



# House of Representatives

General Assembly

**File No. 851**

January Session, 2019

Substitute House Bill No. 7396

*House of Representatives, April 30, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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:

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2 repealed and the following is substituted in lieu thereof (*Effective*  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

4 (a) On or before October 1, 1991, and annually thereafter, each  
5 institution of higher education shall prepare in such manner as the  
6 president of the Connecticut State Colleges and Universities shall  
7 prescribe a uniform campus crime report concerning crimes committed  
8 in the immediately preceding calendar year within the geographical  
9 limits of the property owned or under the control of such institution.  
10 Such report shall be in accordance with the uniform crime reporting  
11 system pursuant to section 29-1c, provided such report is limited to  
12 those offenses included in part I of the most recently published edition

13 of the Uniform Crime Reports for the United States as authorized by  
14 the Federal Bureau of Investigation and the United States Department  
15 of Justice, sexual assault under section 53a-70b of the general statutes,  
16 revision of 1958, revised to January 1, 2019, committed prior to October  
17 1, 2019, or sections 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b  
18 and 53a-73a, stalking under sections 53a-181c, 53a-181d and 53a-181e  
19 and family violence as designated under section 46b-38h, as amended  
20 by this act. The state police, local police departments and special police  
21 forces established pursuant to section 10a-156b, as amended by this  
22 act, shall cooperate with institutions of higher education in preparing  
23 such reports. Institutions with more than one campus shall prepare  
24 such reports for each campus.

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26 general statutes is repealed and the following is substituted in lieu  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

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

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

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

46 court finds in this proceeding that the parent is unable or unwilling to  
47 benefit from reunification efforts, except that such finding is not  
48 required if the court has determined at a hearing pursuant to section  
49 17a-111b, or determines at trial on the petition, that such efforts are not  
50 required, (2) termination is in the best interest of the child, and (3) (A)  
51 the child has been abandoned by the parent in the sense that the parent  
52 has failed to maintain a reasonable degree of interest, concern or  
53 responsibility as to the welfare of the child; (B) the child (i) has been  
54 found by the Superior Court or the Probate Court to have been  
55 neglected, abused or uncared for in a prior proceeding, or (ii) is found  
56 to be neglected, abused or uncared for and has been in the custody of  
57 the commissioner for at least fifteen months and the parent of such  
58 child has been provided specific steps to take to facilitate the return of  
59 the child to the parent pursuant to section 46b-129 and has failed to  
60 achieve such degree of personal rehabilitation as would encourage the  
61 belief that within a reasonable time, considering the age and needs of  
62 the child, such parent could assume a responsible position in the life of  
63 the child; (C) the child has been denied, by reason of an act or acts of  
64 parental commission or omission including, but not limited to, sexual  
65 molestation or exploitation, severe physical abuse or a pattern of  
66 abuse, the care, guidance or control necessary for the child's physical,  
67 educational, moral or emotional well-being, except that nonaccidental  
68 or inadequately explained serious physical injury to a child shall  
69 constitute prima facie evidence of acts of parental commission or  
70 omission sufficient for the termination of parental rights; (D) there is  
71 no ongoing parent-child relationship, which means the relationship  
72 that ordinarily develops as a result of a parent having met on a day-to-  
73 day basis the physical, emotional, moral and educational needs of the  
74 child and to allow further time for the establishment or  
75 reestablishment of such parent-child relationship would be  
76 detrimental to the best interest of the child; (E) the parent of a child  
77 under the age of seven years who is neglected, abused or uncared for,  
78 has failed, is unable or is unwilling to achieve such degree of personal  
79 rehabilitation as would encourage the belief that within a reasonable  
80 period of time, considering the age and needs of the child, such parent

81 could assume a responsible position in the life of the child and such  
82 parent's parental rights of another child were previously terminated  
83 pursuant to a petition filed by the Commissioner of Children and  
84 Families; (F) the parent has killed through deliberate, nonaccidental act  
85 another child of the parent or has requested, commanded, importuned,  
86 attempted, conspired or solicited such killing or has committed an  
87 assault, through deliberate, nonaccidental act that resulted in serious  
88 bodily injury of another child of the parent; or (G) the parent  
89 committed an act that constitutes sexual assault as described in section  
90 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or  
91 compelling a spouse or cohabitor to engage in sexual intercourse by  
92 the use of force or by the threat of the use of force as described in  
93 section 53a-70b of the general statutes, revision of 1958, revised to  
94 January 1, 2019, committed prior to October 1, 2019, if such act resulted  
95 in the conception of the child.

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

99 (c) The commissioner shall have the discretion to refuse payments  
100 for child care under any financial assistance program administered by  
101 him or her if the person or relative providing such child care has been  
102 convicted in this state or any other state of a felony, as defined in  
103 section 53a-25, involving the use, attempted use or threatened use of  
104 physical force against another person, of cruelty to persons under  
105 section 53-20, injury or risk of injury to or impairing morals of children  
106 under section 53-21, abandonment of children under the age of six  
107 years under section 53-23 or any felony where the victim of the felony  
108 is a child under eighteen years of age, or of a violation of section 53a-  
109 70b of the general statutes, revision of 1958, revised to January 1, 2019,  
110 committed prior to October 1, 2019, or section 53a-70, 53a-70a, [53a-  
111 70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record or  
112 was the subject of a substantiated report of child abuse in this state or  
113 any other state that the commissioner reasonably believes renders the  
114 person or relative unsuitable to provide child care.

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

118 (a) The Commissioner of Early Childhood shall have the discretion  
119 to refuse to license under sections 19a-77 to 19a-80, inclusive, and 19a-  
120 82 to 19a-87, inclusive, a person to conduct, operate or maintain a child  
121 care center or a group child care home, as described in section 19a-77,  
122 or to suspend or revoke the license or take any other action set forth in  
123 regulation that may be adopted pursuant to section 19a-79 if, the  
124 person who owns, conducts, maintains or operates such center or  
125 home or a person employed therein in a position connected with the  
126 provision of care to a child receiving child care services, has been  
127 convicted in this state or any other state of a felony as defined in  
128 section 53a-25 involving the use, attempted use or threatened use of  
129 physical force against another person, of cruelty to persons under  
130 section 53-20, injury or risk of injury to or impairing morals of children  
131 under section 53-21, abandonment of children under the age of six  
132 years under section 53-23, or any felony where the victim of the felony  
133 is a child under eighteen years of age, or of a violation of section 53a-  
134 70b of the general statutes, revision of 1958, revised to January 1, 2019,  
135 committed prior to October 1, 2019, or section 53a-70, 53a-70a, [53a-  
136 70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record in  
137 this state or any other state that the commissioner reasonably believes  
138 renders the person unsuitable to own, conduct, operate or maintain or  
139 be employed by a child care center or group child care home.  
140 However, no refusal of a license shall be rendered except in accordance  
141 with the provisions of sections 46a-79 to 46a-81, inclusive.

