



# House of Representatives

General Assembly

**File No. 455**

February Session, 2002

Substitute House Bill No. 5680

*House of Representatives, April 11, 2002*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING SEXUAL ASSAULT OF A MINOR.***

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 Section 54-193a of the general statutes is repealed and the  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 and*  
3 *applicable to any offense committed on or after said date*):

4 Notwithstanding the provisions of section 54-193, no person may be  
5 prosecuted for any offense involving sexual abuse, sexual exploitation  
6 or sexual assault of a minor except within [two] thirty years from the  
7 date the victim attains the age of majority or within five years from the  
8 date the victim notifies any police officer or state's attorney acting in  
9 [his] such police officer's or state's attorney's official capacity of the  
10 commission of the offense, whichever is earlier, provided [in no event  
11 shall such period of time be less than five years after the commission of  
12 the offense] if the prosecution is for a violation of subdivision (1) of  
13 subsection (a) of section 53a-71 of the general statutes in effect prior to  
14 October 1, 2002, or subdivision (1) of subsection (a) of section 8 of this

15 act, the victim notified such police officer or state's attorney not later  
16 than five years after the commission of the offense.

17 Sec. 2. Section 52-577d of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective from passage and*  
19 *applicable to any cause of action arising from an incident committed prior to,*  
20 *on or after said date*):

21 Notwithstanding the provisions of section 52-577, no action to  
22 recover damages for personal injury to a minor, including emotional  
23 distress, caused by sexual abuse, sexual exploitation or sexual assault  
24 may be brought by such person later than [seventeen] thirty years  
25 from the date such person attains the age of majority.

26 Sec. 3. Section 53-21 of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective October 1, 2002*):

28 (a) Any person who (1) wilfully or unlawfully causes or permits any  
29 child under the age of sixteen years to be placed in such a situation  
30 that the life or limb of such child is endangered, the health of such  
31 child is likely to be injured or the morals of such child are likely to be  
32 impaired, or does any act likely to impair the health or morals of any  
33 such child, [or (2) has contact with the intimate parts, as defined in  
34 section 53a-65, of a child under the age of sixteen years or subjects a  
35 child under sixteen years of age to contact with the intimate parts of  
36 such person, in a sexual and indecent manner likely to impair the  
37 health or morals of such child, or (3)] or (2) permanently transfers the  
38 legal or physical custody of a child under the age of sixteen years to  
39 another person for money or other valuable consideration or acquires  
40 or receives the legal or physical custody of a child under the age of  
41 sixteen years from another person upon payment of money or other  
42 valuable consideration to such other person or a third person, except in  
43 connection with an adoption proceeding that complies with the  
44 provisions of chapter 803, shall be guilty of a class C felony.

45 (b) The act of a parent or agent leaving an infant thirty days or  
46 younger with a designated employee pursuant to section 17a-58 shall

47 not constitute a violation of this section.

48 Sec. 4. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
49 sexual risk of injury to a minor when such person has contact with the  
50 intimate parts, as defined in section 53a-65 of the general statutes, of a  
51 child under sixteen years of age or subjects a child under sixteen years  
52 of age to contact with the intimate parts of such person, in a sexual  
53 and indecent manner likely to impair the health or morals of such  
54 child.

55 (b) Sexual risk of injury to a minor is a class B felony.

56 Sec. 5. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
57 sexual assault of a minor in the first degree when such person (1)  
58 compels another person under sixteen years of age to engage in sexual  
59 intercourse by the use of force against such other person or a third  
60 person, or by the threat of use of force against such other person or a  
61 third person which reasonably causes such other person to fear  
62 physical injury to such other person or a third person, or (2) commits  
63 sexual assault of a minor in the second degree as provided in section 8  
64 of this act and in the commission of such offense is aided by two or  
65 more other persons actually present.

66 (b) Sexual assault of a minor in the first degree is a class A felony.

