Division in accordance
77 with the terms of the offender's sentence; or (C) release from a hospital
78 for mental illness or a facility for persons with mental retardation by
79 the Psychiatric Security Review Board on conditional release pursuant
80 to section 17a-588 or upon termination of commitment to the
81 Psychiatric Security Review Board.

82 (11) "Sexually violent offense" means (A) a violation of section
83 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
84 53a-70b, 53a-71, except subdivision (1), (4), [or] (8) or (10) or
85 subparagraph (B) of subdivision (9) of subsection (a) of said section or
86 subparagraph (A) of subdivision (9) of subsection (a) of said section if
87 the court makes a finding that, at the time of the offense, the victim
88 was under eighteen years of age, 53a-72a, except subdivision (2) of
89 subsection (a) of said section, or 53a-72b, or of section 53a-92 or
90 53a-92a, provided the court makes a finding that the offense was
91 committed with intent to sexually violate or abuse the victim, (B) a
92 violation of any of the offenses specified in subparagraph (A) of this
93 subdivision for which a person is criminally liable under section 53a-8,
94 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of
95 the offenses specified in subparagraph (A) or (B) of this subdivision
96 the essential elements of which are substantially the same as said
97 offense.

98 (12) "Sexual purpose" means that a purpose of the defendant in
99 committing the felony was to engage in sexual contact or sexual
100 intercourse with another person without that person's consent. A
101 sexual purpose need not be the sole purpose of the commission of the
102 felony. The sexual purpose may arise at any time in the course of the
103 commission of the felony.

104 (13) "Employed" or "carries on a vocation" means employment that
105 is full-time or part-time for more than fourteen days, or for a total
106 period of time of more than thirty days during any calendar year,

107 whether financially compensated, volunteered or for the purpose of
108 government or educational benefit.

109 (14) "Student" means a person who is enrolled on a full-time or part-
110 time basis, in any public or private educational institution, including
111 any elementary, middle or high school, regional vocational-technical
112 school, charter school, secondary school, trade or professional
113 institution or institution of higher learning.

114 (15) "Predatory sexual offense against a victim who is a minor"
115 means a criminal offense against a victim who is a minor, a nonviolent
116 sexual offense, a sexually violent offense or a felony that the court
117 finds was committed for a sexual purpose, as provided in section 54-
118 254, as amended by this act, where (A) the victim of the offense was
119 thirteen years of age or younger at the time of the offense, or (B) the
120 victim was fourteen or fifteen years of age at the time of the offense
121 and the court has made a finding that the offense or offenses were
122 committed in a predatory manner.

123 (16) "Predatory sexual offense against a protected or other person"
124 means a nonviolent sexual offense, a sexually violent offense or a
125 felony that the court finds was committed for a sexual purpose, as
126 provided in section 54-254, as amended by this act, where (A) at the
127 time of the offense, the victim was sixty years of age or older, blind or
128 physically disabled, as defined in section 1-1f, or pregnant or was a
129 person with mental retardation, as defined in section 1-1g, and the
130 actor was not a person with mental retardation, or (B) the court has
131 made a finding that the offense or offenses were committed in a
132 predatory manner.

133 (17) "Transient" means a person who has no residence.

134 (18) "Residence" means a place where a person is living or staying
135 on a regular or temporary basis, such as a shelter or structure that can
136 be located by a street address, including, but not limited to, a house,
137 apartment building, motel, hotel, homeless shelter, recreational or
138 other vehicle and vessel.

139 Sec. 2. Section 54-251 of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective July 1, 2006*):

141 (a) Any person who has been convicted or found not guilty by
142 reason of mental disease or defect of a criminal offense against a victim
143 who is a minor or a nonviolent sexual offense, and is released into the
144 community on or after October 1, 1998, shall, within three days
145 following such release or, if such person is in the custody of the
146 Commissioner of Correction, at such time prior to release as the
147 commissioner shall direct, and whether or not such person's place of
148 residence is in this state, register such person's name, identifying
149 factors, criminal history record and residence address with the
150 Commissioner of Public Safety, on such forms and in such locations as
151 the commissioner shall direct, and shall maintain such registration for
152 ten years, except that any person who has one or more prior
153 convictions of any such offense, who is so ordered by the court or who
154 is convicted of a violation of subdivision (2) of subsection (a) of section
155 53a-70, or subdivision (1), (4), (8), (9) or (10) of subsection (a) of section
156 53a-71, or section 53a-90a, 53a-196, 53a-196a or 53a-196b shall maintain
157 such registration for life. Prior to accepting a plea of guilty or nolo
158 contendere from a person with respect to a criminal offense against a
159 victim who is a minor or a nonviolent sexual offense, the court shall (1)
160 inform the person that the entry of a finding of guilty after acceptance
161 of the plea will subject the person to the registration requirements of
162 this section, and (2) determine that the person fully understands the
163 consequences of the plea. If such person changes such person's name,
164 such person shall, within five days, register the new name, in writing,
165 with the Commissioner of Public Safety. If such person changes such
166 person's address such person shall, within five days, register the new
167 address in writing with the Commissioner of Public Safety, and, if the
168 new address is in another state, such person shall also register with an
169 appropriate agency in that state, [provided that state has a
170 registration requirement for such offenders.] If any person who is
171 subject to registration under this section is employed in another state,
172 carries on a vocation in another state or is a student in another state,

173 such person shall notify the Commissioner of Public Safety of such
174 status and shall also register with an appropriate agency in that state.
175 [provided that state has a registration requirement for such offenders.]
176 During such period of registration, each registrant shall complete and
177 return forms mailed to such registrant to verify such registrant's
178 residence address and shall submit to the retaking of a photographic
179 image upon request of the Commissioner of Public Safety. If any
180 person who is subject to registration under this section is employed at,
181 carries on a vocation at or is a student at a youth camp, as defined in
182 section 19a-420, a provider of child day care services, as defined in
183 section 19a-77, a public or private educational institution including an
184 elementary, middle or high school, a regional vocational-technical
185 school, a charter school or a secondary school, a trade or professional
186 institution or an institution of higher learning in this state, such person
187 shall notify the Commissioner of Public Safety of such status and of
188 any change in such status.

189 (b) Notwithstanding the provisions of subsection (a) of this section,
190 the court may exempt any person who has been convicted or found
191 not guilty by reason of mental disease or defect of a violation of
192 subdivision (1) of subsection (a) of section 53a-71 from the registration
193 requirements of this section if the court finds that such person was
194 under nineteen years of age at the time of the offense and that
195 registration is not required for public safety. If the court orders such an
196 exemption, it shall forward a copy of such order to the Commissioner
197 of Public Safety.

198 (c) Notwithstanding the provisions of subsection (a) of this section,
199 the court may exempt any person who has been convicted or found
200 not guilty by reason of mental disease or defect of a violation of
201 subdivision (2) of subsection (a) of section 53a-73a from the
202 registration requirements of this section if the court finds that
203 registration is not required for public safety. If the court orders such an
204 exemption, it shall forward a copy of such order to the Commissioner
205 of Public Safety.

206 (d) Any person who files an application with the court to be
207 exempted from the registration requirements of this section pursuant
208 to subsection (b) or (c) of this section shall, pursuant to subsection (b)
209 of section 54-227, as amended, notify the Office of Victim Services and
210 the Victim Services Unit within the Department of Correction of the
211 filing of such application. The Office of Victim Services or the Victim
212 Services Unit within the Department of Correction, or both, shall,
213 pursuant to section 54-230, as amended, or 54-230a, as amended, notify
214 any victim who has requested notification of the filing of such
215 application. Prior to granting or denying such application, the court
216 shall consider any information or statement provided by the victim.

217 (e) Any person who is convicted of a violation of any provision of
218 subsection (a) of this section and has previously been convicted of a
219 violation of said subsection shall maintain the registration required
220 under this section for life.

221 [(e)] (f) Any person who violates the provisions of subsection (a) of
222 this section shall be guilty of a class D felony.

223 Sec. 3. Section 54-252 of the general statutes is repealed and the
224 following is substituted in lieu thereof (*Effective July 1, 2006*):

225 (a) Any person who has been convicted or found not guilty by
226 reason of mental disease or defect of a sexually violent offense, and (1)
227 is released into the community on or after October 1, 1988, and prior to
228 October 1, 1998, and resides in this state, shall, on October 1, 1998, or
229 within three days of residing in this state, whichever is later, or (2) is
230 released into the community on or after October 1, 1998, shall, within
231 three days following such release or, if such person is in the custody of
232 the Commissioner of Correction, at such time prior to release as the
233 commissioner shall direct, register such person's name, identifying
234 factors, criminal history record, documentation of any treatment
235 received for mental abnormality or personality disorder, and residence
236 address with the Commissioner of Public Safety on such forms and in
237 such locations as said commissioner shall direct, and shall maintain

238 such registration for life. Prior to accepting a plea of guilty or nolo
239 contendere from a person with respect to a sexually violent offense, the
240 court shall (A) inform the person that the entry of a finding of guilty
241 after acceptance of the plea will subject the person to the registration
242 requirements of this section, and (B) determine that the person fully
243 understands the consequences of the plea. If such person changes such
244 person's name, such person shall, within five days, register the new
245 name, in writing, with the Commissioner of Public Safety. If such
246 person changes such person's address such person shall, within five
247 days, register the new address in writing with the Commissioner of
248 Public Safety, and, if the new address is in another state, such person
249 shall also register with an appropriate agency in that state. [, provided
250 that state has a registration requirement for such offenders.] If any
251 person who is subject to registration under this section is employed in
252 another state, carries on a vocation in another state or is a student in
253 another state, such person shall notify the Commissioner of Public
254 Safety of such status and shall also register with an appropriate agency
255 in that state. [, provided that state has a registration requirement for
256 such offenders.] During such period of registration, each registrant
257 shall complete and return forms mailed to such registrant to verify
258 such registrant's residence address and shall submit to the retaking of
259 a photographic image upon request of the Commissioner of Public
260 Safety. If any person who is subject to registration under this section is
261 employed at, carries on a vocation at or is a student at a youth camp,
262 as defined in section 19a-420, a provider of child day care services, as
263 defined in section 19a-77, a public or private educational institution
264 including an elementary, middle or high school, a regional vocational
265 technical school, a charter school or a secondary school, a trade or
266 professional institution or an institution of higher learning in this state,
267 such person shall notify the Commissioner of Public Safety of such
268 status and of any change in such status.

269 (b) Any person who has been subject to the registration
270 requirements of section 54-102r of the general statutes, revised to
271 January 1, 1997, as amended by section 1 of public act 97-183, shall, not

272 later than three working days after October 1, 1998, register under this
273 section and thereafter comply with the provisions of sections 54-102g
274 and 54-250 to 54-258a, inclusive, as amended by this act, except that
275 any person who was convicted or found not guilty by reason of mental
276 disease or defect of an offense that is classified as a criminal offense
277 against a victim who is a minor under subdivision (2) of section 54-250,
278 as amended by this act, and that is subject to a ten-year period of
279 registration under section 54-251, as amended by this act, shall
280 maintain such registration for ten years.

281 [(c) Notwithstanding the provisions of subsections (a) and (b) of this
282 section, during the initial registration period following October 1, 1998,
283 the Commissioner of Public Safety may phase in completion of the
284 registration procedure for persons released into the community prior
285 to said date over the first three months following said date, and no
286 such person shall be prosecuted for failure to register under this
287 section during those three months provided such person complies
288 with the directives of said commissioner regarding registration
289 procedures.]

290 [(d)] (c) Any person who violates the provisions of this section shall
291 be guilty of a class D felony.

292 Sec. 4. Section 54-253 of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective July 1, 2006*):

294 (a) Any person who has been convicted or found not guilty by
295 reason of mental disease or defect in any other state, in a federal or
296 military court or in any foreign jurisdiction of any crime [the essential
297 elements of which are substantially the same as any of the crimes
298 specified in subdivisions (2), (5) and (11) of section 54-250] that
299 requires registration as a sexual offender in that other state, federal or
300 military system or foreign jurisdiction and who [resides] will reside in
301 this state on [and after October 1, 1998,] or after the effective date of
302 this section, shall notify the Commissioner of Public Safety, in writing,
303 not less than forty-eight hours prior to entering this state of such

304 person's name and date of birth, the state, federal or military court or
305 foreign jurisdiction in which such conviction or finding of not guilty by
306 reason of mental disease or defect occurred and the location where
307 such person will reside in this state. Such person shall, within ten days
308 of residing in this state, register with the Commissioner of Public
309 Safety in the same manner as if such person had been convicted or
310 found not guilty by reason of mental disease or defect of such crime in
311 this state, except that [for purposes of determining the ten-year period
312 of registration under section 54-251 such person shall be deemed to
313 have initially registered on the date of such person's release into the
314 community] the commissioner shall maintain such registration until
315 such person is released from the registration requirements in such
316 other state, federal or military system or foreign jurisdiction.

