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ZARELLA, J., concurring. I concur in the reasoning and the result that the majority reaches. I do not agree, however, with the majority's reliance on this court's statement in *State v. Lutters*, 270 Conn. 198, 853 A.2d 434 (2004), that "courts do not apply the rule of lenity unless a reasonable doubt persists about a statute's intended scope even after resort to the language and structure, *legislative history*, and motivating policies of the statute." (Emphasis in original; internal quotation marks omitted.) *Id.*, 219. For all of the reasons that I expressed in my concurrence in *Lutters*; *id.*, 221–24 (*Zarella, J., concurring*); I do not believe that it is appropriate to resort to the legislative history of a criminal statute to resolve ambiguities prior to applying the rule of lenity. Nevertheless, because the majority resolves any ambiguity in General Statutes § 46b-141 (b) without resorting to the legislative history, I concur in its reasoning and the result that it reaches.
