



General Assembly

February Session, 2008

**Raised Bill No. 699**

LCO No. 3356

\*03356\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE SEXUAL ASSAULT OF CHILDREN.***

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

1 Section 1. Subsection (a) of section 53a-29 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2008*):

4 (a) The court may sentence a person to a period of probation upon  
5 conviction of any crime, [other than] except a class A felony other than  
6 a violation of section 53a-70 that is punishable under subdivision (2) of  
7 subsection (b) of said section, if it is of the opinion that: (1) Present or  
8 extended institutional confinement of the defendant is not necessary  
9 for the protection of the public; (2) the defendant is in need of  
10 guidance, training or assistance which, in [his] the defendant's case,  
11 can be effectively administered through probation supervision; and (3)  
12 such disposition is not inconsistent with the ends of justice.

13 Sec. 2. Section 54-85a of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective July 1, 2008*):

15 (a) In any criminal prosecution, the court, upon motion of the state

16 or the defendant, shall cause any witness to be sequestered during the  
17 hearing on any issue or motion or any part of the trial of such  
18 prosecution in which [he] such witness is not testifying.

19 (b) The provisions of this section shall not apply to a witness in any  
20 criminal prosecution of an offense involving assault, sexual assault or  
21 abuse of a child twelve years of age or younger if such witness is an  
22 adult who is known to the child and with whom the child feels  
23 comfortable and has been authorized by the court pursuant to  
24 subdivision (2) of subsection (b) of section 54-86g to sit in close  
25 proximity to the child during the child's testimony.

26 Sec. 3. Section 51-277c of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective July 1, 2008*):

28 In the investigation and prosecution of crime, priority shall be given  
29 to crimes involving physical violence, [and to] crimes involving the  
30 possession of a firearm and crimes involving assault, sexual assault or  
31 abuse of a child.

32 Sec. 4. (NEW) (*Effective July 1, 2008*) Any criminal prosecution of an  
33 offense involving assault, sexual assault or abuse of a child in which  
34 the defendant has entered a plea of not guilty shall be privileged with  
35 respect to assignment for trial.

36 Sec. 5. Section 54-86l of the 2008 supplement to the general statutes  
37 is repealed and the following is substituted in lieu thereof (*Effective July*  
38 *1, 2008*):

39 (a) Notwithstanding any other rule of evidence or provision of law,  
40 a statement by a child under thirteen years of age relating to a sexual  
41 offense committed against that child, or an offense involving physical  
42 abuse committed against that child by [a person or persons who had  
43 authority or apparent authority] such child's parent or guardian or any  
44 other person exercising comparable authority over the child, shall be  
45 admissible in a criminal or juvenile proceeding if: (1) The court finds,

46 in a hearing conducted outside the presence of the jury, if any, that the  
47 circumstances of the statement, including its timing and content,  
48 provide particularized guarantees of its trustworthiness, (2) the  
49 statement was not made in preparation for a legal proceeding, (3) the  
50 proponent of the statement makes known to the adverse party an  
51 intention to offer the statement and the particulars of the statement  
52 including the content of the statement, the approximate time, date and  
53 location of the statement, the person to whom the statement was made  
54 and the circumstances surrounding the statement that indicate its  
55 trustworthiness, at such time as to provide the adverse party with a  
56 fair opportunity to prepare to meet it, and (4) either (A) the child  
57 testifies and is subject to cross-examination at the proceeding, or (B)  
58 the child is unavailable as a witness and (i) there is independent  
59 nontestimonial corroborative evidence of the alleged act, and (ii) the  
60 statement was made prior to the defendant's arrest or institution of  
61 juvenile proceedings in connection with the act described in the  
62 statement.

63 (b) Nothing in this section shall be construed to (1) prevent the  
64 admission of any statement under another hearsay exception, (2) allow  
65 broader definitions in other hearsay exceptions for statements made by  
66 children under thirteen years of age at the time of the statement  
67 concerning any alleged act described in subsection (a) of this section  
68 than is done for other declarants, or (3) allow the admission pursuant  
69 to the residual hearsay exception of a statement described in  
70 subsection (a) of this section.