317 (b) Any person not a resident of this state who is registered as a
318 sexual offender under the laws of any other state and who is employed
319 in this state, carries on a vocation in this state or is a student in this
320 state, shall notify the Commissioner of Public Safety, in writing, not
321 less than forty-eight hours prior to entering this state of such person's
322 name and date of birth, the state where such person is registered and
323 the location in this state of such employment, vocation or education
324 and shall, within five days after the commencement of such
325 employment, vocation or education in this state, register such person's
326 name, identifying factors [,] and criminal history record, locations
327 [visited] such person visits on a recurring basis or such person's
328 residence address, if any, in this state, and such person's residence
329 address in such person's home state with the Commissioner of Public
330 Safety on such forms and in such locations as said commissioner shall
331 direct and shall maintain such registration until such employment,
332 vocation or education terminates or until such person is released from
333 registration as a sexual offender in such other state. If such person
334 terminates such person's employment, vocation or education in this
335 state or changes such person's address in this state such person shall,
336 within five days, provide notice in writing to the Commissioner of
337 Public Safety.

338 [(c) If any person who is subject to registration under this section is
339 employed at, carries on a vocation at or is a student at a trade or
340 professional institution or institution of higher learning in this state,
341 such person shall notify the Commissioner of Public Safety of such
342 status and of any change in such status.]

343 (c) If any person who is subject to subsection (a) or (b) of this section
344 changes such person's name, such person shall, within five days,
345 register the new name, in writing, with the Commissioner of Public
346 Safety. If any person who is subject to subsection (a) or (b) of this
347 section changes such person's address, such person shall, within five
348 days, register the new address, in writing, with the Commissioner of
349 Public Safety and, if the new address is in another state, such person
350 shall also register with an appropriate agency in that state. If any
351 person who is subject to registration under this section is employed in
352 another state, carries on a vocation in another state or is a student in
353 another state, such person shall notify the Commissioner of Public
354 Safety of such status and shall also register with an appropriate agency
355 in that state. During such period of registration, each registrant shall
356 complete and return forms mailed to such registrant to verify such
357 registrant's residence address and shall submit to the retaking of a
358 photographic image upon request of the Commissioner of Public
359 Safety. If any person who is subject to registration under this section is
360 employed at, carries on a vocation at or is a student at a youth camp,
361 as defined in section 19a-420, a provider of child day care services, as
362 defined in section 19a-77, a public or private educational institution
363 including, but not limited to, an elementary, middle or high school, a
364 regional vocational technical school, a charter school or a secondary
365 school, a trade or professional institution or an institution of higher
366 learning in this state, such person shall notify the Commissioner of
367 Public Safety, in writing, of such status and of any change in such
368 status.

369 (d) Any person who is convicted of a violation of any provision of
370 subsection (a), (b) or (c) of this section and who has previously been
371 convicted of a violation of any of said subsections shall maintain the

372 registration required under this section for life.

373 [(d)] (e) Any person not a resident of this state who is required to be
374 registered as a sexual offender under the laws of any other state,
375 federal or military system or foreign jurisdiction and who [travels in
376 this state on a recurring basis for periods of less than five days] enters
377 this state shall notify the Commissioner of Public Safety, in writing, not
378 less than forty-eight hours prior to entering this state of the locations in
379 this state to which such person will be traveling or at which such
380 person will be lodging or the location of such person's temporary
381 residence in this state, [and of] a telephone number at which such
382 person may be contacted and any other information deemed necessary
383 by the Commissioner of Public Safety.

384 [(e)] (f) Any person who violates the provisions of this section shall
385 be guilty of a class D felony.

386 Sec. 5. Section 54-254 of the general statutes is repealed and the
387 following is substituted in lieu thereof (*Effective July 1, 2006*):

388 (a) Any person who has been convicted or found not guilty by
389 reason of mental disease or defect in this state on or after October 1,
390 1998, of any felony that the court finds was committed for a sexual
391 purpose, may be required by the court upon release into the
392 community or, if such person is in the custody of the Commissioner of
393 Correction, at such time prior to release as the commissioner shall
394 direct to register such person's name, identifying factors, criminal
395 history record and residence address with the Commissioner of Public
396 Safety, on such forms and in such locations as the commissioner shall
397 direct, and to maintain such registration for ten years. If the court finds
398 that a person has committed a felony for a sexual purpose and intends
399 to require such person to register under this section, prior to accepting
400 a plea of guilty or nolo contendere from such person with respect to
401 such felony, the court shall (1) inform the person that the entry of a
402 finding of guilty after acceptance of the plea will subject the person to
403 the registration requirements of this section, and (2) determine that the

404 person fully understands the consequences of the plea. If such person
405 changes such person's name, such person shall, within five days,
406 register the new name, in writing, with the Commissioner of Public
407 Safety. If such person changes such person's address such person shall,
408 within five days, register the new address in writing with the
409 Commissioner of Public Safety, and, if the new address is in another
410 state, such person shall also register with an appropriate agency in that
411 state, [provided that state has a registration requirement for such
412 offenders.] If any person who is subject to registration under this
413 section is employed at, carries on a vocation at or is a student at a
414 youth camp, as defined in section 19a-420, a provider of child day care
415 services, as defined in section 19a-77, a public or private educational
416 institution, including, but not limited to, an elementary, middle or high
417 school, a regional vocational technical school, a charter school or a
418 secondary school, a trade or professional institution or an institution of
419 higher learning in this state, such person shall notify the
420 Commissioner of Public Safety, in writing, of such status and of any
421 change in such status. If any person who is subject to registration
422 under this section is employed in another state, carries on a vocation in
423 another state or is a student in another state, such person shall notify
424 the Commissioner of Public Safety of such status and shall also register
425 with an appropriate agency in that state. [provided that state has a
426 registration requirement for such offenders.] During such period of
427 registration, each registrant shall complete and return forms mailed to
428 such registrant to verify such registrant's residence address and shall
429 submit to the retaking of a photographic image upon request of the
430 Commissioner of Public Safety.

431 (b) Any person who is convicted of a violation of subsection (a) of
432 this section and has previously been convicted of a violation of said
433 subsection (a) shall maintain the registration required under this
434 section for life.

435 [(b)] (c) Any person who violates the provisions of this section shall
436 be guilty of a class D felony.

437 Sec. 6. (NEW) (*Effective July 1, 2006*) (a) Any person who has been
438 convicted or found not guilty by reason of mental disease or defect of a
439 predatory sexual offense against a victim who is a minor, and is
440 released into the community on or after July 1, 2006, shall, not later
441 than three days after such release or, if such person is in the custody of
442 the Commissioner of Correction, at such time prior to release as the
443 commissioner shall direct, register such person's name, residence
444 address, identifying factors and criminal history record, the license
445 plate number and description of any vehicle owned or operated by
446 such person and information concerning any treatment received by
447 such person for a mental abnormality or personality disorder with the
448 Commissioner of Public Safety on such forms and in such locations as
449 said commissioner shall direct, and shall maintain such registration for
450 life. Prior to accepting a plea of guilty or nolo contendere from a
451 person with respect to a predatory sexual offense against a victim who
452 is a minor, the court shall (1) inform the person that the entry of a
453 finding of guilty after acceptance of the plea will subject the person to
454 the registration requirements of this section, and (2) determine that the
455 person fully understands the consequences of the plea. If such person
456 changes such person's name or the license plate number of a vehicle or
457 a vehicle owned or operated by such person, such person shall, within
458 five days, register the new name, license plate number or vehicle
459 information, in writing, with the Commissioner of Public Safety. If
460 such person changes such person's address, such person shall, within
461 five days, register the new address, in writing, with the Commissioner
462 of Public Safety and, if the new address is in another state, such person
463 shall also register with an appropriate agency in that state. If any
464 person who is subject to registration under this section is employed in
465 this or another state, carries on a vocation in this or another state or is a
466 student in this or another state, such person shall notify the
467 Commissioner of Public Safety, in writing, of such status and, if such
468 person is employed, carries on a vocation or is a student in another
469 state, shall also register with an appropriate agency in that state.
470 During such period of registration, each registrant shall complete and
471 return forms mailed to such registrant to verify such registrant's

472 residence address and shall submit to the retaking of a photographic
473 image upon request of the Commissioner of Public Safety. If any
474 person who is subject to registration under this section is employed at,
475 carries on a vocation at or is a student at a youth camp, as defined in
476 section 19a-420 of the general statutes, a provider of child day care
477 services, as defined in section 19a-77 of the general statutes, a public or
478 private educational institution including an elementary, middle or
479 high school, a regional vocational-technical school, a charter school, a
480 secondary school, a trade or professional institution or an institution of
481 higher learning in this state, such person shall notify the
482 Commissioner of Public Safety, in writing, of such status prior to the
483 commencement of such status and shall notify the Commissioner of
484 Public Safety, in writing, of any change in such status.

485 (b) Any person who violates the provisions of this section shall be
486 guilty of a class D felony.

487 Sec. 7. (NEW) (*Effective July 1, 2006*) (a) Any person who has been
488 convicted or found not guilty by reason of mental disease or defect of a
489 predatory sexual offense against a protected or other person, and is
490 released into the community on or after July 1, 2006, shall, not later
491 than three days after such release or, if such person is in the custody of
492 the Commissioner of Correction, at such time prior to release as the
493 commissioner shall direct, register such person's name, residence
494 address, identifying factors and criminal history record, the license
495 plate number and description of any vehicle owned or operated by
496 such person and information concerning any treatment received by
497 such person for a mental abnormality or personality disorder with the
498 Commissioner of Public Safety on such forms and in such locations as
499 said commissioner shall direct, and shall maintain such registration for
500 life. Prior to accepting a plea of guilty or nolo contendere from a
501 person with respect to a predatory sexual offense against a protected
502 or other person, the court shall (1) inform the person that the entry of a
503 finding of guilty after acceptance of the plea will subject the person to
504 the registration requirements of this section, and (2) determine that the
505 person fully understands the consequences of the plea. If such person

506 changes such person's name or the license plate number of or any
 507 vehicle owned or operated by such person, such person shall, within
 508 five days, register the new name, license plate number or vehicle
 509 information, in writing, with the Commissioner of Public Safety. If
 510 such person changes such person's address, such person shall, within
 511 five days, register the new address, in writing, with the Commissioner
 512 of Public Safety and, if the new address is in another state, such person
 513 shall also register with an appropriate agency in that state. If any
 514 person who is subject to registration under this section is employed in
 515 this or another state, carries on a vocation in this or another state or is a
 516 student in this or another state, such person shall notify the
 517 Commissioner of Public Safety, in writing, of such status and, if such
 518 person is employed, carries on a vocation or is a student in another
 519 state, shall also register with an appropriate agency in that state.
 520 During such period of registration, each registrant shall complete and
 521 return forms mailed to such registrant to verify such registrant's
 522 residence address and shall submit to the retaking of a photographic
 523 image upon request of the Commissioner of Public Safety. If any
 524 person who is subject to registration under this section is employed at,
 525 carries on a vocation at or is a student at a youth camp, as defined in
 526 section 19a-420 of the general statutes, a provider of child day care
 527 services, as defined in section 19a-77 of the general statutes, a public or
 528 private educational institution including an elementary, middle or
 529 high school, a regional vocational technical school, a charter school, a
 530 secondary school, a trade or professional institution or an institution of
 531 higher learning in this state, such person shall notify the
 532 Commissioner of Public Safety, in writing, of such status prior to the
 533 commencement of such status and shall notify the Commissioner of
 534 Public Safety, in writing, of any change in such status.

535 (b) Any person who violates the provisions of this section shall be
 536 guilty of a class D felony.