142 Sec. 6. Subsection (a) of section 19a-87e of the general statutes is  
143 repealed and the following is substituted in lieu thereof (*Effective*  
144 *October 1, 2019*):

145 (a) The Commissioner of Early Childhood may (1) refuse to license  
146 under section 19a-87b, a person to own, conduct, operate or maintain a  
147 family child care home, as defined in section 19a-77, (2) refuse to

148 approve under section 19a-87b, a person to act as an assistant or  
149 substitute staff member in a family child care home, as defined in  
150 section 19a-77, or (3) suspend or revoke the license or approval or take  
151 any other action that may be set forth in regulation that may be  
152 adopted pursuant to section 19a-79 if the person who owns, conducts,  
153 maintains or operates the family child care home, the person who acts  
154 as an assistant or substitute staff member in a family child care home, a  
155 person employed in such family child care home in a position  
156 connected with the provision of care to a child receiving child care  
157 services or a household member, as defined in subsection (c) of section  
158 19a-87b, who is sixteen years of age or older and resides therein, has  
159 been convicted, in this state or any other state of a felony, as defined in  
160 section 53a-25, involving the use, attempted use or threatened use of  
161 physical force against another person, or has a criminal record in this  
162 state or any other state that the commissioner reasonably believes  
163 renders the person unsuitable to own, conduct, operate or maintain or  
164 be employed by a family child care home, or act as an assistant or  
165 substitute staff member in a family child care home, or if such persons  
166 or a household member has been convicted in this state or any other  
167 state of cruelty to persons under section 53-20, injury or risk of injury  
168 to or impairing morals of children under section 53-21, abandonment  
169 of children under the age of six years under section 53-23, or any  
170 felony where the victim of the felony is a child under eighteen years of  
171 age, a violation of section 53a-70b of the general statutes, revision of  
172 1958, revised to January 1, 2019, committed prior to October 1, 2019, or  
173 section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a,  
174 illegal manufacture, distribution, sale, prescription, dispensing or  
175 administration under section 21a-277 or 21a-278, or illegal possession  
176 under section 21a-279, or if such person, a person who acts as assistant  
177 or substitute staff member in a family child care home or a person  
178 employed in such family child care home in a position connected with  
179 the provision of care to a child receiving child care services, either fails  
180 to substantially comply with the regulations adopted pursuant to  
181 section 19a-87b, or conducts, operates or maintains the home in a  
182 manner which endangers the health, safety and welfare of the children

183 receiving child care services. Any refusal of a license or approval  
184 pursuant to this section shall be rendered in accordance with the  
185 provisions of sections 46a-79 to 46a-81, inclusive. Any person whose  
186 license or approval has been revoked pursuant to this section shall be  
187 ineligible to apply for a license or approval for a period of one year  
188 from the effective date of revocation.

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

191 The Department of Public Health shall provide to victims of a  
192 sexual act constituting a violation of section 53a-70b of the general  
193 statutes, revision of 1958, revised to January 1, 2019, committed prior  
194 to October 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-71,  
195 53a-72a, 53a-72b, 53a-73a or 53a-192a, regardless of whether any  
196 person is convicted or adjudicated delinquent for such violation, the  
197 following services: (1) Counseling regarding human  
198 immunodeficiency virus and acquired immune deficiency syndrome;  
199 (2) HIV-related testing; and (3) referral service for appropriate health  
200 care and support services. Such services shall be provided through  
201 counseling and testing sites funded by the Department of Public  
202 Health.

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

206 (5) "Sexual offense" means a violation of section 53a-70b of the  
207 general statutes, revision of 1958, revised to January 1, 2019,  
208 committed prior to October 1, 2019, or subsection (a) of section 53a-70  
209 [ ] or section 53a-70a, [or 53a-70b,] subsection (a) of section 53a-71,  
210 section 53a-72a or 53a-72b, subdivision (2) of subsection (a) of section  
211 53a-86, subdivision (2) of subsection (a) of section 53a-87 or section  
212 53a-90a, 53a-196a or 53a-196b.

213 Sec. 9. Subdivision (8) of section 31-57r of the general statutes is  
214 repealed and the following is substituted in lieu thereof (*Effective*

215 *October 1, 2019*):

216 (8) "Sexual assault" means any act that constitutes a violation of  
217 section 53a-70b of the general statutes, revision of 1958, revised to  
218 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,  
219 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a;

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

223 (g) At the adjourned hearing or at the initial hearing where no  
224 investigation and report has been requested, the court may approve a  
225 petition terminating the parental rights and may appoint a guardian of  
226 the person of the child, or, if the petitioner requests, the court may  
227 appoint a statutory parent, if it finds, upon clear and convincing  
228 evidence, that (1) the termination is in the best interest of the child, and  
229 (2) (A) the child has been abandoned by the parent in the sense that the  
230 parent has failed to maintain a reasonable degree of interest, concern  
231 or responsibility as to the welfare of the child; (B) the child has been  
232 denied, by reason of an act or acts of parental commission or omission,  
233 including, but not limited to, sexual molestation and exploitation,  
234 severe physical abuse or a pattern of abuse, the care, guidance or  
235 control necessary for the child's physical, educational, moral or  
236 emotional well-being. Nonaccidental or inadequately explained  
237 serious physical injury to a child shall constitute prima facie evidence  
238 of acts of parental commission or omission sufficient for the  
239 termination of parental rights; (C) there is no ongoing parent-child  
240 relationship which is defined as the relationship that ordinarily  
241 develops as a result of a parent having met on a continuing, day-to-  
242 day basis the physical, emotional, moral and educational needs of the  
243 child and to allow further time for the establishment or  
244 reestablishment of the parent-child relationship would be detrimental  
245 to the best interests of the child; (D) a child of the parent (i) was found  
246 by the Superior Court or the Probate Court to have been neglected,  
247 abused or uncared for, as those terms are defined in section 46b-120, in



248 a prior proceeding, or (ii) is found to be neglected, abused or uncared  
249 for and has been in the custody of the commissioner for at least fifteen  
250 months and such parent has been provided specific steps to take to  
251 facilitate the return of the child to the parent pursuant to section 46b-  
252 129 and has failed to achieve such degree of personal rehabilitation as  
253 would encourage the belief that within a reasonable time, considering  
254 the age and needs of the child, such parent could assume a responsible  
255 position in the life of the child; (E) a child of the parent, who is under  
256 the age of seven years is found to be neglected, abused or uncared for,  
257 and the parent has failed, is unable or is unwilling to achieve such  
258 degree of personal rehabilitation as would encourage the belief that  
259 within a reasonable amount of time, considering the age and needs of  
260 the child, such parent could assume a responsible position in the life of  
261 the child and such parent's parental rights of another child were  
262 previously terminated pursuant to a petition filed by the  
263 Commissioner of Children and Families; (F) the parent has killed  
264 through deliberate, nonaccidental act another child of the parent or has  
265 requested, commanded, importuned, attempted, conspired or solicited  
266 such killing or has committed an assault, through deliberate,  
267 nonaccidental act that resulted in serious bodily injury of another child  
268 of the parent; (G) except as provided in subsection (h) of this section,  
269 the parent committed an act that constitutes sexual assault as  
270 described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b  
271 or 53a-73a or compelling a spouse or cohabitor to engage in sexual  
272 intercourse by the use of force or by the threat of the use of force as  
273 described in section 53a-70b of the general statutes, revision of 1958,  
274 revised to January 1, 2019, committed prior to October 1, 2019, if such  
275 act resulted in the conception of the child; or (H) the parent was finally  
276 adjudged guilty of sexual assault under section 53a-70, 53a-70a, 53a-  
277 70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or of compelling a spouse or  
278 cohabitor to engage in sexual intercourse by the use of force or by the  
279 threat of the use of force under section 53a-70b of the general statutes,  
280 revision of 1958, revised to January 1, 2019, committed prior to October  
281 1, 2019, if such act resulted in the conception of the child.

282 (h) If the petition alleges an act described in subparagraph (G) of

283 subdivision (2) of subsection (g) of this section that resulted in the  
284 conception of the child as a basis for termination of parental rights and  
285 the court determines that the respondent parent was finally adjudged  
286 not guilty of such act of sexual assault under section 53a-70, 53a-70a,  
287 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73 or of compelling a spouse or  
288 cohabitor to engage in sexual intercourse by the use of force or by the  
289 threat of the use of force under section 53a-70b of the general statutes,  
290 revision of 1958, revised to January 1, 2019, committed prior to October  
291 1, 2019, the court shall transfer the case to the Superior Court and the  
292 clerk of the Probate Court shall transmit to the clerk of the Superior  
293 Court to which the case was transferred, the original files and papers  
294 in the case. The Superior Court, upon hearing after notice as provided  
295 in this section and section 45a-716, may grant the petition as provided  
296 in this section.