67 Sec. 6. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
68 aggravated sexual assault of a minor in the first degree when such  
69 person commits sexual assault of a minor in the first degree as  
70 provided in section 5 of this act and in the commission of such offense  
71 (1) such person uses or is armed with and threatens the use of or  
72 displays or represents by such person's words or conduct that such  
73 person possesses a deadly weapon, (2) with intent to disfigure the  
74 victim seriously and permanently, or to destroy, amputate or disable  
75 permanently a member or organ of the victim's body, such person  
76 causes such injury to such victim, (3) under circumstances evincing an  
77 extreme indifference to human life, such person recklessly engages in  
78 conduct which creates a risk of death to the victim, and thereby causes

79 serious physical injury to such victim, or (4) such person is aided by  
80 two or more other persons actually present. No person shall be  
81 convicted of sexual assault of a minor in the first degree and  
82 aggravated sexual assault of a minor in the first degree upon the same  
83 transaction but such person may be charged and prosecuted for both  
84 such offenses upon the same information.

85 (b) Aggravated sexual assault of a minor in the first degree is a class  
86 A felony and any person found guilty under this section shall be  
87 sentenced to a term of imprisonment of which twenty years of the  
88 sentence imposed may not be suspended or reduced by the court.

89 Sec. 7. Section 53a-71 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective October 1, 2002*):

91 (a) A person is guilty of sexual assault in the second degree when  
92 such person engages in sexual intercourse with another person and:  
93 [(1) Such other person is thirteen years of age or older but under  
94 sixteen years of age and the actor is more than two years older than  
95 such person; or (2) such] (1) Such other person is mentally defective to  
96 the extent that such other person is unable to consent to such sexual  
97 intercourse; or [(3)] (2) such other person is physically helpless; or [(4)]  
98 (3) such other person is less than eighteen years old and the actor is  
99 such person's guardian or otherwise responsible for the general  
100 supervision of such person's welfare; or [(5)] (4) such other person is in  
101 custody of law or detained in a hospital or other institution and the  
102 actor has supervisory or disciplinary authority over such other person;  
103 or [(6)] (5) the actor is a psychotherapist and such other person is (A) a  
104 patient of the actor and the sexual intercourse occurs during the  
105 psychotherapy session, (B) a patient or former patient of the actor and  
106 such patient or former patient is emotionally dependent upon the  
107 actor, or (C) a patient or former patient of the actor and the sexual  
108 intercourse occurs by means of therapeutic deception; or [(7)] (6) the  
109 actor accomplishes the sexual intercourse by means of false  
110 representation that the sexual intercourse is for a bona fide medical  
111 purpose by a health care professional; or [(8)] (7) the actor is a school

112 employee and such other person is a student sixteen years of age or  
113 older enrolled in a school in which the actor works or a school under  
114 the jurisdiction of the local or regional board of education which  
115 employs the actor.

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

119 Sec. 8. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
120 sexual assault of a minor in the second degree when such person  
121 engages in sexual intercourse with another person and (1) such other  
122 person is thirteen years of age or older but under sixteen years of age  
123 and the actor is more than two years older than such person, or (2) the  
124 actor is a school employee and such other person is a student under  
125 sixteen years of age enrolled in a school in which the actor works or a  
126 school under the jurisdiction of the local or regional board of education  
127 which employs the actor.

128 (b) Sexual assault of a minor in the second degree is a class B felony.

129 Sec. 9. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
130 sexual assault of a minor in the third degree when such person (1)  
131 compels another person under sixteen years of age to submit to sexual  
132 contact (A) by the use of force against such other person or a third  
133 person, or (B) by the threat of use of force against such other person or  
134 a third person, which reasonably causes such other person to fear  
135 physical injury to himself or herself or a third person, or (2) engages in  
136 sexual intercourse with another person under sixteen years of age  
137 whom the actor knows to be related to him or her within any of the  
138 degrees of kindred specified in section 46b-21 of the general statutes.

139 (b) Sexual assault of a minor in the third degree is a class C felony.

