



House of Representatives

File No. 997

General Assembly

January Session, 2019

(Reprint of File No. 851)

Substitute House Bill No. 7396
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2019

**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2 repealed and the following is substituted in lieu thereof (*Effective*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, or sections 53a-70, 53a-70a,
17 [53a-70b,] 53a-71, 53a-72a, 53a-72b and 53a-73a, stalking under sections
18 53a-181c, 53a-181d and 53a-181e and family violence as designated
19 under section 46b-38h, as amended by this act. The state police, local
20 police departments and special police forces established pursuant to
21 section 10a-156b, as amended by this act, shall cooperate with
22 institutions of higher education in preparing such reports. Institutions
23 with more than one campus shall prepare such reports for each
24 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26 general statutes is repealed and the following is substituted in lieu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, or section 53a-70, 53a-70a, [53a-70b,] 53a-71,
34 53a-72a, 53a-72b or 53a-73a, stalking under section 53a-181c, 53a-181d
35 or 53a-181e, or family violence as designated under section 46b-38h, as
36 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, if such act resulted in the conception of the child.

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96 repealed and the following is substituted in lieu thereof (*Effective*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

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

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

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

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

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

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

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

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

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

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

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

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

212 (8) "Sexual assault" means any act that constitutes a violation of

213 section 53a-70b of the general statutes, revision of 1958, revised to
214 January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a,
215 53a-72b or 53a-73a;

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

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

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

277 (h) If the petition alleges an act described in subparagraph (G) of
278 subdivision (2) of subsection (g) of this section that resulted in the
279 conception of the child as a basis for termination of parental rights and
280 the court determines that the respondent parent was finally adjudged

281 not guilty of such act of sexual assault under section 53a-70, 53a-70a,
282 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73 or of compelling a spouse or
283 cohabitor to engage in sexual intercourse by the use of force or by the
284 threat of the use of force under section 53a-70b of the general statutes,
285 revision of 1958, revised to January 1, 2019, the court shall transfer the
286 case to the Superior Court and the clerk of the Probate Court shall
287 transmit to the clerk of the Superior Court to which the case was
288 transferred, the original files and papers in the case. The Superior
289 Court, upon hearing after notice as provided in this section and section
290 45a-716, may grant the petition as provided in this section.

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

293 If any person is convicted of a violation of section 53a-70b of the
294 general statutes, revision of 1958, revised to January 1, 2019, or section
295 53a-59, 53a-59a, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-
296 63, 53a-64, 53a-64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, [53a-70b,] 53a-
297 70c, 53a-71, 53a-72a, 53a-72b, 53a-181, 53a-181c, 53a-181d, 53a-181e,
298 53a-182, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b, against a
299 family or household member, as defined in section 46b-38a, the court
300 shall include a designation that such conviction involved family
301 violence on the court record for the purposes of criminal history record
302 information, as defined in subsection (a) of section 54-142g.

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

306 (a) Notwithstanding the provisions of this chapter and chapter 831,
307 for rental agreements entered into or renewed on or after January 1,
308 2011, any tenant who (1) is a victim of family violence, as defined in
309 section 46b-38a, and (2) reasonably believes it is necessary to vacate the
310 dwelling unit due to fear of imminent harm to the tenant or a
311 dependent of the tenant because of family violence, may terminate his
312 or her rental agreement with the landlord for the dwelling unit that the

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

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

334 (a) A pro se litigant in any civil matter, including a habeas corpus
335 proceeding, shall notify the clerk of the court if such litigant has been
336 convicted of a family violence crime, as defined in section 53a-70b of
337 the general statutes, revision of 1958, revised to January 1, 2019, or
338 section 46b-38a, or a violation of section 53-21, 53a-70, 53a-70a, [53a-
339 70b,] 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d or 53a-181e
340 and if the subject of a subpoena to be issued by such litigant in such
341 matter is the victim of the crime for which such litigant was convicted.

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

345 (f) The period of probation, unless terminated sooner as provided in
346 section 53a-32, shall be not less than ten years or more than thirty-five
347 years for conviction of a violation of section 53a-70b of the general
348 statutes, revision of 1958, revised to January 1, 2019, or subdivision (2)
349 of subsection (a) of section 53-21 [.] or section 53a-70, 53a-70a, [53a-
350 70b,] 53a-71, 53a-72a, 53a-72b, 53a-90a or subdivision (2), (3) or (4) of
351 subsection (a) of section 53a-189a, or section 53a-196b, 53a-196c, 53a-
352 196d, 53a-196e or 53a-196f.

