



# STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR  
PERSONS WITH DISABILITIES  
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Testimony of the Office of Protection and Advocacy for Persons with Disabilities  
Before the Judiciary Committee

Submitted by: James D. McGaughey  
Executive Director  
March 19, 2010

Thank you for this opportunity to comment on **Raised Bill No 5380, An Act Concerning the Sexual Assault of Persons Placed or Treated under the Direction of the Commissioner of Developmental Services**. This bill would amend the statutes that define the crimes of sexual assault in the second and fourth degrees to specifically include situations where the victim is placed or treated under the direction of DDS, and the perpetrator has supervisory or disciplinary authority over that person.

Our Office supports this measure. While the existing statutory language addresses situations where victims are "in custody of law or detained in a hospital or other institution", the clear trend in human services over the past twenty-five years has been away from reliance on institutions. Those with "supervisory or disciplinary authority" over DDS clients now include a variety of support workers, including drivers, job coaches and residential support staff. Our Office has investigated situations where people who are DDS clients were sexually assaulted or experienced unwanted sexual contact from van drivers and others who hold power over them. While the number of incidences remains relatively low, updating the statutory language will allow prosecution of those individuals who do offend in the same way that current law allows prosecution of institutional staff.

I would point out that there is another bill that would amend these statutes winding its way through the legislature. Our Office testified in support of **Raised Bill No. 315, AAC Sexual Assault of a Developmentally Disabled or Severely Physically Disabled Person**, at a Human Services Committee hearing several weeks ago. That bill would amend the same statutes to specifically include assaults on persons whose "... ability to resist or consent to such sexual intercourse (or in the case of fourth degree sexual assault, sexual contact) is substantially impaired because of a mental or physical condition or advanced age..."

Again, our support for that measure grows from our experience investigating abuse and neglect where individuals with significant disabilities have been victims of sexual assault, but prosecution has proven difficult. In our testimony we pointed out a need to improve language in both the bill and the underlying, existing statute. (One suggestion was to replace the term "mentally defective" with less offensive language.) I understand that representatives from the State's Attorneys and various agencies and advocacy groups have discussed improved language, and that the bill may ultimately receive a favorable reference to this Committee. I raise this so that you will be aware of our support for both measures, and the opportunity to address several problems with the existing statute.

Thank you for your attention. If there are any questions, I will try to answer them