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

299 If any person is convicted of a violation of section 53a-70b of the  
300 general statutes, revision of 1958, revised to January 1, 2019,  
301 committed prior to October 1, 2019, or section 53a-59, 53a-59a, 53a-59c,  
302 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-64aa, 53a-  
303 64bb, 53a-64cc, 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-  
304 72b, 53a-181, 53a-181c, 53a-181d, 53a-181e, 53a-182, 53a-182b, 53a-183,  
305 53a-223, 53a-223a or 53a-223b, against a family or household member,  
306 as defined in section 46b-38a, the court shall include a designation that  
307 such conviction involved family violence on the court record for the  
308 purposes of criminal history record information, as defined in  
309 subsection (a) of section 54-142g.

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

313 (a) Notwithstanding the provisions of this chapter and chapter 831,  
314 for rental agreements entered into or renewed on or after January 1,  
315 2011, any tenant who (1) is a victim of family violence, as defined in

316 section 46b-38a, and (2) reasonably believes it is necessary to vacate the  
317 dwelling unit due to fear of imminent harm to the tenant or a  
318 dependent of the tenant because of family violence, may terminate his  
319 or her rental agreement with the landlord for the dwelling unit that the  
320 tenant occupies without penalty or liability for the remaining term of  
321 the rental agreement by giving written notice to the landlord at least  
322 thirty days prior to the date the tenant intends to terminate the rental  
323 agreement. Notwithstanding the provisions of this chapter and chapter  
324 831, for rental agreements entered into or renewed on or after January  
325 1, 2014, any tenant who (A) is a victim of sexual assault under any  
326 provision of section 53a-70b of the general statutes, revision of 1958,  
327 revised to January 1, 2019, committed prior to October 1, 2019, or  
328 section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a,  
329 or is the parent or guardian with physical custody of a dependent who  
330 is the victim of sexual assault under section 53a-70c, and (B) reasonably  
331 believes it is necessary to vacate the dwelling unit due to fear of  
332 imminent harm to the tenant or a dependent of the tenant because of  
333 such sexual assault, may terminate his or her rental agreement with  
334 the landlord for the dwelling unit that the tenant occupies without  
335 penalty or liability for the remaining term of the rental agreement by  
336 giving written notice to the landlord at least thirty days prior to the  
337 date the tenant intends to terminate the rental agreement.

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

341 (a) A pro se litigant in any civil matter, including a habeas corpus  
342 proceeding, shall notify the clerk of the court if such litigant has been  
343 convicted of a family violence crime, as defined in section 53a-70b of  
344 the general statutes, revision of 1958, revised to January 1, 2019,  
345 committed prior to October 1, 2019, or section 46b-38a, or a violation of  
346 section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b, 53a-  
347 73a, 53a-181c, 53a-181d or 53a-181e and if the subject of a subpoena to  
348 be issued by such litigant in such matter is the victim of the crime for  
349 which such litigant was convicted.

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

353 (f) The period of probation, unless terminated sooner as provided in  
354 section 53a-32, shall be not less than ten years or more than thirty-five  
355 years for conviction of a violation of section 53a-70b of the general  
356 statutes, revision of 1958, revised to January 1, 2019, committed prior  
357 to October 1, 2019, or subdivision (2) of subsection (a) of section 53-21  
358 [ ] or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b, 53a-  
359 90a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or  
360 section 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f.

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

364 (a) When imposing sentence of probation or conditional discharge,  
365 the court may, as a condition of the sentence, order that the defendant:  
366 (1) Work faithfully at a suitable employment or faithfully pursue a  
367 course of study or of vocational training that will equip the defendant  
368 for suitable employment; (2) undergo medical or psychiatric treatment  
369 and remain in a specified institution, when required for that purpose;  
370 (3) support the defendant's dependents and meet other family  
371 obligations; (4) make restitution of the fruits of the defendant's offense  
372 or make restitution, in an amount the defendant can afford to pay or  
373 provide in a suitable manner, for the loss or damage caused thereby.  
374 The court or the Court Support Services Division, if authorized by the  
375 court, may fix the amount thereof and the manner of performance, and  
376 the victim shall be advised by the court or the Court Support Services  
377 Division that restitution ordered under this section may be enforced  
378 pursuant to section 53a-28a; (5) if a minor, (A) reside with the minor's  
379 parents or in a suitable foster home, (B) attend school, and (C)  
380 contribute to the minor's own support in any home or foster home; (6)  
381 post a bond or other security for the performance of any or all  
382 conditions imposed; (7) refrain from violating any criminal law of the

383 United States, this state or any other state; (8) if convicted of a  
384 misdemeanor or a felony, other than a capital felony under the  
385 provisions of section 53a-54b in effect prior to April 25, 2012, a class A  
386 felony or a violation of section 53a-70b of the general statutes, revision  
387 of 1958, revised to January 1, 2019, committed prior to October 1, 2019,  
388 or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 [.] or 53a-  
389 58 [or 53a-70b] or any offense for which there is a mandatory  
390 minimum sentence which may not be suspended or reduced by the  
391 court, and any sentence of imprisonment is suspended, participate in  
392 an alternate incarceration program; (9) reside in a residential  
393 community center or halfway house approved by the Commissioner of  
394 Correction, and contribute to the cost incident to such residence; (10)  
395 participate in a program of community service labor in accordance  
396 with section 53a-39c; (11) participate in a program of community  
397 service in accordance with section 51-181c; (12) if convicted of a  
398 violation of section 53a-70b of the general statutes, revision of 1958,  
399 revised to January 1, 2019, committed prior to October 1, 2019, or  
400 subdivision (2) of subsection (a) of section 53-21 [.] or section 53a-70,  
401 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, undergo specialized  
402 sexual offender treatment; (13) if convicted of a criminal offense  
403 against a victim who is a minor, a nonviolent sexual offense or a  
404 sexually violent offense, as defined in section 54-250, as amended by  
405 this act, or of a felony that the court finds was committed for a sexual  
406 purpose, as provided in section 54-254, register such person's  
407 identifying factors, as defined in section 54-250, as amended by this  
408 act, with the Commissioner of Emergency Services and Public  
409 Protection when required pursuant to section 54-251, 54-252 or 54-253,  
410 as the case may be; (14) be subject to electronic monitoring, which may  
411 include the use of a global positioning system; (15) if convicted of a  
412 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l,  
413 participate in an anti-bias or diversity awareness program or  
414 participate in a program of community service designed to remedy  
415 damage caused by the commission of a bias crime or otherwise related  
416 to the defendant's violation; (16) if convicted of a violation of section  
417 53-247, undergo psychiatric or psychological counseling or participate

418 in an animal cruelty prevention and education program provided such  
419 a program exists and is available to the defendant; or (17) satisfy any  
420 other conditions reasonably related to the defendant's rehabilitation.  
421 The court shall cause a copy of any such order to be delivered to the  
422 defendant and to the probation officer, if any.

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

425 If a defendant who entered a plea of nolo contendere or a guilty  
426 plea under the Alford doctrine to a violation of subdivision (2) of  
427 section 53-21 of the general statutes in effect prior to October 1, 2000,  
428 section 53a-70b of the general statutes, revision of 1958, revised to  
429 January 1, 2019, committed prior to October 1, 2019, or subdivision (2)  
430 of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,]  
431 53a-71, 53a-72a or 53a-72b, and was ordered to undergo sexual  
432 offender treatment as a condition of probation, becomes ineligible for  
433 such treatment because of such defendant's refusal to acknowledge  
434 that such defendant committed the act or acts charged, such defendant  
435 shall be deemed to be in violation of the conditions of such defendant's  
436 probation and be returned to court for proceedings in accordance with  
437 section 53a-32.

