



General Assembly

February Session, 2010

Raised Bill No. 315

LCO No. 1426

01426 _____ HS_

Referred to Committee on Human Services

Introduced by:
(HS)

**AN ACT CONCERNING SEXUAL ASSAULT OF A
DEVELOPMENTALLY DISABLED OR SEVERELY PHYSICALLY
DISABLED PERSON.**

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 Section 53a-71 of the general statutes is repealed and the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, 2010*):

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 three years older than such
7 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; or (11) the ability
36 of such other person to resist or consent to such sexual intercourse is
37 substantially impaired because of a mental or physical condition or
38 advanced age and the actor knows or has reasonable cause to believe
39 that the ability of such other person to resist or consent to such sexual
40 intercourse is so impaired.

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

46 Sec. 2. Section 53a-73a of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2010*):

48 (a) A person is guilty of sexual assault in the fourth degree when: (1)
49 Such person intentionally subjects another person to sexual contact
50 who is (A) under thirteen years of age and the actor is more than two
51 years older than such other person, or (B) thirteen years of age or older
52 but under fifteen years of age and the actor is more than three years
53 older than such other person, or (C) mentally defective or mentally
54 incapacitated to the extent that such other person is unable to consent
55 to such sexual contact, or (D) physically helpless, or (E) less than
56 eighteen years old and the actor is such other person's guardian or
57 otherwise responsible for the general supervision of such other
58 person's welfare, or (F) in custody of law or detained in a hospital or
59 other institution and the actor has supervisory or disciplinary
60 authority over such other person, or (G) a person whose ability to
61 resist or consent to such sexual contact is substantially impaired
62 because of a mental or physical condition or advanced age and the
63 actor knows or has reasonable cause to believe that the ability of such
64 other person to resist or consent to such sexual contact is so impaired;
65 or (2) such person subjects another person to sexual contact without
66 such other person's consent; or (3) such person engages in sexual
67 contact with an animal or dead body; or (4) such person is a
68 psychotherapist and subjects another person to sexual contact who is
69 (A) a patient of the actor and the sexual contact occurs during the
70 psychotherapy session, or (B) a patient or former patient of the actor
71 and such patient or former patient is emotionally dependent upon the
72 actor, or (C) a patient or former patient of the actor and the sexual
73 contact occurs by means of therapeutic deception; or (5) such person
74 subjects another person to sexual contact and accomplishes the sexual
75 contact by means of false representation that the sexual contact is for a
76 bona fide medical purpose by a health care professional; or (6) such
77 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; or (8)
86 such person subjects another person to sexual contact and (A) the actor
87 is twenty years of age or older and stands in a position of power,
88 authority or supervision over such other person by virtue of the actor's
89 professional, legal, occupational or volunteer status and such other
90 person's participation in a program or activity, and (B) such other
91 person is under eighteen years of age.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	53a-71
Sec. 2	<i>October 1, 2010</i>	53a-73a

Statement of Purpose:

To provide that sexual intercourse or sexual contact with a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or advanced age constitutes the crime of sexual assault.

[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.]