



General Assembly

January Session, 2019

Raised Bill No. 7396

LCO No. 6518



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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

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

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2 repealed and the following is substituted in lieu thereof (*Effective*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

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

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

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26 general statutes is repealed and the following is substituted in lieu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

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

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

40 (j) The Superior Court, upon notice and hearing as provided in
41 sections 45a-716 and 45a-717, as amended by this act, may grant a
42 petition filed pursuant to this section if it finds by clear and convincing
43 evidence that (1) the Department of Children and Families has made
44 reasonable efforts to locate the parent and to reunify the child with the
45 parent in accordance with subsection (a) of section 17a-111b, unless the
46 court finds in this proceeding that the parent is unable or unwilling to
47 benefit from reunification efforts, except that such finding is not

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

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

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

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

115 Sec. 5. Subsection (a) of section 19a-87a of the general statutes is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

282 (h) If the petition alleges an act described in subparagraph (G) of
283 subdivision (2) of subsection (g) of this section that resulted in the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

547 to any other act committed upon such person without such person's
548 consent.

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

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

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

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

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

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

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

575 (13) "School employee" means: (A) A teacher, substitute teacher,
576 school administrator, school superintendent, guidance counselor,

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

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

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

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

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

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

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

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

664 Sec. 24. Subsection (c) of section 54-56e of the general statutes is
665 repealed and the following is substituted in lieu thereof (*Effective*
666 *October 1, 2019*):

667 (c) This section shall not be applicable: (1) To any person charged
668 with (A) a class A felony, (B) a class B felony, except a violation of
669 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does
670 not involve the use, attempted use or threatened use of physical force
671 against another person, or a violation of subdivision (4) of subsection
672 (a) of section 53a-122 that does not involve the use, attempted use or
673 threatened use of physical force against another person and does not
674 involve a violation by a person who is a public official, as defined in
675 section 1-110, or a state or municipal employee, as defined in section 1-
676 110, or (C) a violation of section 53a-70b of the general statutes,

677 revision of 1958, revised to January 1, 2019, committed prior to October
678 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of
679 subsection (a) of section 14-227n, subdivision (2) of subsection (a) of
680 section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-
681 71, except as provided in subdivision (5) of this subsection, 53a-72a,
682 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a
683 crime or motor vehicle violation who, as a result of the commission of
684 such crime or motor vehicle violation, causes the death of another
685 person, (3) to any person accused of a family violence crime as defined
686 in section 46b-38a who (A) is eligible for the pretrial family violence
687 education program established under section 46b-38c, or (B) has
688 previously had the pretrial family violence education program
689 invoked in such person's behalf, (4) to any person charged with a
690 violation of section 21a-267 or 21a-279 who (A) is eligible for the
691 pretrial drug education and community service program established
692 under section 54-56i, or (B) has previously had the pretrial drug
693 education program or the pretrial drug education and community
694 service program invoked on such person's behalf, (5) unless good
695 cause is shown, to (A) any person charged with a class C felony, or (B)
696 any person charged with committing a violation of subdivision (1) of
697 subsection (a) of section 53a-71 while such person was less than four
698 years older than the other person, (6) to any person charged with a
699 violation of section 9-359 or 9-359a, (7) to any person charged with a
700 motor vehicle violation (A) while operating a commercial motor
701 vehicle, as defined in section 14-1, or (B) who holds a commercial
702 driver's license or commercial driver's instruction permit at the time of
703 the violation, (8) to any person charged with a violation of subdivision
704 (6) of subsection (a) of section 53a-60, or (9) to a health care provider or
705 vendor participating in the state's Medicaid program charged with a
706 violation of section 53a-122 or subdivision (4) of subsection (a) of
707 section 53a-123.

708 Sec. 25. Subdivision (2) of section 54-76b of the general statutes is
709 repealed and the following is substituted in lieu thereof (*Effective*
710 *October 1, 2019*):

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

725 Sec. 26. Subsection (a) of section 54-76c of the general statutes is
726 repealed and the following is substituted in lieu thereof (*Effective*
727 *October 1, 2019*):

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

745 Court or been previously adjudged a serious juvenile offender or
746 serious juvenile repeat offender, as defined in section 46b-120. Except
747 as provided in subsection (b) of this section, upon motion of the
748 prosecuting official, the court may order that an investigation be made
749 of such defendant under section 54-76d, for the purpose of
750 determining whether such defendant is ineligible to be adjudged a
751 youthful offender, provided the court file shall remain sealed, but only
752 as to the public, during such investigation.