140 Sec. 10. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
141 sexual assault of a minor in the third degree with a firearm when such  
142 person commits sexual assault of a minor in the third degree as

143 provided in section 9 of this act and in the commission of such offense,  
144 such person uses or is armed with and threatens the use of or displays  
145 or represents by such person's words or conduct that such person  
146 possesses a pistol, revolver, machine gun, rifle, shotgun or other  
147 firearm. No person shall be convicted of sexual assault of a minor in  
148 the third degree and sexual assault of a minor in the third degree with  
149 a firearm upon the same transaction but such person may be charged  
150 and prosecuted for both such offenses upon the same information.

151 (b) Sexual assault of a minor in the third degree with a firearm is a  
152 class B felony.

153 Sec. 11. Section 53a-73a of the general statutes is repealed and the  
154 following is substituted in lieu thereof (*Effective October 1, 2002*):

155 (a) A person is guilty of sexual assault in the fourth degree when: (1)  
156 Such person intentionally subjects another person to sexual contact  
157 who is [(A) under fifteen years of age, or (B)] (A) mentally defective or  
158 mentally incapacitated to the extent that [he] such other person is  
159 unable to consent to such sexual contact, or [(C)] (B) physically  
160 helpless, [or (D) less than eighteen years old and the actor is such  
161 person's guardian or otherwise responsible for the general supervision  
162 of such person's welfare, or (E)] or (C) in custody of law or detained in  
163 a hospital or other institution and the actor has supervisory or  
164 disciplinary authority over such other person; or (2) such person  
165 subjects another person to sexual contact without such other person's  
166 consent; or (3) such person engages in sexual contact with an animal or  
167 dead body; or (4) such person is a psychotherapist and subjects  
168 another person to sexual contact who is (A) a patient of the actor and  
169 the sexual contact occurs during the psychotherapy session, or (B) a  
170 patient or former patient of the actor and such patient or former  
171 patient is emotionally dependent upon the actor, or (C) a patient or  
172 former patient of the actor and the sexual contact occurs by means of  
173 therapeutic deception; or (5) such person subjects another person to  
174 sexual contact and accomplishes the sexual contact by means of false  
175 representation that the sexual contact is for a bona fide medical

176 purpose by a health care professional; or (6) such person is a school  
177 employee and subjects another person sixteen years of age or older to  
178 sexual contact who is a student enrolled in a school in which the actor  
179 works or a school under the jurisdiction of the local or regional board  
180 of education which employs the actor.

181 (b) Sexual assault in the fourth degree is a class A misdemeanor.

182 Sec. 12. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of  
183 sexual assault of a minor in the fourth degree when (1) such person  
184 intentionally subjects another person to sexual contact who is (A)  
185 under fifteen years of age, or (B) under eighteen years of age and the  
186 actor is such other person's guardian or otherwise responsible for the  
187 general supervision of such other person's welfare, or (2) such person  
188 is a school employee and subjects another person under sixteen years  
189 of age to sexual contact who is a student enrolled in a school in which  
190 the actor works or a school under the jurisdiction of the local or  
191 regional board of education which employs the actor.

192 (b) Sexual assault of a minor in the fourth degree is a class D felony.

193 Sec. 13. Subsection (e) of section 53a-29 of the general statutes, as  
194 amended by section 14 of public act 01-84, is repealed and the  
195 following is substituted in lieu thereof (*Effective October 1, 2002*):

196 (e) The period of probation, unless terminated sooner as provided in  
197 section 53a-32, shall be not less than ten years nor more than thirty-five  
198 years for conviction of a violation of [subdivision (2) of subsection (a)  
199 of section 53-21,] section 4 of this act or section 53a-70, 53a-70a, 53a-  
200 70b, 53a-71, 53a-72a or 53a-72b.