71 Sec. 6. Subdivision (3) of subsection (b) of section 1-210 of the 2008  
72 supplement to the general statutes is repealed and the following is  
73 substituted in lieu thereof (*Effective July 1, 2008*):

74 (3) Records of law enforcement agencies not otherwise available to  
75 the public which records were compiled in connection with the  
76 detection or investigation of crime, if the disclosure of said records  
77 would not be in the public interest because it would result in the

78 disclosure of (A) the identity of informants not otherwise known or the  
 79 identity of witnesses not otherwise known whose safety would be  
 80 endangered or who would be subject to threat or intimidation if their  
 81 identity was made known, (B) signed statements of witnesses, (C)  
 82 information to be used in a prospective law enforcement action if  
 83 prejudicial to such action, (D) investigatory techniques not otherwise  
 84 known to the general public, (E) arrest records of a juvenile, which  
 85 shall also include any investigatory files, concerning the arrest of such  
 86 juvenile, compiled for law enforcement purposes, (F) the name and  
 87 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
 88 53a-70c of the 2008 supplement to the general statutes, 53a-71 of the  
 89 2008 supplement to the general statutes, 53a-72a, 53a-72b or 53a-73a of  
 90 the 2008 supplement to the general statutes, or injury or risk of injury,  
 91 or impairing of morals under section 53-21 of the 2008 supplement to  
 92 the general statutes, or of an attempt thereof, or (G) uncorroborated  
 93 allegations subject to destruction pursuant to section 1-216.

94 Sec. 7. Subsection (a) of section 10a-55a of the 2008 supplement to  
 95 the general statutes is repealed and the following is substituted in lieu  
 96 thereof (*Effective July 1, 2008*):

97 (a) On or before September 1, 1991, and annually thereafter, each  
 98 institution of higher education shall prepare in such manner as the  
 99 Commissioner of Higher Education shall prescribe a uniform campus  
 100 crime report concerning crimes committed in the immediately  
 101 preceding calendar year within the geographical limits of the property  
 102 owned or under the control of such institution. Such report shall be in  
 103 accordance with the uniform crime reporting system pursuant to  
 104 section 29-1c, provided such report is limited to those offenses  
 105 included in part I of the most recently published edition of the  
 106 Uniform Crime Reports for the United States as authorized by the  
 107 Federal Bureau of Investigation and the United States Department of  
 108 Justice and sexual assault under sections 53a-70, 53a-70a, 53a-70b, 53a-  
 109 70c of the 2008 supplement to the general statutes, 53a-71 of the 2008  
 110 supplement to the general statutes, 53a-72a, 53a-72b and 53a-73a of the

111 2008 supplement to the general statutes. The state police, local police  
112 departments and special police forces established pursuant to section  
113 10a-142 shall cooperate with institutions of higher education in  
114 preparing such reports. Institutions with more than one campus shall  
115 prepare such reports for each campus.

116 Sec. 8. Subsection (b) of section 17b-749k of the general statutes is  
117 repealed and the following is substituted in lieu thereof (*Effective July*  
118 *1, 2008*):

119 (b) The Commissioner of Social Services shall have the discretion to  
120 refuse payments for child care under any financial assistance program  
121 administered by him if the person providing such child care has been  
122 convicted in this state or any other state of a felony, as defined in  
123 section 53a-25, involving the use, attempted use or threatened use of  
124 physical force against another person, of cruelty to persons under  
125 section 53-20, injury or risk of injury to or impairing morals of children  
126 under section 53-21 of the 2008 supplement to the general statutes,  
127 abandonment of children under the age of six years under section 53-  
128 23 or any felony where the victim of the felony is a child under  
129 eighteen years of age, or of a violation of section 53a-70, 53a-70a, 53a-  
130 70b, 53a-70c of the 2008 supplement to the general statutes, 53a-71 of  
131 the 2008 supplement to the general statutes, 53a-72a, 53a-72b or 53a-  
132 73a of the 2008 supplement to the general statutes, or has a criminal  
133 record or was the subject of a substantiated report of child abuse in this  
134 state or any other state that the commissioner reasonably believes  
135 renders the person unsuitable to provide child care.

136 Sec. 9. Subsection (a) of section 19a-87a of the general statutes is  
137 repealed and the following is substituted in lieu thereof (*Effective July*  
138 *1, 2008*):

139 (a) The Commissioner of Public Health shall have the discretion to  
140 refuse to license under sections 19a-77 to 19a-80, inclusive, and 19a-82  
141 to 19a-87, inclusive, a person to conduct, operate or maintain a day  
142 care center or a group day care home, as defined in section 19a-77 of

143 the 2008 supplement to the general statutes, or to suspend or revoke  
144 the license or take any other action set forth in regulation that may be  
145 adopted pursuant to section 19a-79 of the 2008 supplement to the  
146 general statutes if, the person who owns, conducts, maintains or  
147 operates such center or home or a person employed therein in a  
148 position connected with the provision of care to a child receiving child  
149 day care services, has been convicted in this state or any other state of  
150 a felony as defined in section 53a-25 involving the use, attempted use  
151 or threatened use of physical force against another person, of cruelty to  
152 persons under section 53-20, injury or risk of injury to or impairing  
153 morals of children under section 53-21 of the 2008 supplement to the  
154 general statutes, abandonment of children under the age of six years  
155 under section 53-23, or any felony where the victim of the felony is a  
156 child under eighteen years of age, or of a violation of section 53a-70,  
157 53a-70a, 53a-70b, 53a-70c of the 2008 supplement to the general  
158 statutes, 53a-71 of the 2008 supplement to the general statutes, 53a-72a,  
159 53a-72b or 53a-73a of the 2008 supplement to the general statutes, or  
160 has a criminal record in this state or any other state that the  
161 commissioner reasonably believes renders the person unsuitable to  
162 own, conduct, operate or maintain or be employed by a child day care  
163 center or group day care home. However, no refusal of a license shall  
164 be rendered except in accordance with the provisions of sections 46a-  
165 79 to 46a-81, inclusive.