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

356 (a) When imposing sentence of probation or conditional discharge,
357 the court may, as a condition of the sentence, order that the defendant:
358 (1) Work faithfully at a suitable employment or faithfully pursue a
359 course of study or of vocational training that will equip the defendant
360 for suitable employment; (2) undergo medical or psychiatric treatment
361 and remain in a specified institution, when required for that purpose;
362 (3) support the defendant's dependents and meet other family
363 obligations; (4) make restitution of the fruits of the defendant's offense
364 or make restitution, in an amount the defendant can afford to pay or
365 provide in a suitable manner, for the loss or damage caused thereby.
366 The court or the Court Support Services Division, if authorized by the
367 court, may fix the amount thereof and the manner of performance, and
368 the victim shall be advised by the court or the Court Support Services
369 Division that restitution ordered under this section may be enforced
370 pursuant to section 53a-28a; (5) if a minor, (A) reside with the minor's
371 parents or in a suitable foster home, (B) attend school, and (C)
372 contribute to the minor's own support in any home or foster home; (6)
373 post a bond or other security for the performance of any or all
374 conditions imposed; (7) refrain from violating any criminal law of the
375 United States, this state or any other state; (8) if convicted of a
376 misdemeanor or a felony, other than a capital felony under the
377 provisions of section 53a-54b in effect prior to April 25, 2012, a class A
378 felony or a violation of section 53a-70b of the general statutes, revision

379 of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55,
380 53a-56, 53a-56b, 53a-57 [,] or 53a-58 [or 53a-70b] or any offense for
381 which there is a mandatory minimum sentence which may not be
382 suspended or reduced by the court, and any sentence of imprisonment
383 is suspended, participate in an alternate incarceration program; (9)
384 reside in a residential community center or halfway house approved
385 by the Commissioner of Correction, and contribute to the cost incident
386 to such residence; (10) participate in a program of community service
387 labor in accordance with section 53a-39c; (11) participate in a program
388 of community service in accordance with section 51-181c; (12) if
389 convicted of a violation of section 53a-70b of the general statutes,
390 revision of 1958, revised to January 1, 2019, or subdivision (2) of
391 subsection (a) of section 53-21 [,] or section 53a-70, 53a-70a, [53a-70b,]
392 53a-71, 53a-72a or 53a-72b, undergo specialized sexual offender
393 treatment; (13) if convicted of a criminal offense against a victim who
394 is a minor, a nonviolent sexual offense or a sexually violent offense, as
395 defined in section 54-250, as amended by this act, or of a felony that the
396 court finds was committed for a sexual purpose, as provided in section
397 54-254, register such person's identifying factors, as defined in section
398 54-250, as amended by this act, with the Commissioner of Emergency
399 Services and Public Protection when required pursuant to section 54-
400 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic
401 monitoring, which may include the use of a global positioning system;
402 (15) if convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-
403 181k or 53a-181l, participate in an anti-bias or diversity awareness
404 program or participate in a program of community service designed to
405 remedy damage caused by the commission of a bias crime or otherwise
406 related to the defendant's violation; (16) if convicted of a violation of
407 section 53-247, undergo psychiatric or psychological counseling or
408 participate in an animal cruelty prevention and education program
409 provided such a program exists and is available to the defendant; or
410 (17) satisfy any other conditions reasonably related to the defendant's
411 rehabilitation. The court shall cause a copy of any such order to be
412 delivered to the defendant and to the probation officer, if any.

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

415 If a defendant who entered a plea of nolo contendere or a guilty
416 plea under the Alford doctrine to a violation of subdivision (2) of
417 section 53-21 of the general statutes in effect prior to October 1, 2000,
418 section 53a-70b of the general statutes, revision of 1958, revised to
419 January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or
420 section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, and was
421 ordered to undergo sexual offender treatment as a condition of
422 probation, becomes ineligible for such treatment because of such
423 defendant's refusal to acknowledge that such defendant committed the
424 act or acts charged, such defendant shall be deemed to be in violation
425 of the conditions of such defendant's probation and be returned to
426 court for proceedings in accordance with section 53a-32.

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

429 The court or sentencing judge may at any time during the period of
430 probation or conditional discharge, after hearing and for good cause
431 shown, terminate a sentence of probation or conditional discharge
432 before the completion thereof, except a sentence of probation imposed
433 for conviction of a violation of subdivision (2) of section 53-21 of the
434 general statutes in effect prior to October 1, 2000, section 53a-70b of the
435 general statutes, revision of 1958, revised to January 1, 2019, or
436 subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-
437 70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b.

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

441 (a) In all cases where a defendant has been convicted of a
442 misdemeanor or a felony, other than a capital felony under the
443 provisions of section 53a-54b in effect prior to April 25, 2012, a class A
444 felony or a violation of section 53a-70b of the general statutes, revision

445 of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55,
446 53a-56, 53a-56b, 53a-57 [.] or 53a-58 [or 53a-70b] or any other offense
447 for which there is a mandatory minimum sentence which may not be
448 suspended or reduced by the court, after trial or by a plea of guilty
449 without trial, and a term of imprisonment is part of a stated plea
450 agreement or the statutory penalty provides for a term of
451 imprisonment, the court may, in its discretion, order an assessment for
452 placement in an alternate incarceration program under contract with
453 the Judicial Department. If the Court Support Services Division
454 recommends placement in an alternate incarceration program, it shall
455 also submit to the court a proposed alternate incarceration plan. Upon
456 completion of the assessment, the court shall determine whether such
457 defendant shall be ordered to participate in such program as an
458 alternative to incarceration. If the court determines that the defendant
459 shall participate in such program, the court shall suspend any sentence
460 of imprisonment and shall make participation in the alternate
461 incarceration program a condition of probation as provided in section
462 53a-30, as amended by this act.