201 Sec. 14. Subsection (a) of section 53a-30 of the general statutes, as  
202 amended by section 15 of public act 01-84, is repealed and the  
203 following is substituted in lieu thereof (*Effective October 1, 2002*):

204 (a) When imposing sentence of probation or conditional discharge,  
205 the court may, as a condition of the sentence, order that the defendant:  
206 (1) Work faithfully at a suitable employment or faithfully pursue a

207 course of study or of vocational training that will equip the defendant  
208 for suitable employment; (2) undergo medical or psychiatric treatment  
209 and remain in a specified institution, when required for that purpose;  
210 (3) support the defendant's dependents and meet other family  
211 obligations; (4) make restitution of the fruits of the defendant's offense  
212 or make restitution, in an amount the defendant can afford to pay or  
213 provide in a suitable manner, for the loss or damage caused thereby  
214 and the court may fix the amount thereof and the manner of  
215 performance; (5) if a minor, (A) reside with the minor's parents or in a  
216 suitable foster home, (B) attend school, and (C) contribute to the  
217 minor's own support in any home or foster home; (6) post a bond or  
218 other security for the performance of any or all conditions imposed; (7)  
219 refrain from violating any criminal law of the United States, this state  
220 or any other state; (8) if convicted of a misdemeanor or a felony, other  
221 than a capital felony, a class A felony or a violation of section 21a-278,  
222 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any  
223 offense for which there is a mandatory minimum sentence which may  
224 not be suspended or reduced by the court, and any sentence of  
225 imprisonment is suspended, participate in an alternate incarceration  
226 program; (9) reside in a residential community center or halfway  
227 house approved by the Commissioner of Correction, and contribute to  
228 the cost incident to such residence; (10) participate in a program of  
229 community service labor in accordance with section 53a-39c; (11)  
230 participate in a program of community service in accordance with  
231 section 51-181c; (12) if convicted of a violation of [subdivision (2) of  
232 subsection (a) of section 53-21,] section 4 of this act or section 53a-70,  
233 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, undergo specialized  
234 sexual offender treatment; (13) if convicted of a criminal offense  
235 against a victim who is a minor, a nonviolent sexual offense or a  
236 sexually violent offense, as defined in section 54-250, as amended, or of  
237 a felony that the court finds was committed for a sexual purpose, as  
238 provided in section 54-254, register such person's identifying factors, as  
239 defined in section 54-250, with the Commissioner of Public Safety  
240 when required pursuant to section 54-251, 54-252 or 54-253, as the case  
241 may be; (14) be subject to electronic monitoring; (15) if convicted of a

242 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l,  
243 participate in an anti-bias crime education program; (16) satisfy any  
244 other conditions reasonably related to the defendant's rehabilitation.  
245 The court shall cause a copy of any such order to be delivered to the  
246 defendant and to the probation officer, if any.

247 Sec. 15. Section 53a-32a of the general statutes, as amended by  
248 section 16 of public act 01-84, is repealed and the following is  
249 substituted in lieu thereof (*Effective October 1, 2002*):

250 If a defendant who entered a plea of nolo contendere or a guilty  
251 plea under the Alford doctrine to a violation of subdivision (2) of  
252 section 53-21 of the general statutes in effect prior to October 1, 2000,  
253 subdivision (2) of subsection (a) of section 53-21 of the general statutes  
254 in effect prior to October 1, 2002, section 4 of this act or section 53a-70,  
255 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, and was ordered to  
256 undergo sexual offender treatment as a condition of probation,  
257 becomes ineligible for such treatment because of such defendant's  
258 refusal to acknowledge that such defendant committed the act or acts  
259 charged, such defendant shall be deemed to be in violation of the  
260 conditions of such defendant's probation and be returned to court for  
261 proceedings in accordance with section 53a-32.

262 Sec. 16. Section 53a-33 of the general statutes, as amended by section  
263 17 of public act 01-84, is repealed and the following is substituted in  
264 lieu thereof (*Effective October 1, 2002*):

265 The court or sentencing judge may at any time during the period of  
266 probation or conditional discharge, after hearing and for good cause  
267 shown, terminate a sentence of probation or conditional discharge  
268 before the completion thereof, except a sentence of probation imposed  
269 for conviction of a violation of subdivision (2) of section 53-21 of the  
270 general statutes in effect prior to October 1, 2000, subdivision (2) of  
271 subsection (a) of section 53-21 of the general statutes in effect prior to  
272 October 1, 2002, section 4 of this act or section 53a-70, 53a-70a, 53a-70b,  
273 53a-71, 53a-72a or 53a-72b.

