



General Assembly

February Session, 2002

Amendment

LCO No. 5069

HB0515405069SR0

Offered by:

SEN. GENUARIO, 25th Dist.

To: Subst. House Bill No. 5154

File No. 587

Cal. No. 403

"AN ACT CONCERNING HOSPITAL FINANCE AND DATA REPORTING."

1 After section 19, insert the following and renumber the remaining
2 section accordingly

3 "Sec. 20. (NEW) (*Effective October 1, 2002*) Any municipality may, by
4 resolution passed by its legislative body, and subject to the collective
5 bargaining provisions of chapter 166 of the general statutes, elect to
6 establish a retirement system for teachers employed in the public
7 schools of the municipality. The effective date of participation shall be
8 at least ninety days subsequent to the receipt by the Teachers'
9 Retirement Commission of the certified copy of such resolution. The
10 Retirement Commission shall furnish to any municipality
11 contemplating acceptance of this part, at the expense of such
12 municipality, an estimate of the probable cost to such municipality of
13 such acceptance as to any department or departments thereof. Upon
14 the request of any member of the Teachers' Retirement System eligible
15 to participate in such a municipal retirement system, the commission

16 shall refund his or her mandatory and voluntary contributions with
17 credited interest. Any municipality establishing a retirement system
18 pursuant to this section may contract with a Connecticut financial
19 institution, including, but not limited to, a bank or insurance company
20 for purposes of administration of the system.

21 Sec. 21. Section 53a-71 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2002*):

23 (a) A person is guilty of sexual assault in the second degree when
24 such person engages in sexual intercourse with another person and: (1)
25 Such other person is thirteen years of age or older but under sixteen
26 years of age and the actor is more than two years older than such
27 person; or (2) such other person is mentally defective to the extent that
28 such other person is unable to consent to such sexual intercourse; or (3)
29 such other person is physically helpless; or (4) such other person is less
30 than eighteen years old and the actor is such person's guardian or
31 otherwise responsible for the general supervision of such person's
32 welfare; or (5) such other person is in custody of law or detained in a
33 hospital or other institution and the actor has supervisory or
34 disciplinary authority over such other person; or (6) the actor is a
35 psychotherapist and such other person is (A) a patient of the actor and
36 the sexual intercourse occurs during the psychotherapy session, (B) a
37 patient or former patient of the actor and such patient or former
38 patient is emotionally dependent upon the actor, or (C) a patient or
39 former patient of the actor and the sexual intercourse occurs by means
40 of therapeutic deception; or (7) the actor accomplishes the sexual
41 intercourse by means of false representation that the sexual intercourse
42 is for a bona fide medical purpose by a health care professional; or (8)
43 the actor is a school employee and such other person is a student
44 enrolled in a school in which the actor works or a school under the
45 jurisdiction of the local or regional board of education which employs
46 the actor; or (9) the actor is a coach in an athletic activity or a person
47 who provides intensive, ongoing instruction and such other person is a
48 recipient of coaching or instruction from the actor and (A) is a
49 secondary school student and receives such coaching or instruction in

50 a secondary school setting, or (B) is under eighteen years of age.

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

54 Sec. 22. Section 53a-73a of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2002*):

56 (a) A person is guilty of sexual assault in the fourth degree when: (1)
57 Such person intentionally subjects another person to sexual contact
58 who is (A) under fifteen years of age, or (B) mentally defective or
59 mentally incapacitated to the extent that [he] such other person is
60 unable to consent to such sexual contact, or (C) physically helpless, or
61 (D) less than eighteen years old and the actor is such person's guardian
62 or otherwise responsible for the general supervision of such person's
63 welfare, or (E) in custody of law or detained in a hospital or other
64 institution and the actor has supervisory or disciplinary authority over
65 such other person; or (2) such person subjects another person to sexual
66 contact without such other person's consent; or (3) such person
67 engages in sexual contact with an animal or dead body; or (4) such
68 person is a psychotherapist and subjects another person to sexual
69 contact who is (A) a patient of the actor and the sexual contact occurs
70 during the psychotherapy session, or (B) a patient or former patient of
71 the actor and such patient or former patient is emotionally dependent
72 upon the actor, or (C) a patient or former patient of the actor and the
73 sexual contact occurs by means of therapeutic deception; or (5) such
74 person subjects another person to sexual contact and accomplishes the
75 sexual contact by means of false representation that the sexual contact
76 is for a bona fide medical purpose by a health care professional; or (6)
77 such person is a school employee and subjects another person to sexual
78 contact who is a student enrolled in a school in which the actor works
79 or a school under the jurisdiction of the local or regional board of
80 education which employs the actor; or (7) such person is a coach in an
81 athletic activity or a person who provides intensive, ongoing
82 instruction and subjects another person to sexual contact who is a

83 recipient of coaching or instruction from the actor and (A) is a
84 secondary school student and receives such coaching or instruction in
85 a secondary school setting, or (B) is under eighteen years of age.