537 Sec. 8. Section 54-255 of the 2006 supplement to the general statutes
 538 is repealed and the following is substituted in lieu thereof (*Effective July*
 539 *1, 2006*):

540 (a) Upon the conviction or finding of not guilty by reason of mental
541 disease or defect of any person for a violation of section 53a-70b, the
542 court may order the Department of Public Safety to restrict the
543 dissemination of the registration information to law enforcement
544 purposes only and to not make such information available for public
545 access, provided the court finds that dissemination of the registration
546 information is not required for public safety and that publication of the
547 registration information would be likely to reveal the identity of the
548 victim within the community where the victim resides. The court shall
549 remove the restriction on the dissemination of such registration
550 information if, at any time, the court finds that public safety requires
551 that such person's registration information be made available to the
552 public or that a change of circumstances makes publication of such
553 registration information no longer likely to reveal the identity of the
554 victim within the community where the victim resides. Prior to
555 ordering or removing the restriction on the dissemination of such
556 person's registration information, the court shall consider any
557 information or statements provided by the victim.

558 (b) Upon the conviction or finding of not guilty by reason of mental
559 disease or defect of any person of a criminal offense against a victim
560 who is a minor, a nonviolent sexual offense, [or] a sexually violent
561 offense, a predatory sexual offense against a victim who is a minor or a
562 predatory sexual offense against a protected or other person, where the
563 victim of such offense was, at the time of the offense, under eighteen
564 years of age and related to such person within any of the degrees of
565 kindred specified in section 46b-21, the court may order the
566 Department of Public Safety to restrict the dissemination of the
567 registration information to law enforcement purposes only and to not
568 make such information available for public access, provided the court
569 finds that dissemination of the registration information is not required
570 for public safety and that publication of the registration information
571 would be likely to reveal the identity of the victim within the
572 community where the victim resides. The court shall remove the
573 restriction on the dissemination of such registration information if, at

574 any time, it finds that public safety requires that such person's
575 registration information be made available to the public or that a
576 change in circumstances makes publication of the registration
577 information no longer likely to reveal the identity of the victim within
578 the community where the victim resides.

579 (c) Any person who: (1) Has been convicted or found not guilty by
580 reason of mental disease or defect of a violation of subdivision (1) of
581 subsection (a) of section 53a-71 between October 1, 1988, and June 30,
582 1999, and was under nineteen years of age at the time of the offense; (2)
583 has been convicted or found not guilty by reason of mental disease or
584 defect of a violation of subdivision (2) of subsection (a) of section 53a-
585 73a between October 1, 1988, and June 30, 1999; (3) has been convicted
586 or found not guilty by reason of mental disease or defect of a criminal
587 offense against a victim who is a minor, a nonviolent sexual offense or
588 a sexually violent offense, between October 1, 1988, and June 30, 1999,
589 where the victim of such offense was, at the time of the offense, under
590 eighteen years of age and related to such person within any of the
591 degrees of kindred specified in section 46b-21; (4) has been convicted
592 or found not guilty by reason of mental disease or defect of a violation
593 of section 53a-70b between October 1, 1988, and June 30, 1999; or (5)
594 has been convicted or found not guilty by reason of mental disease or
595 defect of any crime between October 1, 1988, and September 30, 1998,
596 which requires registration under sections 54-250 to 54-258a, inclusive,
597 and (A) served no jail or prison time as a result of such conviction or
598 finding of not guilty by reason of mental disease or defect, (B) has not
599 been subsequently convicted or found not guilty by reason of mental
600 disease or defect of any crime which would require registration under
601 sections 54-250 to 54-258a, inclusive, and (C) has registered with the
602 Department of Public Safety in accordance with sections 54-250 to 54-
603 258a, inclusive; may petition the court to order the Department of
604 Public Safety to restrict the dissemination of the registration
605 information to law enforcement purposes only and to not make such
606 information available for public access. Any person who files such a
607 petition shall, pursuant to subsection (b) of section 54-227, as amended,

608 notify the Office of Victim Services and the Victim Services Unit within
 609 the Department of Correction of the filing of such petition. The Office
 610 of Victim Services or the Victim Services Unit within the Department
 611 of Correction, or both, shall, pursuant to section 54-230, as amended, or
 612 54-230a, as amended, notify any victim who has requested notification
 613 pursuant to subsection (b) of section 54-228, as amended, of the filing
 614 of such petition. Prior to granting or denying such petition, the court
 615 shall consider any information or statements provided by the victim.
 616 The court may order the Department of Public Safety to restrict the
 617 dissemination of the registration information to law enforcement
 618 purposes only and to not make such information available for public
 619 access, provided the court finds that dissemination of the registration
 620 information is not required for public safety.

621 (d) Upon the granting of an order under this section, the court shall
 622 forward a copy of such order to the Department of Public Safety.

623 Sec. 9. Section 54-256 of the general statutes is repealed and the
 624 following is substituted in lieu thereof (*Effective July 1, 2006*):

625 (a) Any court, the Commissioner of Correction or the Psychiatric
 626 Security Review Board, prior to releasing into the community any
 627 person convicted or found not guilty by reason of mental disease or
 628 defect of a criminal offense against a victim who is a minor, a
 629 nonviolent sexual offense, a sexually violent offense, [or] a felony
 630 found by the sentencing court to have been committed for a sexual
 631 purpose, a predatory sexual offense against a victim who is a minor or
 632 a predatory sexual offense against a protected or other person, except a
 633 person being released unconditionally at the conclusion of such
 634 person's sentence or commitment, shall require as a condition of such
 635 release that such person complete the registration procedure
 636 established by the Commissioner of Public Safety under sections 54-
 637 251, 54-252 and 54-254, as amended by this act, and sections 6 and 7 of
 638 this act. The court, the Commissioner of Correction or the Psychiatric
 639 Security Review Board, as the case may be, shall provide the person
 640 with a written summary of the person's obligations under sections 54-

641 102g and 54-250 to 54-258a, inclusive, as amended by this act, and
642 sections 6 and 7 of this act, and transmit the completed registration
643 package to the Commissioner of Public Safety who shall enter the
644 information into the registry established under section 54-257, as
645 amended by this act. If a court transmits the completed registration
646 package to the Commissioner of Public Safety with respect to a person
647 released by the court, such package need not include identifying
648 factors for such person. In the case of a person being released
649 unconditionally who declines to complete the registration package
650 through the court or the releasing agency, the court or agency shall: (1)
651 Except with respect to information that is not available to the public
652 pursuant to court order, rule of court or any provision of the general
653 statutes, provide to the Commissioner of Public Safety the person's
654 name, date of release into the community, anticipated residence
655 address, if known, criminal history record, any known treatment
656 history and any other relevant information; (2) inform the person that
657 such person has an obligation to register within three days with the
658 Commissioner of Public Safety for a period of ten years following the
659 date of such person's release or for life, as the case may be, and that if
660 such person changes such person's address such person shall within
661 five days register the new address in writing with the Commissioner of
662 Public Safety and, if the new address is in another state or if such
663 person is employed in another state, carries on a vocation in another
664 state or is a student in another state, such person shall also register
665 with an appropriate agency in that state; [provided that state has a
666 registration requirement for such offenders;] (3) provide the person
667 with a written summary of the person's obligations under sections
668 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, and
669 sections 6 and 7 of this act, as explained to the person under
670 subdivision (2) of this section; and (4) make a specific notation on the
671 record maintained by that agency with respect to such person that the
672 registration requirements were explained to such person and that such
673 person was provided with a written summary of such person's
674 obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as
675 amended by this act, and sections 6 and 7 of this act.

676 (b) Whenever a person is convicted or found not guilty by reason of
677 mental disease or defect of an offense that will require such person to
678 register under section 54-251, 54-252 or 54-254, as amended by this act,
679 or section 6 or 7 of this act, the court shall provide a written summary
680 of the offense that includes the age and sex of any victim of the offense
681 and a specific description of the offense. Such summary shall be added
682 to the registry information made available to the public through the
683 Internet.

684 Sec. 10. Section 54-257 of the general statutes is repealed and the
685 following is substituted in lieu thereof (*Effective July 1, 2006*):

686 (a) The Department of Public Safety shall [, not later than January 1,
687 1999, establish and] maintain a registry of all persons required to
688 register under sections 54-251, 54-252, 54-253 and 54-254, as amended
689 by this act, and sections 6 and 7 of this act. The department shall, in
690 cooperation with the Office of the Chief Court Administrator, the
691 Department of Correction and the Psychiatric Security Review Board,
692 develop appropriate forms for use by agencies and individuals to
693 report registration information, including changes of address. Upon
694 receipt of registration information, the department shall enter the
695 information into the registry and notify the local police department or
696 state police troop having jurisdiction where the registrant resides or
697 plans to reside. If a registrant notifies the Department of Public Safety
698 that such registrant is employed at, carries on a vocation at or is a
699 student at a trade or professional institution or institution of higher
700 learning in this state, the department shall notify the law enforcement
701 agency with jurisdiction over such institution. If a registrant reports a
702 residence in another state, the department shall notify the state police
703 agency of that state or such other agency in that state that maintains
704 registry information, if known. The department shall also transmit all
705 registration information, conviction data, photographic images and
706 fingerprints to the Federal Bureau of Investigation in such form as said
707 bureau shall require for inclusion in a national registry.

708 (b) The Department of Public Safety may suspend the registration of

709 any person registered under section 54-251, 54-252, 54-253 or 54-254, as
710 amended by this act, or section 6 or 7 of this act, while such person is
711 incarcerated, under civil commitment or residing outside this state and
712 shall suspend the registration of any person registered under any of
713 said sections when so ordered by the court in which such person was
714 convicted or found not guilty by reason of mental disease or defect.
715 During the period that such registration is under suspension, the
716 department is not required to verify the address of the registrant
717 pursuant to subsection (c) of this section and may withdraw the
718 registration information from public access. Upon the release of the
719 registrant from incarceration or civil commitment or resumption of
720 residency in this state by the registrant, the department shall reinstate
721 the registration, redistribute the registration information in accordance
722 with subsection (a) of this section and resume verifying the address of
723 the registrant in accordance with subsection (c) of this section.
724 Suspension of registration shall not affect the date of expiration of the
725 registration obligation of the registrant under section 54-251, 54-252 or
726 54-253, as amended by this act.

727 (c) Except as provided in subsection (b) of this section, the
728 Department of Public Safety shall verify the address of each registrant
729 by mailing by first class mail a nonforwardable verification form to the
730 registrant at the registrant's last reported address. Such form shall
731 require the registrant to sign a statement that the registrant continues
732 to reside at the registrant's last reported address and return the form
733 by mail by a date which is ten days after the date such form was
734 mailed to the registrant. The form shall contain a statement that failure
735 to return the form or providing false information is a violation of
736 section 54-251, 54-252, 54-253 or 54-254, as amended by this act, or
737 section 6 or 7 of this act, as the case may be. Each person required to
738 register under section 54-251, 54-252, 54-253 or 54-254, as amended by
739 this act, or section 6 or 7 of this act, shall have such person's address
740 verified in such manner every ninety days after such person's initial
741 registration date, except that any registrant claiming to be transient
742 shall verify such person's transient status thirty calendar days after the

743 date such registrant's initial written notice claiming to be transient was
744 received by the Department of Public Safety, and every thirty days
745 thereafter. Any registrant claiming to be transient shall mail a letter
746 containing the registrant's name and date of birth and a statement that
747 the registrant continues to be transient within a particular town in this
748 state and lists the locations, including the specific town, where the
749 registrant sleeps, eats, works, frequents and engages in leisure
750 activities. If such transient person changes such person's address or
751 transient locations, including changing or adding towns, such person
752 shall, within five days, register the new address or transient location in
753 writing with the Department of Public Safety and, if the new address
754 or transient location is in another state, such person shall also register
755 with an appropriate agency in that state. Any person who has reported
756 being transient to the Department of Public Safety who moves to a
757 residence shall notify the department within five days of such change
758 of address. Any registrant residing at an address who becomes
759 transient shall notify the Department of Public Safety, in writing,
760 within five days of commencing such transient status. In the event that
761 a registrant fails to return the address verification form or fails to
762 verify the registrant's transient status, the Department of Public Safety
763 shall notify the local police department or the state police troop having
764 jurisdiction over the registrant's last reported address or transient
765 location, and that agency shall apply for a warrant to be issued for the
766 registrant's arrest under section 54-251, 54-252, 54-253 or 54-254, as
767 amended by this act, or section 6 or 7 of this act, as the case may be.
768 The Department of Public Safety shall not verify the address of
769 registrants whose last reported address was outside this state.
770 Whenever mail is not delivered to a registrant's residence address due
771 to a restriction of the United States Postal Service, the Commissioner of
772 Public Safety may develop and implement procedures to verify the
773 address of such registrant.