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

756 (a) The records or other information of a youth, other than a youth
757 arrested for or charged with the commission of a crime which is a class
758 A felony or a violation of section 53a-70b of the general statutes,
759 revision of 1958, revised to January 1, 2019, committed prior to October
760 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of
761 subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m,
762 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision
763 (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-
764 70b,] 53a-71, 53a-72a or 53a-72b, except a violation involving
765 consensual sexual intercourse or sexual contact between the youth and
766 another person who is thirteen years of age or older but under sixteen
767 years of age, including fingerprints, photographs and physical
768 descriptions, shall be confidential and shall not be open to public
769 inspection or be disclosed except as provided in this section, but such
770 fingerprints, photographs and physical descriptions submitted to the
771 State Police Bureau of Identification of the Division of State Police
772 within the Department of Emergency Services and Public Protection at
773 the time of the arrest of a person subsequently adjudged, or
774 subsequently presumed or determined to be eligible to be adjudged, a
775 youthful offender shall be retained as confidential matter in the files of
776 the bureau and be opened to inspection only as provided in this
777 section. Other data ordinarily received by the bureau, with regard to
778 persons arrested for a crime, shall be forwarded to the bureau to be

779 filed, in addition to such fingerprints, photographs and physical
780 descriptions, and be retained in the division as confidential
781 information, open to inspection only as provided in this section.

782 Sec. 28. Section 54-86d of the general statutes is repealed and the
783 following is substituted in lieu thereof (*Effective October 1, 2019*):

784 Any person who has been the victim of a sexual assault under
785 section 53a-70b of the general statutes, revision of 1958, revised to
786 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,
787 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a,
788 voyeurism under section 53a-189a, or injury or risk of injury, or
789 impairing of morals under section 53-21, or of an attempt thereof, or
790 family violence, as defined in section 46b-38a, shall not be required to
791 divulge his or her address or telephone number during any trial or
792 pretrial evidentiary hearing arising from the sexual assault, voyeurism
793 or injury or risk of injury to, or impairing of morals of, a child, or
794 family violence; provided the judge presiding over such legal
795 proceeding finds: (1) Such information is not material to the
796 proceeding, (2) the identity of the victim has been satisfactorily
797 established, and (3) the current address of the victim will be made
798 available to the defense in the same manner and time as such
799 information is made available to the defense for other criminal
800 offenses.

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

803 The name and address of the victim of a sexual assault under
804 section 53a-70b of the general statutes, revision of 1958, revised to
805 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,
806 53a-70a, [53a-70b,] 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a,
807 voyeurism under section 53a-189a, or injury or risk of injury, or
808 impairing of morals under section 53-21, or of an attempt thereof, or
809 family violence, as defined in section 46b-38a and such other
810 identifying information pertaining to such victim as determined by the

811 court, shall be confidential and shall be disclosed only upon order of
812 the Superior Court, except that (1) such information shall be available
813 to the accused in the same manner and time as such information is
814 available to persons accused of other criminal offenses, and (2) if a
815 protective order is issued in a prosecution under any of said sections,
816 the name and address of the victim, in addition to the information
817 contained in and concerning the issuance of such order, shall be
818 entered in the registry of protective orders pursuant to section 51-5c.

819 Sec. 30. Subsection (a) of section 54-86j of the general statutes is
820 repealed and the following is substituted in lieu thereof (*Effective*
821 *October 1, 2019*):

822 (a) No member of any municipal police department, the state police
823 or the Division of Criminal Justice may request or require any victim of
824 a sexual assault under section 53a-70b of the general statutes, revision
825 of 1958, revised to January 1, 2019, committed prior to October 1, 2019,
826 or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-
827 73a to submit to or take a polygraph examination.

