



Substitute House Bill No. 7396

Public Act No. 19-189

AN ACT CONCERNING PARITY BETWEEN SEXUAL ASSAULT IN THE CASE OF A SPOUSAL OR COHABITATING RELATIONSHIP AND OTHER CRIMES OF SEXUAL ASSAULT AND CONCERNING THE INVESTIGATION OF A FAMILY VIOLENCE CRIME.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 10a-55a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) On or before October 1, 1991, and annually thereafter, each institution of higher education shall prepare in such manner as the president of the Connecticut State Colleges and Universities shall prescribe a uniform campus crime report concerning crimes committed in the immediately preceding calendar year within the geographical limits of the property owned or under the control of such institution. Such report shall be in accordance with the uniform crime reporting system pursuant to section 29-1c, provided such report is limited to those offenses included in part I of the most recently published edition of the Uniform Crime Reports for the United States as authorized by the Federal Bureau of Investigation and the United States Department of Justice, sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or sections 53a-70, 53a-70a,

Substitute House Bill No. 7396

[53a-70b,] 53a-71, 53a-72a, 53a-72b and 53a-73a, stalking under sections 53a-181c, 53a-181d and 53a-181e and family violence as designated under section 46b-38h, as amended by this act. The state police, local police departments and special police forces established pursuant to section 10a-156b, as amended by this act, shall cooperate with institutions of higher education in preparing such reports. Institutions with more than one campus shall prepare such reports for each campus.

Sec. 2. Subdivision (5) of subsection (a) of section 10a-55m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(5) "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or family violence as designated under section 46b-38h, as amended by this act;

Sec. 3. Subsection (j) of section 17a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(j) The Superior Court, upon notice and hearing as provided in sections 45a-716 and 45a-717, as amended by this act, may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the Department of Children and Families has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to

Substitute House Bill No. 7396

benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in the best interest of the child, and (3) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, abused or uncared for in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the commissioner for at least fifteen months and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (C) the child has been denied, by reason of an act or acts of parental commission or omission including, but not limited to, sexual molestation or exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being, except that nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights; (D) there is no ongoing parent-child relationship, which means the relationship that ordinarily develops as a result of a parent having met on a day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of such parent-child relationship would be detrimental to the best interest of the child; (E) the parent of a child under the age of seven years who is neglected, abused or uncared for, has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable

Substitute House Bill No. 7396

period of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; or (G) the parent committed an act that constitutes sexual assault as described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force as described in section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, if such act resulted in the conception of the child.

Sec. 4. Subsection (c) of section 17b-749k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(c) The commissioner shall have the discretion to refuse payments for child care under any financial assistance program administered by him or her if the person or relative providing such child care has been convicted in this state or any other state of a felony, as defined in section 53a-25, involving the use, attempted use or threatened use of physical force against another person, of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23 or any felony where the victim of the felony is a child under eighteen years of age, or of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record or was the subject of a substantiated

Substitute House Bill No. 7396

report of child abuse in this state or any other state that the commissioner reasonably believes renders the person or relative unsuitable to provide child care.

Sec. 5. Subsection (a) of section 19a-87a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The Commissioner of Early Childhood shall have the discretion to refuse to license under sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, a person to conduct, operate or maintain a child care center or a group child care home, as described in section 19a-77, or to suspend or revoke the license or take any other action set forth in regulation that may be adopted pursuant to section 19a-79 if, the person who owns, conducts, maintains or operates such center or home or a person employed therein in a position connected with the provision of care to a child receiving child care services, has been convicted in this state or any other state of a felony as defined in section 53a-25 involving the use, attempted use or threatened use of physical force against another person, of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23, or any felony where the victim of the felony is a child under eighteen years of age, or of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to own, conduct, operate or maintain or be employed by a child care center or group child care home. However, no refusal of a license shall be rendered except in accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