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

440 The court or sentencing judge may at any time during the period of  
441 probation or conditional discharge, after hearing and for good cause  
442 shown, terminate a sentence of probation or conditional discharge  
443 before the completion thereof, except a sentence of probation imposed  
444 for conviction of a violation of subdivision (2) of section 53-21 of the  
445 general statutes in effect prior to October 1, 2000, section 53a-70b of the  
446 general statutes, revision of 1958, revised to January 1, 2019,  
447 committed prior to October 1, 2019, or subdivision (2) of subsection (a)  
448 of section 53-21 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or  
449 53a-72b.

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

453 (a) In all cases where a defendant has been convicted of a  
454 misdemeanor or a felony, other than a capital felony under the  
455 provisions of section 53a-54b in effect prior to April 25, 2012, a class A  
456 felony or a violation of section 53a-70b of the general statutes, revision  
457 of 1958, revised to January 1, 2019, committed prior to October 1, 2019,  
458 or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 [,] or 53a-  
459 58 [or 53a-70b] or any other offense for which there is a mandatory  
460 minimum sentence which may not be suspended or reduced by the  
461 court, after trial or by a plea of guilty without trial, and a term of  
462 imprisonment is part of a stated plea agreement or the statutory  
463 penalty provides for a term of imprisonment, the court may, in its  
464 discretion, order an assessment for placement in an alternate  
465 incarceration program under contract with the Judicial Department. If  
466 the Court Support Services Division recommends placement in an  
467 alternate incarceration program, it shall also submit to the court a  
468 proposed alternate incarceration plan. Upon completion of the  
469 assessment, the court shall determine whether such defendant shall be  
470 ordered to participate in such program as an alternative to  
471 incarceration. If the court determines that the defendant shall  
472 participate in such program, the court shall suspend any sentence of  
473 imprisonment and shall make participation in the alternate  
474 incarceration program a condition of probation as provided in section  
475 53a-30, as amended by this act.

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

479 (d) A persistent serious sexual offender is a person, other than a  
480 person who qualifies as a persistent dangerous sexual offender under  
481 subsection (b) of this section, who qualifies as a persistent serious  
482 felony offender under subsection (c) of this section and the felony of

483 which such person presently stands convicted is a violation of section  
484 53a-70b of the general statutes, revision of 1958, revised to January 1,  
485 2019, committed prior to October 1, 2019, or subdivision (2) of  
486 subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,]  
487 53a-71, 53a-72a or 53a-72b and the prior conviction is for a violation of  
488 section 53-21 of the general statutes, revised to January 1, 1995,  
489 involving sexual contact, committed prior to October 1, 1995, a  
490 violation of subdivision (2) of section 53-21 of the general statutes,  
491 committed on or after October 1, 1995, and prior to October 1, 2000, a  
492 violation of section 53a-70b of the general statutes, revision of 1958,  
493 revised to January 1, 2019, committed prior to October 1, 2019, or a  
494 violation of subdivision (2) of subsection (a) of section 53-21 or a  
495 violation of section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-  
496 72b.

497 Sec. 20. Subsection (a) of section 53a-40e of the general statutes is  
498 repealed and the following is substituted in lieu thereof (*Effective*  
499 *October 1, 2019*):

500 (a) If any person is convicted of (1) a violation of section 53a-70b of  
501 the general statutes, revision of 1958, revised to January 1, 2019,  
502 committed prior to October 1, 2019, or subdivision (1) or (2) of  
503 subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a,  
504 53a-60b, 53a-60c, 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a,  
505 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or 53a-183,  
506 subdivision (2) of subsection (a) of section 53a-192a, section 53a-223,  
507 53a-223a or 53a-223b or attempt or conspiracy to violate any of said  
508 sections or section 53a-54a, or (2) any crime that the court determines  
509 constitutes a family violence crime, as defined in section 46b-38a, or  
510 attempt or conspiracy to commit any such crime, the court may, in  
511 addition to imposing the sentence authorized for the crime under  
512 section 53a-35a or 53a-36, if the court is of the opinion that the history  
513 and character and the nature and circumstances of the criminal  
514 conduct of such offender indicate that a standing criminal protective  
515 order will best serve the interest of the victim and the public, issue a  
516 standing criminal protective order which shall remain in effect for a



517 duration specified by the court until modified or revoked by the court  
518 for good cause shown. If any person is convicted of any crime not  
519 specified in subdivision (1) or (2) of this subsection, the court may, for  
520 good cause shown, issue a standing criminal protective order pursuant  
521 to this subsection.

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

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

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

527 (2) "Sexual intercourse" means vaginal intercourse, anal intercourse,  
528 fellatio or cunnilingus between persons regardless of sex. [Its meaning  
529 is limited to persons not married to each other.] Penetration, however  
530 slight, is sufficient to complete vaginal intercourse, anal intercourse or  
531 fellatio and does not require emission of semen. Penetration may be  
532 committed by an object manipulated by the actor into the genital or  
533 anal opening of the victim's body.

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

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

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

548 consent.

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

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

556 (8) "Intimate parts" means the genital area or any substance emitted  
557 therefrom, groin, anus or any substance emitted therefrom, inner  
558 thighs, buttocks or breasts.

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

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

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

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

575 (13) "School employee" means: (A) A teacher, substitute teacher,  
576 school administrator, school superintendent, guidance counselor,  
577 school counselor, psychologist, social worker, nurse, physician, school

578 paraprofessional or coach employed by a local or regional board of  
579 education or a private elementary, middle or high school or working in  
580 a public or private elementary, middle or high school; or (B) any other  
581 person who, in the performance of his or her duties, has regular  
582 contact with students and who provides services to or on behalf of  
583 students enrolled in (i) a public elementary, middle or high school,  
584 pursuant to a contract with the local or regional board of education, or  
585 (ii) a private elementary, middle or high school, pursuant to a contract  
586 with the supervisory agent of such private school.

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

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

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

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

609 (2) (A) Except as provided in subparagraph (B) of this subdivision, if

610 the court makes a finding pursuant to subdivision (1) of this subsection  
611 and does not order placement pursuant to subparagraph (A) of said  
612 subdivision, the court shall, on its own motion or on motion of the  
613 state or the defendant, order placement of the defendant in the custody  
614 of the Commissioner of Mental Health and Addiction Services at a  
615 treatment facility pending civil commitment proceedings. The  
616 treatment facility shall be determined by the Commissioner of Mental  
617 Health and Addiction Services. Such order shall: (i) Include an  
618 authorization for the Commissioner of Mental Health and Addiction  
619 Services to apply for civil commitment of such defendant pursuant to  
620 sections 17a-495 to 17a-528, inclusive; (ii) permit the defendant to agree  
621 to request voluntarily to be admitted under section 17a-506 and  
622 participate voluntarily in a treatment plan prepared by the  
623 Commissioner of Mental Health and Addiction Services, and require  
624 that the defendant comply with such treatment plan; and (iii) provide  
625 that if the application for civil commitment is denied or not pursued  
626 by the Commissioner of Mental Health and Addiction Services, or if  
627 the defendant is unwilling or unable to comply with a treatment plan  
628 despite reasonable efforts of the treatment facility to encourage the  
629 defendant's compliance, the person in charge of the treatment facility,  
630 or such person's designee, shall submit a written progress report to the  
631 court and the defendant shall be returned to the court for a hearing  
632 pursuant to subsection (k) of this section. Such written progress report  
633 shall include the status of any civil commitment proceedings  
634 concerning the defendant, the defendant's compliance with the  
635 treatment plan, an opinion regarding the defendant's current  
636 competency to stand trial, the clinical findings of the person  
637 submitting the report and the facts upon which the findings are based,  
638 and any other information concerning the defendant requested by the  
639 court, including, but not limited to, the method of treatment or the  
640 type, dosage and effect of any medication the defendant is receiving.  
641 The Court Support Services Division shall monitor the defendant's  
642 compliance with any applicable provisions of such order. The period  
643 of placement and monitoring under such order shall not exceed the  
644 period of the maximum sentence which the defendant could receive on

645 conviction of the charges against such defendant, or eighteen months,  
646 whichever is less. If the defendant has complied with such treatment  
647 plan and any applicable provisions of such order, at the end of the  
648 period of placement and monitoring, the court shall approve the entry  
649 of a nolle prosequi to the charges against the defendant or shall  
650 dismiss such charges.