828 Sec. 31. Subsection (a) of section 54-102b of the general statutes is
829 repealed and the following is substituted in lieu thereof (*Effective*
830 *October 1, 2019*):

831 (a) Notwithstanding any provision of the general statutes, except as
832 provided in subsection (b) of this section, a court entering a judgment
833 of conviction or conviction of a child as delinquent for a violation of
834 section 53a-70b of the general statutes, revision of 1958, revised to
835 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,
836 53a-70a, [53a-70b] or 53a-71 or a violation of section 53-21, 53a-72a,
837 53a-72b or 53a-73a involving a sexual act, shall, at the request of the
838 victim of such crime, order that the offender be tested for the presence
839 of the etiologic agent for acquired immune deficiency syndrome or
840 human immunodeficiency virus and that the results be disclosed to the
841 victim and the offender. The test shall be performed by or at the
842 direction of the Department of Correction or, in the case of a child

843 convicted as delinquent, at the direction of the Court Support Services
844 Division of the Judicial Department or the Department of Children and
845 Families, in consultation with the Department of Public Health.

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

849 (a) Whenever any person is arrested on or after October 1, 2011, for
850 the commission of a serious felony and, prior to such arrest, has been
851 convicted of a felony but has not submitted to the taking of a blood or
852 other biological sample for DNA (deoxyribonucleic acid) analysis
853 pursuant to this section, the law enforcement agency that arrested such
854 person shall, as available resources allow, require such person to
855 submit to the taking of a blood or other biological sample for DNA
856 (deoxyribonucleic acid) analysis to determine identification
857 characteristics specific to the person. If the law enforcement agency
858 requires such person to submit to the taking of such blood or other
859 biological sample, such person shall submit to the taking of such
860 sample prior to release from custody and at such time and place as the
861 agency may specify. For purposes of this subsection, "serious felony"
862 means a violation of section 53a-70b of the general statutes, revision of
863 1958, revised to January 1, 2019, committed prior to October 1, 2019, or
864 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-
865 56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c,
866 53a-70, 53a-70a, [53a-70b,] 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a,
867 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-
868 112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

869 Sec. 33. Subsection (c) of section 54-125e of the general statutes is
870 repealed and the following is substituted in lieu thereof (*Effective*
871 *October 1, 2019*):

872 (c) The period of special parole shall be not less than one year or
873 more than ten years, except that such period may be for more than ten
874 years for a person convicted of a violation of section 53a-70b of the

875 general statutes, revision of 1958, revised to January 1, 2019,
876 committed prior to October 1, 2019, or subdivision (2) of section 53-21
877 of the general statutes in effect prior to October 1, 2000, subdivision (2)
878 of subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,]
879 53a-71, 53a-72a or 53a-72b or sentenced as a persistent dangerous
880 felony offender pursuant to subsection (i) of section 53a-40 or as a
881 persistent serious felony offender pursuant to subsection (k) of section
882 53a-40.

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

886 (a) An inmate (1) not convicted of a crime for which there is a
887 victim, as defined in section 54-201 or section 54-226, who is known by
888 the Board of Pardons and Paroles, (2) whose eligibility for parole
889 release is not subject to the provisions of subsection (b) of section 54-
890 125a, (3) who was not convicted of a violation of section 53a-70b of the
891 general statutes, revision of 1958, revised to January 1, 2019,
892 committed prior to October 1, 2019, or section 53a-55, 53a-55a, 53a-56,
893 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-
894 60c, 53a-64aa, 53a-64bb, 53a-70, [53a-70b,] 53a-72b, 53a-92, 53a-92a, 53a-
895 94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111,
896 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-
897 181c, and (4) who is not otherwise prohibited from being granted
898 parole for any reason, may be allowed to go at large on parole in
899 accordance with the provisions of section 54-125a or section 54-125g,
900 pursuant to the provisions of subsections (b) and (c) of this section.

901 Sec. 35. Section 54-143c of the general statutes is repealed and the
902 following is substituted in lieu thereof (*Effective October 1, 2019*):

903 In addition to any fine, fee or cost that may be imposed pursuant to
904 any provision of the general statutes, the court shall impose a fine of
905 one hundred fifty-one dollars on any person who, on or after July 1,
906 2004, is convicted of or pleads guilty or nolo contendere to a violation

907 of section 53a-70b of the general statutes, revision of 1958, revised to
908 January 1, 2019, committed prior to October 1, 2019, or subdivision (2)
909 of subsection (a) of section 53-21 or section 53a-70, 53a-70a, [53a-70b,]
910 53a-71, 53a-72a, 53a-72b or 53a-73a. Fines collected under this section
911 shall be deposited in the sexual assault victims account established
912 under section 19a-112d.