Sec. 6. Subsection (a) of section 19a-87e of the general statutes is

Substitute House Bill No. 7396

repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The Commissioner of Early Childhood may (1) refuse to license under section 19a-87b, a person to own, conduct, operate or maintain a family child care home, as defined in section 19a-77, (2) refuse to approve under section 19a-87b, a person to act as an assistant or substitute staff member in a family child care home, as defined in section 19a-77, or (3) suspend or revoke the license or approval or take any other action that may be set forth in regulation that may be adopted pursuant to section 19a-79 if the person who owns, conducts, maintains or operates the family child care home, the person who acts as an assistant or substitute staff member in a family child care home, a person employed in such family child care home in a position connected with the provision of care to a child receiving child care services or a household member, as defined in subsection (c) of section 19a-87b, who is sixteen years of age or older and resides therein, has been convicted, in this state or any other state of a felony, as defined in section 53a-25, involving the use, attempted use or threatened use of physical force against another person, or has a criminal record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to own, conduct, operate or maintain or be employed by a family child care home, or act as an assistant or substitute staff member in a family child care home, or if such persons or a household member has been convicted in this state or any other state of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23, or any felony where the victim of the felony is a child under eighteen years of age, a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, illegal manufacture, distribution, sale, prescription, dispensing or administration under section 21a-277

Substitute House Bill No. 7396

or 21a-278, or illegal possession under section 21a-279, or if such person, a person who acts as assistant or substitute staff member in a family child care home or a person employed in such family child care home in a position connected with the provision of care to a child receiving child care services, either fails to substantially comply with the regulations adopted pursuant to section 19a-87b, or conducts, operates or maintains the home in a manner which endangers the health, safety and welfare of the children receiving child care services. Any refusal of a license or approval pursuant to this section shall be rendered in accordance with the provisions of sections 46a-79 to 46a-81, inclusive. Any person whose license or approval has been revoked pursuant to this section shall be ineligible to apply for a license or approval for a period of one year from the effective date of revocation.

Sec. 7. Section 19a-112b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The Department of Public Health shall provide to victims of a sexual act constituting a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b, 53a-73a or 53a-192a, regardless of whether any person is convicted or adjudicated delinquent for such violation, the following services: (1) Counseling regarding human immunodeficiency virus and acquired immune deficiency syndrome; (2) HIV-related testing; and (3) referral service for appropriate health care and support services. Such services shall be provided through counseling and testing sites funded by the Department of Public Health.

Sec. 8. Subdivision (5) of section 19a-112e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(5) "Sexual offense" means a violation of section 53a-70b of the

Substitute House Bill No. 7396

general statutes, revision of 1958, revised to January 1, 2019, or subsection (a) of section 53a-70 [.] or section 53a-70a, [or 53a-70b,] subsection (a) of section 53a-71, section 53a-72a or 53a-72b, subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87 or section 53a-90a, 53a-196a or 53a-196b.

Sec. 9. Subdivision (8) of section 31-57r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(8) "Sexual assault" means any act that constitutes a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a;

Sec. 10. Subsections (g) and (h) of section 45a-717 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(g) At the adjourned hearing or at the initial hearing where no investigation and report has been requested, the court may approve a petition terminating the parental rights and may appoint a guardian of the person of the child, or, if the petitioner requests, the court may appoint a statutory parent, if it finds, upon clear and convincing evidence, that (1) the termination is in the best interest of the child, and (2) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child has been denied, by reason of an act or acts of parental commission or omission, including, but not limited to, sexual molestation and exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being. Nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence

Substitute House Bill No. 7396

of acts of parental commission or omission sufficient for the termination of parental rights; (C) there is no ongoing parent-child relationship which is defined as the relationship that ordinarily develops as a result of a parent having met on a continuing, day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of the parent-child relationship would be detrimental to the best interests of the child; (D) a child of the parent (i) was found by the Superior Court or the Probate Court to have been neglected, abused or uncared for, as those terms are defined in section 46b-120, in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the commissioner for at least fifteen months and such parent has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (E) a child of the parent, who is under the age of seven years is found to be neglected, abused or uncared for, and the parent has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable amount of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; (G) except as provided in subsection (h) of this section, the parent committed an act that constitutes sexual assault as described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b

Substitute House Bill No. 7396

or 53a-73a or compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force as described in section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, if such act resulted in the conception of the child; or (H) the parent was finally adjudged guilty of sexual assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or of compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, if such act resulted in the conception of the child.

