



General Assembly

**Substitute Bill No. 1457**

January Session, 2007

\*       SB01457JUD      041007      \*

**AN ACT CONCERNING CONSENSUAL SEXUAL ACTIVITY BETWEEN ADOLESCENTS CLOSE IN AGE TO EACH OTHER.**

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 Section 53a-71 of the general statutes is repealed and the  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, 2007*):

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] four years older than  
7 such other person; or (2) such other person is mentally defective to the  
8 extent that such other person is unable to consent to such sexual  
9 intercourse; or (3) such other person is physically helpless; or (4) such  
10 other person is less than eighteen years old and the actor is such  
11 person's guardian or otherwise responsible for the general supervision  
12 of such person's welfare; or (5) such other person is in custody of law  
13 or detained in a hospital or other institution and the actor has  
14 supervisory or disciplinary authority over such other person; or (6) the  
15 actor is a psychotherapist and such other person is (A) a patient of the  
16 actor and the sexual intercourse occurs during the psychotherapy  
17 session, (B) a patient or former patient of the actor and such patient or  
18 former patient is emotionally dependent upon the actor, or (C) a  
19 patient or former patient of the actor and the sexual intercourse occurs

20 by means of therapeutic deception; or (7) the actor accomplishes the  
21 sexual intercourse by means of false representation that the sexual  
22 intercourse is for a bona fide medical purpose by a health care  
23 professional; or (8) the actor is a school employee and such other  
24 person is a student enrolled in a school in which the actor works or a  
25 school under the jurisdiction of the local or regional board of education  
26 which employs the actor; or (9) the actor is a coach in an athletic  
27 activity or a person who provides intensive, ongoing instruction and  
28 such other person is a recipient of coaching or instruction from the  
29 actor and (A) is a secondary school student and receives such coaching  
30 or instruction in a secondary school setting, or (B) is under eighteen  
31 years of age; or (10) the actor is twenty years of age or older and stands  
32 in a position of power, authority or supervision over such other person  
33 by virtue of the actor's professional, legal, occupational or volunteer  
34 status and such other person's participation in a program or activity,  
35 and such other person is under eighteen years of age.

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

41 Sec. 2. Section 53a-73a of the general statutes is repealed and the  
42 following is substituted in lieu thereof (*Effective October 1, 2007*):

43 (a) A person is guilty of sexual assault in the fourth degree when: (1)  
44 Such person intentionally subjects another person to sexual contact  
45 who is (A) under ~~[fifteen]~~ thirteen years of age and the actor is more  
46 than two years older than such other person, or (B) thirteen years of  
47 age or older but under fifteen years of age and the actor is more than  
48 four years older than such other person, or [(B)] (C) mentally defective  
49 or mentally incapacitated to the extent that such other person is unable  
50 to consent to such sexual contact, or [(C)] (D) physically helpless, or  
51 [(D)] (E) less than eighteen years old and the actor is such other  
52 person's guardian or otherwise responsible for the general supervision

53 of such other person's welfare, or ~~[(E)]~~ (F) in custody of law or  
54 detained in a hospital or other institution and the actor has supervisory  
55 or disciplinary authority over such other person; or (2) such person  
56 subjects another person to sexual contact without such other person's  
57 consent; or (3) such person engages in sexual contact with an animal or  
58 dead body; or (4) such person is a psychotherapist and subjects  
59 another person to sexual contact who is (A) a patient of the actor and  
60 the sexual contact occurs during the psychotherapy session, or (B) a  
61 patient or former patient of the actor and such patient or former  
62 patient is emotionally dependent upon the actor, or (C) a patient or  
63 former patient of the actor and the sexual contact occurs by means of  
64 therapeutic deception; or (5) such person subjects another person to  
65 sexual contact and accomplishes the sexual contact by means of false  
66 representation that the sexual contact is for a bona fide medical  
67 purpose by a health care professional; or (6) such person is a school  
68 employee and subjects another person to sexual contact who is a  
69 student enrolled in a school in which the actor works or a school under  
70 the jurisdiction of the local or regional board of education which  
71 employs the actor; or (7) such person is a coach in an athletic activity or  
72 a person who provides intensive, ongoing instruction and subjects  
73 another person to sexual contact who is a recipient of coaching or  
74 instruction from the actor and (A) is a secondary school student and  
75 receives such coaching or instruction in a secondary school setting, or  
76 (B) is under eighteen years of age; or (8) such person subjects another  
77 person to sexual contact and (A) the actor is twenty years of age or  
78 older and stands in a position of power, authority or supervision over  
79 such other person by virtue of the actor's professional, legal,  
80 occupational or volunteer status and such other person's participation  
81 in a program or activity, and (B) such other person is under eighteen  
82 years of age.

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.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	53a-71
Sec. 2	<i>October 1, 2007</i>	53a-73a

**JUD**      *Joint Favorable Subst.*