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

466 (d) A persistent serious sexual offender is a person, other than a
467 person who qualifies as a persistent dangerous sexual offender under
468 subsection (b) of this section, who qualifies as a persistent serious
469 felony offender under subsection (c) of this section and the felony of
470 which such person presently stands convicted is a violation of section
471 53a-70b of the general statutes, revision of 1958, revised to January 1,
472 2019, or subdivision (2) of subsection (a) of section 53-21, or section
473 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b and the prior
474 conviction is for a violation of section 53-21 of the general statutes,
475 revised to January 1, 1995, involving sexual contact, committed prior to
476 October 1, 1995, a violation of subdivision (2) of section 53-21 of the
477 general statutes, committed on or after October 1, 1995, and prior to
478 October 1, 2000, a violation of section 53a-70b of the general statutes,

479 revision of 1958, revised to January 1, 2019, or a violation of
480 subdivision (2) of subsection (a) of section 53-21 or a violation of
481 section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b.

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

485 (a) If any person is convicted of (1) a violation of section 53a-70b of
486 the general statutes, revision of 1958, revised to January 1, 2019, or
487 subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59,
488 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, [53a-70b,]
489 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e,
490 53a-182b or 53a-183, subdivision (2) of subsection (a) of section 53a-
491 192a, section 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to
492 violate any of said sections or section 53a-54a, or (2) any crime that the
493 court determines constitutes a family violence crime, as defined in
494 section 46b-38a, or attempt or conspiracy to commit any such crime,
495 the court may, in addition to imposing the sentence authorized for the
496 crime under section 53a-35a or 53a-36, if the court is of the opinion that
497 the history and character and the nature and circumstances of the
498 criminal conduct of such offender indicate that a standing criminal
499 protective order will best serve the interest of the victim and the
500 public, issue a standing criminal protective order which shall remain
501 in effect for a duration specified by the court until modified or revoked
502 by the court for good cause shown. If any person is convicted of any
503 crime not specified in subdivision (1) or (2) of this subsection, the court
504 may, for good cause shown, issue a standing criminal protective order
505 pursuant to this subsection.

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

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

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

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

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

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

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

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

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

540 (8) "Intimate parts" means the genital area or any substance emitted
541 therefrom, groin, anus or any substance emitted therefrom, inner

542 thighs, buttocks or breasts.

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

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

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

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

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

571 Sec. 22. Subsection (b) of section 53a-67 of the general statutes is
572 repealed and the following is substituted in lieu thereof (*Effective*

573 October 1, 2019):

574 (b) In any prosecution for an offense under this part, except an
575 offense under section 53a-70b of the general statutes, revision of 1958,
576 revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71,
577 53a-72a or 53a-72b, it shall be an affirmative defense that the defendant
578 and the alleged victim were, at the time of the alleged offense, living
579 together by mutual consent in a relationship of cohabitation, regardless
580 of the legal status of their relationship.

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

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

592 (2) (A) Except as provided in subparagraph (B) of this subdivision, if
593 the court makes a finding pursuant to subdivision (1) of this subsection
594 and does not order placement pursuant to subparagraph (A) of said
595 subdivision, the court shall, on its own motion or on motion of the
596 state or the defendant, order placement of the defendant in the custody
597 of the Commissioner of Mental Health and Addiction Services at a
598 treatment facility pending civil commitment proceedings. The
599 treatment facility shall be determined by the Commissioner of Mental
600 Health and Addiction Services. Such order shall: (i) Include an
601 authorization for the Commissioner of Mental Health and Addiction
602 Services to apply for civil commitment of such defendant pursuant to
603 sections 17a-495 to 17a-528, inclusive; (ii) permit the defendant to agree
604 to request voluntarily to be admitted under section 17a-506 and

605 participate voluntarily in a treatment plan prepared by the
606 Commissioner of Mental Health and Addiction Services, and require
607 that the defendant comply with such treatment plan; and (iii) provide
608 that if the application for civil commitment is denied or not pursued
609 by the Commissioner of Mental Health and Addiction Services, or if
610 the defendant is unwilling or unable to comply with a treatment plan
611 despite reasonable efforts of the treatment facility to encourage the
612 defendant's compliance, the person in charge of the treatment facility,
613 or such person's designee, shall submit a written progress report to the
614 court and the defendant shall be returned to the court for a hearing
615 pursuant to subsection (k) of this section. Such written progress report
616 shall include the status of any civil commitment proceedings
617 concerning the defendant, the defendant's compliance with the
618 treatment plan, an opinion regarding the defendant's current
619 competency to stand trial, the clinical findings of the person
620 submitting the report and the facts upon which the findings are based,
621 and any other information concerning the defendant requested by the
622 court, including, but not limited to, the method of treatment or the
623 type, dosage and effect of any medication the defendant is receiving.
624 The Court Support Services Division shall monitor the defendant's
625 compliance with any applicable provisions of such order. The period
626 of placement and monitoring under such order shall not exceed the
627 period of the maximum sentence which the defendant could receive on
628 conviction of the charges against such defendant, or eighteen months,
629 whichever is less. If the defendant has complied with such treatment
630 plan and any applicable provisions of such order, at the end of the
631 period of placement and monitoring, the court shall approve the entry
632 of a nolle prosequi to the charges against the defendant or shall
633 dismiss such charges.

