



STATE OF CONNECTICUT
COUNCIL ON DEVELOPMENTAL DISABILITIES



February 23, 2011

To: Judiciary Committee

Re: Bill S.B. 918

Good Afternoon Senator Coleman, Representative Fox, Senator Doyle, and Representative Holder-Winfield and members of the committee:

My name is Maryann Lombardi, and I am a member of the CT Council on Developmental Disabilities. The Council is a Governor appointed body of persons with developmental disabilities, parents of children with developmental disabilities and agency representatives that serve people with developmental disabilities. The Council receives federal funding from the Administration on Developmental Disabilities to implement the Developmental Disabilities Act and to promote the full inclusion of people with developmental disabilities in the community.

The Council encourages you to support **SB 918 AN ACT CONCERNING SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED**. This bill provides more safeguards to people with disabilities who are physically challenged in communicating consent to sexual intercourse when the attacker knows about the victim's inability or challenge in communicating their consent to sexual intercourse.

The Council became aware of the need to amend the definition of Physical Helplessness after they learned about a man who was accused of sexually assaulting a young woman with developmental disabilities. In 2008, this man was found guilty by a jury of his peers in CT Superior Court and sentenced to imprisonment. 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 the law. The victim is a young woman who is non-verbal and wheelchair bound, she can hardly move any part of her body. She communicates by moving her index finger across a letter board. The court of appeals determined that 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

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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.

According to the Kansas Coalition against Sexual and Domestic Violence paper, it has been cited that many people with disabilities are more vulnerable to victimization because of the inability to flee or fight and to get help from others. Women with disabilities are more likely to experience abuse by a greater number of perpetrators and for longer periods of times than women without disabilities. In addition, crime victims with disabilities are less likely to go reported at the criminal justice system. One reason why a crime may go unreported is that the perpetrator is a family member who assist the person with a disability.

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

Thank you for your time and consideration on this important bill..

Maryann Lombardi

Legislation and Policy Committee

CT Council of Developmentally Disabilities