274 Sec. 17. Subsection (d) of section 53a-40 of the general statutes, as  
275 amended by section 18 of public act 01-84, is repealed and the  
276 following is substituted in lieu thereof (*Effective October 1, 2002*):

277 (d) A persistent serious sexual offender is a person, other than a  
278 person who qualifies as a persistent dangerous sexual offender under  
279 subsection (b) of this section, who qualifies as a persistent serious  
280 felony offender under subsection (c) of this section and the felony of  
281 which such person presently stands convicted is a violation of  
282 [subdivision (2) of subsection (a) of section 53-21,] section 4 of this act  
283 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the  
284 prior conviction is for a violation of section 53-21 of the general  
285 statutes, revised to January 1, 1995, involving sexual contact,  
286 committed prior to October 1, 1995, a violation of subdivision (2) of  
287 section 53-21 of the general statutes, committed on or after October 1,  
288 1995, and prior to October 1, 2000, a violation of subdivision (2) of  
289 subsection (a) of section 53-21 of the general statutes committed on or  
290 after October 1, 2000, and prior to October 1, 2002, a violation of  
291 section 4 of this act or a violation of section 53a-70, 53a-70a, 53a-70b,  
292 53a-71, 53a-72a or 53a-72b.

293 Sec. 18. Subsection (c) of section 54-56e of the general statutes, as  
294 amended by public act 01-16 and section 19 of public act 01-84, is  
295 repealed and the following is substituted in lieu thereof (*Effective*  
296 *October 1, 2002*):

297 (c) This section shall not be applicable: (1) To any person charged  
298 with a class A felony, a class B felony, except a violation of section 53a-  
299 122 that does not involve the use, attempted use or threatened use of  
300 physical force against another person, or a violation of section 14-227a,  
301 [subdivision (2) of subsection (a) of section 53-21] section 4 of this act,  
302 section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or  
303 53a-72b, (2) to any person charged with a crime or motor vehicle  
304 violation who, as a result of the commission of such crime or motor  
305 vehicle violation, causes the death of another person, (3) to any person  
306 accused of a family violence crime as defined in section 46b-38a who

307 (A) is eligible for the pretrial family violence education program  
308 established under section 46b-38c, or (B) has previously had the  
309 pretrial family violence education program invoked in such person's  
310 behalf, (4) to any person charged with a violation of section 21a-267 or  
311 21a-279 who (A) is eligible for the pretrial drug education program  
312 established under section 54-56i, as amended, or (B) has previously  
313 had the pretrial drug education program invoked in such person's  
314 behalf, or (5) unless good cause is shown, to any person charged with a  
315 class C felony.

316 Sec. 19. Section 54-76b of the general statutes, as amended by section  
317 20 of public act 01-84 and section 18 of public act 01-211, is repealed  
318 and the following is substituted in lieu thereof (*Effective October 1,*  
319 *2002*):

320 For the purpose of sections 54-76b to 54-76n, inclusive, "youth"  
321 means a minor who has reached the age of sixteen years but has not  
322 reached the age of eighteen years or a child who has been transferred  
323 to the regular criminal docket pursuant to section 46b-127; and  
324 "youthful offender" means a youth who (1) is charged with the  
325 commission of a crime which is not a class A felony or a violation of  
326 [subdivision (2) of subsection (a) of section 53-21,] section 4 of this act  
327 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a  
328 violation involving consensual sexual intercourse or sexual contact  
329 between the youth and another person who is thirteen years of age or  
330 older but under sixteen years of age, (2) has not previously been  
331 convicted of a felony or been previously adjudged a serious juvenile  
332 offender or serious juvenile repeat offender, as defined in section 46b-  
333 120, or a youthful offender, or been afforded a pretrial program for  
334 accelerated rehabilitation under section 54-56e, as amended, and (3) is  
335 adjudged a youthful offender pursuant to the provisions of said  
336 sections. The Interstate Compact on Juveniles, except the provisions of  
337 article four thereof, shall apply to youthful offenders to the same  
338 extent as to minors below sixteen years of age.