634 (B) This subdivision shall not apply: (i) To any person charged with
635 a class A felony, a class B felony, except a violation of section 53a-122
636 that does not involve the use, attempted use or threatened use of
637 physical force against another person, or a violation of section 53a-70b
638 of the general statutes, revision of 1958, revised to January 1, 2019, or

639 section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of
640 section 14-227n, subdivision (2) of subsection (a) of section 53-21 or
641 section 53a-56b, 53a-60d, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or
642 53a-72b; (ii) to any person charged with a crime or motor vehicle
643 violation who, as a result of the commission of such crime or motor
644 vehicle violation, causes the death of another person; or (iii) unless
645 good cause is shown, to any person charged with a class C felony.

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

649 (3) If the court orders the release of a defendant charged with the
650 commission of a crime that resulted in the death or serious physical
651 injury, as defined in section 53a-3, of another person, or with a
652 violation of section 53a-70b of the general statutes, revision of 1958,
653 revised to January 1, 2019, or subdivision (2) of subsection (a) of
654 section 53-21, subdivision (2) of subsection (a) of section 53a-60 or
655 section 53a-60a, 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b,
656 or orders the placement of such defendant in the custody of the
657 Commissioner of Mental Health and Addiction Services or the
658 Commissioner of Developmental Services, the court may, on its own
659 motion or on motion of the prosecuting authority, order, as a condition
660 of such release or placement, periodic examinations of the defendant
661 as to the defendant's competency at intervals of not less than six
662 months. If, at any time after the initial periodic examination, the court
663 finds again, based upon an examiner's recommendation, that there is a
664 substantial probability that the defendant, if provided with a course of
665 treatment, will never regain competency, then any subsequent periodic
666 examination of the defendant as to the defendant's competency shall
667 be at intervals of not less than eighteen months. Such an examination
668 shall be conducted in accordance with subsection (d) of this section.
669 Periodic examinations ordered by the court under this subsection shall
670 continue until the court finds that the defendant has attained
671 competency or until the time within which the defendant may be
672 prosecuted for the crime with which the defendant is charged, as

673 provided in section 54-193 or 54-193a, has expired, whichever occurs
674 first.

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

678 (c) This section shall not be applicable: (1) To any person charged
679 with (A) a class A felony, (B) a class B felony, except a violation of
680 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does
681 not involve the use, attempted use or threatened use of physical force
682 against another person, or a violation of subdivision (4) of subsection
683 (a) of section 53a-122 that does not involve the use, attempted use or
684 threatened use of physical force against another person and does not
685 involve a violation by a person who is a public official, as defined in
686 section 1-110, or a state or municipal employee, as defined in section 1-
687 110, or (C) a violation of section 53a-70b of the general statutes,
688 revision of 1958, revised to January 1, 2019, or section 14-227a or 14-
689 227m, subdivision (1) or (2) of subsection (a) of section 14-227n,
690 subdivision (2) of subsection (a) of section 53-21 or section 53a-56b,
691 53a-60d, 53a-70, 53a-70a, [53a-70b,] 53a-71, except as provided in
692 subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e
693 or 53a-196f, (2) to any person charged with a crime or motor vehicle
694 violation who, as a result of the commission of such crime or motor
695 vehicle violation, causes the death of another person, (3) to any person
696 accused of a family violence crime as defined in section 46b-38a who
697 (A) is eligible for the pretrial family violence education program
698 established under section 46b-38c, or (B) has previously had the
699 pretrial family violence education program invoked in such person's
700 behalf, (4) to any person charged with a violation of section 21a-267 or
701 21a-279 who (A) is eligible for the pretrial drug education and
702 community service program established under section 54-56i, or (B)
703 has previously had the pretrial drug education program or the pretrial
704 drug education and community service program invoked on such
705 person's behalf, (5) unless good cause is shown, to (A) any person
706 charged with a class C felony, or (B) any person charged with

707 committing a violation of subdivision (1) of subsection (a) of section
708 53a-71 while such person was less than four years older than the other
709 person, (6) to any person charged with a violation of section 9-359 or 9-
710 359a, (7) to any person charged with a motor vehicle violation (A)
711 while operating a commercial motor vehicle, as defined in section 14-1,
712 or (B) who holds a commercial driver's license or commercial driver's
713 instruction permit at the time of the violation, (8) to any person
714 charged with a violation of subdivision (6) of subsection (a) of section
715 53a-60, or (9) to a health care provider or vendor participating in the
716 state's Medicaid program charged with a violation of section 53a-122
717 or subdivision (4) of subsection (a) of section 53a-123.