166 Sec. 10. Subsection (a) of section 19a-87e of the general statutes is  
167 repealed and the following is substituted in lieu thereof (*Effective July*  
168 *1, 2008*):

169 (a) The Commissioner of Public Health may refuse to license under  
170 section 19a-87b of the 2008 supplement to the general statutes, a person  
171 to own, conduct, operate or maintain a family day care home, as  
172 defined in section 19a-77 of the 2008 supplement to the general  
173 statutes, or to suspend or revoke the license or take any other action  
174 that may be set forth in regulation that may be adopted pursuant to  
175 section 19a-79 of the 2008 supplement to the general statutes if the

176 person who owns, conducts, maintains or operates the family day care  
177 home, or a person employed in such family day care home in a  
178 position connected with the provision of care to a child receiving child  
179 day care services, has been convicted, in this state or any other state of  
180 a felony, as defined in section 53a-25, involving the use, attempted use  
181 or threatened use of physical force against another person, or has a  
182 criminal record in this state or any other state that the commissioner  
183 reasonably believes renders the person unsuitable to own, conduct,  
184 operate or maintain or be employed by a family day care home, or if  
185 such persons or a person residing in the household has been convicted  
186 in this state or any other state of cruelty to persons under section 53-20,  
187 injury or risk of injury to or impairing morals of children under section  
188 53-21 of the 2008 supplement to the general statutes, abandonment of  
189 children under the age of six years under section 53-23, or any felony  
190 where the victim of the felony is a child under eighteen years of age, a  
191 violation of section 53a-70, 53a-70a, 53a-70b, 53a-70c of the 2008  
192 supplement to the general statutes, 53a-71 of the 2008 supplement to  
193 the general statutes, 53a-72a, 53a-72b or 53a-73a of the 2008  
194 supplement to the general statutes, illegal manufacture, distribution,  
195 sale, prescription, dispensing or administration under section 21a-277  
196 or 21a-278 of the 2008 supplement to the general statutes, or illegal  
197 possession under section 21a-279, or if such person, or a person  
198 employed in such family day care home in a position connected with  
199 the provision of care to a child receiving child day care services, either  
200 fails to substantially comply with the regulations adopted pursuant to  
201 section 19a-87b of the 2008 supplement to the general statutes or  
202 conducts, operates or maintains the home in a manner which  
203 endangers the health, safety and welfare of the children receiving child  
204 day care services. Any refusal of a license pursuant to this section shall  
205 be rendered in accordance with the provisions of sections 46a-79 to  
206 46a-81, inclusive. Any person whose license has been revoked  
207 pursuant to this section shall be ineligible to apply for a license for a  
208 period of one year from the effective date of revocation.

209 Sec. 11. Section 19a-112b of the general statutes is repealed and the

210 following is substituted in lieu thereof (*Effective July 1, 2008*):

211 The Department of Public Health shall provide to victims of a  
212 sexual act constituting a violation of section 53-21 of the 2008  
213 supplement to the general statutes, 53a-70, 53a-70a, 53a-70b, 53a-70c of  
214 the 2008 supplement to the general statutes, 53a-71 of the 2008  
215 supplement to the general statutes, 53a-72a, 53a-72b or 53a-73a of the  
216 2008 supplement to the general statutes, regardless of whether any  
217 person is convicted or adjudicated delinquent for such violation, the  
218 following services: (1) Counseling regarding human  
219 immunodeficiency virus and acquired immune deficiency syndrome;  
220 (2) HIV-related testing; and (3) referral service for appropriate health  
221 care and support services. Such services shall be provided through  
222 counseling and testing sites funded by the Department of Public  
223 Health.

224 Sec. 12. Subdivision (5) of subsection (a) of section 19a-112e of the  
225 2008 supplement to the general statutes is repealed and the following  
226 is substituted in lieu thereof (*Effective July 1, 2008*):

227 (5) "Sexual offense" means a violation of subsection (a) of section  
228 53a-70, section 53a-70a, [or] 53a-70b, 53a-70c of the 2008 supplement to  
229 the general statutes, subsection (a) of section 53a-71 of the 2008  
230 supplement to the general statutes, section 53a-72a or 53a-72b,  
231 subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of  
232 subsection (a) of section 53a-87 or section 53a-90a of the 2008  
233 supplement to the general statutes, 53a-196a of the 2008 supplement to  
234 the general statutes or 53a-196b.