(h) If the petition alleges an act described in subparagraph (G) of subdivision (2) of subsection (g) of this section that resulted in the conception of the child as a basis for termination of parental rights and the court determines that the respondent parent was finally adjudged not guilty of such act of sexual assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73 or of compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, the court shall transfer the case to the Superior Court and the clerk of the Probate Court shall transmit to the clerk of the Superior Court to which the case was transferred, the original files and papers in the case. The Superior Court, upon hearing after notice as provided in this section and section 45a-716, may grant the petition as provided in this section.

Sec. 11. Section 46b-38h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

If any person is convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-59, 53a-59a, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-181, 53a-181c, 53a-181d, 53a-181e,

Substitute House Bill No. 7396

53a-182, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b, against a family or household member, as defined in section 46b-38a, the court shall include a designation that such conviction involved family violence on the court record for the purposes of criminal history record information, as defined in subsection (a) of section 54-142g.

Sec. 12. Subsection (a) of section 47a-11e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Notwithstanding the provisions of this chapter and chapter 831, for rental agreements entered into or renewed on or after January 1, 2011, any tenant who (1) is a victim of family violence, as defined in section 46b-38a, and (2) reasonably believes it is necessary to vacate the dwelling unit due to fear of imminent harm to the tenant or a dependent of the tenant because of family violence, may terminate his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement by giving written notice to the landlord at least thirty days prior to the date the tenant intends to terminate the rental agreement. Notwithstanding the provisions of this chapter and chapter 831, for rental agreements entered into or renewed on or after January 1, 2014, any tenant who (A) is a victim of sexual assault under any provision of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, or is the parent or guardian with physical custody of a dependent who is the victim of sexual assault under section 53a-70c, and (B) reasonably believes it is necessary to vacate the dwelling unit due to fear of imminent harm to the tenant or a dependent of the tenant because of such sexual assault, may terminate his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement by giving written notice to the landlord at least

Substitute House Bill No. 7396

thirty days prior to the date the tenant intends to terminate the rental agreement.

Sec. 13. Subsection (a) of section 52-161b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A pro se litigant in any civil matter, including a habeas corpus proceeding, shall notify the clerk of the court if such litigant has been convicted of a family violence crime, as defined in section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 46b-38a, or a violation of section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d or 53a-181e and if the subject of a subpoena to be issued by such litigant in such matter is the victim of the crime for which such litigant was convicted.

Sec. 14. Subsection (f) of section 53a-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(f) The period of probation, unless terminated sooner as provided in section 53a-32, shall be not less than ten years or more than thirty-five years for conviction of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 [,] or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b, 53a-90a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or section 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f.

Sec. 15. Subsection (a) of section 53a-30 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) When imposing sentence of probation or conditional discharge, the court may, as a condition of the sentence, order that the defendant:

Substitute House Bill No. 7396

(1) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment; (2) undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose; (3) support the defendant's dependents and meet other family obligations; (4) make restitution of the fruits of the defendant's offense or make restitution, in an amount the defendant can afford to pay or provide in a suitable manner, for the loss or damage caused thereby. The court or the Court Support Services Division, if authorized by the court, may fix the amount thereof and the manner of performance, and the victim shall be advised by the court or the Court Support Services Division that restitution ordered under this section may be enforced pursuant to section 53a-28a; (5) if a minor, (A) reside with the minor's parents or in a suitable foster home, (B) attend school, and (C) contribute to the minor's own support in any home or foster home; (6) post a bond or other security for the performance of any or all conditions imposed; (7) refrain from violating any criminal law of the United States, this state or any other state; (8) if convicted of a misdemeanor or a felony, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 [,] or 53a-58 [or 53a-70b] or any offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, and any sentence of imprisonment is suspended, participate in an alternate incarceration program; (9) reside in a residential community center or halfway house approved by the Commissioner of Correction, and contribute to the cost incident to such residence; (10) participate in a program of community service labor in accordance with section 53a-39c; (11) participate in a program of community service in accordance with section 51-181c; (12) if convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of

Substitute House Bill No. 7396

subsection (a) of section 53-21 [,] or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13) if convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as defined in section 54-250, as amended by this act, or of a felony that the court finds was committed for a sexual purpose, as provided in section 54-254, register such person's identifying factors, as defined in section 54-250, as amended by this act, with the Commissioner of Emergency Services and Public Protection when required pursuant to section 54-251, 54-252 or 54-253, as the case may be; (14) be subject to electronic monitoring, which may include the use of a global positioning system; (15) if convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias or diversity awareness program or participate in a program of community service designed to remedy damage caused by the commission of a bias crime or otherwise related to the defendant's violation; (16) if convicted of a violation of section 53-247, undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant; or (17) satisfy any other conditions reasonably related to the defendant's rehabilitation. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.