774 (d) The Department of Public Safety shall retake the photographic
775 image of each registrant at least once every five years, except that the
776 department shall retake the photographic image of a registrant who

777 registered under section 6 or 7 of this act at least once each year.

778 (e) Whenever the Commissioner of Public Safety receives notice
779 from a superior court pursuant to section 52-11 or a probate court
780 pursuant to section 45a-99 that such court has ordered the change of
781 name of a person, and the department determines that such person is
782 listed in the registry, the department shall revise such person's
783 registration information accordingly.

784 Sec. 11. Section 54-258 of the general statutes is repealed and the
785 following is substituted in lieu thereof (*Effective July 1, 2006*):

786 (a) (1) Notwithstanding any other provision of the general statutes,
787 except subdivisions (3) and (4) of this subsection, the registry
788 maintained by the Department of Public Safety shall be a public record
789 and shall be accessible to the public during normal business hours. The
790 Department of Public Safety shall make registry information available
791 to the public through the Internet. Not less than once per calendar
792 quarter, the Department of Public Safety shall issue notices to all print
793 and electronic media in the state regarding the availability and means
794 of accessing the registry. Each local police department and each state
795 police troop shall keep a record of all registration information
796 transmitted to it by the Department of Public Safety, and shall make
797 such information accessible to the public during normal business
798 hours.

799 (2) Any state agency, the Judicial Department, any state police troop
800 or any local police department may, at its discretion, notify any
801 government agency, private organization or individual of registration
802 information when such agency, said department, such troop or such
803 local police department, as the case may be, believes such notification
804 is necessary to protect the public or any individual in any jurisdiction
805 from any person who is subject to registration under section 54-251,
806 54-252, 54-253 or 54-254, as amended by this act.

807 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
808 this subsection, state agencies, the Judicial Department, state police

809 troops and local police departments shall not disclose the identity of
810 any victim of a crime committed by a registrant or treatment
811 information provided to the registry pursuant to sections 54-102g and
812 54-250 to 54-258a, inclusive, as amended by this act, except to
813 government agencies for bona fide law enforcement or security
814 purposes.

815 (4) Notwithstanding the provisions of subdivisions (1) and (2) of
816 this subsection, registration information the dissemination of which
817 has been restricted by court order pursuant to section 54-255, as
818 amended by this act, and which is not otherwise subject to disclosure,
819 shall not be a public record and shall be released only for law
820 enforcement purposes until such restriction is removed by the court
821 pursuant to said section.

822 (5) When any registrant completes the registrant's term of
823 registration or is otherwise released from the obligation to register
824 under section 54-251, 54-252, 54-253 or 54-254, as amended by this act,
825 the Department of Public Safety shall notify any state police troop or
826 local police department having jurisdiction over the registrant's last
827 reported residence address that the person is no longer a registrant,
828 and the Department of Public Safety, state police troop and local police
829 department shall remove the registrant's name and information from
830 the registry.

831 (b) Neither the state nor any political subdivision of the state nor
832 any officer or employee thereof, shall be held civilly liable to any
833 registrant by reason of disclosure of any information regarding the
834 registrant that is released or disclosed in accordance with subsection
835 (a) of this section. The state and any political subdivision of the state
836 and, except in cases of wanton, reckless or malicious conduct, any
837 officer or employee thereof, shall be immune from liability for good
838 faith conduct in carrying out the provisions of subdivision (2) of
839 subsection (a) of this section.

840 (c) The court support services division of the Judicial Department

841 and the Department of Correction shall provide to the Department of
842 Public Safety, in written or electronic format, with respect to each
843 person required to register under section 54-251, 54-252, 54-253 or 54-
844 254, as amended by this act, or section 6 or 7 of this act, such person's
845 period of probation or parole, the name of the officer assigned to
846 supervise such person and contact information including a telephone
847 number for the office responsible for the supervision of such person.

848 Sec. 12. (NEW) (*Effective July 1, 2006*) (a) A person is guilty of aiding
849 a registrant in violation of registration requirements when such
850 person, having reasonable grounds to believe that a registrant, as
851 defined in section 54-250 of the general statutes, as amended by this
852 act, is in violation of the registration requirements under section 54-
853 251, 54-252, 54-253 or 54-254 of the general statutes, as amended by this
854 act, or section 6 or 7 of this act, and with intent to assist the registrant
855 in eluding a law enforcement officer in the investigation or
856 enforcement of such violation: (1) Withholds information from, or does
857 not notify, the law enforcement officer about the registrant's
858 noncompliance with the requirements of said sections and, if known,
859 the whereabouts of the registrant; (2) harbors, or attempts to harbor, or
860 assists another person in harboring or attempting to harbor, the
861 registrant; (3) conceals or attempts to conceal, or assists another person
862 in concealing or attempting to conceal, the registrant; (4) provides false
863 information, which such person knows not to be true, regarding the
864 registrant; (5) obstructs or hinders the law enforcement officer in the
865 performance of such officer's official duties relative to the investigation
866 or enforcement of such violation; or (6) falsely represents the registrant
867 by signing address verification forms or other official documentation
868 relative to the registration of sexual offenders.

869 (b) Aiding a registrant in violation of registration requirements is a
870 class D felony.

871 Sec. 13. Section 53-21 of the general statutes is repealed and the
872 following is substituted in lieu thereof (*Effective July 1, 2006*):

873 (a) Any person who (1) wilfully or unlawfully causes or permits any
 874 child under the age of sixteen years to be placed in such a situation
 875 that the life or limb of such child is endangered, the health of such
 876 child is likely to be injured or the morals of such child are likely to be
 877 impaired, or does any act likely to impair the health or morals of any
 878 such child, or (2) has contact with the intimate parts, as defined in
 879 section 53a-65, of a child under the age of sixteen years or subjects a
 880 child under sixteen years of age to contact with the intimate parts of
 881 such person, in a sexual and indecent manner likely to impair the
 882 health or morals of such child, or (3) permanently transfers the legal or
 883 physical custody of a child under the age of sixteen years to another
 884 person for money or other valuable consideration or acquires or
 885 receives the legal or physical custody of a child under the age of
 886 sixteen years from another person upon payment of money or other
 887 valuable consideration to such other person or a third person, except in
 888 connection with an adoption proceeding that complies with the
 889 provisions of chapter 803, shall be guilty of a class C felony for a
 890 violation of subdivision (1) or (3) of this subsection and a class B felony
 891 for a violation of subdivision (2) of this subsection, except that, if the
 892 violation is of subdivision (2) of this subsection and the victim of the
 893 offense is under thirteen years of age, such person shall be guilty of a
 894 class A felony and, for a first offense, be sentenced to a term of
 895 imprisonment of twenty-five years which may not be suspended or
 896 reduced by the court and, for a subsequent offense, be sentenced to a
 897 term of life imprisonment.

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

901 Sec. 14. Section 53a-70 of the general statutes is repealed and the
 902 following is substituted in lieu thereof (*Effective July 1, 2006*):

903 (a) A person is guilty of sexual assault in the first degree when such
 904 person (1) compels another person to engage in sexual intercourse by
 905 the use of force against such other person or a third person, or by the

906 threat of use of force against such other person or against a third
 907 person which reasonably causes such person to fear physical injury to
 908 such person or a third person, or (2) engages in sexual intercourse with
 909 another person and such other person is under thirteen years of age
 910 and the actor is more than two years older than such person, or (3)
 911 commits sexual assault in the second degree as provided in section
 912 53a-71 and in the commission of such offense is aided by two or more
 913 other persons actually present, or (4) engages in sexual intercourse
 914 with another person and such other person is mentally incapacitated to
 915 the extent that such other person is unable to consent to such sexual
 916 intercourse.

917 (b) (1) Except as provided in subdivision (2) of this subsection,
 918 sexual assault in the first degree is a class B felony for which two years
 919 of the sentence imposed may not be suspended or reduced by the
 920 court. [or, if the victim of the offense is under ten years of age, for
 921 which ten years of the sentence imposed may not be suspended or
 922 reduced by the court.]

923 (2) Sexual assault in the first degree is a class A felony if the [offense
 924 is a violation of subdivision (1) of subsection (a) of this section and the
 925 victim of the offense is under sixteen years of age or the offense is a
 926 violation of subdivision (2) of subsection (a) of this section. Any person
 927 found guilty under said subdivision (1) or (2) shall be sentenced to a
 928 term of imprisonment of which ten years of the sentence imposed may
 929 not be suspended or reduced by the court if the victim is under ten
 930 years of age or of which five years of the sentence imposed may not be
 931 suspended or reduced by the court if the victim is under sixteen years
 932 of age] victim of the offense is under sixteen years of age and any
 933 person found guilty of such class A felony shall be sentenced to a term
 934 of imprisonment of which five years of the sentence imposed may not
 935 be suspended or reduced by the court, except that, if the victim of the
 936 offense is under thirteen years of age, such person shall, for a first
 937 offense, be sentenced to a term of imprisonment of twenty-five years
 938 which may not be suspended or reduced by the court and, for a
 939 subsequent offense, be sentenced to a term of life imprisonment.

940 (3) [Any] Except as provided in subdivision (2) of this subsection, a
 941 person found guilty under this section shall be sentenced to a term of
 942 imprisonment and a period of special parole pursuant to subsection (b)
 943 of section 53a-28 which together constitute a sentence of at least ten
 944 years.

945 Sec. 15. Section 53a-71 of the general statutes is repealed and the
 946 following is substituted in lieu thereof (*Effective July 1, 2006*):

947 (a) A person is guilty of sexual assault in the second degree when
 948 such person engages in sexual intercourse with another person and: (1)
 949 Such other person is thirteen years of age or older but under sixteen
 950 years of age and the actor is more than two years older than such
 951 person; or (2) such other person is mentally defective to the extent that
 952 such other person is unable to consent to such sexual intercourse; or (3)
 953 such other person is physically helpless; or (4) such other person is less
 954 than eighteen years old and the actor is such person's guardian or
 955 otherwise responsible for the general supervision of such person's
 956 welfare; or (5) such other person is in custody of law or detained in a
 957 hospital or other institution and the actor has supervisory or
 958 disciplinary authority over such other person; or (6) the actor is a
 959 psychotherapist and such other person is (A) a patient of the actor and
 960 the sexual intercourse occurs during the psychotherapy session, (B) a
 961 patient or former patient of the actor and such patient or former
 962 patient is emotionally dependent upon the actor, or (C) a patient or
 963 former patient of the actor and the sexual intercourse occurs by means
 964 of therapeutic deception; or (7) the actor accomplishes the sexual
 965 intercourse by means of false representation that the sexual intercourse
 966 is for a bona fide medical purpose by a health care professional; or (8)
 967 the actor is a school employee and such other person is a student
 968 enrolled in a school in which the actor works or a school under the
 969 jurisdiction of the local or regional board of education which employs
 970 the actor; or (9) the actor is a coach in an athletic activity or a person
 971 who provides intensive, ongoing instruction and such other person is a
 972 recipient of coaching or instruction from the actor and (A) is a
 973 secondary school student and receives such coaching or instruction in

974 a secondary school setting, or (B) is under eighteen years of age; or (10)
975 the actor is twenty years of age or older and stands in a position of
976 power, authority or supervision over such other person by virtue of
977 the actor's professional, legal, occupational or volunteer status and
978 such other person's participation in a program or activity, and such
979 other person is under eighteen years of age.

980 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this
981 subsection, sexual assault in the second degree is a class C felony and
982 any person found guilty of such class C felony shall be sentenced to a
983 term of imprisonment of which nine months of the sentence imposed
984 may not be suspended or reduced by the court. [or,]

985 (2) Sexual assault in the second degree is a class B felony if the
986 victim of the offense is thirteen years of age or older but under sixteen
987 years of age, [a class B felony,] and any person found guilty [under this
988 section] of such class B felony shall be sentenced to a term of
989 imprisonment of which nine months of the sentence imposed may not
990 be suspended or reduced by the court.