235 Sec. 13. Subdivision (10) of subsection (c) of section 19a-343 of the  
236 general statutes is repealed and the following is substituted in lieu  
237 thereof (*Effective July 1, 2008*):

238 (10) Sexual assault under section 53a-70, [or] 53a-70a or 53a-70c of  
239 the 2008 supplement to the general statutes.

240 Sec. 14. Section 46b-38h of the general statutes is repealed and the  
241 following is substituted in lieu thereof (*Effective July 1, 2008*):

242 If any person is convicted of a violation of section 53a-59, 53a-59a,  
243 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c of  
244 the 2008 supplement to the general statutes, 53a-71 of the 2008  
245 supplement to the general statutes, 53a-72a, 53a-72b, 53a-181c, 53a-  
246 181d, 53a-181e, 53a-223, 53a-223a or 53a-223b, against a family or  
247 household member, as defined in section 46b-38a, or a person in a  
248 dating relationship, the court shall include a designation that such  
249 conviction involved domestic violence on the court record for the  
250 purposes of criminal history record information, as defined in  
251 subsection (a) of section 54-142g.

252 Sec. 15. Subsection (a) of section 52-161b of the general statutes is  
253 repealed and the following is substituted in lieu thereof (*Effective July*  
254 *1, 2008*):

255 (a) A pro se litigant in any civil matter, including a habeas corpus  
256 proceeding, shall notify the clerk of the court if such litigant has been  
257 convicted of a family violence crime, as defined in section 46b-38a, or a  
258 violation of section 53-21 of the 2008 supplement to the general  
259 statutes, 53a-70, 53a-70a, 53a-70b, 53a-70c of the 2008 supplement to  
260 the general statutes, 53a-71 of the 2008 supplement to the general  
261 statutes, 53a-72a, 53a-72b, 53a-73a of the 2008 supplement to the  
262 general statutes, 53a-181c, 53a-181d or 53a-181e and if the subject of a  
263 subpoena to be issued by such litigant in such matter is the victim of  
264 the crime for which such litigant was convicted.

265 Sec. 16. Section 52-577e of the general statutes is repealed and the  
266 following is substituted in lieu thereof (*Effective July 1, 2008*):

267 Notwithstanding the provisions of sections 52-577 and 52-577d, an  
268 action to recover damages for personal injury caused by sexual assault  
269 may be brought at any time after the date of the act complained of if  
270 the party legally at fault for such injury has been convicted of a

271 violation of section 53a-70, [or] 53a-70a or 53a-70c of the 2008  
272 supplement to the general statutes.

273 Sec. 17. Subsection (a) of section 52-598 of the general statutes is  
274 repealed and the following is substituted in lieu thereof (*Effective July*  
275 *1, 2008*):

276 (a) No execution to enforce a judgment for money damages  
277 rendered in any court of this state may be issued after the expiration of  
278 twenty years from the date the judgment was entered and no action  
279 based upon such a judgment may be instituted after the expiration of  
280 twenty-five years from the date the judgment was entered, except that  
281 there shall be no time limitation on the issuance of such execution or  
282 the institution of such action if the judgment was rendered in an action  
283 to recover damages for personal injury caused by sexual assault where  
284 the party legally at fault for such injury was convicted of a violation of  
285 section 53a-70, [or] 53a-70a or 53a-70c of the 2008 supplement to the  
286 general statutes.

287 Sec. 18. Subsection (a) of section 53a-40 of the general statutes, as  
288 amended by section 6 of public act 08-1 of the January special session,  
289 is repealed and the following is substituted in lieu thereof (*Effective July*  
290 *1, 2008*):

291 (a) A persistent dangerous felony offender is a person who:

292 (1) (A) Stands convicted of manslaughter, arson, kidnapping,  
293 robbery in the first or second degree, assault in the first degree, home  
294 invasion, burglary in the first degree or burglary in the second degree  
295 with a firearm, and (B) has been, prior to the commission of the present  
296 crime, convicted of and imprisoned under a sentence to a term of  
297 imprisonment of more than one year or of death, in this state or in any  
298 other state or in a federal correctional institution, for any of the  
299 following crimes: (i) The crimes enumerated in subparagraph (A) of  
300 this subdivision or an attempt to commit any of said crimes; or (ii)  
301 murder, sexual assault in the first or third degree, aggravated sexual

302 assault in the first degree, aggravated sexual assault of a minor or  
303 sexual assault in the third degree with a firearm, or an attempt to  
304 commit any of said crimes; or (iii) prior to October 1, 1975, any of the  
305 crimes enumerated in section 53a-72, 53a-75 or 53a-78 of the general  
306 statutes, revision of 1958, revised to 1975, or prior to October 1, 1971, in  
307 this state, assault with intent to kill under section 54-117, or any of the  
308 crimes enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16,  
309 inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83, 53-  
310 86, 53-238 and 53-239 of the general statutes, revision of 1958, revised  
311 to 1968, or any predecessor statutes in this state, or an attempt to  
312 commit any of said crimes; or (iv) in any other state, any crimes the  
313 essential elements of which are substantially the same as any of the  
314 crimes enumerated in subparagraph (A) of this subdivision or this  
315 subparagraph; or