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

721 (2) "Youthful offender" means a youth who (A) is charged with the
722 commission of a crime which is not a class A felony or a violation of
723 section 53a-70b of the general statutes, revision of 1958, revised to
724 January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of
725 subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m,
726 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision
727 (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-
728 70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving
729 consensual sexual intercourse or sexual contact between the youth and
730 another person who is thirteen years of age or older but under sixteen
731 years of age, and (B) has not previously been convicted of a felony in
732 the regular criminal docket of the Superior Court or been previously
733 adjudged a serious juvenile offender or serious juvenile repeat
734 offender, as defined in section 46b-120.

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

738 (a) In any case where an information or complaint has been laid

739 charging a defendant with the commission of a crime, and where it
740 appears that the defendant is a youth, such defendant shall be
741 presumed to be eligible to be adjudged a youthful offender and the
742 court having jurisdiction shall, but only as to the public, order the
743 court file sealed, unless such defendant (1) is charged with the
744 commission of a crime which is a class A felony or a violation of
745 section 53a-70b of the general statutes, revision of 1958, revised to
746 January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of
747 subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m,
748 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision
749 (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-
750 70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving
751 consensual sexual intercourse or sexual contact between the youth and
752 another person who is thirteen years of age or older but under sixteen
753 years of age, or (2) has been previously convicted of a felony in the
754 regular criminal docket of the Superior Court or been previously
755 adjudged a serious juvenile offender or serious juvenile repeat
756 offender, as defined in section 46b-120. Except as provided in
757 subsection (b) of this section, upon motion of the prosecuting official,
758 the court may order that an investigation be made of such defendant
759 under section 54-76d, for the purpose of determining whether such
760 defendant is ineligible to be adjudged a youthful offender, provided
761 the court file shall remain sealed, but only as to the public, during such
762 investigation.

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

766 (a) The records or other information of a youth, other than a youth
767 arrested for or charged with the commission of a crime which is a class
768 A felony or a violation of section 53a-70b of the general statutes,
769 revision of 1958, revised to January 1, 2019, or section 14-222a,
770 subsection (a) or subdivision (1) of subsection (b) of section 14-224,
771 section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection
772 (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21

773 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b, except
774 a violation involving consensual sexual intercourse or sexual contact
775 between the youth and another person who is thirteen years of age or
776 older but under sixteen years of age, including fingerprints,
777 photographs and physical descriptions, shall be confidential and shall
778 not be open to public inspection or be disclosed except as provided in
779 this section, but such fingerprints, photographs and physical
780 descriptions submitted to the State Police Bureau of Identification of
781 the Division of State Police within the Department of Emergency
782 Services and Public Protection at the time of the arrest of a person
783 subsequently adjudged, or subsequently presumed or determined to
784 be eligible to be adjudged, a youthful offender shall be retained as
785 confidential matter in the files of the bureau and be opened to
786 inspection only as provided in this section. Other data ordinarily
787 received by the bureau, with regard to persons arrested for a crime,
788 shall be forwarded to the bureau to be filed, in addition to such
789 fingerprints, photographs and physical descriptions, and be retained in
790 the division as confidential information, open to inspection only as
791 provided in this section.

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

794 Any person who has been the victim of a sexual assault under
795 section 53a-70b of the general statutes, revision of 1958, revised to
796 January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71,
797 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or
798 injury or risk of injury, or impairing of morals under section 53-21, or
799 of an attempt thereof, or family violence, as defined in section 46b-38a,
800 shall not be required to divulge his or her address or telephone
801 number during any trial or pretrial evidentiary hearing arising from
802 the sexual assault, voyeurism or injury or risk of injury to, or impairing
803 of morals of, a child, or family violence; provided the judge presiding
804 over such legal proceeding finds: (1) Such information is not material
805 to the proceeding, (2) the identity of the victim has been satisfactorily
806 established, and (3) the current address of the victim will be made

807 available to the defense in the same manner and time as such
808 information is made available to the defense for other criminal
809 offenses.

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

812 The name and address of the victim of a sexual assault under
813 section 53a-70b of the general statutes, revision of 1958, revised to
814 January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71,
815 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or
816 injury or risk of injury, or impairing of morals under section 53-21, or
817 of an attempt thereof, or family violence, as defined in section 46b-38a
818 and such other identifying information pertaining to such victim as
819 determined by the court, shall be confidential and shall be disclosed
820 only upon order of the Superior Court, except that (1) such information
821 shall be available to the accused in the same manner and time as such
822 information is available to persons accused of other criminal offenses,
823 and (2) if a protective order is issued in a prosecution under any of
824 said sections, the name and address of the victim, in addition to the
825 information contained in and concerning the issuance of such order,
826 shall be entered in the registry of protective orders pursuant to section
827 51-5c.

