



Senate

General Assembly

File No. 653

January Session, 2009

Senate Bill No. 1110

Senate, April 15, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SEXUAL ACTIVITY BETWEEN SCHOOL WORKERS AND STUDENTS AND INCLUDING SCHOOL SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT.

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

1 Section 1. Subdivision (13) of section 53a-65 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (13) "School employee" means (A) a teacher, substitute teacher,
5 school administrator, school superintendent, guidance counselor,
6 psychologist, social worker, nurse, physician, school paraprofessional
7 or coach employed by a local or regional board of education or a
8 private elementary or secondary school or working in a public or
9 private elementary or secondary school; or (B) a person who provides
10 services to or in behalf of students enrolled in a public or private
11 elementary or secondary school pursuant to a contract with the local or
12 regional board of education or the private elementary or secondary

13 school and, in the performance of his or her duties, has regular contact
14 with such students.

15 Sec. 2. Subsection (b) of section 17a-101 of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective*
17 *October 1, 2009*):

18 (b) The following persons shall be mandated reporters: Any
19 physician or surgeon licensed under the provisions of chapter 370, any
20 resident physician or intern in any hospital in this state, whether or not
21 so licensed, any registered nurse, licensed practical nurse, medical
22 examiner, dentist, dental hygienist, psychologist, coach of intramural
23 or interscholastic athletics, school superintendent, school teacher,
24 school principal, school guidance counselor, school paraprofessional,
25 school coach, social worker, police officer, juvenile or adult probation
26 officer, juvenile or adult parole officer, member of the clergy,
27 pharmacist, physical therapist, optometrist, chiropractor, podiatrist,
28 mental health professional or physician assistant, any person who is a
29 licensed or certified emergency medical services provider, any person
30 who is a licensed or certified alcohol and drug counselor, any person
31 who is a licensed marital and family therapist, any person who is a
32 sexual assault counselor or a battered women's counselor as defined in
33 section 52-146k, any person who is a licensed professional counselor,
34 any person paid to care for a child in any public or private facility,
35 child day care center, group day care home or family day care home
36 licensed by the state, any employee of the Department of Children and
37 Families, any employee of the Department of Public Health who is
38 responsible for the licensing of child day care centers, group day care
39 homes, family day care homes or youth camps, the Child Advocate
40 and any employee of the Office of the Child Advocate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-65(13)
Sec. 2	<i>October 1, 2009</i>	17a-101(b)

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dpt (Probation); Correction, Dept.	GF - Cost	Significant	Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the penal code (sex offenses) definition of school employee to include contractual workers. It thereby broadens the crimes of 2nd degree sexual assault and 4th degree sexual assault and could result in additional costs for criminal justice agencies related to adjudication and punishment. Under current law, approximately 3 school employees are convicted of these crimes each year. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

The extent to which offenses under the bill would occur is unknown. However, it should be noted that 2nd degree sexual assault carries a mandatory minimum sentence of nine months and a maximum of ten years imprisonment. Typically, sexual assault crimes yield little or no revenue to the state from fines. Since offenses under the bill may involve atypical offenders, the state could experience an increase in revenue.

The bill includes school superintendants as mandated reporters of child abuse or neglect, which has no fiscal impact.

The Out Years

The annualized ongoing costs for probation and incarceration identified above would continue into the future subject to inflation; the annualized ongoing revenues would remain constant since fine amounts are set by statute.

OLR Bill Analysis**SB 1110*****AN ACT CONCERNING SEXUAL ACTIVITY BETWEEN SCHOOL WORKERS AND STUDENTS AND INCLUDING SCHOOL SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT.*****SUMMARY:**

By law, school employees who have sexual intercourse with students who attend their schools commit the crime of 2nd degree sexual assault. This bill adds people working at elementary or high schools under contract with a school board or a school who have regular contact with students.

2nd degree sexual assault involving a student under age 16 is a class B felony, punishable by imprisonment for at least nine months and up to 20 years, a fine of up to \$15,000, or both; if the student is age 16 or older, it a class C felony, punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both. Those convicted of these crimes must register as sex offenders and comply with the law's registration requirements for 10 years.

The bill also makes school superintendents mandated child abuse and neglect reporters. By law mandated reporters must contact the Department of Children and Families when they reasonably believe that a child is a victim of abuse or neglect. Other professionals who are mandated reporters include teachers, doctors, social workers, nurses, and members of the clergy.

A mandated reporter who fails to report abuse or neglect must attend a DCF-approved education and training program.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/27/2009)