316 (2) (A) Stands convicted of sexual assault in the first or third degree,  
317 aggravated sexual assault in the first degree, aggravated sexual assault  
318 of a minor or sexual assault in the third degree with a firearm, and (B)  
319 has been, prior to the commission of the present crime, convicted of  
320 and imprisoned under a sentence to a term of imprisonment of more  
321 than one year or of death, in this state or in any other state or in a  
322 federal correctional institution, for any of the following crimes: (i)  
323 Murder, manslaughter, arson, kidnapping, robbery in the first or  
324 second degree, assault in the first degree, home invasion, burglary in  
325 the first degree or burglary in the second degree with a firearm, or an  
326 attempt to commit any of said crimes; or (ii) prior to October 1, 1971, in  
327 this state, assault with intent to kill under section 54-117, or any of the  
328 crimes enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16,  
329 inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83 and  
330 53-86 of the general statutes, revision of 1958, revised to 1968, or any  
331 predecessor statutes in this state, or an attempt to commit any of said  
332 crimes; or (iii) in any other state, any crimes the essential elements of  
333 which are substantially the same as any of the crimes enumerated in  
334 subparagraph (A) of this subdivision or this subparagraph.

335 Sec. 19. Subsection (b) of section 53a-40 of the general statutes is  
336 repealed and the following is substituted in lieu thereof (*Effective July*  
337 *1, 2008*):

338 (b) A persistent dangerous sexual offender is a person who (1)  
339 stands convicted of sexual assault in the first or third degree,  
340 aggravated sexual assault in the first degree, aggravated sexual assault  
341 of a minor or sexual assault in the third degree with a firearm, and (2)  
342 has been, prior to the commission of the present crime, convicted of  
343 and imprisoned under a sentence to a term of imprisonment of more  
344 than one year, in this state or in any other state or in a federal  
345 correctional institution, for (A) any of the crimes enumerated in  
346 subdivision (1) of this subsection, or (B) prior to October 1, 1975, any of  
347 the crimes enumerated in section 53a-72, 53a-75 or 53a-78 of the  
348 general statutes, revision of 1958, revised to 1975, or prior to October 1,  
349 1971, in this state, any of the crimes enumerated in section 53-238 or  
350 53-239 of the general statutes, revision of 1958, revised to 1968, or any  
351 predecessor statutes in this state, or an attempt to commit any of said  
352 crimes, or (C) in any other state, any crimes the essential elements of  
353 which are substantially the same as any of the crimes enumerated in  
354 subdivision (1) of this subsection or this subdivision.

355 Sec. 20. Section 53a-40c of the general statutes is repealed and the  
356 following is substituted in lieu thereof (*Effective July 1, 2008*):

357 Any person convicted of a violation of section 53a-70, 53a-70a, 53a-  
358 70c of the 2008 supplement to the general statutes, 53a-71 of the 2008  
359 supplement to the general statutes, 53a-72a, 53a-72b or 53a-73a of the  
360 2008 supplement to the general statutes where the victim of the sexual  
361 assault was a person ten years of age or under shall, in addition to any  
362 fine or term of imprisonment imposed, be sentenced to undergo  
363 psychological counseling.

364 Sec. 21. Subsection (a) of section 53a-40e of the 2008 supplement to  
365 the general statutes is repealed and the following is substituted in lieu  
366 thereof (*Effective July 1, 2008*):

367 (a) If any person is convicted of (1) a violation of section 53a-59, 53a-  
368 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c  
369 of the 2008 supplement to the general statutes, 53a-71 of the 2008  
370 supplement to the general statutes, 53a-72a, 53a-72b, 53a-181c, 53a-  
371 181d, 53a-181e, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b or  
372 attempt or conspiracy to violate any of said sections or section 53a-54a,  
373 against a family or household member, as defined in section 46b-38a,  
374 or (2) any crime that the court determines constitutes a family violence  
375 crime, as defined in section 46b-38a, or attempt or conspiracy to  
376 commit any such crime, the court may, in addition to imposing the  
377 sentence authorized for the crime under section 53a-35a of the 2008  
378 supplement to the general statutes or 53a-36, if the court is of the  
379 opinion that the history and character and the nature and  
380 circumstances of the criminal conduct of such offender indicate that a  
381 standing criminal restraining order will best serve the interest of the  
382 victim and the public, issue a standing criminal restraining order  
383 which shall remain in effect until modified or revoked by the court for  
384 good cause shown. If any person is convicted of any crime against a  
385 family or household member, as defined in section 46b-38a, other than  
386 a crime specified in subdivision (1) or (2) of this subsection, the court  
387 may, for good cause shown, issue a standing criminal restraining order  
388 pursuant to this subsection.