Sec. 16. Section 53a-32a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

If a defendant who entered a plea of nolo contendere or a guilty plea under the Alford doctrine to a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, and was ordered to undergo sexual offender treatment as a condition of

Substitute House Bill No. 7396

probation, becomes ineligible for such treatment because of such defendant's refusal to acknowledge that such defendant committed the act or acts charged, such defendant shall be deemed to be in violation of the conditions of such defendant's probation and be returned to court for proceedings in accordance with section 53a-32.

Sec. 17. Section 53a-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The court or sentencing judge may at any time during the period of probation or conditional discharge, after hearing and for good cause shown, terminate a sentence of probation or conditional discharge before the completion thereof, except a sentence of probation imposed for conviction of a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b.

Sec. 18. Subsection (a) of section 53a-39a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) In all cases where a defendant has been convicted of a misdemeanor or a felony, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 [,] or 53a-58 [or 53a-70b] or any other offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, after trial or by a plea of guilty without trial, and a term of imprisonment is part of a stated plea agreement or the statutory penalty provides for a term of imprisonment, the court may, in its discretion, order an assessment for

Substitute House Bill No. 7396

placement in an alternate incarceration program under contract with the Judicial Department. If the Court Support Services Division recommends placement in an alternate incarceration program, it shall also submit to the court a proposed alternate incarceration plan. Upon completion of the assessment, the court shall determine whether such defendant shall be ordered to participate in such program as an alternative to incarceration. If the court determines that the defendant shall participate in such program, the court shall suspend any sentence of imprisonment and shall make participation in the alternate incarceration program a condition of probation as provided in section 53a-30, as amended by this act.

Sec. 19. Subsection (d) of section 53a-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(d) A persistent serious sexual offender is a person, other than a person who qualifies as a persistent dangerous sexual offender under subsection (b) of this section, who qualifies as a persistent serious felony offender under subsection (c) of this section and the felony of which such person presently stands convicted is a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b and the prior conviction is for a violation of section 53-21 of the general statutes, revised to January 1, 1995, involving sexual contact, committed prior to October 1, 1995, a violation of subdivision (2) of section 53-21 of the general statutes, committed on or after October 1, 1995, and prior to October 1, 2000, a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or a violation of subdivision (2) of subsection (a) of section 53-21 or a violation of section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b.

Sec. 20. Subsection (a) of section 53a-40e of the general statutes is

Substitute House Bill No. 7396

repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) If any person is convicted of (1) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.

Sec. 21. Section 53a-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

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

- (1) "Actor" means a person accused of sexual assault.
- (2) "Sexual intercourse" means vaginal intercourse, anal intercourse,

Substitute House Bill No. 7396

fellatio or cunnilingus between persons regardless of sex. [Its meaning is limited to persons not married to each other.] Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

(3) "Sexual contact" means any contact with the intimate parts of a person [not married to the actor] for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person [not married to the actor] for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

(4) "Impaired because of mental disability or disease" means that a person suffers from a mental disability or disease which renders such person incapable of appraising the nature of such person's conduct.

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

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

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

(8) "Intimate parts" means the genital area or any substance emitted

Substitute House Bill No. 7396

therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

(9) "Psychotherapist" means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider, hypnotist or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy.

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

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

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

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

Substitute House Bill No. 7396

with the supervisory agent of such private school.

Sec. 22. Subsection (b) of section 53a-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) In any prosecution for an offense under this part, except an offense under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, it shall be an affirmative defense that the defendant and the alleged victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation, regardless of the legal status of their relationship.

