



General Assembly

February Session, 2004

Raised Bill No. 5603

LCO No. 2097

02097_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING SEXUAL ASSAULT BY POLICE OFFICERS,
FIREFIGHTERS AND MENTORS.**

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

1 Section 1. Section 53a-71 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

17 patient or former patient of the actor and such patient or former
18 patient is emotionally dependent upon the actor, or (C) a patient or
19 former patient of the actor and the sexual intercourse occurs by means
20 of therapeutic deception; or (7) the actor accomplishes the sexual
21 intercourse by means of false representation that the sexual intercourse
22 is for a bona fide medical purpose by a health care professional; or (8)
23 the actor is a school employee and such other person is a student
24 enrolled in a school in which the actor works or a school under the
25 jurisdiction of the local or regional board of education which employs
26 the actor; or (9) the actor is a coach in an athletic activity or a person
27 who provides intensive, ongoing instruction and such other person is a
28 recipient of coaching or instruction from the actor and (A) is a
29 secondary school student and receives such coaching or instruction in
30 a secondary school setting, or (B) is under eighteen years of age; or (10)
31 the actor is a police officer or firefighter and such other person is under
32 eighteen years of age and is directly supervised by or receives
33 instruction from the actor during participation in a program for
34 children or youth offered by a police department, fire department or
35 local or regional board of education; or (11) the actor is a mentor for
36 such other person and such other person is under eighteen years of
37 age.

38 (b) Sexual assault in the second degree is a class C felony or, if the
39 victim of the offense is under sixteen years of age, a class B felony, and
40 any person found guilty under this section shall be sentenced to a term
41 of imprisonment of which nine months of the sentence imposed may
42 not be suspended or reduced by the court.

43 Sec. 2. Section 53a-73a of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2004*):

45 (a) A person is guilty of sexual assault in the fourth degree when: (1)
46 Such person intentionally subjects another person to sexual contact
47 who is (A) under fifteen years of age, or (B) mentally defective or
48 mentally incapacitated to the extent that such other person is unable to

49 consent to such sexual contact, or (C) physically helpless, or (D) less
50 than eighteen years old and the actor is such other person's guardian
51 or otherwise responsible for the general supervision of such other
52 person's welfare, or (E) in custody of law or detained in a hospital or
53 other institution and the actor has supervisory or disciplinary
54 authority over such other person; or (2) such person subjects another
55 person to sexual contact without such other person's consent; or (3)
56 such person engages in sexual contact with an animal or dead body; or
57 (4) such person is a psychotherapist and subjects another person to
58 sexual contact who is (A) a patient of the actor and the sexual contact
59 occurs during the psychotherapy session, or (B) a patient or former
60 patient of the actor and such patient or former patient is emotionally
61 dependent upon the actor, or (C) a patient or former patient of the
62 actor and the sexual contact occurs by means of therapeutic deception;
63 or (5) such person subjects another person to sexual contact and
64 accomplishes the sexual contact by means of false representation that
65 the sexual contact is for a bona fide medical purpose by a health care
66 professional; or (6) such person is a school employee and subjects
67 another person to sexual contact who is a student enrolled in a school
68 in which the actor works or a school under the jurisdiction of the local
69 or regional board of education which employs the actor; or (7) such
70 person is a coach in an athletic activity or a person who provides
71 intensive, ongoing instruction and subjects another person to sexual
72 contact who is a recipient of coaching or instruction from the actor and
73 (A) is a secondary school student and receives such coaching or
74 instruction in a secondary school setting, or (B) is under eighteen years
75 of age; or (8) such person is a police officer or firefighter and subjects
76 another person to sexual contact who is under eighteen years of age
77 and is directly supervised by or receives instruction from the actor
78 during participation in a program for children or youth offered by a
79 police department, fire department or local or regional board of
80 education; or (9) such person is a mentor for another person who is
81 under eighteen years of age and subjects such other person to sexual
82 contact.

83 (b) Sexual assault in the fourth degree is a class A misdemeanor or,
84 if the victim of the offense is under sixteen years of age, a class D
85 felony.

86 Sec. 3. Section 53a-65 of the general statutes is amended by adding
87 subdivision (14) as follows (*Effective October 1, 2004*):

88 (NEW) (14) "Mentor" means a person authorized by a parent or
89 guardian of a child or youth to provide ongoing counseling, guidance,
90 advice, instruction, tutoring or support to such child or youth.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

Statement of Purpose:

To include within the offenses of sexual assault in the second degree and sexual assault in the fourth degree a police officer, firefighter or mentor who engages in sexual intercourse or sexual contact with a person under eighteen years of age whom he or she is supervising, instructing or mentoring.

[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.]