913 Sec. 36. Section 54-193b of the general statutes is repealed and the
914 following is substituted in lieu thereof (*Effective October 1, 2019*):

915 Notwithstanding the provisions of sections 54-193 and 54-193a,
916 there shall be no limitation of time within which a person may be
917 prosecuted for a violation of section 53a-70b of the general statutes,
918 revision of 1958, revised to January 1, 2019, committed prior to October
919 1, 2019, or section 53a-70, 53a-70a, [53a-70b,] 53a-71, 53a-72a or 53a-72b,
920 provided (1) the victim notified any police officer or state's attorney
921 acting in such police officer's or state's attorney's official capacity of the
922 commission of the offense not later than five years after the
923 commission of the offense, and (2) the identity of the person who
924 allegedly committed the offense has been established through a DNA
925 (deoxyribonucleic acid) profile comparison using evidence collected at
926 the time of the commission of the offense.

927 Sec. 37. Subsections (d) and (e) of section 54-209 of the general
928 statutes are repealed and the following is substituted in lieu thereof
929 (*Effective October 1, 2019*):

930 (d) In instances where a violation of section 53a-70b of the general
931 statutes, revision of 1958, revised to January 1, 2019, committed prior
932 to October 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-70c,
933 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82 or 53a-192a has been alleged,
934 the Office of Victim Services or, on review, a victim compensation
935 commissioner, may order compensation be paid if (1) the personal
936 injury has been disclosed to: (A) A physician or surgeon licensed
937 under chapter 370; (B) a resident physician or intern in any hospital in
938 this state, whether or not licensed; (C) a physician assistant licensed

939 under chapter 370; (D) an advanced practice registered nurse,
940 registered nurse or practical nurse licensed under chapter 378; (E) a
941 psychologist licensed under chapter 383; (F) a police officer; (G) a
942 mental health professional; (H) an emergency medical services
943 provider licensed or certified under chapter 368d; (I) an alcohol and
944 drug counselor licensed or certified under chapter 376b; (J) a marital
945 and family therapist licensed under chapter 383a; (K) a domestic
946 violence counselor or a sexual assault counselor, as defined in section
947 52-146k; (L) a professional counselor licensed under chapter 383c; (M)
948 a clinical social worker licensed under chapter 383b; (N) an employee
949 of the Department of Children and Families; or (O) a school principal,
950 a school teacher, a school guidance counselor or a school counselor,
951 and (2) the office or commissioner, as the case may be, reasonably
952 concludes that a violation of any of said sections has occurred.

953 (e) In instances where a violation of section 53a-70b of the general
954 statutes, revision of 1958, revised to January 1, 2019, committed prior
955 to October 1, 2019, or section 53-21, 53a-70, 53a-70a, [53a-70b,] 53a-70c,
956 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-192a or family violence,
957 as defined in section 46b-38a, has been alleged, the Office of Victim
958 Services or, on review, a victim compensation commissioner, may also
959 order the payment of compensation under sections 54-201 to 54-218,
960 inclusive, for personal injury suffered by a victim (1) as reported in an
961 application for a restraining order under section 46b-15 or an
962 application for a civil protection order under section 46b-16a, an
963 affidavit supporting an application under section 46b-15 or section
964 46b-16a, or on the record to the court, provided such restraining order
965 or civil protection order was granted in the Superior Court following a
966 hearing; or (2) as disclosed to a domestic violence counselor or a sexual
967 assault counselor, as such terms are defined in section 52-146k.

968 Sec. 38. Subdivision (14) of section 54-240 of the general statutes is
969 repealed and the following is substituted in lieu thereof (*Effective*
970 *October 1, 2019*):

971 (14) "Sexual assault" means any act that constitutes a violation of

972 section 53a-70b of the general statutes, revision of 1958, revised to
973 January 1, 2019, committed prior to October 1, 2019, or section 53a-70,
974 53a-70a, [53a-70b,] 53a-71, 53a-72a, 53a-72b or 53a-73a; and

975 Sec. 39. Subdivision (11) of section 54-250 of the general statutes is
976 repealed and the following is substituted in lieu thereof (*Effective*
977 *October 1, 2019*):