Sec. 23. Subsection (h) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(h) (1) If, at the hearing, the court finds that there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the period of any placement order under this section, the court shall either (A) order placement of the defendant for treatment for the purpose of rendering the defendant competent, or (B) order placement of the defendant at a treatment facility pending civil commitment proceedings pursuant to subdivision (2) of this subsection.

(2) (A) Except as provided in subparagraph (B) of this subdivision, if the court makes a finding pursuant to subdivision (1) of this subsection and does not order placement pursuant to subparagraph (A) of said subdivision, the court shall, on its own motion or on motion of the state or the defendant, order placement of the defendant in the custody of the Commissioner of Mental Health and Addiction Services at a treatment facility pending civil commitment proceedings. The

Substitute House Bill No. 7396

treatment facility shall be determined by the Commissioner of Mental Health and Addiction Services. Such order shall: (i) Include an authorization for the Commissioner of Mental Health and Addiction Services to apply for civil commitment of such defendant pursuant to sections 17a-495 to 17a-528, inclusive; (ii) permit the defendant to agree to request voluntarily to be admitted under section 17a-506 and participate voluntarily in a treatment plan prepared by the Commissioner of Mental Health and Addiction Services, and require that the defendant comply with such treatment plan; and (iii) provide that if the application for civil commitment is denied or not pursued by the Commissioner of Mental Health and Addiction Services, or if the defendant is unwilling or unable to comply with a treatment plan despite reasonable efforts of the treatment facility to encourage the defendant's compliance, the person in charge of the treatment facility, or such person's designee, shall submit a written progress report to the court and the defendant shall be returned to the court for a hearing pursuant to subsection (k) of this section. Such written progress report shall include the status of any civil commitment proceedings concerning the defendant, the defendant's compliance with the treatment plan, an opinion regarding the defendant's current competency to stand trial, the clinical findings of the person submitting the report and the facts upon which the findings are based, and any other information concerning the defendant requested by the court, including, but not limited to, the method of treatment or the type, dosage and effect of any medication the defendant is receiving. The Court Support Services Division shall monitor the defendant's compliance with any applicable provisions of such order. The period of placement and monitoring under such order shall not exceed the period of the maximum sentence which the defendant could receive on conviction of the charges against such defendant, or eighteen months, whichever is less. If the defendant has complied with such treatment plan and any applicable provisions of such order, at the end of the period of placement and monitoring, the court shall approve the entry

Substitute House Bill No. 7396

of a nolle prosequi to the charges against the defendant or shall dismiss such charges.

(B) This subdivision shall not apply: (i) To any person charged with a class A felony, a class B felony, except a violation of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b; (ii) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person; or (iii) unless good cause is shown, to any person charged with a class C felony.

Sec. 24. Subdivision (3) of subsection (m) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(3) If the court orders the release of a defendant charged with the commission of a crime that resulted in the death or serious physical injury, as defined in section 53a-3, of another person, or with a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21, subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, or orders the placement of such defendant in the custody of the Commissioner of Mental Health and Addiction Services or the Commissioner of Developmental Services, the court may, on its own motion or on motion of the prosecuting authority, order, as a condition of such release or placement, periodic examinations of the defendant as to the defendant's competency at intervals of not less than six months. If, at any time after the initial periodic examination, the court

Substitute House Bill No. 7396

finds again, based upon an examiner's recommendation, that there is a substantial probability that the defendant, if provided with a course of treatment, will never regain competency, then any subsequent periodic examination of the defendant as to the defendant's competency shall be at intervals of not less than eighteen months. Such an examination shall be conducted in accordance with subsection (d) of this section. Periodic examinations ordered by the court under this subsection shall continue until the court finds that the defendant has attained competency or until the time within which the defendant may be prosecuted for the crime with which the defendant is charged, as provided in section 54-193 or 54-193a, has expired, whichever occurs first.