339 Sec. 20. Subsection (c) of section 54-125e of the general statutes, as

340 amended by section 21 of public act 01-84, is repealed and the  
341 following is substituted in lieu thereof (*Effective October 1, 2002*):

342 (c) The period of special parole shall be not less than one year nor  
343 more than ten years except that such period may be for more than ten  
344 years for a person convicted of a violation of subdivision (2) of section  
345 53-21 of the general statutes in effect prior to October 1, 2000,  
346 subdivision (2) of subsection (a) of section 53-21 [ ] of the general  
347 statutes in effect prior to October 1, 2002, section 4 of this act or section  
348 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a  
349 persistent dangerous felony offender pursuant to subsection (h) of  
350 section 53a-40 or as a persistent serious felony offender pursuant to  
351 subsection (j) of section 53a-40.

352 Sec. 21. Subdivision (2) of section 54-250 of the general statutes, as  
353 amended by section 22 of public act 01-84, is repealed and the  
354 following is substituted in lieu thereof (*Effective October 1, 2002*):

355 (2) "Criminal offense against a victim who is a minor" means (A) a  
356 violation of subdivision (2) of section 53-21 of the general statutes in  
357 effect prior to October 1, 2000, subdivision (2) of subsection (a) of  
358 section 53-21 of the general statutes in effect prior to October 1, 2002,  
359 section 4 of this act, subdivision (2) of subsection (a) of section 53a-70,  
360 subdivision (1), (4) or (8) of subsection (a) of section 53a-71 of the  
361 general statutes in effect prior to October 1, 2002, subdivision (3) or (7)  
362 of subsection (a) of section 53a-71, subdivision (1) of subsection (a) of  
363 section 8 of this act, subdivision (2) of subsection (a) of section 53a-72a,  
364 subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of  
365 subsection (a) of section 53a-87, section 53a-196a, 53a-196b, 53a-196c or  
366 53a-196d, (B) a violation of section 53a-92, 53a-92a, 53a-94, 53a-94a,  
367 53a-95, 53a-96 or 53a-186, provided the court makes a finding that, at  
368 the time of the offense, the victim was under eighteen years of age, (C)  
369 a violation of any of the offenses specified in subparagraph (A) or (B)  
370 of this subdivision for which a person is criminally liable under section  
371 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor statute to  
372 any offense specified in subparagraph (A), (B) or (C) of this

373 subdivision the essential elements of which are substantially the same  
374 as said offense.

375 Sec. 22. Subdivision (11) of section 54-250 of the general statutes is  
376 repealed and the following is substituted in lieu thereof (*Effective*  
377 *October 1, 2002*):

378 (11) "Sexually violent offense" means (A) a violation of section  
379 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,  
380 53a-70b, [53a-71, except subdivision (1), (4) or (8) of subsection (a) of  
381 said section] subdivision (2), (3), (5), (6) or (7) of subsection (a) of  
382 section 53a-71 of the general statutes in effect prior to October 1, 2002,  
383 subdivision (1), (2), (4), (5) or (6) of subsection (a) of section 53a-71,  
384 53a-72a, except subdivision (2) of subsection (a) of said section, or  
385 53a-72b, or of section 53a-92 or 53a-92a, provided the court makes a  
386 finding that the offense was committed with intent to sexually violate  
387 or abuse the victim, (B) a violation of any of the offenses specified in  
388 subparagraph (A) of this subdivision for which a person is criminally  
389 liable under section 53a-8, 53a-48 or 53a-49, or (C) a violation of any  
390 predecessor statute to any of the offenses specified in subparagraph  
391 (A) or (B) of this subdivision the essential elements of which are  
392 substantially the same as said offense.

