



# STATE OF CONNECTICUT

## COUNCIL ON DEVELOPMENTAL DISABILITIES



March 2, 2009

To: Human Services Committee

Re: Bill 315

Hello Senator Doyle and Representative Walker:

My name is Frank Reed, and I am a member of the CT Council on Developmental Disabilities. The Council would like to encourage you to support SB 315 AN ACT CONCERNING SEXUAL ASSAULT OF DEVELOPMENTALLY DISABLED OR SEVERELY DISABLED PERSON. This bill provides when sexual assault has occurred when someone has sex with someone and "the ability of such other person to resist or consent to such sexual intercourse is substantially impaired because of mental or physical condition or advanced age constitutes and the actor knows or has reasonable cause to believe that the ability of such other person to resist or consent to such sexual intercourse is so impaired."

The Council became aware of the need to strengthen Physically Helplessness after they learned about a man who was accused of sexually assaulting a woman with developmental disabilities. In 2008, he was found guilty by a jury of his peers in CT Superior Court. That verdict was overturned by the State's Court of Appeals in 2009, on the basis that the victim could not be considered physically helpless by the current definition of law. Although the victim can hardly move any part of her body, she hypothetically possessed the ability to communicate "no" if not verbally, then behaviorally. According to CT law, a 'physically helpless' person is defined as an individual who is 'unconscious or for any other reason is physically unable to communicate unwillingness to an act.' [53a-65(6)]. This definition does not take into account many types of impairments which impede a person with a disability's ability to process, react, and communicate their consent in the same time frame that people without disabilities can.

Studies have shown that people with disabilities are four to ten times more likely to become victims of violence, abuse, or neglect. Women with disabilities report greater numbers of perpetrators and longer time periods of individual episodes than women without disabilities. Research has also shown that more men than women

have been reported to commit acts of physical violence, sexual violence, emotional abuse or neglect against individuals with disabilities. Lastly, people with disabilities have the tendency to be physical, emotional and sexual abused by individuals who are assisting them with their personal care needs. This can be a family member, personal care assistant or a health care worker.

The Council hopes that you will see the importance to strengthen Physical Helplessness. A profound sense of injustice was expressed by the CT Council on Developmental Disabilities and the disability community when the case was overturned.

Thank you,

*Frank Reed*

Frank Reed

Chair of the Legislation and Policy Committee