Sec. 25. Subsection (c) of section 54-56e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(c) This section shall not be applicable: (1) To any person charged with (A) a class A felony, (B) a class B felony, except a violation of subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of subdivision (4) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and does not involve a violation by a person who is a public official, as defined in section 1-110, or a state or municipal employee, as defined in section 1-110, or (C) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, [53a-70b,] 53a-71, except as provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle

Substitute House Bill No. 7396

violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267 or 21a-279 who (A) is eligible for the pretrial drug education and community service program established under section 54-56i, or (B) has previously had the pretrial drug education program or the pretrial drug education and community service program invoked on such person's behalf, (5) unless good cause is shown, to (A) any person charged with a class C felony, or (B) any person charged with committing a violation of subdivision (1) of subsection (a) of section 53a-71 while such person was less than four years older than the other person, (6) to any person charged with a violation of section 9-359 or 9-359a, (7) to any person charged with a motor vehicle violation (A) while operating a commercial motor vehicle, as defined in section 14-1, or (B) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation, (8) to any person charged with a violation of subdivision (6) of subsection (a) of section 53a-60, or (9) to a health care provider or vendor participating in the state's Medicaid program charged with a violation of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

Sec. 26. Subdivision (2) of section 54-76b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(2) "Youthful offender" means a youth who (A) is charged with the commission of a crime which is not a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of

Substitute House Bill No. 7396

subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, and (B) has not previously been convicted of a felony in the regular criminal docket of the Superior Court or been previously adjudged a serious juvenile offender or serious juvenile repeat offender, as defined in section 46b-120.

Sec. 27. Subsection (a) of section 54-76c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) In any case where an information or complaint has been laid charging a defendant with the commission of a crime, and where it appears that the defendant is a youth, such defendant shall be presumed to be eligible to be adjudged a youthful offender and the court having jurisdiction shall, but only as to the public, order the court file sealed, unless such defendant (1) is charged with the commission of a crime which is a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, or (2) has been previously convicted of a felony in the regular criminal docket of the Superior Court or been previously adjudged a serious juvenile offender or serious juvenile repeat

Substitute House Bill No. 7396

offender, as defined in section 46b-120. Except as provided in subsection (b) of this section, upon motion of the prosecuting official, the court may order that an investigation be made of such defendant under section 54-76d, for the purpose of determining whether such defendant is ineligible to be adjudged a youthful offender, provided the court file shall remain sealed, but only as to the public, during such investigation.

Sec. 28. Subsection (a) of section 54-76l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The records or other information of a youth, other than a youth arrested for or charged with the commission of a crime which is a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, including fingerprints, photographs and physical descriptions, shall be confidential and shall not be open to public inspection or be disclosed except as provided in this section, but such fingerprints, photographs and physical descriptions submitted to the State Police Bureau of Identification of the Division of State Police within the Department of Emergency Services and Public Protection at the time of the arrest of a person subsequently adjudged, or subsequently presumed or determined to be eligible to be adjudged, a youthful offender shall be retained as confidential matter in the files of the bureau and be opened to inspection only as provided in this section. Other data ordinarily

Substitute House Bill No. 7396

received by the bureau, with regard to persons arrested for a crime, shall be forwarded to the bureau to be filed, in addition to such fingerprints, photographs and physical descriptions, and be retained in the division as confidential information, open to inspection only as provided in this section.

Sec. 29. Section 54-86d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

Any person who has been the victim of a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or family violence, as defined in section 46b-38a, shall not be required to divulge his or her address or telephone number during any trial or pretrial evidentiary hearing arising from the sexual assault, voyeurism or injury or risk of injury to, or impairing of morals of, a child, or family violence; provided the judge presiding over such legal proceeding finds: (1) Such information is not material to the proceeding, (2) the identity of the victim has been satisfactorily established, and (3) the current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

Sec. 30. Section 54-86e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The name and address of the victim of a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or

Substitute House Bill No. 7396

of an attempt thereof, or family violence, as defined in section 46b-38a and such other identifying information pertaining to such victim as determined by the court, shall be confidential and shall be disclosed only upon order of the Superior Court, except that (1) such information shall be available to the accused in the same manner and time as such information is available to persons accused of other criminal offenses, and (2) if a protective order is issued in a prosecution under any of said sections, the name and address of the victim, in addition to the information contained in and concerning the issuance of such order, shall be entered in the registry of protective orders pursuant to section 51-5c.

Sec. 31. Subsection (a) of section 54-86j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) No member of any municipal police department, the state police or the Division of Criminal Justice may request or require any victim of a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a to submit to or take a polygraph examination.