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

831 (a) No member of any municipal police department, the state police
832 or the Division of Criminal Justice may request or require any victim of
833 a sexual assault under section 53a-70b of the general statutes, revision
834 of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,]
835 53a-71, 53a-72a, 53a-72b or 53a-73a to submit to or take a polygraph
836 examination.

837 Sec. 32. Subsection (a) of section 54-102b of the general statutes is
838 repealed and the following is substituted in lieu thereof (*Effective*

839 October 1, 2019):

840 (a) Notwithstanding any provision of the general statutes, except as
841 provided in subsection (b) of this section, a court entering a judgment
842 of conviction or conviction of a child as delinquent for a violation of
843 section 53a-70b of the general statutes, revision of 1958, revised to
844 January 1, 2019, or section 53a-70, 53a-70a, [53a-70b] or 53a-71 or a
845 violation of section 53-21, 53a-72a, 53a-72b or 53a-73a involving a
846 sexual act, shall, at the request of the victim of such crime, order that
847 the offender be tested for the presence of the etiologic agent for
848 acquired immune deficiency syndrome or human immunodeficiency
849 virus and that the results be disclosed to the victim and the offender.
850 The test shall be performed by or at the direction of the Department of
851 Correction or, in the case of a child convicted as delinquent, at the
852 direction of the Court Support Services Division of the Judicial
853 Department or the Department of Children and Families, in
854 consultation with the Department of Public Health.

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

858 (a) Whenever any person is arrested on or after October 1, 2011, for
859 the commission of a serious felony and, prior to such arrest, has been
860 convicted of a felony but has not submitted to the taking of a blood or
861 other biological sample for DNA (deoxyribonucleic acid) analysis
862 pursuant to this section, the law enforcement agency that arrested such
863 person shall, as available resources allow, require such person to
864 submit to the taking of a blood or other biological sample for DNA
865 (deoxyribonucleic acid) analysis to determine identification
866 characteristics specific to the person. If the law enforcement agency
867 requires such person to submit to the taking of such blood or other
868 biological sample, such person shall submit to the taking of such
869 sample prior to release from custody and at such time and place as the
870 agency may specify. For purposes of this subsection, "serious felony"
871 means a violation of section 53a-70b of the general statutes, revision of

872 1958, revised to January 1, 2019, or section 53a-54a, 53a-54b, 53a-54c,
873 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-
874 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, [53a-70b,] 53a-
875 72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-
876 102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136,
877 53a-167c, 53a-179b, 53a-179c or 53a-181c.

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

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

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

894 (a) An inmate (1) not convicted of a crime for which there is a
895 victim, as defined in section 54-201 or section 54-226, who is known by
896 the Board of Pardons and Paroles, (2) whose eligibility for parole
897 release is not subject to the provisions of subsection (b) of section 54-
898 125a, (3) who was not convicted of a violation of section 53a-70b of the
899 general statutes, revision of 1958, revised to January 1, 2019, or section
900 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-
901 59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb, 53a-70, [53a-70b,] 53a-
902 72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-
903 102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c,

904 53a-179b, 53a-179c or 53a-181c, and (4) who is not otherwise prohibited
905 from being granted parole for any reason, may be allowed to go at
906 large on parole in accordance with the provisions of section 54-125a or
907 section 54-125g, pursuant to the provisions of subsections (b) and (c) of
908 this section.

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

911 In addition to any fine, fee or cost that may be imposed pursuant to
912 any provision of the general statutes, the court shall impose a fine of
913 one hundred fifty-one dollars on any person who, on or after July 1,
914 2004, is convicted of or pleads guilty or nolo contendere to a violation
915 of section 53a-70b of the general statutes, revision of 1958, revised to
916 January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or
917 section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a.
918 Fines collected under this section shall be deposited in the sexual
919 assault victims account established under section 19a-112d.

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

922 Notwithstanding the provisions of sections 54-193 and 54-193a,
923 there shall be no limitation of time within which a person may be
924 prosecuted for a violation of section 53a-70b of the general statutes,
925 revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a,
926 [53a-70b,] 53a-71, 53a-72a or 53a-72b, provided (1) the victim notified
927 any police officer or state's attorney acting in such police officer's or
928 state's attorney's official capacity of the commission of the offense not
929 later than five years after the commission of the offense, and (2) the
930 identity of the person who allegedly committed the offense has been
931 established through a DNA (deoxyribonucleic acid) profile comparison
932 using evidence collected at the time of the commission of the offense.