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

87 Sec. 23. Subsection (b) of section 17a-101 of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective*
89 *October 1, 2002*):

90 (b) The following persons shall be mandated reporters: Any
91 physician or surgeon licensed under the provisions of chapter 370, any
92 resident physician or intern in any hospital in this state, whether or not
93 so licensed, any registered nurse, licensed practical nurse, medical
94 examiner, dentist, dental hygienist, psychologist, coach of intramural
95 or interscholastic athletics, school teacher, school principal, school
96 guidance counselor, school paraprofessional, social worker, police
97 officer, clergyman, pharmacist, physical therapist, optometrist,
98 chiropractor, podiatrist, mental health professional or physician
99 assistant, any person who is a licensed substance abuse counselor, any
100 person who is a licensed marital and family therapist, any person who
101 is a sexual assault counselor or a battered women's counselor as
102 defined in section 52-146k, any person paid to care for a child in any
103 public or private facility, day care center or family day care home
104 licensed by the state, the Child Advocate and any employee of the
105 Office of Child Advocate.

106 Sec. 24. Section 17a-101a of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2002*):

108 Any mandated reporter, as defined in section 17a-101, as amended
109 by this act, who in [his] such person's professional capacity has
110 reasonable cause to suspect or believe that any child under the age of
111 eighteen years has been abused, as defined in section 46b-120, or has
112 had nonaccidental physical injury, or injury which is at variance with
113 the history given of such injury, inflicted upon [him] such child by a
114 person responsible for such child's health, welfare or care or by a

115 person given access to such child by such responsible person, or is
116 placed at imminent risk of serious harm by an act or failure to act on
117 the part of such responsible person, or has been neglected, as defined
118 in section 46b-120, shall report or cause a report to be made in
119 accordance with the provisions of sections 17a-101b to 17a-101d,
120 inclusive. Any person required to report under the provisions of this
121 section who fails to make such report shall be fined not less than one
122 thousand dollars nor more than five [hundred] thousand dollars.

123 Sec. 25. Subsection (g) of section 10-145b of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July*
125 *1, 2002*):

126 (g) On and after July 1, 1989, the State Board of Education, upon
127 receipt of a proper application, shall issue a provisional educator
128 certificate to any person who (1) has successfully completed a
129 beginning educator program and one school year of successful
130 teaching as attested to by the superintendent, or the superintendent's
131 designee, in whose local or regional school district such person was
132 employed, (2) has completed at least three years of successful teaching
133 in a public or nonpublic school approved by the State Board of
134 Education or appropriate governing body in another state within ten
135 years prior to application for such provisional educator certificate, as
136 attested to by the superintendent, or the superintendent's designee, in
137 whose school district such person was employed, or by the supervising
138 agent of the nonpublic school in which such person was employed,
139 and has met preparation and eligibility requirements for an initial
140 educator certificate, (3) has taught successfully in public schools in this
141 state for the 1988-1989 school year under a temporary emergency
142 permit and has met the preparation and eligibility requirements for an
143 initial educator certificate, or (4) has successfully taught with a
144 provisional teaching certificate for the year immediately preceding an
145 application for a provisional educator certificate as an employee of a
146 local or regional board of education or facility approved for special
147 education by the State Board of Education.

148 Sec. 26. Subsection (k) of section 10-145b of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective July*
150 *1, 2002*):

151 (k) Unless otherwise provided in regulations adopted under section
152 10-145d, in not less than three years nor more than eight years after the
153 issuance of a provisional educator certificate pursuant to subsection (g)
154 of this section, as amended by this act, and upon the statement of the
155 superintendent in whose school district such certificate holder was
156 employed, or the [superintendent] supervisory agent of a nonpublic
157 school approved by the State Board of Education, in whose school such
158 certificate holder was employed, that the provisional educator
159 certificate holder and such superintendent or supervisory agent have
160 mutually determined or approved an individual program pursuant to
161 subdivision (2) of subsection (j) of this section and upon the statement
162 of such superintendent or supervisory agent that such certificate
163 holder has a record of competency in the discharge of [his] such
164 certificate holder's duties during such provisional period, the state
165 board upon receipt of a proper application shall issue such certificate
166 holder a professional educator certificate. A signed recommendation
167 from the superintendent of schools, or the superintendent's designee,
168 for the local or regional board of education or from the
169 [superintendent] supervisory agent of a nonpublic school approved by
170 the State Board of Education shall be evidence of competency. Such
171 recommendation shall state that the person who holds or has held a
172 provisional educator certificate has successfully completed at least
173 three school years of satisfactory teaching for one or more local or
174 regional boards of education or such nonpublic schools. Each applicant
175 for a certificate pursuant to this subsection shall provide to the
176 Department of Education, in such manner and form as prescribed by
177 the commissioner, evidence that the applicant has successfully
178 completed coursework pursuant to subsection (h) or (j) of this section,
179 as appropriate.

