



General Assembly

Amendment

January Session, 2013

LCO No. 6580

HB0664106580HDO

Offered by:

REP. FOX, 146th Dist.

REP. REBIMBAS, 70th Dist.

To: Subst. House Bill No. 6641

File No. 670

Cal. No. 463

"AN ACT CONCERNING THE SEXUAL ASSAULT OF A PERSON WHO IS PHYSICALLY HELPLESS OR WHOSE ABILITY TO CONSENT IS OTHERWISE IMPAIRED."

1 Strike Section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. Section 53a-65 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 As used in this part, except section 53a-70b, the following terms
6 have the following meanings:

7 (1) "Actor" means a person accused of sexual assault.

8 (2) "Sexual intercourse" means vaginal intercourse, anal intercourse,
9 fellatio or cunnilingus between persons regardless of sex. Its meaning
10 is limited to persons not married to each other. Penetration, however
11 slight, is sufficient to complete vaginal intercourse, anal intercourse or
12 fellatio and does not require emission of semen. Penetration may be

13 committed by an object manipulated by the actor into the genital or
14 anal opening of the victim's body.

15 (3) "Sexual contact" means any contact with the intimate parts of a
16 person not married to the actor for the purpose of sexual gratification
17 of the actor or for the purpose of degrading or humiliating such person
18 or any contact of the intimate parts of the actor with a person not
19 married to the actor for the purpose of sexual gratification of the actor
20 or for the purpose of degrading or humiliating such person.

21 (4) ["Mentally defective"] "Impaired because of mental disability or
22 disease" means that a person suffers from a mental disability or disease
23 [or defect] which renders such person incapable of appraising the
24 nature of such person's conduct.

25 (5) "Mentally incapacitated" means that a person is rendered
26 temporarily incapable of appraising or controlling such person's
27 conduct owing to the influence of a drug or intoxicating substance
28 administered to such person without such person's consent, or owing
29 to any other act committed upon such person without such person's
30 consent.

31 (6) "Physically helpless" means that a person is (A) unconscious, or
32 (B) for any other reason, is physically unable to resist an act of sexual
33 intercourse or sexual contact or to communicate unwillingness to an
34 act of sexual intercourse or sexual contact.

35 (7) "Use of force" means: (A) Use of a dangerous instrument; or (B)
36 use of actual physical force or violence or superior physical strength
37 against the victim.

38 (8) "Intimate parts" means the genital area or any substance emitted
39 therefrom, groin, anus or any substance emitted therefrom, inner
40 thighs, buttocks or breasts.

41 (9) "Psychotherapist" means a physician, psychologist, nurse,
42 substance abuse counselor, social worker, clergyman, marital and

43 family therapist, mental health service provider, hypnotist or other
44 person, whether or not licensed or certified by the state, who performs
45 or purports to perform psychotherapy.

46 (10) "Psychotherapy" means the professional treatment, assessment
47 or counseling of a mental or emotional illness, symptom or condition.

48 (11) "Emotionally dependent" means that the nature of the patient's
49 or former patient's emotional condition and the nature of the treatment
50 provided by the psychotherapist are such that the psychotherapist
51 knows or has reason to know that the patient or former patient is
52 unable to withhold consent to sexual contact by or sexual intercourse
53 with the psychotherapist.

54 (12) "Therapeutic deception" means a representation by a
55 psychotherapist that sexual contact by or sexual intercourse with the
56 psychotherapist is consistent with or part of the patient's treatment.

57 (13) "School employee" means: (A) A teacher, substitute teacher,
58 school administrator, school superintendent, guidance counselor,
59 psychologist, social worker, nurse, physician, school paraprofessional
60 or coach employed by a local or regional board of education or a
61 private elementary, middle or high school or working in a public or
62 private elementary, middle or high school; or (B) any other person
63 who, in the performance of his or her duties, has regular contact with
64 students and who provides services to or on behalf of students
65 enrolled in (i) a public elementary, middle or high school, pursuant to
66 a contract with the local or regional board of education, or (ii) a private
67 elementary, middle or high school, pursuant to a contract with the
68 supervisory agent of such private school."