651 (B) This subdivision shall not apply: (i) To any person charged with  
652 a class A felony, a class B felony, except a violation of section 53a-122  
653 that does not involve the use, attempted use or threatened use of  
654 physical force against another person, or a violation of section 53a-70b  
655 of the general statutes, revision of 1958, revised to January 1, 2019,  
656 committed prior to October 1, 2019, or section 14-227a or 14-227m,  
657 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision  
658 (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70,  
659 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b; (ii) to any person  
660 charged with a crime or motor vehicle violation who, as a result of the  
661 commission of such crime or motor vehicle violation, causes the death  
662 of another person; or (iii) unless good cause is shown, to any person  
663 charged with a class C felony.

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

667 (3) If the court orders the release of a defendant charged with the  
668 commission of a crime that resulted in the death or serious physical  
669 injury, as defined in section 53a-3, of another person, or with a  
670 violation of section 53a-70b of the general statutes, revision of 1958,  
671 revised to January 1, 2019, committed prior to October 1, 2019, or  
672 subdivision (2) of subsection (a) of section 53-21, subdivision (2) of  
673 subsection (a) of section 53a-60 or section 53a-60a, 53a-70, 53a-70a,  
674 [53a-70b,] 53a-71, 53a-72a or 53a-72b, or orders the placement of such  
675 defendant in the custody of the Commissioner of Mental Health and  
676 Addiction Services or the Commissioner of Developmental Services,  
677 the court may, on its own motion or on motion of the prosecuting

678 authority, order, as a condition of such release or placement, periodic  
679 examinations of the defendant as to the defendant's competency at  
680 intervals of not less than six months. If, at any time after the initial  
681 periodic examination, the court finds again, based upon an examiner's  
682 recommendation, that there is a substantial probability that the  
683 defendant, if provided with a course of treatment, will never regain  
684 competency, then any subsequent periodic examination of the  
685 defendant as to the defendant's competency shall be at intervals of not  
686 less than eighteen months. Such an examination shall be conducted in  
687 accordance with subsection (d) of this section. Periodic examinations  
688 ordered by the court under this subsection shall continue until the  
689 court finds that the defendant has attained competency or until the  
690 time within which the defendant may be prosecuted for the crime with  
691 which the defendant is charged, as provided in section 54-193 or 54-  
692 193a, has expired, whichever occurs first.

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

696 (c) This section shall not be applicable: (1) To any person charged  
697 with (A) a class A felony, (B) a class B felony, except a violation of  
698 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does  
699 not involve the use, attempted use or threatened use of physical force  
700 against another person, or a violation of subdivision (4) of subsection  
701 (a) of section 53a-122 that does not involve the use, attempted use or  
702 threatened use of physical force against another person and does not  
703 involve a violation by a person who is a public official, as defined in  
704 section 1-110, or a state or municipal employee, as defined in section 1-  
705 110, or (C) a violation of section 53a-70b of the general statutes,  
706 revision of 1958, revised to January 1, 2019, committed prior to October  
707 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of  
708 subsection (a) of section 14-227n, subdivision (2) of subsection (a) of  
709 section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, [53a-70b,]  
710 53a-71, except as provided in subdivision (5) of this subsection, 53a-  
711 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged

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

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

740 (2) "Youthful offender" means a youth who (A) is charged with the  
741 commission of a crime which is not a class A felony or a violation of  
742 section 53a-70b of the general statutes, revision of 1958, revised to  
743 January 1, 2019, committed prior to October 1, 2019, or section 14-222a,  
744 subsection (a) or subdivision (1) of subsection (b) of section 14-224,  
745 section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection

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

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

757 (a) In any case where an information or complaint has been laid  
758 charging a defendant with the commission of a crime, and where it  
759 appears that the defendant is a youth, such defendant shall be  
760 presumed to be eligible to be adjudged a youthful offender and the  
761 court having jurisdiction shall, but only as to the public, order the  
762 court file sealed, unless such defendant (1) is charged with the  
763 commission of a crime which is a class A felony or a violation of  
764 section 53a-70b of the general statutes, revision of 1958, revised to  
765 January 1, 2019, committed prior to October 1, 2019, or section 14-222a,  
766 subsection (a) or subdivision (1) of subsection (b) of section 14-224,  
767 section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection  
768 (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21  
769 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, except  
770 a violation involving consensual sexual intercourse or sexual contact  
771 between the youth and another person who is thirteen years of age or  
772 older but under sixteen years of age, or (2) has been previously  
773 convicted of a felony in the regular criminal docket of the Superior  
774 Court or been previously adjudged a serious juvenile offender or  
775 serious juvenile repeat offender, as defined in section 46b-120. Except  
776 as provided in subsection (b) of this section, upon motion of the  
777 prosecuting official, the court may order that an investigation be made  
778 of such defendant under section 54-76d, for the purpose of  
779 determining whether such defendant is ineligible to be adjudged a



780 youthful offender, provided the court file shall remain sealed, but only  
781 as to the public, during such investigation.

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

785 (a) The records or other information of a youth, other than a youth  
786 arrested for or charged with the commission of a crime which is a class  
787 A felony or a violation of section 53a-70b of the general statutes,  
788 revision of 1958, revised to January 1, 2019, committed prior to October  
789 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of  
790 subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m,  
791 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision  
792 (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-  
793 70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving  
794 consensual sexual intercourse or sexual contact between the youth and  
795 another person who is thirteen years of age or older but under sixteen  
796 years of age, including fingerprints, photographs and physical  
797 descriptions, shall be confidential and shall not be open to public  
798 inspection or be disclosed except as provided in this section, but such  
799 fingerprints, photographs and physical descriptions submitted to the  
800 State Police Bureau of Identification of the Division of State Police  
801 within the Department of Emergency Services and Public Protection at  
802 the time of the arrest of a person subsequently adjudged, or  
803 subsequently presumed or determined to be eligible to be adjudged, a  
804 youthful offender shall be retained as confidential matter in the files of  
805 the bureau and be opened to inspection only as provided in this  
806 section. Other data ordinarily received by the bureau, with regard to  
807 persons arrested for a crime, shall be forwarded to the bureau to be  
808 filed, in addition to such fingerprints, photographs and physical  
809 descriptions, and be retained in the division as confidential  
810 information, open to inspection only as provided in this section.

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

813 Any person who has been the victim of a sexual assault under  
814 section 53a-70b of the general statutes, revision of 1958, revised to  
815 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,  
816 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a,  
817 voyeurism under section 53a-189a, or injury or risk of injury, or  
818 impairing of morals under section 53-21, or of an attempt thereof, or  
819 family violence, as defined in section 46b-38a, shall not be required to  
820 divulge his or her address or telephone number during any trial or  
821 pretrial evidentiary hearing arising from the sexual assault, voyeurism  
822 or injury or risk of injury to, or impairing of morals of, a child, or  
823 family violence; provided the judge presiding over such legal  
824 proceeding finds: (1) Such information is not material to the  
825 proceeding, (2) the identity of the victim has been satisfactorily  
826 established, and (3) the current address of the victim will be made  
827 available to the defense in the same manner and time as such  
828 information is made available to the defense for other criminal  
829 offenses.

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

832 The name and address of the victim of a sexual assault under  
833 section 53a-70b of the general statutes, revision of 1958, revised to  
834 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,  
835 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a,  
836 voyeurism under section 53a-189a, or injury or risk of injury, or  
837 impairing of morals under section 53-21, or of an attempt thereof, or  
838 family violence, as defined in section 46b-38a and such other  
839 identifying information pertaining to such victim as determined by the  
840 court, shall be confidential and shall be disclosed only upon order of  
841 the Superior Court, except that (1) such information shall be available  
842 to the accused in the same manner and time as such information is  
843 available to persons accused of other criminal offenses, and (2) if a  
844 protective order is issued in a prosecution under any of said sections,  
845 the name and address of the victim, in addition to the information  
846 contained in and concerning the issuance of such order, shall be

847 entered in the registry of protective orders pursuant to section 51-5c.