978 (11) "Sexually violent offense" means (A) a violation of section 53a-
979 70b of the general statutes, revision of 1958, revised to January 1, 2019,
980 committed prior to October 1, 2019, or section 53a-70, except
981 subdivision (2) of subsection (a) of said section, 53a-70a, [53a-70b,] 53a-
982 71, except subdivision (1), (4), (8) or (10) or subparagraph (B) of
983 subdivision (9) of subsection (a) of said section or subparagraph (A) of
984 subdivision (9) of subsection (a) of said section if the court makes a
985 finding that, at the time of the offense, the victim was under eighteen
986 years of age, 53a-72a, except subdivision (2) of subsection (a) of said
987 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court
988 makes a finding that the offense was committed with intent to sexually
989 violate or abuse the victim, (B) a violation of any of the offenses
990 specified in subparagraph (A) of this subdivision for which a person is
991 criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a
992 violation of any predecessor statute to any of the offenses specified in
993 subparagraph (A) or (B) of this subdivision the essential elements of
994 which are substantially the same as said offense.

995 Sec. 40. Subsections (a) to (c), inclusive, of section 54-255 of the
996 general statutes are repealed and the following is substituted in lieu
997 thereof (*Effective October 1, 2019*):

998 (a) Upon the conviction or finding of not guilty by reason of mental
999 disease or defect of any person for a violation of section 53a-70b of the
1000 general statutes, revision of 1958, revised to January 1, 2019,
1001 committed prior to October 1, 2019, the court may order the
1002 Department of Emergency Services and Public Protection to restrict the
1003 dissemination of the registration information to law enforcement

1004 purposes only and to not make such information available for public
1005 access, provided the court finds that dissemination of the registration
1006 information is not required for public safety and that publication of the
1007 registration information would be likely to reveal the identity of the
1008 victim within the community where the victim resides. The court shall
1009 remove the restriction on the dissemination of such registration
1010 information if, at any time, the court finds that public safety requires
1011 that such person's registration information be made available to the
1012 public or that a change of circumstances makes publication of such
1013 registration information no longer likely to reveal the identity of the
1014 victim within the community where the victim resides. Prior to
1015 ordering or removing the restriction on the dissemination of such
1016 person's registration information, the court shall consider any
1017 information or statements provided by the victim.

1018 (b) Upon the conviction or finding of not guilty by reason of mental
1019 disease or defect of any person of a criminal offense against a victim
1020 who is a minor, a nonviolent sexual offense or a sexually violent
1021 offense, where the victim of such offense was, at the time of the
1022 offense, under eighteen years of age and related to such person within
1023 any of the degrees of kindred specified in section 46b-21, the court may
1024 order the Department of Emergency Services and Public Protection to
1025 restrict the dissemination of the registration information to law
1026 enforcement purposes only and to not make such information
1027 available for public access, provided the court finds that dissemination
1028 of the registration information is not required for public safety and that
1029 publication of the registration information would be likely to reveal
1030 the identity of the victim within the community where the victim
1031 resides. The court shall remove the restriction on the dissemination of
1032 such registration information if, at any time, it finds that public safety
1033 requires that such person's registration information be made available
1034 to the public or that a change in circumstances makes publication of
1035 the registration information no longer likely to reveal the identity of
1036 the victim within the community where the victim resides.

1037 (c) Any person who: (1) Has been convicted or found not guilty by

1038 reason of mental disease or defect of a violation of subdivision (1) of
1039 subsection (a) of section 53a-71 between October 1, 1988, and June 30,
1040 1999, and was under nineteen years of age at the time of the offense; (2)
1041 has been convicted or found not guilty by reason of mental disease or
1042 defect of a violation of subdivision (2) of subsection (a) of section 53a-
1043 73a between October 1, 1988, and June 30, 1999; (3) has been convicted
1044 or found not guilty by reason of mental disease or defect of a criminal
1045 offense against a victim who is a minor, a nonviolent sexual offense or
1046 a sexually violent offense, between October 1, 1988, and June 30, 1999,
1047 where the victim of such offense was, at the time of the offense, under
1048 eighteen years of age and related to such person within any of the
1049 degrees of kindred specified in section 46b-21; (4) has been convicted
1050 or found not guilty by reason of mental disease or defect of a violation
1051 of section 53a-70b of the general statutes, revision of 1958, revised to
1052 January 1, 2019, committed prior to October 1, 2019, between October
1053 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty
1054 by reason of mental disease or defect of any crime between October 1,
1055 1988, and September 30, 1998, which requires registration under
1056 sections 54-250 to 54-258a, inclusive, as amended by this act, and (A)
1057 served no jail or prison time as a result of such conviction or finding of
1058 not guilty by reason of mental disease or defect, (B) has not been
1059 subsequently convicted or found not guilty by reason of mental
1060 disease or defect of any crime which would require registration under
1061 sections 54-250 to 54-258a, inclusive, as amended by this act, and (C)
1062 has registered with the Department of Emergency Services and Public
1063 Protection in accordance with sections 54-250 to 54-258a, inclusive, as
1064 amended by this act; may petition the court to order the Department of
1065 Emergency Services and Public Protection to restrict the dissemination
1066 of the registration information to law enforcement purposes only and
1067 to not make such information available for public access. Any person
1068 who files such a petition shall, pursuant to subsection (b) of section 54-
1069 227, notify the Office of Victim Services and the Victim Services Unit
1070 within the Department of Correction of the filing of such petition. The
1071 Office of Victim Services or the Victim Services Unit within the
1072 Department of Correction, or both, shall, pursuant to section 54-230 or