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

936 (d) In instances where a violation of section 53a-70b of the general
937 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
938 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a,
939 53a-82 or 53a-192a has been alleged, the Office of Victim Services or, on
940 review, a victim compensation commissioner, may order
941 compensation be paid if (1) the personal injury has been disclosed to:
942 (A) A physician or surgeon licensed under chapter 370; (B) a resident
943 physician or intern in any hospital in this state, whether or not
944 licensed; (C) a physician assistant licensed under chapter 370; (D) an
945 advanced practice registered nurse, registered nurse or practical nurse
946 licensed under chapter 378; (E) a psychologist licensed under chapter
947 383; (F) a police officer; (G) a mental health professional; (H) an
948 emergency medical services provider licensed or certified under
949 chapter 368d; (I) an alcohol and drug counselor licensed or certified
950 under chapter 376b; (J) a marital and family therapist licensed under
951 chapter 383a; (K) a domestic violence counselor or a sexual assault
952 counselor, as defined in section 52-146k; (L) a professional counselor
953 licensed under chapter 383c; (M) a clinical social worker licensed
954 under chapter 383b; (N) an employee of the Department of Children
955 and Families; or (O) a school principal, a school teacher, a school
956 guidance counselor or a school counselor, and (2) the office or
957 commissioner, as the case may be, reasonably concludes that a
958 violation of any of said sections has occurred.

959 (e) In instances where a violation of section 53a-70b of the general
960 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
961 53a-70, 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a,
962 53a-82, 53a-192a or family violence, as defined in section 46b-38a, has
963 been alleged, the Office of Victim Services or, on review, a victim
964 compensation commissioner, may also order the payment of
965 compensation under sections 54-201 to 54-218, inclusive, for personal
966 injury suffered by a victim (1) as reported in an application for a
967 restraining order under section 46b-15 or an application for a civil
968 protection order under section 46b-16a, an affidavit supporting an
969 application under section 46b-15 or section 46b-16a, or on the record to

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

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

977 (14) "Sexual assault" means any act that constitutes a violation of
978 section 53a-70b of the general statutes, revision of 1958, revised to
979 January 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a,
980 53a-72b or 53a-73a; and

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

984 (11) "Sexually violent offense" means (A) a violation of section 53a-
985 70b of the general statutes, revision of 1958, revised to January 1, 2019,
986 or section 53a-70, except subdivision (2) of subsection (a) of said
987 section, 53a-70a, [53a-70b,] 53a-71, except subdivision (1), (4), (8) or (10)
988 or subparagraph (B) of subdivision (9) of subsection (a) of said section
989 or subparagraph (A) of subdivision (9) of subsection (a) of said section
990 if the court makes a finding that, at the time of the offense, the victim
991 was under eighteen years of age, 53a-72a, except subdivision (2) of
992 subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-
993 92a, provided the court makes a finding that the offense was
994 committed with intent to sexually violate or abuse the victim, (B) a
995 violation of any of the offenses specified in subparagraph (A) of this
996 subdivision for which a person is criminally liable under section 53a-8,
997 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of
998 the offenses specified in subparagraph (A) or (B) of this subdivision
999 the essential elements of which are substantially the same as said
1000 offense.

1001 Sec. 41. Subsections (a) to (c), inclusive, of section 54-255 of the

1002 general statutes are repealed and the following is substituted in lieu
1003 thereof (*Effective October 1, 2019*):

1004 (a) Upon the conviction or finding of not guilty by reason of mental
1005 disease or defect of any person for a violation of section 53a-70b of the
1006 general statutes, revision of 1958, revised to January 1, 2019, the court
1007 may order the Department of Emergency Services and Public
1008 Protection to restrict the dissemination of the registration information
1009 to law enforcement purposes only and to not make such information
1010 available for public access, provided the court finds that dissemination
1011 of the registration information is not required for public safety and that
1012 publication of the registration information would be likely to reveal
1013 the identity of the victim within the community where the victim
1014 resides. The court shall remove the restriction on the dissemination of
1015 such registration information if, at any time, the court finds that public
1016 safety requires that such person's registration information be made
1017 available to the public or that a change of circumstances makes
1018 publication of such registration information no longer likely to reveal
1019 the identity of the victim within the community where the victim
1020 resides. Prior to ordering or removing the restriction on the
1021 dissemination of such person's registration information, the court shall
1022 consider any information or statements provided by the victim.

1023 (b) Upon the conviction or finding of not guilty by reason of mental
1024 disease or defect of any person of a criminal offense against a victim
1025 who is a minor, a nonviolent sexual offense or a sexually violent
1026 offense, where the victim of such offense was, at the time of the
1027 offense, under eighteen years of age and related to such person within
1028 any of the degrees of kindred specified in section 46b-21, the court may
1029 order the Department of Emergency Services and Public Protection to
1030 restrict the dissemination of the registration information to law
1031 enforcement purposes only and to not make such information
1032 available for public access, provided the court finds that dissemination
1033 of the registration information is not required for public safety and that
1034 publication of the registration information would be likely to reveal
1035 the identity of the victim within the community where the victim

1036 resides. The court shall remove the restriction on the dissemination of
1037 such registration information if, at any time, it finds that public safety
1038 requires that such person's registration information be made available
1039 to the public or that a change in circumstances makes publication of
1040 the registration information no longer likely to reveal the identity of
1041 the victim within the community where the victim resides.