389 Sec. 22. Subsection (b) of section 53a-67 of the general statutes is  
390 repealed and the following is substituted in lieu thereof (*Effective July*  
391 *1, 2008*):

392 (b) In any prosecution for an offense under this part, except an  
393 offense under section 53a-70, 53a-70a, 53a-70b, 53a-70c of the 2008  
394 supplement to the general statutes, 53a-71 of the 2008 supplement to  
395 the general statutes, 53a-72a or 53a-72b, it shall be an affirmative  
396 defense that the defendant and the alleged victim were, at the time of  
397 the alleged offense, living together by mutual consent in a relationship  
398 of cohabitation, regardless of the legal status of their relationship.

399 Sec. 23. Section 54-86d of the general statutes is repealed and the  
400 following is substituted in lieu thereof (*Effective July 1, 2008*):

401 Any person who has been the victim of a sexual assault under  
402 section 53a-70, 53a-70a, 53a-70c of the 2008 supplement to the general  
403 statutes, 53a-71 of the 2008 supplement to the general statutes, 53a-72a,  
404 53a-72b or 53a-73a of the 2008 supplement to the general statutes, or  
405 injury or risk of injury, or impairing of morals under section 53-21 of  
406 the 2008 supplement to the general statutes, or of an attempt thereof,  
407 shall not be required to divulge his or her address or telephone  
408 number during any trial or pretrial evidentiary hearing arising from  
409 the sexual assault or injury or risk of injury to, or impairing of morals  
410 of, children; provided the judge presiding over such legal proceeding  
411 shall find: (1) Such information is not material to the proceeding, (2)  
412 the identity of the victim has been satisfactorily established, and (3) the  
413 current address of the victim will be made available to the defense in  
414 the same manner and time as such information is made available to the  
415 defense for other criminal offenses.

416 Sec. 24. Section 54-86e of the general statutes is repealed and the  
417 following is substituted in lieu thereof (*Effective July 1, 2008*):

418 The name and address of the victim of a sexual assault under  
419 section 53a-70, 53a-70a, 53a-70c of the 2008 supplement to the general  
420 statutes, 53a-71 of the 2008 supplement to the general statutes, 53a-72a,  
421 53a-72b or 53a-73a of the 2008 supplement to the general statutes, or  
422 injury or risk of injury, or impairing of morals under section 53-21 of  
423 the 2008 supplement to the general statutes, or of an attempt thereof,  
424 and such other identifying information pertaining to such victim as  
425 determined by the court, shall be confidential and shall be disclosed  
426 only upon order of the Superior Court, except that (1) such information  
427 shall be available to the accused in the same manner and time as such  
428 information is available to persons accused of other criminal offenses,  
429 and (2) if a protective order is issued in a prosecution under any of  
430 said sections, the name and address of the victim, in addition to the

431 information contained in and concerning the issuance of such order,  
432 shall be entered in the registry of protective orders pursuant to section  
433 51-5c.

434 Sec. 25. Section 54-86f of the general statutes is repealed and the  
435 following is substituted in lieu thereof (*Effective July 1, 2008*):

436 In any prosecution for sexual assault under sections 53a-70, 53a-70a,  
437 53a-70c of the 2008 supplement to the general statutes, and 53a-71 to  
438 53a-73a, inclusive, no evidence of the sexual conduct of the victim may  
439 be admissible unless such evidence is (1) offered by the defendant on  
440 the issue of whether the defendant was, with respect to the victim, the  
441 source of semen, disease, pregnancy or injury, or (2) offered by the  
442 defendant on the issue of credibility of the victim, provided the victim  
443 has testified on direct examination as to his or her sexual conduct, or  
444 (3) any evidence of sexual conduct with the defendant offered by the  
445 defendant on the issue of consent by the victim, when consent is raised  
446 as a defense by the defendant, or (4) otherwise so relevant and material  
447 to a critical issue in the case that excluding it would violate the  
448 defendant's constitutional rights. Such evidence shall be admissible  
449 only after a hearing on a motion to offer such evidence containing an  
450 offer of proof. On motion of either party the court may order such  
451 hearing held in camera, subject to the provisions of section 51-164x. If  
452 the proceeding is a trial with a jury, such hearing shall be held in the  
453 absence of the jury. If, after hearing, the court finds that the evidence  
454 meets the requirements of this section and that the probative value of  
455 the evidence outweighs its prejudicial effect on the victim, the court  
456 may grant the motion. The testimony of the defendant during a  
457 hearing on a motion to offer evidence under this section may not be  
458 used against the defendant during the trial if such motion is denied,  
459 except that such testimony may be admissible to impeach the  
460 credibility of the defendant if the defendant elects to testify as part of  
461 the defense.