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

1082 Sec. 41. Subsection (a) of section 54-260 of the general statutes is
1083 repealed and the following is substituted in lieu thereof (*Effective*
1084 *October 1, 2019*):

1085 (a) For the purposes of this section, "sexual offender" means any
1086 person convicted of a violation of section 53a-70b of the general
1087 statutes, revision of 1958, revised to January 1, 2019, committed prior
1088 to October 1, 2019, or subdivision (2) of section 53-21 of the general
1089 statutes in effect prior to October 1, 2000, or subdivision (2) of
1090 subsection (a) of section 53-21, or section 53a-70, 53a-70a, [53a-70b,]
1091 53a-71, 53a-72a or 53a-72b committed on or after October 1, 1995.

1092 Sec. 42. Subsection (j) of section 46b-38b of the general statutes is
1093 repealed and the following is substituted in lieu thereof (*Effective July*
1094 *1, 2019*):

1095 (j) The provisions of this section shall not apply to persons who are
1096 (1) attending an institution of higher education and presently residing
1097 together in on-campus housing [, provided such persons are not in a
1098 dating relationship] or in off-campus housing that is owned, managed
1099 or operated by the institution of higher education or its agent,
1100 provided such persons are not family or household members as
1101 defined in subparagraphs (A), (B), (C), (E) or (F) of subdivision (2) of
1102 section 46b-38a, and (2) presently residing in a dwelling unit, as
1103 defined in section 47a-1, and making payments pursuant to a rental
1104 agreement, as defined in section 47a-1, provided such persons are not

1105 [in a dating relationship] family or household members as defined in
 1106 subparagraphs (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-
 1107 38a.

1108 Sec. 43. Section 53a-70b of the general statutes is repealed. (*Effective*
 1109 *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>	54-56e(c)
Sec. 25	<i>October 1, 2019</i>	54-76b(2)
Sec. 26	<i>October 1, 2019</i>	54-76c(a)
Sec. 27	<i>October 1, 2019</i>	54-76l(a)
Sec. 28	<i>October 1, 2019</i>	54-86d
Sec. 29	<i>October 1, 2019</i>	54-86e
Sec. 30	<i>October 1, 2019</i>	54-86j(a)

Sec. 31	<i>October 1, 2019</i>	54-102b(a)
Sec. 32	<i>October 1, 2019</i>	54-102g(a)
Sec. 33	<i>October 1, 2019</i>	54-125e(c)
Sec. 34	<i>October 1, 2019</i>	54-125i(a)
Sec. 35	<i>October 1, 2019</i>	54-143c
Sec. 36	<i>October 1, 2019</i>	54-193b
Sec. 37	<i>October 1, 2019</i>	54-209(d) and (e)
Sec. 38	<i>October 1, 2019</i>	54-240(14)
Sec. 39	<i>October 1, 2019</i>	54-250(11)
Sec. 40	<i>October 1, 2019</i>	54-255(a) to (c)
Sec. 41	<i>October 1, 2019</i>	54-260(a)
Sec. 42	<i>July 1, 2019</i>	46b-38b(j)
Sec. 43	<i>October 1, 2019</i>	Repealer section

Statement of Purpose:

To repeal section 53a-70b of the general statutes concerning sexual assault in a spousal or cohabitating relationship and to make conforming changes.

[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.]