991 (3) Sexual assault in the second degree is a class A felony if the
992 victim of the offense is under thirteen years of age, and any person
993 found guilty of such class A felony shall, for a first offense, be
994 sentenced to a term of imprisonment of twenty-five years which may
995 not be suspended or reduced by the court and, for a subsequent
996 offense, be sentenced to a term of life imprisonment.

997 Sec. 16. Section 53a-72a of the general statutes is repealed and the
998 following is substituted in lieu thereof (*Effective July 1, 2006*):

999 (a) A person is guilty of sexual assault in the third degree when
1000 such person (1) compels another person to submit to sexual contact (A)
1001 by the use of force against such other person or a third person, or (B)
1002 by the threat of use of force against such other person or against a third
1003 person, which reasonably causes such other person to fear physical
1004 injury to himself or herself or a third person, or (2) engages in sexual
1005 intercourse with another person whom the actor knows to be related to

1006 him or her within any of the degrees of kindred specified in section
1007 46b-21.

1008 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this
1009 subsection, sexual assault in the third degree is a class D felony. [or,]

1010 (2) Sexual assault in the third degree is a class C felony if the victim
1011 of the offense is thirteen years of age or older but under sixteen years
1012 of age. [, a class C felony.]

1013 (3) Sexual assault in the third degree is a class A felony if the victim
1014 of the offense is under thirteen years of age and any person found
1015 guilty of such class A felony shall, for a first offense, be sentenced to a
1016 term of imprisonment of twenty-five years which may not be
1017 suspended or reduced by the court and, for a subsequent offense, be
1018 sentenced to a term of life imprisonment.

1019 Sec. 17. Section 53a-87 of the general statutes is repealed and the
1020 following is substituted in lieu thereof (*Effective July 1, 2006*):

1021 (a) A person is guilty of promoting prostitution in the second degree
1022 when [he] such person knowingly: (1) Advances or profits from
1023 prostitution by managing, supervising, controlling or owning, either
1024 alone or in association with others, a house of prostitution or a
1025 prostitution business or enterprise involving prostitution activity by
1026 two or more prostitutes; or (2) advances or profits from prostitution of
1027 a person less than eighteen years old.

1028 (b) [Promoting] (1) Except as provided in subdivision (2) of this
1029 subsection, promoting prostitution in the second degree is a class C
1030 felony.

1031 (2) Promoting prostitution in the second degree is a class A felony if
1032 the victim of the offense is under thirteen years of age and any person
1033 found guilty of such class A felony shall, for a first offense, be
1034 sentenced to a term of imprisonment of twenty-five years which may
1035 not be suspended or reduced by the court and, for a subsequent

1036 offense, be sentenced to a term of life imprisonment.

1037 Sec. 18. Section 53a-196 of the general statutes is repealed and the
1038 following is substituted in lieu thereof (*Effective July 1, 2006*):

1039 (a) A person is guilty of obscenity as to minors when [he] such
1040 person knowingly promotes to a minor, for monetary consideration,
1041 any material or performance which is obscene as to minors.

1042 (b) For purposes of this section, "knowingly" means having general
1043 knowledge of or reason to know or a belief or ground for belief which
1044 warrants further inspection or inquiry as to (1) the character and
1045 content of any material or performance which is reasonably susceptible
1046 of examination by such person, and (2) the age of the minor.

1047 (c) In any prosecution for obscenity as to minors, it shall be an
1048 affirmative defense that the defendant made (1) a reasonable mistake
1049 as to age, and (2) a reasonable bona fide attempt to ascertain the true
1050 age of such minor, by examining a draft card, driver's license, birth
1051 certificate or other official or apparently official document, exhibited
1052 by such minor, purporting to establish that such minor was seventeen
1053 years of age or older.

1054 (d) [Obscenity] (1) Except as provided in subdivision (2) of this
1055 subsection, obscenity as to minors is a class D felony.

1056 (2) Obscenity as to minors is a class A felony if the victim of the
1057 offense is under thirteen years of age and any person found guilty of
1058 such class A felony shall, for a first offense, be sentenced to a term of
1059 imprisonment of twenty-five years which may not be suspended or
1060 reduced by the court and, for a subsequent offense, be sentenced to a
1061 term of life imprisonment.

1062 Sec. 19. Section 53a-196a of the general statutes is repealed and the
1063 following is substituted in lieu thereof (*Effective July 1, 2006*):

1064 (a) A person is guilty of employing a minor in an obscene
1065 performance when [(1) he] such person (1) employs any minor,

1066 whether or not such minor receives any consideration, for the purpose
1067 of promoting any material or performance which is obscene as to
1068 minors, notwithstanding that such material or performance is intended
1069 for an adult audience, or (2) [he] permits any such minor to be
1070 employed, whether or not such minor receives any consideration, in
1071 the promotion of any material or performance which is obscene as to
1072 minors, notwithstanding that such material or performance is intended
1073 for an adult audience, and [he] such person is the parent or guardian
1074 of such minor or otherwise responsible for the general supervision of
1075 such minor's welfare.

1076 (b) Employing a minor in an obscene performance is a class A felony
1077 and any person found guilty under this section shall, for a first offense,
1078 be sentenced to a term of imprisonment of twenty-five years which
1079 may not be suspended or reduced by the court and, for a subsequent
1080 offense, be sentenced to a term of life imprisonment.

1081 Sec. 20. Section 53a-196b of the general statutes is repealed and the
1082 following is substituted in lieu thereof (*Effective July 1, 2006*):

1083 (a) A person is guilty of promoting a minor in an obscene
1084 performance when [he] such person knowingly promotes any material
1085 or performance in which a minor is employed, whether or not such
1086 minor receives any consideration, and such material or performance is
1087 obscene as to minors notwithstanding that such material or
1088 performance is intended for an adult audience.

1089 (b) For purposes of this section, "knowingly" means having general
1090 knowledge of or reason to know or a belief or ground for belief which
1091 warrants further inspection or inquiry as to (1) the character and
1092 content of any material or performance which is reasonably susceptible
1093 of examination by such person, and (2) the age of the minor employed.

1094 (c) [Promoting] (1) Except as provided in subdivision (2) of this
1095 subsection, promoting a minor in an obscene performance is a class B
1096 felony.

1107 (2) Promoting a minor in an obscene performance is a class A felony
1108 if the victim of the offense is under thirteen years of age and any
1109 person found guilty of such class A felony shall, for a first offense, be
1100 sentenced to a term of imprisonment of twenty-five years which may
1101 not be suspended or reduced by the court and, for a subsequent
1102 offense, be sentenced to a term of life imprisonment.

1103 Sec. 21. Section 53a-70a of the general statutes is repealed and the
1104 following is substituted in lieu thereof (*Effective July 1, 2006*):

1105 (a) A person is guilty of aggravated sexual assault in the first degree
1106 when such person commits sexual assault in the first degree as
1107 provided in section 53a-70, and in the commission of such offense (1)
1108 such person uses or is armed with and threatens the use of or displays
1109 or represents by such person's words or conduct that such person
1110 possesses a deadly weapon, (2) with intent to disfigure the victim
1111 seriously and permanently, or to destroy, amputate or disable
1112 permanently a member or organ of the victim's body, such person
1113 causes such injury to such victim, (3) under circumstances evincing an
1114 extreme indifference to human life such person recklessly engages in
1115 conduct which creates a risk of death to the victim, and thereby causes
1116 serious physical injury to such victim, or (4) such person is aided by
1117 two or more other persons actually present. No person shall be
1118 convicted of sexual assault in the first degree and aggravated sexual
1119 assault in the first degree upon the same transaction but such person
1120 may be charged and prosecuted for both such offenses upon the same
1121 information.

1122 (b) Aggravated sexual assault in the first degree is a class B felony
1123 or, if the victim of the offense is under sixteen years of age, a class A
1124 felony. Any person found guilty under this section shall be sentenced
1125 to a term of imprisonment of which five years of the sentence imposed
1126 may not be suspended or reduced by the court, except that, if [such
1127 person committed sexual assault in the first degree by violating
1128 subdivision (1) of subsection (a) of section 53a-70, and] the victim of
1129 the offense is under [sixteen] thirteen years of age, [twenty years of the

1130 sentence imposed] such person shall, for a first offense, be sentenced to
1131 a term of imprisonment of twenty-five years which may not be
1132 suspended or reduced by the court and, for a subsequent offense, be
1133 sentenced to a term of life imprisonment. Any person found guilty
1134 under this section shall also be sentenced to a period of special parole
1135 pursuant to subsection (b) of section 53a-28 of at least five years.

1136 Sec. 22. Section 53a-86 of the general statutes is repealed and the
1137 following is substituted in lieu thereof (*Effective July 1, 2006*):

1138 (a) A person is guilty of promoting prostitution in the first degree
1139 when [he] such person knowingly: (1) Advances prostitution by
1140 compelling a person by force or intimidation to engage in prostitution,
1141 or profits from coercive conduct by another; or (2) advances or profits
1142 from prostitution of a person less than sixteen years old.

1143 (b) [Promoting] (1) Except as provided in subdivision (2) of this
1144 subsection, promoting prostitution in the first degree is a class B
1145 felony.

1146 (2) Promoting prostitution in the first degree is a class A felony if
1147 the victim of the offense is under thirteen years of age and any person
1148 found guilty of such class A felony shall, for a first offense, be
1149 sentenced to a term of imprisonment of twenty-five years which may
1150 not be suspended or reduced by the court and, for a subsequent
1151 offense, be sentenced to a term of life imprisonment.

1152 Sec. 23. Section 53a-90a of the general statutes is repealed and the
1153 following is substituted in lieu thereof (*Effective July 1, 2006*):

1154 (a) A person is guilty of enticing a minor when such person uses an
1155 interactive computer service to knowingly persuade, induce, entice or
1156 coerce any person under sixteen years of age to engage in prostitution
1157 or sexual activity for which the actor may be charged with a criminal
1158 offense. For purposes of this section, "interactive computer service"
1159 means any information service, system or access software provider
1160 that provides or enables computer access by multiple users to a

1161 computer server, including specifically a service or system that
1162 provides access to the Internet and such systems operated or services
1163 offered by libraries or educational institutions.

1164 (b) [Enticing] (1) Except as provided in subdivision (2) of this
1165 subsection, enticing a minor is a class D felony for a first offense, a
1166 class C felony for a second offense and a class B felony for any
1167 subsequent offense.

1168 (2) Enticing a minor is a class A felony if the victim of the offense is
1169 under thirteen years of age and any person found guilty of such class
1170 A felony shall, for a first offense, be sentenced to a term of
1171 imprisonment of twenty-five years which may not be suspended or
1172 reduced by the court and, for a subsequent offense, be sentenced to a
1173 term of life imprisonment.

1174 Sec. 24. Section 53a-30 of the 2006 supplement to the general statutes
1175 is repealed and the following is substituted in lieu thereof (*Effective July*
1176 *1, 2006*):

1177 (a) When imposing sentence of probation or conditional discharge,
1178 the court may, as a condition of the sentence, order that the defendant:
1179 (1) Work faithfully at a suitable employment or faithfully pursue a
1180 course of study or of vocational training that will equip the defendant
1181 for suitable employment; (2) undergo medical or psychiatric treatment
1182 and remain in a specified institution, when required for that purpose;
1183 (3) support the defendant's dependents and meet other family
1184 obligations; (4) make restitution of the fruits of the defendant's offense
1185 or make restitution, in an amount the defendant can afford to pay or
1186 provide in a suitable manner, for the loss or damage caused thereby
1187 and the court may fix the amount thereof and the manner of
1188 performance; (5) if a minor, (A) reside with the minor's parents or in a
1189 suitable foster home, (B) attend school, and (C) contribute to the
1190 minor's own support in any home or foster home; (6) post a bond or
1191 other security for the performance of any or all conditions imposed; (7)
1192 refrain from violating any criminal law of the United States, this state

1193 or any other state; (8) if convicted of a misdemeanor or a felony, other
1194 than a capital felony, a class A felony or a violation of section 21a-278,
1195 as amended, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-
1196 70b or any offense for which there is a mandatory minimum sentence
1197 which may not be suspended or reduced by the court, and any
1198 sentence of imprisonment is suspended, participate in an alternate
1199 incarceration program; (9) reside in a residential community center or
1200 halfway house approved by the Commissioner of Correction, and
1201 contribute to the cost incident to such residence; (10) participate in a
1202 program of community service labor in accordance with section 53a-
1203 39c; (11) participate in a program of community service in accordance
1204 with section 51-181c; (12) if convicted of a violation of subdivision (2)
1205 of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-
1206 71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment;
1207 (13) if convicted of a criminal offense against a victim who is a minor, a
1208 nonviolent sexual offense, [or] a sexually violent offense, a predatory
1209 sexual offense against a victim who is a minor or a predatory sexual
1210 offense against a protected or other person, as defined in section 54-
1211 250, as amended by this act, or of a felony that the court finds was
1212 committed for a sexual purpose, as provided in section 54-254, as
1213 amended by this act, register such person's identifying factors, as
1214 defined in section 54-250, as amended by this act, with the
1215 Commissioner of Public Safety when required pursuant to section 54-
1216 251, 54-252 or 54-253, as amended by this act, as the case may be; (14)
1217 be subject to electronic monitoring which may include the use of a
1218 global positioning system; (15) if convicted of a violation of section
1219 46a-58, as amended, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate
1220 in an anti-bias crime education program; (16) if convicted of a violation
1221 of section 53-247, undergo psychiatric or psychological counseling or
1222 participate in an animal cruelty prevention and education program
1223 provided such a program exists and is available to the defendant; or
1224 (17) satisfy any other conditions reasonably related to the defendant's
1225 rehabilitation. The court shall cause a copy of any such order to be
1226 delivered to the defendant and to the probation officer, if any.