Sec. 32. Subsection (a) of section 54-102b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Notwithstanding any provision of the general statutes, except as provided in subsection (b) of this section, a court entering a judgment of conviction or conviction of a child as delinquent for a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b] or 53a-71 or a violation of section 53-21, 53a-72a, 53a-72b or 53a-73a involving a sexual act, shall, at the request of the victim of such crime, order that

Substitute House Bill No. 7396

the offender be tested for the presence of the etiologic agent for acquired immune deficiency syndrome or human immunodeficiency virus and that the results be disclosed to the victim and the offender. The test shall be performed by or at the direction of the Department of Correction or, in the case of a child convicted as delinquent, at the direction of the Court Support Services Division of the Judicial Department or the Department of Children and Families, in consultation with the Department of Public Health.

Sec. 33. Subsection (a) of section 54-102g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Whenever any person is arrested on or after October 1, 2011, for the commission of a serious felony and, prior to such arrest, has been convicted of a felony but has not submitted to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis pursuant to this section, the law enforcement agency that arrested such person shall, as available resources allow, require such person to submit to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If the law enforcement agency requires such person to submit to the taking of such blood or other biological sample, such person shall submit to the taking of such sample prior to release from custody and at such time and place as the agency may specify. For purposes of this subsection, "serious felony" means a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, [53a-70b,] 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

Substitute House Bill No. 7396

Sec. 34. Subsection (c) of section 54-125e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(c) The period of special parole shall be not less than one year or more than ten years, except that such period may be for more than ten years for a person convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b], 53a-71, 53a-72a or 53a-72b or sentenced as a persistent dangerous felony offender pursuant to subsection (i) of section 53a-40 or as a persistent serious felony offender pursuant to subsection (k) of section 53a-40.

Sec. 35. Subsection (a) of section 54-125i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) An inmate (1) not convicted of a crime for which there is a victim, as defined in section 54-201 or section 54-226, who is known by the Board of Pardons and Paroles, (2) whose eligibility for parole release is not subject to the provisions of subsection (b) of section 54-125a, (3) who was not convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb, 53a-70, [53a-70b], 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c, and (4) who is not otherwise prohibited from being granted parole for any reason, may be allowed to go at large on parole in accordance with the provisions of section 54-125a or section 54-125g, pursuant to the provisions of subsections (b) and (c) of this section.

Substitute House Bill No. 7396

Sec. 36. Section 54-143c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

In addition to any fine, fee or cost that may be imposed pursuant to any provision of the general statutes, the court shall impose a fine of one hundred fifty-one dollars on any person who, on or after July 1, 2004, is convicted of or pleads guilty or nolo contendere to a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a. Fines collected under this section shall be deposited in the sexual assault victims account established under section 19a-112d.

Sec. 37. Section 54-193b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

Notwithstanding the provisions of sections 54-193 and 54-193a, there shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.

Sec. 38. Subsections (d) and (e) of section 54-209 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(d) In instances where a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53-21,

Substitute House Bill No. 7396

53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82 or 53a-192a has been alleged, the Office of Victim Services or, on review, a victim compensation commissioner, may order compensation be paid if (1) the personal injury has been disclosed to: (A) A physician or surgeon licensed under chapter 370; (B) a resident physician or intern in any hospital in this state, whether or not licensed; (C) a physician assistant licensed under chapter 370; (D) an advanced practice registered nurse, registered nurse or practical nurse licensed under chapter 378; (E) a psychologist licensed under chapter 383; (F) a police officer; (G) a mental health professional; (H) an emergency medical services provider licensed or certified under chapter 368d; (I) an alcohol and drug counselor licensed or certified under chapter 376b; (J) a marital and family therapist licensed under chapter 383a; (K) a domestic violence counselor or a sexual assault counselor, as defined in section 52-146k; (L) a professional counselor licensed under chapter 383c; (M) a clinical social worker licensed under chapter 383b; (N) an employee of the Department of Children and Families; or (O) a school principal, a school teacher, a school guidance counselor or a school counselor, and (2) the office or commissioner, as the case may be, reasonably concludes that a violation of any of said sections has occurred.