1042 (c) Any person who: (1) Has been convicted or found not guilty by
1043 reason of mental disease or defect of a violation of subdivision (1) of
1044 subsection (a) of section 53a-71 between October 1, 1988, and June 30,
1045 1999, and was under nineteen years of age at the time of the offense; (2)
1046 has been convicted or found not guilty by reason of mental disease or
1047 defect of a violation of subdivision (2) of subsection (a) of section 53a-
1048 73a between October 1, 1988, and June 30, 1999; (3) has been convicted
1049 or found not guilty by reason of mental disease or defect of a criminal
1050 offense against a victim who is a minor, a nonviolent sexual offense or
1051 a sexually violent offense, between October 1, 1988, and June 30, 1999,
1052 where the victim of such offense was, at the time of the offense, under
1053 eighteen years of age and related to such person within any of the
1054 degrees of kindred specified in section 46b-21; (4) has been convicted
1055 or found not guilty by reason of mental disease or defect of a violation
1056 of section 53a-70b of the general statutes, revision of 1958, revised to
1057 January 1, 2019, between October 1, 1988, and June 30, 1999; or (5) has
1058 been convicted or found not guilty by reason of mental disease or
1059 defect of any crime between October 1, 1988, and September 30, 1998,
1060 which requires registration under sections 54-250 to 54-258a, inclusive,
1061 as amended by this act, and (A) served no jail or prison time as a result
1062 of such conviction or finding of not guilty by reason of mental disease
1063 or defect, (B) has not been subsequently convicted or found not guilty
1064 by reason of mental disease or defect of any crime which would
1065 require registration under sections 54-250 to 54-258a, inclusive, as
1066 amended by this act, and (C) has registered with the Department of
1067 Emergency Services and Public Protection in accordance with sections
1068 54-250 to 54-258a, inclusive, as amended by this act; may petition the
1069 court to order the Department of Emergency Services and Public

1070 Protection to restrict the dissemination of the registration information
1071 to law enforcement purposes only and to not make such information
1072 available for public access. Any person who files such a petition shall,
1073 pursuant to subsection (b) of section 54-227, notify the Office of Victim
1074 Services and the Victim Services Unit within the Department of
1075 Correction of the filing of such petition. The Office of Victim Services
1076 or the Victim Services Unit within the Department of Correction, or
1077 both, shall, pursuant to section 54-230 or 54-230a, notify any victim
1078 who has requested notification pursuant to subsection (b) of section 54-
1079 228 of the filing of such petition. Prior to granting or denying such
1080 petition, the court shall consider any information or statements
1081 provided by the victim. The court may order the Department of
1082 Emergency Services and Public Protection to restrict the dissemination
1083 of the registration information to law enforcement purposes only and
1084 to not make such information available for public access, provided the
1085 court finds that dissemination of the registration information is not
1086 required for public safety.

1087 Sec. 42. Subsection (a) of section 54-260 of the general statutes is
1088 repealed and the following is substituted in lieu thereof (*Effective*
1089 *October 1, 2019*):

1090 (a) For the purposes of this section, "sexual offender" means any
1091 person convicted of a violation of section 53a-70b of the general
1092 statutes, revision of 1958, revised to January 1, 2019, or subdivision (2)
1093 of section 53-21 of the general statutes in effect prior to October 1, 2000,
1094 or subdivision (2) of subsection (a) of section 53-21, or section 53a-70,
1095 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b committed on or after
1096 October 1, 1995.

1097 Sec. 43. Subsection (j) of section 46b-38b of the general statutes is
1098 repealed and the following is substituted in lieu thereof (*Effective July*
1099 *1, 2019*):

1100 (j) The provisions of this section shall not apply to persons who are
1101 (1) attending an institution of higher education and presently residing

1102 together in on-campus housing [, provided such persons are not in a
 1103 dating relationship, and] or in off-campus housing that is owned,
 1104 managed or operated by the institution of higher education or its
 1105 agent, provided such persons are not family or household members as
 1106 defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of
 1107 section 46b-38a, or (2) presently residing in a dwelling unit, as defined
 1108 in section 47a-1, and making payments pursuant to a rental agreement,
 1109 as defined in section 47a-1, provided such persons are not [in a dating
 1110 relationship] family or household members as defined in
 1111 subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-
 1112 38a.

1113 Sec. 44. Section 53a-70b of the general statutes is repealed. (*Effective*
 1114 *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

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 \$1,800¹ while the average marginal cost for supervision in the community is less than \$700² each year.

House "A" makes technical changes and does not result in a fiscal impact.

¹ 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.

² 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.

The Out Years

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

OLR Bill Analysis**sHB 7396 (as amended by House "A")******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, up to 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.

*House Amendment "A" makes technical changes to the underlying bill.

EFFECTIVE DATE: October 1, 2019, except the 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, or displays or represents he or she possesses, 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 10 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 10 years, if he or she commits 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, if he or she subjects 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 such roommates or tenants 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)