



General Assembly

February Session, 2002

**Amendment**

LCO No. 3928

\*HB0568003928HD0\*

Offered by:

REP. GREEN, 1<sup>st</sup> Dist.

To: Subst. House Bill No. 5680

File No. 455

Cal. No. 301

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

1 After the last section, insert the following:

2 "Sec. 25. Section 53a-71 of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) A person is guilty of sexual assault in the second degree when  
5 such person engages in sexual intercourse with another person and: (1)  
6 Such other person is thirteen years of age or older but under sixteen  
7 years of age and the actor is more than [two] four years older than  
8 such person; or (2) such other person is mentally defective to the extent  
9 that such other person is unable to consent to such sexual intercourse;  
10 or (3) such other person is physically helpless; or (4) such other person  
11 is less than eighteen years old and the actor is such person's guardian  
12 or otherwise responsible for the general supervision of such person's  
13 welfare; or (5) such other person is in custody of law or detained in a  
14 hospital or other institution and the actor has supervisory or  
15 disciplinary authority over such other person; or (6) the actor is a

16 psychotherapist and such other person is (A) a patient of the actor and  
17 the sexual intercourse occurs during the psychotherapy session, (B) a  
18 patient or former patient of the actor and such patient or former  
19 patient is emotionally dependent upon the actor, or (C) a patient or  
20 former patient of the actor and the sexual intercourse occurs by means  
21 of therapeutic deception; or (7) the actor accomplishes the sexual  
22 intercourse by means of false representation that the sexual intercourse  
23 is for a bona fide medical purpose by a health care professional; or (8)  
24 the actor is a school employee and such other person is a student  
25 enrolled in a school in which the actor works or a school under the  
26 jurisdiction of the local or regional board of education which employs  
27 the actor.

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

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 Section 53-21 of the general statutes is repealed and the  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

33 (a) Any person who (1) wilfully or unlawfully causes or permits any  
34 child under [the age of] sixteen years of age to be placed in such a  
35 situation that the life or limb of such child is endangered, the health of  
36 such child is likely to be injured or the morals of such child are likely  
37 to be impaired, or does any act likely to impair the health or morals of  
38 any such child, or (2) (A) has contact with the intimate parts, as  
39 defined in section 53a-65, of a child under [the age of sixteen years]  
40 thirteen years of age or subjects a child under [sixteen] thirteen years  
41 of age to contact with the intimate parts of such person, in a sexual and  
42 indecent manner likely to impair the health or morals of such child, or  
43 (B) has contact with the intimate parts, as defined in section 53a-65, of  
44 a child thirteen years of age or older but under sixteen years of age or  
45 subjects a child thirteen years of age or older but under sixteen years of  
46 age to contact with the intimate parts of such person, in a sexual and  
47 indecent manner likely to impair the health or morals of such child,  
48 and such person is more than four years older than such child, or (3)

49 permanently transfers the legal or physical custody of a child under  
50 [the age of] sixteen years of age to another person for money or other  
51 valuable consideration or acquires or receives the legal or physical  
52 custody of a child under [the age of] sixteen years of age from another  
53 person upon payment of money or other valuable consideration to  
54 such other person or a third person, except in connection with an  
55 adoption proceeding that complies with the provisions of chapter 803,  
56 shall be guilty of a class C felony.

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