393 Sec. 23. Subsection (b) of section 54-251 of the general statutes, as  
394 amended by section 1 of public act 01-211, is repealed and the  
395 following is substituted in lieu thereof (*Effective October 1, 2002*):

396 (b) Notwithstanding the provisions of subsection (a) of this section,  
397 the court may exempt any person who has been convicted or found  
398 not guilty by reason of mental disease or defect of a violation of  
399 subdivision (1) of subsection (a) of section 53a-71 of the general  
400 statutes in effect prior to October 1, 2002, or of subdivision (1) of  
401 subsection (a) of section 8 of this act from the registration requirements  
402 of this section if the court finds that such person was under nineteen  
403 years of age at the time of the offense and that registration is not  
404 required for public safety.

405 Sec. 24. Subsection (a) of section 54-260 of the general statutes, as  
 406 amended by section 23 of public act 01-84, is repealed and the  
 407 following is substituted in lieu thereof (*Effective October 1, 2002*):

408 (a) For the purposes of this section, "sexual offender" means any  
 409 person convicted of a violation of subdivision (2) of section 53-21 of the  
 410 general statutes in effect prior to October 1, 2000, subdivision (2) of  
 411 subsection (a) of section 53-21 of the general statutes in effect prior to  
 412 October 1, 2002, section 4 of this act, section 53a-70, 53a-70a, 53a-70b,  
 413 53a-71, 53a-72a or 53a-72b committed on or after October 1, 1995.

This act shall take effect as follows:	
Section 1	<i>from passage and applicable to any offense committed on or after said date</i>
Sec. 2	<i>from passage and applicable to any cause of action arising from an incident committed prior to, on or after said date</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>
Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>October 1, 2002</i>
Sec. 20	<i>October 1, 2002</i>
Sec. 21	<i>October 1, 2002</i>
Sec. 22	<i>October 1, 2002</i>
Sec. 23	<i>October 1, 2002</i>
Sec. 24	<i>October 1, 2002</i>

***Statement of Legislative Commissioners:***

Sections 13 to 23, inclusive, were added to make conforming changes to reflect the deletion of provisions from sections 3 and 7 and their reenactment in sections 4 and 8, respectively, and the renumbering of the remaining provisions in sections 3 and 7.

***JUD***      *Joint Favorable Subst.*

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:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Revenue Gain	Judicial Dept.	-	Potential Minimal	Potential Minimal
GF - Cost	Various Criminal Justice Agencies	-	Significant	Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill results in a significant cost to criminal justice agencies by eliminating the statute of limitations on sexual abuse, sexual exploitation, or sexual assault of a minor and increasing the penalties for certain offenses. The number of cases that could qualify under the bill is unknown but due to the length of sentences that can occur, even a small number of convictions could result in significant cost to the state. Little revenue from fines is collected by the state for sexual abuse, sexual exploitation, or sexual assault; therefore only a minimal revenue gain, if any, is anticipated as a result of the bill.

**OLR Bill Analysis**

sHB 5680

**AN ACT CONCERNING SEXUAL ASSAULT OF A MINOR****SUMMARY:**

Under current law, the statute of limitations for prosecuting sexual abuse, sexual exploitation, or sexual assault of a minor is the earlier of 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, the statute of limitations runs for at least five years after the crime was committed.

With one exception, this bill extends the period after the victim reaches age 18 from two to 30 years and eliminates the mandatory minimum period for bringing the action. Cases involving second-degree sexual assault where the victim is between ages 13 and 16 and the offender is more than two years older, must be prosecuted not later than five years after the crime is committed.

The bill extends, from 17 to 30 years after age 18, the civil statute of limitations for a minor victim of sexual abuse, sexual exploitation, or sexual assault to file a personal injury action based on crime.

It makes separate offenses of sexual assault crimes involving minors under age 16 and increases the maximum penalty for violations.

Lastly, it makes technical changes.

**EFFECTIVE DATE:** October 1, 2002, except the (1) criminal statute of limitations is effective upon passage and applicable to crimes committed on and after that date and (2) civil statute of limitations is effective upon passage and applies to offenses committed both before and after the bill's effective date.

**SEXUAL ASSAULT CRIMES INVOLVING MINORS**

The bill creates separate offenses for risk of injury; first-, second-, third, and fourth-degree sexual assault; first-degree aggravated sexual assault; and third-degree sexual assault with a firearm involving

minors under age 16. It also increases the maximum possible sentence to which offenders are subject, but does not always retain the current laws' mandatory minimum sentences.