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

851 (a) No member of any municipal police department, the state police  
852 or the Division of Criminal Justice may request or require any victim of  
853 a sexual assault under section 53a-70b of the general statutes, revision  
854 of 1958, revised to January 1, 2019, committed prior to October 1, 2019,  
855 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-  
856 73a to submit to or take a polygraph examination.

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

860 (a) Notwithstanding any provision of the general statutes, except as  
861 provided in subsection (b) of this section, a court entering a judgment  
862 of conviction or conviction of a child as delinquent for a violation of  
863 section 53a-70b of the general statutes, revision of 1958, revised to  
864 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,  
865 53a-70a, [53a-70b] or 53a-71 or a violation of section 53-21, 53a-72a,  
866 53a-72b or 53a-73a involving a sexual act, shall, at the request of the  
867 victim of such crime, order that the offender be tested for the presence  
868 of the etiologic agent for acquired immune deficiency syndrome or  
869 human immunodeficiency virus and that the results be disclosed to the  
870 victim and the offender. The test shall be performed by or at the  
871 direction of the Department of Correction or, in the case of a child  
872 convicted as delinquent, at the direction of the Court Support Services  
873 Division of the Judicial Department or the Department of Children and  
874 Families, in consultation with the Department of Public Health.

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

878 (a) Whenever any person is arrested on or after October 1, 2011, for  
879 the commission of a serious felony and, prior to such arrest, has been  
880 convicted of a felony but has not submitted to the taking of a blood or  
881 other biological sample for DNA (deoxyribonucleic acid) analysis  
882 pursuant to this section, the law enforcement agency that arrested such  
883 person shall, as available resources allow, require such person to  
884 submit to the taking of a blood or other biological sample for DNA  
885 (deoxyribonucleic acid) analysis to determine identification  
886 characteristics specific to the person. If the law enforcement agency  
887 requires such person to submit to the taking of such blood or other  
888 biological sample, such person shall submit to the taking of such  
889 sample prior to release from custody and at such time and place as the  
890 agency may specify. For purposes of this subsection, "serious felony"  
891 means a violation of section 53a-70b of the general statutes, revision of  
892 1958, revised to January 1, 2019, committed prior to October 1, 2019, or  
893 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-  
894 56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c,  
895 53a-70, 53a-70a, [53a-70b,] 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a,  
896 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-  
897 112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

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

901 (c) The period of special parole shall be not less than one year or  
902 more than ten years, except that such period may be for more than ten  
903 years for a person convicted of a violation of section 53a-70b of the  
904 general statutes, revision of 1958, revised to January 1, 2019,  
905 committed prior to October 1, 2019, or subdivision (2) of section 53-21  
906 of the general statutes in effect prior to October 1, 2000, subdivision (2)  
907 of subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,]  
908 53a-71, 53a-72a or 53a-72b or sentenced as a persistent dangerous  
909 felony offender pursuant to subsection (i) of section 53a-40 or as a  
910 persistent serious felony offender pursuant to subsection (k) of section  
911 53a-40.

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

915 (a) An inmate (1) not convicted of a crime for which there is a  
916 victim, as defined in section 54-201 or section 54-226, who is known by  
917 the Board of Pardons and Paroles, (2) whose eligibility for parole  
918 release is not subject to the provisions of subsection (b) of section 54-  
919 125a, (3) who was not convicted of a violation of section 53a-70b of the  
920 general statutes, revision of 1958, revised to January 1, 2019,  
921 committed prior to October 1, 2019, or section 53a-55, 53a-55a, 53a-56,  
922 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-  
923 60c, 53a-64aa, 53a-64bb, 53a-70, [53a-70b,] 53a-72b, 53a-92, 53a-92a, 53a-  
924 94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111,  
925 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-  
926 181c, and (4) who is not otherwise prohibited from being granted  
927 parole for any reason, may be allowed to go at large on parole in  
928 accordance with the provisions of section 54-125a or section 54-125g,  
929 pursuant to the provisions of subsections (b) and (c) of this section.

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

932 In addition to any fine, fee or cost that may be imposed pursuant to  
933 any provision of the general statutes, the court shall impose a fine of  
934 one hundred fifty-one dollars on any person who, on or after July 1,  
935 2004, is convicted of or pleads guilty or nolo contendere to a violation  
936 of section 53a-70b of the general statutes, revision of 1958, revised to  
937 January 1, 2019, committed prior to October 1, 2019, or subdivision (2)  
938 of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,]  
939 53a-71, 53a-72a, 53a-72b or 53a-73a. Fines collected under this section  
940 shall be deposited in the sexual assault victims account established  
941 under section 19a-112d.

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

944 Notwithstanding the provisions of sections 54-193 and 54-193a,  
945 there shall be no limitation of time within which a person may be  
946 prosecuted for a violation of section 53a-70b of the general statutes,  
947 revision of 1958, revised to January 1, 2019, committed prior to October  
948 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b,  
949 provided (1) the victim notified any police officer or state's attorney  
950 acting in such police officer's or state's attorney's official capacity of the  
951 commission of the offense not later than five years after the  
952 commission of the offense, and (2) the identity of the person who  
953 allegedly committed the offense has been established through a DNA  
954 (deoxyribonucleic acid) profile comparison using evidence collected at  
955 the time of the commission of the offense.

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

959 (d) In instances where a violation of section 53a-70b of the general  
960 statutes, revision of 1958, revised to January 1, 2019, committed prior  
961 to October 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-70c,  
962 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82 or 53a-192a has been alleged,  
963 the Office of Victim Services or, on review, a victim compensation  
964 commissioner, may order compensation be paid if (1) the personal  
965 injury has been disclosed to: (A) A physician or surgeon licensed  
966 under chapter 370; (B) a resident physician or intern in any hospital in  
967 this state, whether or not licensed; (C) a physician assistant licensed  
968 under chapter 370; (D) an advanced practice registered nurse,  
969 registered nurse or practical nurse licensed under chapter 378; (E) a  
970 psychologist licensed under chapter 383; (F) a police officer; (G) a  
971 mental health professional; (H) an emergency medical services  
972 provider licensed or certified under chapter 368d; (I) an alcohol and  
973 drug counselor licensed or certified under chapter 376b; (J) a marital  
974 and family therapist licensed under chapter 383a; (K) a domestic  
975 violence counselor or a sexual assault counselor, as defined in section  
976 52-146k; (L) a professional counselor licensed under chapter 383c; (M)  
977 a clinical social worker licensed under chapter 383b; (N) an employee

978 of the Department of Children and Families; or (O) a school principal,  
979 a school teacher, a school guidance counselor or a school counselor,  
980 and (2) the office or commissioner, as the case may be, reasonably  
981 concludes that a violation of any of said sections has occurred.

982 (e) In instances where a violation of section 53a-70b of the general  
983 statutes, revision of 1958, revised to January 1, 2019, committed prior  
984 to October 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-70c,  
985 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-192a or family violence,  
986 as defined in section 46b-38a, has been alleged, the Office of Victim  
987 Services or, on review, a victim compensation commissioner, may also  
988 order the payment of compensation under sections 54-201 to 54-218,  
989 inclusive, for personal injury suffered by a victim (1) as reported in an  
990 application for a restraining order under section 46b-15 or an  
991 application for a civil protection order under section 46b-16a, an  
992 affidavit supporting an application under section 46b-15 or section  
993 46b-16a, or on the record to the court, provided such restraining order  
994 or civil protection order was granted in the Superior Court following a  
995 hearing; or (2) as disclosed to a domestic violence counselor or a sexual  
996 assault counselor, as such terms are defined in section 52-146k.

