



General Assembly

January Session, 2001

Raised Bill No. 6772

LCO No. 3646

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SEXUAL ASSAULT.

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

1 Section 1. Section 53a-70 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) A person is guilty of sexual assault in the first degree when such
4 person (1) compels another person to engage in sexual intercourse by
5 the use of force against such other person or a third person, or by the
6 threat of use of force against such other person or against a third
7 person which reasonably causes such person to fear physical injury to
8 such person or a third person, or (2) engages in sexual intercourse with
9 another person and such other person is under thirteen years of age
10 and the [actor is more than two years older than such person] actor's
11 age as of the actor's last birthday is more than two years greater than
12 such other person's age as of such other person's last birthday, or (3)
13 commits sexual assault in the second degree as provided in section
14 53a-71 and in the commission of such offense is aided by two or more
15 other persons actually present, or (4) engages in sexual intercourse
16 with another person and such other person is mentally incapacitated to
17 the extent that such other person is unable to consent to such sexual

18 intercourse.

19 (b) Sexual assault in the first degree is a class B felony for which two
20 years of the sentence imposed may not be suspended or reduced by
21 the court or, if the victim of the offense is under ten years of age, for
22 which ten years of the sentence imposed may not be suspended or
23 reduced by the court, and any person found guilty under this section
24 shall be sentenced to a term of imprisonment and a period of special
25 parole pursuant to subsection (b) of section 53a-28 which together
26 constitute a sentence of at least ten years.

27 Sec. 2. Section 53a-71 of the general statutes is repealed and the
28 following is substituted in lieu thereof:

29 (a) A person is guilty of sexual assault in the second degree when
30 such person engages in sexual intercourse with another person and: (1)
31 Such other person is thirteen years of age or older but under sixteen
32 years of age and the [actor is more than two years older than such
33 person] actor's age as of the actor's last birthday is more than two years
34 greater than such other person's age as of such other person's last
35 birthday; or (2) such other person is mentally defective to the extent
36 that such other person is unable to consent to such sexual intercourse;
37 or (3) such other person is physically helpless; or (4) such other person
38 is less than eighteen years old and the actor is such person's guardian
39 or otherwise responsible for the general supervision of such person's
40 welfare; or (5) such other person is in custody of law or detained in a
41 hospital or other institution and the actor has supervisory or
42 disciplinary authority over such other person; or (6) the actor is a
43 psychotherapist and such other person is (A) a patient of the actor and
44 the sexual intercourse occurs during the psychotherapy session, (B) a
45 patient or former patient of the actor and such patient or former
46 patient is emotionally dependent upon the actor, or (C) a patient or
47 former patient of the actor and the sexual intercourse occurs by means
48 of therapeutic deception; or (7) the actor accomplishes the sexual
49 intercourse by means of false representation that the sexual intercourse

50 is for a bona fide medical purpose by a health care professional; or (8)
51 the actor is a school employee and such other person is a student
52 enrolled in a school in which the actor works or a school under the
53 jurisdiction of the local or regional board of education which employs
54 the actor.

55 (b) Sexual assault in the second degree is a class C felony for which
56 nine months of the sentence imposed may not be suspended or
57 reduced by the court.

58 Sec. 3. Section 53-21 of the general statutes is repealed and the
59 following is substituted in lieu thereof:

60 (a) Any person who (1) wilfully or unlawfully causes or permits any
61 child under the age of sixteen years to be placed in such a situation
62 that the life or limb of such child is endangered, the health of such
63 child is likely to be injured or the morals of such child are likely to be
64 impaired, or does any act likely to impair the health or morals of any
65 such child, or (2) has contact with the intimate parts, as defined in
66 section 53a-65, of a child under the age of sixteen years or subjects a
67 child under sixteen years of age to contact with the intimate parts of
68 such person, in a sexual and indecent manner likely to impair the
69 health or morals of such child, or (3) permanently transfers the legal or
70 physical custody of a child under the age of sixteen years to another
71 person for money or other valuable consideration or acquires or
72 receives the legal or physical custody of a child under the age of
73 sixteen years from another person upon payment of money or other
74 valuable consideration to such other person or a third person, except in
75 connection with an adoption proceeding that complies with the
76 provisions of chapter 803, shall be guilty of a class C felony.

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

80 (c) It shall not constitute a violation of subdivision (2) of subsection

81 (a) of this section if the contact is consensual and the child is thirteen
82 years of age or older but under sixteen years of age and the actor's age
83 as of the actor's last birthday is not more than two years greater than
84 the child's age as of the child's last birthday.

Statement of Purpose:

To clarify the situations where consensual sexual intercourse or sexual contact between minors does not constitute a criminal offense.

[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.]