1227 (b) Notwithstanding the provisions of subsection (a) of this section,
1228 when imposing sentence of probation or conditional discharge for any
1229 violation of section 53a-70, 53a-70a, 53a-71, 53a-90a, 53a-196, 53a-196a
1230 or 53a-196b, as amended by this act, the court shall, as a condition of
1231 the sentence, order that the defendant be subject to electronic
1232 monitoring which shall include the use of a global positioning system.

1233 [(b)] (c) When a defendant has been sentenced to a period of
1234 probation, the Court Support Services Division may require that the
1235 defendant comply with any or all conditions which the court could
1236 have imposed under subsection (a) of this section or was required to
1237 impose under subsection (b) of this section which are not inconsistent
1238 with any condition actually imposed by the court.

1239 [(c)] (d) At any time during the period of probation or conditional
1240 discharge, after hearing and for good cause shown, the court may
1241 modify or enlarge the conditions, whether originally imposed by the
1242 court under this section or otherwise, and may extend the period,
1243 provided the original period with any extensions shall not exceed the
1244 periods authorized by section 53a-29, as amended. The court shall
1245 cause a copy of any such order to be delivered to the defendant and to
1246 the probation officer, if any.

1247 [(d)] (e) The period of participation in an alternate incarceration
1248 program, unless terminated sooner, shall not exceed the period of
1249 probation authorized by section 53a-29, as amended, or two years,
1250 whichever is less.

1251 [(e)] (f) The court may require that the person subject to electronic
1252 monitoring pursuant to subsection (a) or (b) of this section pay directly
1253 to the electronic monitoring service provider a fee for the cost of such
1254 electronic monitoring services. If the court finds that the person subject
1255 to electronic monitoring is indigent and unable to pay the costs of
1256 electronic monitoring services, it shall waive such costs. Any contract
1257 entered into by the judicial branch and the electronic monitoring
1258 service provider shall include a provision stating that the total cost for

1259 electronic monitoring services shall not exceed [five] six dollars per
1260 day. Such amount shall be indexed annually to reflect the rate of
1261 inflation.

1262 Sec. 25. Section 53a-35a of the general statutes is repealed and the
1263 following is substituted in lieu thereof (*Effective July 1, 2006*):

1264 For any felony committed on or after July 1, 1981, the sentence of
1265 imprisonment shall be a definite sentence and the term shall be fixed
1266 by the court as follows: (1) For a capital felony, a term of life
1267 imprisonment without the possibility of release unless a sentence of
1268 death is imposed in accordance with section 53a-46a; (2) for the class A
1269 felony of murder or for a class A felony as provided in section 53-21,
1270 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-
1271 196a or 53a-196b, as amended by this act, a term not less than twenty-
1272 five years nor more than life; (3) for a class A felony other than
1273 murder, a term not less than ten years nor more than twenty-five
1274 years; (4) for the class B felony of manslaughter in the first degree with
1275 a firearm under section 53a-55a, a term not less than five years nor
1276 more than forty years; (5) for a class B felony other than manslaughter
1277 in the first degree with a firearm under section 53a-55a, a term not less
1278 than one year nor more than twenty years, except that for a conviction
1279 under section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or
1280 53a-134(a)(2), the term shall be not less than five years nor more than
1281 twenty years; (6) for a class C felony, a term not less than one year nor
1282 more than ten years, except that for a conviction under section 53a-56a,
1283 the term shall be not less than three years nor more than ten years; (7)
1284 for a class D felony, a term not less than one year nor more than five
1285 years, except that for a conviction under section 53a-60b or 53a-217, as
1286 amended, the term shall be not less than two years nor more than five
1287 years, for a conviction under section 53a-60c, the term shall be not less
1288 than three years nor more than five years, and for a conviction under
1289 section 53a-216, the term shall be five years; (8) for an unclassified
1290 felony, a term in accordance with the sentence specified in the section
1291 of the general statutes that defines the crime."

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2006	54-250
Sec. 2	July 1, 2006	54-251
Sec. 3	July 1, 2006	54-252
Sec. 4	July 1, 2006	54-253
Sec. 5	July 1, 2006	54-254
Sec. 6	July 1, 2006	New section
Sec. 7	July 1, 2006	New section
Sec. 8	July 1, 2006	54-255
Sec. 9	July 1, 2006	54-256
Sec. 10	July 1, 2006	54-257
Sec. 11	July 1, 2006	54-258
Sec. 12	July 1, 2006	New section
Sec. 13	July 1, 2006	53-21
Sec. 14	July 1, 2006	53a-70
Sec. 15	July 1, 2006	53a-71
Sec. 16	July 1, 2006	53a-72a
Sec. 17	July 1, 2006	53a-87
Sec. 18	July 1, 2006	53a-196
Sec. 19	July 1, 2006	53a-196a
Sec. 20	July 1, 2006	53a-196b
Sec. 21	July 1, 2006	53a-70a
Sec. 22	July 1, 2006	53a-86
Sec. 23	July 1, 2006	53a-90a
Sec. 24	July 1, 2006	53a-30
Sec. 25	July 1, 2006	53a-35a

SENATE AMENDMENT

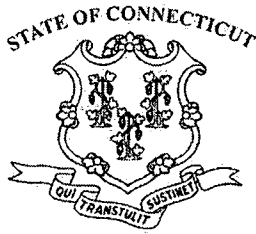
Calendar: 335

LCO: 4099

Bill: 618

ADOPTED voice ☐ REJECTED voice ☐

ADOPTED roll ☐ REJECTED roll ☐



General Assembly

February Session, 2006

[SENATE] Amendment

LCO No. 4196



Offered by:

SEN. DELUCA, 32nd Dist.
SEN. MCKINNEY, 28th Dist.
SEN. CAPPIELLO, 24th Dist.
SEN. COOK, 18th Dist.
SEN. FASANO, 34th Dist.
SEN. FREEDMAN, 26th Dist.

SEN. GUGLIELMO, 35th Dist.
SEN. GUNTHER, 21st Dist.
SEN. HERLIHY, 8th Dist.
SEN. KISSEL, 7th Dist.
SEN. NICKERSON, 36th Dist.
SEN. RORABACK, 30th Dist.

To: Senate Bill No. 618

File No. 452

Cal. No. 335

**"AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR
THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE
SEXUAL ASSAULT OF MINORS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53-21 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2006*):

5 (a) Any person who (1) wilfully or unlawfully causes or permits any
6 child under the age of sixteen years to be placed in such a situation
7 that the life or limb of such child is endangered, the health of such
8 child is likely to be injured or the morals of such child are likely to be
9 impaired, or does any act likely to impair the health or morals of any
10 such child, or (2) has contact with the intimate parts, as defined in

11 section 53a-65, of a child under the age of sixteen years or subjects a
12 child under sixteen years of age to contact with the intimate parts of
13 such person, in a sexual and indecent manner likely to impair the
14 health or morals of such child, or (3) permanently transfers the legal or
15 physical custody of a child under the age of sixteen years to another
16 person for money or other valuable consideration or acquires or
17 receives the legal or physical custody of a child under the age of
18 sixteen years from another person upon payment of money or other
19 valuable consideration to such other person or a third person, except in
20 connection with an adoption proceeding that complies with the
21 provisions of chapter 803, shall be guilty of a class C felony for a
22 violation of subdivision (1) or (3) of this subsection and a class B felony
23 for a violation of subdivision (2) of this subsection, except that, if the
24 violation is of subdivision (2) of this subsection and the victim of the
25 offense is under thirteen years of age, such person shall be guilty of a
26 class A felony and, for a first offense, be sentenced to a term of
27 imprisonment of twenty-five years which may not be suspended or
28 reduced by the court and, for a subsequent offense, be sentenced to a
29 term of life imprisonment.

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

33 Sec. 502. Section 53a-70 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective July 1, 2006*):

35 (a) A person is guilty of sexual assault in the first degree when such
36 person (1) compels another person to engage in sexual intercourse by
37 the use of force against such other person or a third person, or by the
38 threat of use of force against such other person or against a third
39 person which reasonably causes such person to fear physical injury to
40 such person or a third person, or (2) engages in sexual intercourse with
41 another person and such other person is under thirteen years of age
42 and the actor is more than two years older than such person, or (3)
43 commits sexual assault in the second degree as provided in section

44 53a-71 and in the commission of such offense is aided by two or more
45 other persons actually present, or (4) engages in sexual intercourse
46 with another person and such other person is mentally incapacitated to
47 the extent that such other person is unable to consent to such sexual
48 intercourse.

49 (b) (1) Except as provided in subdivision (2) of this subsection,
50 sexual assault in the first degree is a class B felony for which two years
51 of the sentence imposed may not be suspended or reduced by the
52 court. [or, if the victim of the offense is under ten years of age, for
53 which ten years of the sentence imposed may not be suspended or
54 reduced by the court.]

55 (2) Sexual assault in the first degree is a class A felony if the [offense
56 is a violation of subdivision (1) of subsection (a) of this section and the
57 victim of the offense is under sixteen years of age or the offense is a
58 violation of subdivision (2) of subsection (a) of this section. Any person
59 found guilty under said subdivision (1) or (2) shall be sentenced to a
60 term of imprisonment of which ten years of the sentence imposed may
61 not be suspended or reduced by the court if the victim is under ten
62 years of age or of which five years of the sentence imposed may not be
63 suspended or reduced by the court if the victim is under sixteen years
64 of age] victim of the offense is under sixteen years of age and any
65 person found guilty of such class A felony shall be sentenced to a term
66 of imprisonment of which five years of the sentence imposed may not
67 be suspended or reduced by the court, except that, if the victim of the
68 offense is under thirteen years of age, such person shall, for a first
69 offense, be sentenced to a term of imprisonment of twenty-five years
70 which may not be suspended or reduced by the court and, for a
71 subsequent offense, be sentenced to a term of life imprisonment.

72 (3) [Any] Except as provided in subdivision (2) of this subsection, a
73 person found guilty under this section shall be sentenced to a term of
74 imprisonment and a period of special parole pursuant to subsection (b)
75 of section 53a-28 which together constitute a sentence of at least ten
76 years.

77 Sec. 503. Section 53a-70a of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective July 1, 2006*):

79 (a) A person is guilty of aggravated sexual assault in the first degree
80 when such person commits sexual assault in the first degree as
81 provided in section 53a-70, and in the commission of such offense (1)
82 such person uses or is armed with and threatens the use of or displays
83 or represents by such person's words or conduct that such person
84 possesses a deadly weapon, (2) with intent to disfigure the victim
85 seriously and permanently, or to destroy, amputate or disable
86 permanently a member or organ of the victim's body, such person
87 causes such injury to such victim, (3) under circumstances evincing an
88 extreme indifference to human life such person recklessly engages in
89 conduct which creates a risk of death to the victim, and thereby causes
90 serious physical injury to such victim, or (4) such person is aided by
91 two or more other persons actually present. No person shall be
92 convicted of sexual assault in the first degree and aggravated sexual
93 assault in the first degree upon the same transaction but such person
94 may be charged and prosecuted for both such offenses upon the same
95 information.