180 Sec. 27. (NEW) (*Effective July 1, 2002*) If a person holding a
181 certificate, authorization or permit issued by the State Board of

182 Education under the provisions of sections 10-144o to 10-149, inclusive,
183 of the general statutes, as amended by this act, is convicted of a felony
184 or fined pursuant to section 17a-101a of the general statutes, as
185 amended by this act, the state's attorney or assistant state's attorney for
186 the judicial district in which the conviction or fine occurred shall
187 notify, in writing, the Commissioner of Education of such conviction
188 or fine.

189 Sec. 28. Subsection (m) of section 10-145b of the general statutes, as
190 amended by section 53 of public act 01-173, is repealed and the
191 following is substituted in lieu thereof (*Effective October 1, 2002*):

192 (m) (1) The State Board of Education may revoke any certificate,
193 authorization or permit issued pursuant to sections 10-144o to 10-149,
194 inclusive, as amended by this act, for any of the following reasons: (A)
195 The holder of the certificate, authorization or permit obtained such
196 certificate, authorization or permit through fraud or misrepresentation
197 of a material fact; (B) the holder has persistently neglected to perform
198 the duties for which the certificate, authorization or permit was
199 granted; (C) the holder is professionally unfit to perform the duties for
200 which the certificate, authorization or permit was granted; (D) the
201 holder is convicted in a court of law of a crime involving moral
202 turpitude or of any other crime of such nature that in the opinion of
203 the board continued holding of a certificate, authorization or permit by
204 the person would impair the standing of certificates, authorizations or
205 permits issued by the board; or (E) other due and sufficient cause. The
206 State Board of Education shall revoke any certificate, authorization or
207 permit issued pursuant to said sections if the holder is found to have
208 intentionally disclosed specific questions or answers to students or
209 otherwise improperly breached the security of any administration of a
210 state-wide examination pursuant to section 10-14n or if the holder is
211 fined pursuant to section 17a-101a, as amended by this act. In any
212 revocation proceeding pursuant to this section, the State Board of
213 Education shall have the burden of establishing the reason for such
214 revocation by a preponderance of the evidence. Revocation shall be in
215 accordance with procedures established by the State Board of

216 Education pursuant to chapter 54.

217 (2) When the Commissioner of Education is notified, pursuant to
218 section 17a-101i, as amended, or section 7 of this act that a person
219 holding a certificate, authorization or permit issued by the State Board
220 of Education under the provisions of sections 10-144o to 10-149,
221 inclusive, as amended by this act, has been convicted of (A) a capital
222 felony, pursuant to section 53a-54b, as amended, (B) arson murder,
223 pursuant to section 53a-54d, (C) a class A felony, (D) a class B felony,
224 except a violation of section 53a-122, 53a-252 or 53a-291, (E) a crime
225 involving an act of child abuse or neglect as described in section 46b-
226 120, or (F) a violation of section 53-21, 53-37a, 53a-60b, as amended,
227 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-
228 181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b, as amended, or 21a-
229 278, as amended, or subsection (a) of section 21a-277, any certificate,
230 permit or authorization issued by the State Board of Education and
231 held by such person shall be deemed revoked and the commissioner
232 shall notify such person of such revocation, provided such person may
233 request reconsideration pursuant to regulations adopted by the State
234 Board of Education, in accordance with the provisions of chapter 54.

235 (3) The State Board of Education may deny an application for a
236 certificate, authorization or permit for any of the following reasons: (A)
237 The applicant seeks to obtain a certificate, authorization or permit
238 through fraud or misrepresentation of a material fact; (B) the applicant
239 has been convicted in a court of law of a crime involving moral
240 turpitude or of any other crime of such nature that in the opinion of
241 the board issuance of a certificate, authorization or permit would
242 impair the standing of certificates, authorizations or permits issued by
243 the board; or (C) other due and sufficient cause. Any applicant denied
244 a certificate, authorization or permit shall be notified in writing of the
245 reasons for denial. Any applicant denied a certificate, authorization or
246 permit may request a review of such denial by the State Board of
247 Education."