462 Sec. 26. Subsection (a) of section 54-86j of the general statutes is

463 repealed and the following is substituted in lieu thereof (*Effective July*  
464 *1, 2008*):

465 (a) No member of any municipal police department, the state police  
466 or the Division of Criminal Justice may request or require any victim of  
467 a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-70c of the  
468 2008 supplement to the general statutes, 53a-71 of the 2008 supplement  
469 to the general statutes, 53a-72a, 53a-72b or 53a-73a of the 2008  
470 supplement to the general statutes to submit to or take a polygraph  
471 examination.

472 Sec. 27. Subsection (a) of section 54-102b of the general statutes is  
473 repealed and the following is substituted in lieu thereof (*Effective July*  
474 *1, 2008*):

475 (a) Notwithstanding any provision of the general statutes, except as  
476 provided in subsection (b) of this section, a court entering a judgment  
477 of conviction or an adjudication of delinquency for a violation of  
478 section 53a-70, 53a-70a, 53a-70b, 53a-70c of the 2008 supplement to the  
479 general statutes or 53a-71 of the 2008 supplement to the general  
480 statutes or a violation of section 53-21 of the 2008 supplement to the  
481 general statutes, 53a-72a, 53a-72b or 53a-73a of the 2008 supplement to  
482 the general statutes involving a sexual act, shall, at the request of the  
483 victim of such crime, order that the offender be tested for the presence  
484 of the etiologic agent for acquired immune deficiency syndrome or  
485 human immunodeficiency virus and that the results be disclosed to the  
486 victim and the offender. The test shall be performed by or at the  
487 direction of the Department of Correction in consultation with the  
488 Department of Public Health.

489 Sec. 28. Subsection (c) of section 54-125e of the 2008 supplement to  
490 the general statutes is repealed and the following is substituted in lieu  
491 thereof (*Effective July 1, 2008*):

492 (c) The period of special parole shall be not less than one year or  
493 more than ten years, except that such period may be for more than ten

494 years for a person convicted of a violation of subdivision (2) of section  
495 53-21 of the general statutes in effect prior to October 1, 2000,  
496 subdivision (2) of subsection (a) of section 53-21 of the 2008  
497 supplement to the general statutes or section 53a-70, 53a-70a, 53a-70b,  
498 53a-70c of the 2008 supplement to the general statutes, 53a-71 of the  
499 2008 supplement to the general statutes, 53a-72a or 53a-72b or  
500 sentenced as a persistent dangerous felony offender pursuant to  
501 subsection (h) of section 53a-40 or as a persistent serious felony  
502 offender pursuant to subsection (j) of section 53a-40.

503 Sec. 29. Section 54-143c of the general statutes is repealed and the  
504 following is substituted in lieu thereof (*Effective July 1, 2008*):

505 In addition to any fine, fee or cost that may be imposed pursuant to  
506 any provision of the general statutes, the court shall impose a fine of  
507 one hundred fifty-one dollars on any person who, on or after July 1,  
508 2004, is convicted of or pleads guilty or nolo contendere to a violation  
509 of subdivision (2) of subsection (a) of section 53-21 of the 2008  
510 supplement to the general statutes or section 53a-70, 53a-70a, 53a-70b,  
511 53a-70c of the 2008 supplement to the general statutes, 53a-71 of the  
512 2008 supplement to the general statutes, 53a-72a, 53a-72b or 53a-73a of  
513 the 2008 supplement to the general statutes. Fines collected under this  
514 section shall be deposited in the sexual assault victims account  
515 established under section 19a-112d.

516 Sec. 30. Section 54-193b of the 2008 supplement to the general  
517 statutes is repealed and the following is substituted in lieu thereof  
518 (*Effective July 1, 2008*):

519 Notwithstanding the provisions of sections 54-193 and 54-193a,  
520 there shall be no limitation of time within which a person may be  
521 prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-70c  
522 of the 2008 supplement to the general statutes, 53a-71 of the 2008  
523 supplement to the general statutes, 53a-72a or 53a-72b, provided (1)  
524 the victim notified any police officer or state's attorney acting in such  
525 police officer's or state's attorney's official capacity of the commission

526 of the offense not later than five years after the commission of the  
527 offense, and (2) the identity of the person who allegedly committed the  
528 offense has been established through a DNA (deoxyribonucleic acid)  
529 profile comparison using evidence collected at the time of the  
530 commission of the offense.

531 Sec. 31. Subdivision (14) of section 54-240 of the general statutes is  
532 repealed and the following is substituted in lieu thereof (*Effective July*  
533 *1, 2008*):

534 (14) "Sexual assault" means any act that constitutes a violation of  
535 section 53a-70, 53a-70a, 53a-70b, 53a-70c of the 2008 supplement to the  
536 general statutes, 53a-71 of the 2008 supplement to the general statutes,  
537 53a-72a, 53a-72b or 53a-73a of the 2008 supplement to the general  
538 statutes.