96 (b) Aggravated sexual assault in the first degree is a class B felony
97 or, if the victim of the offense is under sixteen years of age, a class A
98 felony. Any person found guilty under this section shall be sentenced
99 to a term of imprisonment of which five years of the sentence imposed
100 may not be suspended or reduced by the court, except that, if [such
101 person committed sexual assault in the first degree by violating
102 subdivision (1) of subsection (a) of section 53a-70, and] the victim of
103 the offense is under [sixteen] thirteen years of age, [twenty years of the
104 sentence imposed] such person shall, for a first offense, be sentenced to
105 a term of imprisonment of twenty-five years which may not be
106 suspended or reduced by the court and, for a subsequent offense, be
107 sentenced to a term of life imprisonment. Any person found guilty
108 under this section shall also be sentenced to a period of special parole
109 pursuant to subsection (b) of section 53a-28 of at least five years.

110 Sec. 504. Section 53a-71 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective July 1, 2006*):

112 (a) A person is guilty of sexual assault in the second degree when
113 such person engages in sexual intercourse with another person and: (1)
114 Such other person is thirteen years of age or older but under sixteen
115 years of age and the actor is more than two years older than such
116 person; or (2) such other person is mentally defective to the extent that
117 such other person is unable to consent to such sexual intercourse; or (3)
118 such other person is physically helpless; or (4) such other person is less
119 than eighteen years old and the actor is such person's guardian or
120 otherwise responsible for the general supervision of such person's
121 welfare; or (5) such other person is in custody of law or detained in a
122 hospital or other institution and the actor has supervisory or
123 disciplinary authority over such other person; or (6) the actor is a
124 psychotherapist and such other person is (A) a patient of the actor and
125 the sexual intercourse occurs during the psychotherapy session, (B) a
126 patient or former patient of the actor and such patient or former
127 patient is emotionally dependent upon the actor, or (C) a patient or
128 former patient of the actor and the sexual intercourse occurs by means
129 of therapeutic deception; or (7) the actor accomplishes the sexual
130 intercourse by means of false representation that the sexual intercourse
131 is for a bona fide medical purpose by a health care professional; or (8)
132 the actor is a school employee and such other person is a student
133 enrolled in a school in which the actor works or a school under the
134 jurisdiction of the local or regional board of education which employs
135 the actor; or (9) the actor is a coach in an athletic activity or a person
136 who provides intensive, ongoing instruction and such other person is a
137 recipient of coaching or instruction from the actor and (A) is a
138 secondary school student and receives such coaching or instruction in
139 a secondary school setting, or (B) is under eighteen years of age; or (10)
140 the actor is twenty years of age or older and stands in a position of
141 power, authority or supervision over such other person by virtue of
142 the actor's professional, legal, occupational or volunteer status and
143 such other person's participation in a program or activity, and such

144 other person is under eighteen years of age.

145 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this
 146 subsection, sexual assault in the second degree is a class C felony [or,]
 147 and any person found guilty of such class C felony shall be sentenced
 148 to a term of imprisonment of which nine months of the sentence
 149 imposed may not be suspended or reduced by the court.

150 (2) Sexual assault in the second degree is a class B felony if the
 151 victim of the offense is thirteen years of age or older but under sixteen
 152 years of age, [a class B felony,] and any person found guilty [under this
 153 section] of such class B felony shall be sentenced to a term of
 154 imprisonment of which nine months of the sentence imposed may not
 155 be suspended or reduced by the court.

156 (3) Sexual assault in the second degree is a class A felony if the
 157 victim of the offense is under thirteen years of age, and any person
 158 found guilty of such class A felony shall, for a first offense, be
 159 sentenced to a term of imprisonment of twenty-five years which may
 160 not be suspended or reduced by the court and, for a subsequent
 161 offense, be sentenced to a term of life imprisonment.

162 Sec. 505. Section 53a-72a of the general statutes is repealed and the
 163 following is substituted in lieu thereof (*Effective July 1, 2006*):

164 (a) A person is guilty of sexual assault in the third degree when
 165 such person (1) compels another person to submit to sexual contact (A)
 166 by the use of force against such other person or a third person, or (B)
 167 by the threat of use of force against such other person or against a third
 168 person, which reasonably causes such other person to fear physical
 169 injury to himself or herself or a third person, or (2) engages in sexual
 170 intercourse with another person whom the actor knows to be related to
 171 him or her within any of the degrees of kindred specified in section
 172 46b-21.

173 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this
 174 subsection, sexual assault in the third degree is a class D felony. [or,]

175 (2) Sexual assault in the third degree is a class C felony if the victim
176 of the offense is thirteen years of age or older but under sixteen years
177 of age. [, a class C felony.]

178 (3) Sexual assault in the third degree is a class A felony if the victim
179 of the offense is under thirteen years of age and any person found
180 guilty of such class A felony shall, for a first offense, be sentenced to a
181 term of imprisonment of twenty-five years which may not be
182 suspended or reduced by the court and, for a subsequent offense, be
183 sentenced to a term of life imprisonment.

184 Sec. 506. Section 53a-86 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective July 1, 2006*):

186 (a) A person is guilty of promoting prostitution in the first degree
187 when [he] such person knowingly: (1) Advances prostitution by
188 compelling a person by force or intimidation to engage in prostitution,
189 or profits from coercive conduct by another; or (2) advances or profits
190 from prostitution of a person less than sixteen years old.

191 (b) [Promoting] (1) Except as provided in subdivision (2) of this
192 subsection, promoting prostitution in the first degree is a class B
193 felony.

194 (2) Promoting prostitution in the first degree is a class A felony if
195 the victim of the offense is under thirteen years of age and any person
196 found guilty of such class A felony shall, for a first offense, be
197 sentenced to a term of imprisonment of twenty-five years which may
198 not be suspended or reduced by the court and, for a subsequent
199 offense, be sentenced to a term of life imprisonment.

200 Sec. 507. Section 53a-87 of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective July 1, 2006*):

202 (a) A person is guilty of promoting prostitution in the second degree
203 when [he] such person knowingly: (1) Advances or profits from
204 prostitution by managing, supervising, controlling or owning, either

205 alone or in association with others, a house of prostitution or a
206 prostitution business or enterprise involving prostitution activity by
207 two or more prostitutes; or (2) advances or profits from prostitution of
208 a person less than eighteen years old.

209 (b) [Promoting] (1) Except as provided in subdivision (2) of this
210 subsection, promoting prostitution in the second degree is a class C
211 felony.

212 (2) Promoting prostitution in the second degree is a class A felony if
213 the victim of the offense is under thirteen years of age and any person
214 found guilty of such class A felony shall, for a first offense, be
215 sentenced to a term of imprisonment of twenty-five years which may
216 not be suspended or reduced by the court and, for a subsequent
217 offense, be sentenced to a term of life imprisonment.

218 Sec. 508. Section 53a-90a of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective July 1, 2006*):

220 (a) A person is guilty of enticing a minor when such person uses an
221 interactive computer service to knowingly persuade, induce, entice or
222 coerce any person under sixteen years of age to engage in prostitution
223 or sexual activity for which the actor may be charged with a criminal
224 offense. For purposes of this section, "interactive computer service"
225 means any information service, system or access software provider
226 that provides or enables computer access by multiple users to a
227 computer server, including specifically a service or system that
228 provides access to the Internet and such systems operated or services
229 offered by libraries or educational institutions.

230 (b) [Enticing] (1) Except as provided in subdivision (2) of this
231 subsection, enticing a minor is a class D felony for a first offense, a
232 class C felony for a second offense and a class B felony for any
233 subsequent offense.

234 (2) Enticing a minor is a class A felony if the victim of the offense is
235 under thirteen years of age and any person found guilty of such class

236 A felony shall, for a first offense, be sentenced to a term of
 237 imprisonment of twenty-five years which may not be suspended or
 238 reduced by the court and, for a subsequent offense, be sentenced to a
 239 term of life imprisonment.

240 Sec. 509. Section 53a-196 of the general statutes is repealed and the
 241 following is substituted in lieu thereof (*Effective July 1, 2006*):

242 (a) A person is guilty of obscenity as to minors when [he] such
 243 person knowingly promotes to a minor, for monetary consideration,
 244 any material or performance which is obscene as to minors.

245 (b) For purposes of this section, "knowingly" means having general
 246 knowledge of or reason to know or a belief or ground for belief which
 247 warrants further inspection or inquiry as to (1) the character and
 248 content of any material or performance which is reasonably susceptible
 249 of examination by such person, and (2) the age of the minor.

250 (c) In any prosecution for obscenity as to minors, it shall be an
 251 affirmative defense that the defendant made (1) a reasonable mistake
 252 as to age, and (2) a reasonable bona fide attempt to ascertain the true
 253 age of such minor, by examining a draft card, driver's license, birth
 254 certificate or other official or apparently official document, exhibited
 255 by such minor, purporting to establish that such minor was seventeen
 256 years of age or older.

257 (d) [Obscenity] (1) Except as provided in subdivision (2) of this
 258 subsection, obscenity as to minors is a class D felony.

259 (2) Obscenity as to minors is a class A felony if the victim of the
 260 offense is under thirteen years of age and any person found guilty of
 261 such class A felony shall, for a first offense, be sentenced to a term of
 262 imprisonment of twenty-five years which may not be suspended or
 263 reduced by the court and, for a subsequent offense, be sentenced to a
 264 term of life imprisonment.

265 Sec. 510. Section 53a-196a of the general statutes is repealed and the

266 following is substituted in lieu thereof (*Effective July 1, 2006*):

267 (a) A person is guilty of employing a minor in an obscene
268 performance when [(1) he] such person (1) employs any minor,
269 whether or not such minor receives any consideration, for the purpose
270 of promoting any material or performance which is obscene as to
271 minors, notwithstanding that such material or performance is intended
272 for an adult audience, or (2) [he] permits any such minor to be
273 employed, whether or not such minor receives any consideration, in
274 the promotion of any material or performance which is obscene as to
275 minors, notwithstanding that such material or performance is intended
276 for an adult audience, and [he] such person is the parent or guardian
277 of such minor or otherwise responsible for the general supervision of
278 such minor's welfare.

279 (b) Employing a minor in an obscene performance is a class A felony
280 and any person found guilty under this section shall, for a first offense,
281 be sentenced to a term of imprisonment of twenty-five years which
282 may not be suspended or reduced by the court and, for a subsequent
283 offense, be sentenced to a term of life imprisonment.

284 Sec. 511. Section 53a-196b of the general statutes is repealed and the
285 following is substituted in lieu thereof (*Effective July 1, 2006*):

286 (a) A person is guilty of promoting a minor in an obscene
287 performance when [he] such person knowingly promotes any material
288 or performance in which a minor is employed, whether or not such
289 minor receives any consideration, and such material or performance is
290 obscene as to minors notwithstanding that such material or
291 performance is intended for an adult audience.

292 (b) For purposes of this section, "knowingly" means having general
293 knowledge of or reason to know or a belief or ground for belief which
294 warrants further inspection or inquiry as to (1) the character and
295 content of any material or performance which is reasonably susceptible
296 of examination by such person, and (2) the age of the minor employed.

297 (c) [Promoting] (1) Except as provided in subdivision (2) of this
298 subsection, promoting a minor in an obscene performance is a class B
299 felony.

300 (2) Promoting a minor in an obscene performance is a class A felony
301 if the victim of the offense is under thirteen years of age and any
302 person found guilty of such class A felony shall, for a first offense, be
303 sentenced to a term of imprisonment of twenty-five years which may
304 not be suspended or reduced by the court and, for a subsequent
305 offense, be sentenced to a term of life imprisonment.