(e) In instances where a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-192a or family violence, as defined in section 46b-38a, has been alleged, the Office of Victim Services or, on review, a victim compensation commissioner, may also order the payment of compensation under sections 54-201 to 54-218, inclusive, for personal injury suffered by a victim (1) as reported in an application for a restraining order under section 46b-15 or an application for a civil protection order under section 46b-16a, an affidavit supporting an application under section 46b-15 or section 46b-16a, or on the record to

Substitute House Bill No. 7396

the court, provided such restraining order or civil protection order was granted in the Superior Court following a hearing; or (2) as disclosed to a domestic violence counselor or a sexual assault counselor, as such terms are defined in section 52-146k.

Sec. 39. Subdivision (14) of section 54-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(14) "Sexual assault" means any act that constitutes a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a; and

Sec. 40. Subdivision (11) of section 54-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(11) "Sexually violent offense" means (A) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a, [53a-70b,] 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of said section or subparagraph (A) of subdivision (9) of subsection (a) of said section if the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, 53a-72a, except subdivision (2) of subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim, (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of the offenses specified in subparagraph (A) or (B) of this subdivision the essential elements of which are substantially the same as said

Substitute House Bill No. 7396

offense.

Sec. 41. Subsections (a) to (c), inclusive, of section 54-255 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Upon the conviction or finding of not guilty by reason of mental disease or defect of any person for a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, the court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety and that publication of the registration information would be likely to reveal the identity of the victim within the community where the victim resides. The court shall remove the restriction on the dissemination of such registration information if, at any time, the court finds that public safety requires that such person's registration information be made available to the public or that a change of circumstances makes publication of such registration information no longer likely to reveal the identity of the victim within the community where the victim resides. Prior to ordering or removing the restriction on the dissemination of such person's registration information, the court shall consider any information or statements provided by the victim.

(b) Upon the conviction or finding of not guilty by reason of mental disease or defect of any person of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21, the court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law

Substitute House Bill No. 7396

enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety and that publication of the registration information would be likely to reveal the identity of the victim within the community where the victim resides. The court shall remove the restriction on the dissemination of such registration information if, at any time, it finds that public safety requires that such person's registration information be made available to the public or that a change in circumstances makes publication of the registration information no longer likely to reveal the identity of the victim within the community where the victim resides.

(c) Any person who: (1) Has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 between October 1, 1988, and June 30, 1999, and was under nineteen years of age at the time of the offense; (2) has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a between October 1, 1988, and June 30, 1999; (3) has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, between October 1, 1988, and June 30, 1999, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21; (4) has been convicted or found not guilty by reason of mental disease or defect of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, between October 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty by reason of mental disease or defect of any crime between October 1, 1988, and September 30, 1998, which requires registration under sections 54-250 to 54-258a, inclusive, as amended by this act, and (A) served no jail or prison time as a result of such conviction or finding of not guilty by reason of mental disease

Substitute House Bill No. 7396

or defect, (B) has not been subsequently convicted or found not guilty by reason of mental disease or defect of any crime which would require registration under sections 54-250 to 54-258a, inclusive, as amended by this act, and (C) has registered with the Department of Emergency Services and Public Protection in accordance with sections 54-250 to 54-258a, inclusive, as amended by this act; may petition the court to order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access. Any person who files such a petition shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such petition. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification pursuant to subsection (b) of section 54-228 of the filing of such petition. Prior to granting or denying such petition, the court shall consider any information or statements provided by the victim. The court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety.

Sec. 42. Subsection (a) of section 54-260 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) For the purposes of this section, "sexual offender" means any person convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000,

Substitute House Bill No. 7396

or subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b committed on or after October 1, 1995.

Sec. 43. Subsection (j) of section 46b-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(j) The provisions of this section shall not apply to persons who are (1) attending an institution of higher education and presently residing together in on-campus housing [, provided such persons are not in a dating relationship, and] or in off-campus housing that is owned, managed or operated by the institution of higher education or its agent, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-38a, or (2) presently residing in a dwelling unit, as defined in section 47a-1, and making payments pursuant to a rental agreement, as defined in section 47a-1, provided such persons are not [in a dating relationship] family or household members as defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-38a.

Sec. 44. Section 53a-70b of the general statutes is repealed. (*Effective October 1, 2019*)

Approved July 9, 2019