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

1000 (14) "Sexual assault" means any act that constitutes a violation of  
1001 section 53a-70b of the general statutes, revision of 1958, revised to  
1002 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,  
1003 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a; and

1004 Sec. 40. Subdivision (11) of section 54-250 of the general statutes is  
1005 repealed and the following is substituted in lieu thereof (*Effective*  
1006 *October 1, 2019*):

1007 (11) "Sexually violent offense" means (A) a violation of section 53a-  
1008 70b of the general statutes, revision of 1958, revised to January 1, 2019,  
1009 committed prior to October 1, 2019, or section 53a-70, except

1010 subdivision (2) of subsection (a) of said section, 53a-70a, [53a-70b,] 53a-  
1011 71, except subdivision (1), (4), (8) or (10) or subparagraph (B) of  
1012 subdivision (9) of subsection (a) of said section or subparagraph (A) of  
1013 subdivision (9) of subsection (a) of said section if the court makes a  
1014 finding that, at the time of the offense, the victim was under eighteen  
1015 years of age, 53a-72a, except subdivision (2) of subsection (a) of said  
1016 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court  
1017 makes a finding that the offense was committed with intent to sexually  
1018 violate or abuse the victim, (B) a violation of any of the offenses  
1019 specified in subparagraph (A) of this subdivision for which a person is  
1020 criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a  
1021 violation of any predecessor statute to any of the offenses specified in  
1022 subparagraph (A) or (B) of this subdivision the essential elements of  
1023 which are substantially the same as said offense.

1024 Sec. 41. Subsections (a) to (c), inclusive, of section 54-255 of the  
1025 general statutes are repealed and the following is substituted in lieu  
1026 thereof (*Effective October 1, 2019*):

1027 (a) Upon the conviction or finding of not guilty by reason of mental  
1028 disease or defect of any person for a violation of section 53a-70b of the  
1029 general statutes, revision of 1958, revised to January 1, 2019,  
1030 committed prior to October 1, 2019, the court may order the  
1031 Department of Emergency Services and Public Protection to restrict the  
1032 dissemination of the registration information to law enforcement  
1033 purposes only and to not make such information available for public  
1034 access, provided the court finds that dissemination of the registration  
1035 information is not required for public safety and that publication of the  
1036 registration information would be likely to reveal the identity of the  
1037 victim within the community where the victim resides. The court shall  
1038 remove the restriction on the dissemination of such registration  
1039 information if, at any time, the court finds that public safety requires  
1040 that such person's registration information be made available to the  
1041 public or that a change of circumstances makes publication of such  
1042 registration information no longer likely to reveal the identity of the  
1043 victim within the community where the victim resides. Prior to



1044 ordering or removing the restriction on the dissemination of such  
1045 person's registration information, the court shall consider any  
1046 information or statements provided by the victim.

1047 (b) Upon the conviction or finding of not guilty by reason of mental  
1048 disease or defect of any person of a criminal offense against a victim  
1049 who is a minor, a nonviolent sexual offense or a sexually violent  
1050 offense, where the victim of such offense was, at the time of the  
1051 offense, under eighteen years of age and related to such person within  
1052 any of the degrees of kindred specified in section 46b-21, the court may  
1053 order the Department of Emergency Services and Public Protection to  
1054 restrict the dissemination of the registration information to law  
1055 enforcement purposes only and to not make such information  
1056 available for public access, provided the court finds that dissemination  
1057 of the registration information is not required for public safety and that  
1058 publication of the registration information would be likely to reveal  
1059 the identity of the victim within the community where the victim  
1060 resides. The court shall remove the restriction on the dissemination of  
1061 such registration information if, at any time, it finds that public safety  
1062 requires that such person's registration information be made available  
1063 to the public or that a change in circumstances makes publication of  
1064 the registration information no longer likely to reveal the identity of  
1065 the victim within the community where the victim resides.

1066 (c) Any person who: (1) Has been convicted or found not guilty by  
1067 reason of mental disease or defect of a violation of subdivision (1) of  
1068 subsection (a) of section 53a-71 between October 1, 1988, and June 30,  
1069 1999, and was under nineteen years of age at the time of the offense; (2)  
1070 has been convicted or found not guilty by reason of mental disease or  
1071 defect of a violation of subdivision (2) of subsection (a) of section 53a-  
1072 73a between October 1, 1988, and June 30, 1999; (3) has been convicted  
1073 or found not guilty by reason of mental disease or defect of a criminal  
1074 offense against a victim who is a minor, a nonviolent sexual offense or  
1075 a sexually violent offense, between October 1, 1988, and June 30, 1999,  
1076 where the victim of such offense was, at the time of the offense, under  
1077 eighteen years of age and related to such person within any of the

1078 degrees of kindred specified in section 46b-21; (4) has been convicted  
1079 or found not guilty by reason of mental disease or defect of a violation  
1080 of section 53a-70b of the general statutes, revision of 1958, revised to  
1081 January 1, 2019, committed prior to October 1, 2019, between October  
1082 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty  
1083 by reason of mental disease or defect of any crime between October 1,  
1084 1988, and September 30, 1998, which requires registration under  
1085 sections 54-250 to 54-258a, inclusive, as amended by this act, and (A)  
1086 served no jail or prison time as a result of such conviction or finding of  
1087 not guilty by reason of mental disease or defect, (B) has not been  
1088 subsequently convicted or found not guilty by reason of mental  
1089 disease or defect of any crime which would require registration under  
1090 sections 54-250 to 54-258a, inclusive, as amended by this act, and (C)  
1091 has registered with the Department of Emergency Services and Public  
1092 Protection in accordance with sections 54-250 to 54-258a, inclusive, as  
1093 amended by this act; may petition the court to order the Department of  
1094 Emergency Services and Public Protection to restrict the dissemination  
1095 of the registration information to law enforcement purposes only and  
1096 to not make such information available for public access. Any person  
1097 who files such a petition shall, pursuant to subsection (b) of section 54-  
1098 227, notify the Office of Victim Services and the Victim Services Unit  
1099 within the Department of Correction of the filing of such petition. The  
1100 Office of Victim Services or the Victim Services Unit within the  
1101 Department of Correction, or both, shall, pursuant to section 54-230 or  
1102 54-230a, notify any victim who has requested notification pursuant to  
1103 subsection (b) of section 54-228 of the filing of such petition. Prior to  
1104 granting or denying such petition, the court shall consider any  
1105 information or statements provided by the victim. The court may order  
1106 the Department of Emergency Services and Public Protection to restrict  
1107 the dissemination of the registration information to law enforcement  
1108 purposes only and to not make such information available for public  
1109 access, provided the court finds that dissemination of the registration  
1110 information is not required for public safety.

1111 Sec. 42. Subsection (a) of section 54-260 of the general statutes is  
1112 repealed and the following is substituted in lieu thereof (*Effective*

1113 *October 1, 2019*):

1114 (a) For the purposes of this section, "sexual offender" means any  
 1115 person convicted of a violation of section 53a-70b of the general  
 1116 statutes, revision of 1958, revised to January 1, 2019, committed prior  
 1117 to October 1, 2019, or subdivision (2) of section 53-21 of the general  
 1118 statutes in effect prior to October 1, 2000, or subdivision (2) of  
 1119 subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,]  
 1120 53a-71, 53a-72a or 53a-72b committed on or after October 1, 1995.