306 Sec. 512. Section 53a-35a of the general statutes is repealed and the
307 following is substituted in lieu thereof (*Effective July 1, 2006*):

308 For any felony committed on or after July 1, 1981, the sentence of
309 imprisonment shall be a definite sentence and the term shall be fixed
310 by the court as follows: (1) For a capital felony, a term of life
311 imprisonment without the possibility of release unless a sentence of
312 death is imposed in accordance with section 53a-46a; (2) for the class A
313 felony of murder or for a class A felony as provided in section 53-21,
314 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-
315 196a or 53a-196b, as amended by this act, where the victim of the
316 offense was under thirteen years of age, a term not less than twenty-
317 five years nor more than life; (3) for a class A felony other than
318 [murder] an offense specified in subdivision (2) of this section, a term
319 not less than ten years nor more than twenty-five years; (4) for the class
320 B felony of manslaughter in the first degree with a firearm under
321 section 53a-55a, a term not less than five years nor more than forty
322 years; (5) for a class B felony other than manslaughter in the first
323 degree with a firearm under section 53a-55a, a term not less than one
324 year nor more than twenty years, except that for a conviction under
325 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-
326 134(a)(2), the term shall be not less than five years nor more than
327 twenty years; (6) for a class C felony, a term not less than one year nor
328 more than ten years, except that for a conviction under section 53a-56a,
329 the term shall be not less than three years nor more than ten years; (7)

330 for a class D felony, a term not less than one year nor more than five
331 years, except that for a conviction under section 53a-60b or 53a-217; as
332 amended, the term shall be not less than two years nor more than five,
333 years, for a conviction under section 53a-60c, the term shall be not less
334 than three years nor more than five years, and for a conviction under
335 section 53a-216, the term shall be five years; (8) for an unclassified
336 felony, a term in accordance with the sentence specified in the section
337 of the general statutes that defines the crime.

338 Sec. 513. (NEW) (*Effective July 1, 2006*) Any person who is released
339 on parole or special parole after being convicted of a violation of
340 subdivision (2) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-
341 72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-196a or 53a-196b of the
342 general statutes, as amended by this act, where the victim of the
343 offense was under thirteen years of age, shall, as a condition of such
344 parole or special parole, be subject to electronic monitoring that shall
345 include the use of a global positioning system for the duration of such
346 person's period of parole or special parole."

SENATE AMENDMENT

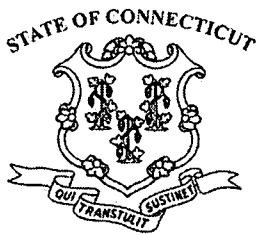
Calendar: 335

LCO: 4196

Bill: 618

ADOPTED voice ☐ REJECTED voice ☐

ADOPTED roll ☐ REJECTED roll ☐



General Assembly

[SENATE] Amendment

February Session, 2006

LCO No. 4637



Offered by:

SEN. DELUCA, 32nd Dist.

To: Senate Bill No. 618

File No. 452

Cal. No. 335

**"AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR
THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE
SEXUAL ASSAULT OF MINORS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53a-72a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) A person is guilty of sexual assault in the third degree when
6 such person (1) compels another person to submit to sexual contact (A)
7 by the use of force against such other person or a third person, or (B)
8 by the threat of use of force against such other person or against a third
9 person, which reasonably causes such other person to fear physical
10 injury to himself or herself or a third person, or (2) engages in sexual
11 intercourse with another person whom the actor knows to be related to
12 him or her [within any of the degrees of kindred specified in section
13 46b-21] by consanguinity or affinity.

14 (b) For purposes of this section, a person is related to the actor by
15 consanguinity or affinity when such person is the actor's mother,
16 father, grandmother, grandfather, daughter, son, granddaughter,
17 grandson, sister, brother, aunt, uncle, niece, nephew, stepmother,
18 stepfather, stepdaughter or stepson.

19 [(b)] (c) Sexual assault in the third degree is a class D felony or, if the
20 victim of the offense is under sixteen years of age, a class C felony."

SENATE AMENDMENT

Calendar: 335

LCO: 4637

Bill: 618

ADOPTED voice ☐ REJECTED voice ☐

ADOPTED roll ☐ REJECTED roll ☐

REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

COMMITTEE: Judiciary Committee

File No.:

Bill No.: SB-618

PH Date: 3/20/2006

Action/Date: JF 3/24/06

Reference Change:

TITLE OF BILL:

AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL ASSAULT OF MINORS.

SPONSORS OF BILL:

Sen. Handley, 4th District;
Sen. Kissel, 7th District

REASONS FOR BILL:

For victims of sexual abuse to come forward and report their accuser; therefore, they are not limited to a certain age to report the incident.

RESPONSE FROM ADMINISTRATION/AGENCY:

Rep. Fahrback, 61st District-The research and conflicting opinions received from agencies, attorney's and counselors is evidence of the law's ambiguity which the victims are urging to clarify so that others who are victims of child sexual abuse will not be victimized twice.

As a result of the statute of limitations, abusers could possibly never be held responsible for this crime and are free to live a normal life without consequences while the victim not only suffers the emotional trauma associated with the sexual abuse but must live with the knowledge that their abuser remains free to abuse again.

Victim Advocate James F. Papillo-Extending the statute of limitations does not, in my view, cause unfairness to defendants as the burden of proof for conviction remains the same and State's Attorneys will not prosecute cases which lack sufficient evidence of the abuse; where the evidence exists, the crimes involved here should be prosecuted.

NATURE AND SOURCES OF SUPPORT:

Dahleet R. Imswiler, Victim-What needs to be done:

- (1) Extend the statute of limitations
- (2) Civil laws need to be revised
- (3) Age of majority needs to be early twenties.

In June 1995, just three days after my 12th birthday, I began to be sexually abused by a man who was 23 years my senior, married and a father of an infant daughter. He was an extremely close family friend, church member and a mentor-model to me. The abuse was progressive in nature and continued for 8 1/2 years until Sept. 2003 when, at age 20, I told my parents; they in turn, confronted him, he admitted molesting me and the abuse finally came to an end. A few months later, in Jan. 2004, my parents and I consulted an attorney so we would know what our legal options were in the state of Connecticut. The attorney assured us that, according to state statutes, I would have up to 5 years after my 18th birthday to report this criminal sexual assault.

In May 2004, after the close of my school year I reported the abuse to the West Hartford Police. What resulted was worse than I had anticipated. Shock and dismay followed when we learned from the detective that the statute of limitations had already expired. Even in the face of our strong circumstantial evidence, the case could not be prosecuted. Thus, as this clearly demonstrates, the statutes are unclear and unfair to the victims.

Since that time, we have spoken to various aides, court advisors, and attorneys, and have received various interpretations of the statutes. No criminal charges can be brought against this child molester. Even more disturbing to me is that, according to many statistics, he will re-offend! Following the inability to bring criminal charges, I have sought legal advice regarding civil litigation and learned that his assets, excluding those protected by law, would likely not even cover the cost of litigation, let alone any compensation that would come to me. Under these circumstances it would not be cost effective for attorneys to take my case.

To date, I have accumulated thousands of dollars of bills directly due to my molestation (counselors, medicines, doctors, phone bills, research material, and mileage expenses). This does not even begin to address the emotional and psychological stress that I have and am going through. I would probably win my case in civil court but lose through crushing litigation expenses. There's something terribly wrong with a victim having to pay to "win" a case against a child predator.

According to conservative statistics, one out of three to four girls (one out of five to six boys) will be sexually abused before age 18. This means, conservatively, out of Connecticut's current population of approximately 3 1/2 million, some 500,000 girls have or will be sexually abused before reaching age 18! Additionally, statistical figures indicate that less than 10% of victims will ever admit to abuse and those who do will wait until well into adulthood. An unprosecuted abuser will continue to harm the most vulnerable members of our society, plus their recidivism rate is high.

Linda D. Imswiler, Mother of Victim-As a child we nicknamed her our "walking smile" because of her always happy spirit. That was all stolen the day he took our developing 11-year-old as his victim of choice for the next several years. We needed to be assured she would be handled with delicacy and that the judicial system would not further wound her before we proceeded. I felt like I was catapulted back into a day when no woman would report any sexual abuse because of what she would be dragged through. Nonetheless, my daughter had to give the police several hours of sworn testimony, revisiting humiliating details of the numerous assaults all the while knowing it would go nowhere. What happened to her was the realization of my worst fears concerning the process.

In the 2 1/2 years since then, I have seen my daughter plummet into depression and bitterness. Her outward appearance belies what's going on inside. The Traumatic Stress Institute of South Windsor, Connecticut tested Dahleet for Traumatic Stress Syndrome and affirmed that indeed she did suffer from that syndrome and would for the rest of her life. He stated that she should be under counsel once a week or more throughout the rest of her life! The studies state that victims of childhood sexual abuse rarely, if ever report it, largely due to either humiliation, fear of violence, or fear of re-victimization in the legal process, such as happened to us. It is a vastly under reported and under estimated crime.

Children who have been sexually abused grow into adults with mental and public health issues. Some of the adult consequences of childhood sexual assault are: post traumatic stress disorder, desensitization, inability to form appropriate attachments, fear, bitterness, depression, suicide, substance abuse, divorce, sexual maladjustment, eating disorders, inability to trust which contributes to secrecy and nondisclosure, feelings of guilt, easily subject to other victimizations and many more. These effects not only produces trauma in the victimized individuals themselves but produce collateral damage upon all those around them, parents, siblings, spouses, children, neighbors, friends, employer or employees. Most who do report the abuse do not report it until much later in life after suffering years of emotional pain; others will never report it, even to spouses or close friends.

The perpetrator is emboldened by the belief that he is untouchable and is much more likely to continue victimizing other children. The studies clearly state that rarely does a molester has only one victim, some number in the hundreds. When an abuser faces no penalty (incarceration, registering as a sex offender, monetary) all of society suffers.

Reverend Earl E. Imswiler, Father of the Victim-I know first hand that exposing childhood sexual abuse is always a very traumatic experience for the one who has been victimized. I can only marvel when a child or young person has the courage to do so.

Manirah Agans-The time frame of my friendship with Miss Imswiler has made me a witness to the horrific repercussions of sexual assault, before and after it is revealed by the victim.

It is unjust that she must live in fear of facing an unabashed criminal or live in suspicion that someone else may be assaulted by her offender. I write in mind of many others friends and of society as a whole. I would ask that you help bring closure to such a horrific experience by

demonstrating that her story is worth hearing and merits the necessary prosecution of sexual offenders.

David J. Meiners, Licensed Professional Counselor-The negative effects of childhood sexual abuse are far reaching and complex. It is sad that our present laws do not allow people who, as adults, are just coming to a realization of these effects to seek justice and closure.

Reverend Herbert T. Rylander, Shiloh Christian Ministries-I often counsel members in both pre-marital and post-marital situations. Many times the victim has never admitted, until adulthood, about the anguish to anyone. Many dysfunctional relationships and families can trace their roots to the lost opportunity of bringing the malefactor to justice. It would be the answer to the prayer of many of those who, in their childhood, experienced sexual abuse and could do nothing about it until their adulthood.

Karen Kushins, Executive Director, Connecticut Sexual Assault Crisis Service, Inc.- Psychological trauma from child sexual abuse can delay reporting, allowing the perpetrators to escape prosecution. Sexual abuse victims need more time to report their sexual abuse because of the extraordinary stress under which child sex abuse victims live their lives. Children and teens who have been sexually victimized do not come forward because of fear, shame, misplaced guilt, and psychological abuse. They often face enormous pressures to remain silent because of threats, fear, and family dynamics. Offenders, who more often than not know their victim, and sometimes even the victim's family, will threaten, coerce or bribe a victim to keep quiet about the abuse to protect the family and abuser.

The recent expansion of the statute of limitations has been a welcome sign of justice for many victims. This proposal would further allow for victims whose abuse history falls outside of the current limitations an opportunity to seek criminal justice. We encourage lawmakers to continue to look for solutions to provide justice to Connecticut's children who were sexually abused prior to May 2002 and only have until their 20th birthday to report the crime, based on laws in effect at that time.

Judith A. Youngs and Robert A. Youngs-I believe those who have reported childhood sexual abuse should have the opportunity to bring the perpetrator to justice regardless to the time that has passed. Many are denied this opportunity due to the statute of limitations issues.

We must continue to seek ways to protect our young and innocent victims from sexual predators. By protecting the criminal it only empowers them to continue with the abuse of our innocent children. We need laws that will protect the victim and punish the perpetrator.

Eugenie B. Hijeck and Thomas W. Hijeck-Children do not have the facilities or resources to determine a proper course of action to bring the offender to justice. It may be years later, often after professional counseling and therapy, that the child, now an adult, is able to make that determination. The offender may have continued to prey on other minors who are also unable to come forward. The vicious cycle continues; under the current laws, time is on the side of the offender.

[SB618, 06]

NATURE AND SOURCES OF OPPOSITION:

Nothing Submitted

Sarah Kolb

3/24/06

Reported by

Date

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