539 Sec. 32. Subdivision (11) of section 54-250 of the general statutes is  
540 repealed and the following is substituted in lieu thereof (*Effective July*  
541 *1, 2008*):

542 (11) "Sexually violent offense" means (A) a violation of section  
543 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,  
544 53a-70b, 53a-70c of the 2008 supplement to the general statutes, 53a-71  
545 of the 2008 supplement to the general statutes, except subdivision (1),  
546 (4), (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a)  
547 of said section or subparagraph (A) of subdivision (9) of subsection (a)  
548 of said section if the court makes a finding that, at the time of the  
549 offense, the victim was under eighteen years of age, 53a-72a, except  
550 subdivision (2) of subsection (a) of said section, or 53a-72b, or of  
551 section 53a-92 or 53a-92a, provided the court makes a finding that the  
552 offense was committed with intent to sexually violate or abuse the  
553 victim, (B) a violation of any of the offenses specified in subparagraph  
554 (A) of this subdivision for which a person is criminally liable under  
555 section 53a-8, 53a-48 or 53a-49, or (C) a violation of any predecessor  
556 statute to any of the offenses specified in subparagraph (A) or (B) of  
557 this subdivision the essential elements of which are substantially the

558 same as said offense.

559 Sec. 33. Subsection (a) of section 54-260 of the general statutes is  
 560 repealed and the following is substituted in lieu thereof (*Effective July*  
 561 *1, 2008*):

562 (a) For the purposes of this section, "sexual offender" means any  
 563 person convicted of a violation of subdivision (2) of section 53-21 of the  
 564 general statutes in effect prior to October 1, 2000, subdivision (2) of  
 565 subsection (a) of section 53-21 of the 2008 supplement to the general  
 566 statutes, section 53a-70, 53a-70a, 53a-70b, 53a-70c of the 2008  
 567 supplement to the general statutes, 53a-71 of the 2008 supplement to  
 568 the general statutes, 53a-72a or 53a-72b committed on or after October  
 569 1, 1995.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	53a-29(a)
Sec. 2	<i>July 1, 2008</i>	54-85a
Sec. 3	<i>July 1, 2008</i>	51-277c
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>July 1, 2008</i>	54-86l
Sec. 6	<i>July 1, 2008</i>	1-210(b)(3)
Sec. 7	<i>July 1, 2008</i>	10a-55a(a)
Sec. 8	<i>July 1, 2008</i>	17b-749k(b)
Sec. 9	<i>July 1, 2008</i>	19a-87a(a)
Sec. 10	<i>July 1, 2008</i>	19a-87e(a)
Sec. 11	<i>July 1, 2008</i>	19a-112b
Sec. 12	<i>July 1, 2008</i>	19a-112e(a)(5)
Sec. 13	<i>July 1, 2008</i>	19a-343(c)(10)
Sec. 14	<i>July 1, 2008</i>	46b-38h
Sec. 15	<i>July 1, 2008</i>	52-161b(a)
Sec. 16	<i>July 1, 2008</i>	52-577e
Sec. 17	<i>July 1, 2008</i>	52-598(a)
Sec. 18	<i>July 1, 2008</i>	53a-40(a)
Sec. 19	<i>July 1, 2008</i>	53a-40(b)
Sec. 20	<i>July 1, 2008</i>	53a-40c

Sec. 21	<i>July 1, 2008</i>	53a-40e(a)
Sec. 22	<i>July 1, 2008</i>	53a-67(b)
Sec. 23	<i>July 1, 2008</i>	54-86d
Sec. 24	<i>July 1, 2008</i>	54-86e
Sec. 25	<i>July 1, 2008</i>	54-86f
Sec. 26	<i>July 1, 2008</i>	54-86j(a)
Sec. 27	<i>July 1, 2008</i>	54-102b(a)
Sec. 28	<i>July 1, 2008</i>	54-125e(c)
Sec. 29	<i>July 1, 2008</i>	54-143c
Sec. 30	<i>July 1, 2008</i>	54-193b
Sec. 31	<i>July 1, 2008</i>	54-240(14)
Sec. 32	<i>July 1, 2008</i>	54-250(11)
Sec. 33	<i>July 1, 2008</i>	54-260(a)

**Statement of Purpose:**

To permit a court to include a period of probation when sentencing a person convicted of sexual assault in the first degree involving a minor child, revise provisions concerning the investigation, prosecution and trial of persons charged with the assault, sexual assault or abuse of a minor child and include a reference to the new crime of aggravated sexual assault of a minor in various statutes that concern sexual assault offenders or victims.

*[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.]*