1121 Sec. 43. Subsection (j) of section 46b-38b of the general statutes is  
 1122 repealed and the following is substituted in lieu thereof (*Effective July*  
 1123 *1, 2019*):

1124 (j) The provisions of this section shall not apply to persons who are  
 1125 (1) attending an institution of higher education and presently residing  
 1126 together in on-campus housing [, provided such persons are not in a  
 1127 dating relationship, and] or in off-campus housing that is owned,  
 1128 managed or operated by the institution of higher education or its  
 1129 agent, provided such persons are not family or household members as  
 1130 defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of  
 1131 section 46b-38a, or (2) presently residing in a dwelling unit, as defined  
 1132 in section 47a-1, and making payments pursuant to a rental agreement,  
 1133 as defined in section 47a-1, provided such persons are not [in a dating  
 1134 relationship] family or household members as defined in  
 1135 subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-  
 1136 38a.

1137 Sec. 44. Section 53a-70b of the general statutes is repealed. (*Effective*  
 1138 *October 1, 2019*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	10a-55a(a)
Sec. 2	<i>October 1, 2019</i>	10a-55m(a)(5)
Sec. 3	<i>October 1, 2019</i>	17a-112(j)
Sec. 4	<i>October 1, 2019</i>	17b-749k(c)

Sec. 5	<i>October 1, 2019</i>	19a-87a(a)
Sec. 6	<i>October 1, 2019</i>	19a-87e(a)
Sec. 7	<i>October 1, 2019</i>	19a-112b
Sec. 8	<i>October 1, 2019</i>	19a-112e(5)
Sec. 9	<i>October 1, 2019</i>	31-57r(8)
Sec. 10	<i>October 1, 2019</i>	45a-717(g) and (h)
Sec. 11	<i>October 1, 2019</i>	46b-38h
Sec. 12	<i>October 1, 2019</i>	47a-11e(a)
Sec. 13	<i>October 1, 2019</i>	52-161b(a)
Sec. 14	<i>October 1, 2019</i>	53a-29(f)
Sec. 15	<i>October 1, 2019</i>	53a-30(a)
Sec. 16	<i>October 1, 2019</i>	53a-32a
Sec. 17	<i>October 1, 2019</i>	53a-33
Sec. 18	<i>October 1, 2019</i>	53a-39a(a)
Sec. 19	<i>October 1, 2019</i>	53a-40(d)
Sec. 20	<i>October 1, 2019</i>	53a-40e(a)
Sec. 21	<i>October 1, 2019</i>	53a-65
Sec. 22	<i>October 1, 2019</i>	53a-67(b)
Sec. 23	<i>October 1, 2019</i>	54-56d(h)
Sec. 24	<i>October 1, 2019</i>	54-56d(m)(3)
Sec. 25	<i>October 1, 2019</i>	54-56e(c)
Sec. 26	<i>October 1, 2019</i>	54-76b(2)
Sec. 27	<i>October 1, 2019</i>	54-76c(a)
Sec. 28	<i>October 1, 2019</i>	54-76l(a)
Sec. 29	<i>October 1, 2019</i>	54-86d
Sec. 30	<i>October 1, 2019</i>	54-86e
Sec. 31	<i>October 1, 2019</i>	54-86j(a)
Sec. 32	<i>October 1, 2019</i>	54-102b(a)
Sec. 33	<i>October 1, 2019</i>	54-102g(a)
Sec. 34	<i>October 1, 2019</i>	54-125e(c)
Sec. 35	<i>October 1, 2019</i>	54-125i(a)
Sec. 36	<i>October 1, 2019</i>	54-143c
Sec. 37	<i>October 1, 2019</i>	54-193b
Sec. 38	<i>October 1, 2019</i>	54-209(d) and (e)
Sec. 39	<i>October 1, 2019</i>	54-240(14)
Sec. 40	<i>October 1, 2019</i>	54-250(11)
Sec. 41	<i>October 1, 2019</i>	54-255(a) to (c)
Sec. 42	<i>October 1, 2019</i>	54-260(a)
Sec. 43	<i>July 1, 2019</i>	46b-38b(j)
Sec. 44	<i>October 1, 2019</i>	Repealer section

**Statement of Legislative Commissioners:**

Section 24 was added in order to bracket 53a-70b in conformity with the bill and sections 24 to 43, inclusive, were renumbered accordingly.

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill includes married individuals under various sexual assault charges and results in a potential cost for increased penalties and potential revenue from increased fines. To the extent that married individuals are now subject to higher penalties, the bill results in a potential cost for incarcerations or probation supervision. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****sHB 7396*****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.*****SUMMARY**

This bill repeals the law that specifically criminalizes sexual assault in a spousal or cohabiting relationship but simultaneously subjects married individuals to penalties for other sexual assault offenses. It does so by repealing exemptions for married individuals from the definitions of “sexual intercourse” and “sexual contact” in the sexual offenses statutes.

Under current law, it is a class B felony, punishable by up to 20 years in prison, a \$15,000 fine, or both, for a spouse or cohabitor to compel the other spouse or cohabitor to engage in sexual intercourse by the use of force or threatened use of force that reasonably causes the other person to fear physical injury. Under the bill, a spouse may be charged, depending on the circumstances, with first or third degree sexual assault, aggravated first degree sexual assault, second degree sexual assault, or third degree sexual assault with a firearm for compelling his or her spouse to submit to sexual contact or intercourse by force or threatened force (i.e., the actions for which he or she may be charged with sexual assault in a spousal or cohabiting relationship under current law).

The bill also narrows the exceptions to the law that requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor (see BACKGROUND).

Additionally, the bill makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2019, except provision pertaining to family violence arrests is effective July 1, 2019.

### **SEXUAL ASSAULT OF A SPOUSE**

Due to the bill's changes to the definitions of sexual intercourse and sexual contact as described above, the bill adds the following offenses to those for which a spouse who commits sexual assault may be charged:

1. first degree sexual assault, which is a class B felony with a two year mandatory minimum sentence, if he or she compels his or her spouse to engage in sexual intercourse by the use of force against the spouse or a third person, or by a threat of such force that causes the spouse to fear physical personal injury or injury to a third person;
2. aggravated first degree sexual assault, a class B felony with a five year mandatory minimum sentence, if he or she commits first degree sexual assault and, while doing so (a) uses, is armed with and threatens to use a dangerous weapon; (b) injures his or her spouse intending to seriously and permanently disfigure or disable him or her; (c) recklessly engages in conduct creating a risk of death to the spouse under circumstances evincing an extreme indifference to human life; or (d) is aided by two or more persons actually present;
3. second degree sexual assault, a class C felony punishable by up to ten years in prison, up to a \$10,000 fine, or both, if he or she engages in sexual intercourse with his or her spouse who is (a) physically helpless or (b) impaired because of mental disability or disease to the extent that he or she is unable to consent to intercourse;
4. third degree sexual assault, which is a class D felony, punishable



by up to five years in prison, up to a \$5,000 fine, or both if he or she uses or threatens to use force to compel his or her spouse to submit to sexual contact;

5. third degree sexual assault with a firearm, which is a class C felony, with a two year mandatory minimum prison sentence and a combined prison and special parole period of ten years for committing third degree sexual assault while using, armed with and threatening to use, or displaying or representing by words or conduct that he or she has a firearm; or
6. fourth degree sexual assault, a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both, for subjecting the spouse to sexual contact without the spouse's consent or if the spouse is (a) physically helpless or (b) mentally incapacitated or impaired because of mental disability or disease to the extent that he or she is unable to consent to such contact.

#### **FAMILY VIOLENCE ARRESTS**

Existing law generally requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor. Under the bill, this does not apply to the following, unless they are family or household members: (1) college or university students residing in on- or off-campus housing owned, managed, or operated by the institution or (2) tenants who live together in a residential rental property. Currently, it does not apply to college or university roommates in on-campus housing or such tenants, unless they are in a dating relationship.

For these purposes, "family or household members" include:

1. spouses or former spouses;
2. parents or their children; or
3. individuals (a) related by blood or marriage, (b) who have a

child in common regardless of whether they are or have been married or have lived together at any time, and (c) in, or who have recently been in, a dating relationship.

**BACKGROUND**

***Family Violence***

By law, “family violence” is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. It does not include verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (04/10/2019)