



General Assembly

January Session, 2019

Raised Bill No. 7341

LCO No. 5587



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING RAPE BY IMPERSONATION.

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

1 Section 1. Section 53a-71 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) A person is guilty of sexual assault in the second degree when
4 such person engages in sexual intercourse with another person and: (1)
5 Such other person is thirteen years of age or older but under sixteen
6 years of age and the actor is more than three years older than such
7 other person; or (2) such other person is impaired because of mental
8 disability or disease to the extent that such other person is unable to
9 consent to such sexual intercourse; or (3) such other person is
10 physically helpless; or (4) such other person is less than eighteen years
11 old and the actor is such person's guardian or otherwise responsible
12 for the general supervision of such person's welfare; or (5) such other
13 person is in custody of law or detained in a hospital or other institution
14 and the actor has supervisory or disciplinary authority over such other
15 person; or (6) the actor is a psychotherapist and such other person is
16 (A) a patient of the actor and the sexual intercourse occurs during the

17 psychotherapy session, (B) a patient or former patient of the actor and
18 such patient or former patient is emotionally dependent upon the
19 actor, or (C) a patient or former patient of the actor and the sexual
20 intercourse occurs by means of therapeutic deception; or (7) the actor
21 accomplishes the sexual intercourse by means of false representation
22 that the sexual intercourse is for a bona fide medical purpose by a
23 health care professional; or (8) the actor is a school employee and such
24 other person is a student enrolled in a school in which the actor works
25 or a school under the jurisdiction of the local or regional board of
26 education which employs the actor; or (9) the actor is a coach in an
27 athletic activity or a person who provides intensive, ongoing
28 instruction and such other person is a recipient of coaching or
29 instruction from the actor and (A) is a secondary school student and
30 receives such coaching or instruction in a secondary school setting, or
31 (B) is under eighteen years of age; or (10) the actor is twenty years of
32 age or older and stands in a position of power, authority or
33 supervision over such other person by virtue of the actor's
34 professional, legal, occupational or volunteer status and such other
35 person's participation in a program or activity, and such other person
36 is under eighteen years of age; or (11) such other person is placed or
37 receiving services under the direction of the Commissioner of
38 Developmental Services in any public or private facility or program
39 and the actor has supervisory or disciplinary authority over such other
40 person; or (12) the actor, through the use of false or fraudulent
41 representation, fraudulent concealment, false pretense or personation,
42 trick, artifice or device, induces such other person to believe that the
43 actor is a person, other than the actor, who is known to such other
44 person for the purpose causing such other person to consent to engage
45 in sexual intercourse with the actor.

46 (b) Sexual assault in the second degree is a class C felony or, if the
47 victim of the offense is under sixteen years of age, a class B felony, and
48 any person found guilty under this section shall be sentenced to a term
49 of imprisonment of which nine months of the sentence imposed may
50 not be suspended or reduced by the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	53a-71

Statement of Purpose:

To provide that inducing a victim to participate in sexual intercourse with the perpetrator based on the victim's false belief caused by the perpetrator that the perpetrator is another person known to the victim.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]