**Table 1: Sexual Assault Crimes**

<i>Crime Description</i>	<i>Current Classification and Penalty</i>	<i>Classification and Penalty Under Bill</i>
Sexual or indecent contact with the intimate parts of a child under age 16 or subjecting such child to the intimate parts of the person's in a way likely to impair the child's health or morals.	Injury or risk of injury to a minor is a class C felony, punishable by up to 10 years imprisonment, a \$10,000 fine, or both.	Sexual risk of injury to a minor is a class B felony, punishable by up to 20 years imprisonment, a \$15,000 fine, or both.
Sexual intercourse with a child under age 16 by (1) force or (2) committing second-degree sexual assault of a minor with the help of two or more other people who are present at the time.	First-degree sexual assault is a class B felony, punishable by up to 20 years imprisonment, a \$15,000 fine, or both. The mandatory minimum sentence is at least two years but the combined sentence and special parole must equal at least 10 years.	First-degree sexual assault of a minor is a class A felony, punishable by 10- to 25 years imprisonment, up to a \$20,000 fine, or both.
First-degree sexual assault of a minor under the same circumstances or conditions that exist for first-degree aggravated sexual assault. It prohibits anyone from being convicted of these two crimes upon the same transaction, but the person may be charged and prosecuted for both.	First-degree aggravated sexual assault is a class A felony, punishable by up to 20 years imprisonment, up to a \$20,000 fine, or both. The crime carries a five-year mandatory minimum sentence, but the combination of imprisonment and special parole must be 20 years.	First-degree aggravated sexual assault of a minor is a class A felony, punishable by 10- to 25-years imprisonment, up to a \$20,000 fine, or both. The crime carries a mandatory minimum sentence of 20 years.
Sexual intercourse between (1) someone between age 13 and 16 and a person at least two years older than the victim or (2) school employees and a student under age 16 who attends	Second-degree sexual assault is a class C felony, punishable by up to 10 years imprisonment, a \$10,000 fine, or both. This crime carries a nine-month mandatory minimum sentence.	Second-degree sexual assault of a minor is a class B felony, punishable by up to 20 years imprisonment, a \$15,000 fine, or both.

the same school or one under the jurisdiction of the same local or regional board of education.		
Sexual intercourse with a person under age 16 (1) by force or (2) knowing that the relationship between the offender and the victim is that of parent and child, grandparent and grandchild, siblings, aunt or uncle and niece or nephew, or stepparent and stepchild.	Third-degree sexual assault is a class D felony, punishable by up to five years imprisonment, a \$5,000 fine, or both.	Third-degree sexual assault of a minor is a class C felony, punishable by up to 10 years imprisonment, a \$10,000 fine, or both.
Third-degree sexual assault of a minor while using, being armed with and threatening to use, or displaying or representing that he has a pistol, revolver, machine gun, rifle, shotgun, or other firearm. It prohibits anyone from being convicted of these two crimes upon the same transaction, but the person may be charged and prosecuted for both.	Third-degree sexual assault with a firearm is a class C felony, punishable by up to 10 years imprisonment, a \$10,000 fine, or both. The crime carries a two-year mandatory minimum sentence but the combination of imprisonment and special parole must be 10 years.	Third-degree sexual assault of a minor with a firearm is a class B felony, punishable by up to 20 years imprisonment, a \$15,000 fine, or both.
Intentional sexual contact with a person under age (1) 15, (2) 18 when the offender is the person's guardian or otherwise responsible for his welfare, or (3) 16 if the offender is a school employee and the victim is a student who attends the same school or one under the jurisdiction of the same local or regional board of education.	Fourth-degree sexual assault is a class A misdemeanor, punishable by up to one-year imprisonment, a \$2,000 fine, or both.	Fourth-degree sexual assault of a minor is a class D felony, punishable by up to five years imprisonment, a \$5,000 fine, or both.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40    Nay 0