Offered by:
REP. REBIMBAS, 70th Dist.          REP. CUMMINGS, 74th Dist.
REP. CANDELORA, 86th Dist.         REP. FISHBEIN, 90th Dist.
REP. O’DEA, 125th Dist.            REP. PAVALOCK-D’AMATO, 77th Dist.
REP. CARPINO, 32nd Dist.           REP. ZUPKUS, 89th Dist.

To: Subst. Senate Bill No. 3       File No. 852       Cal. No. 613
(As Amended by Senate Amendment Schedule "A")

"AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT."

1 Strike everything after the enacting clause and substitute the following in lieu thereof:

"Section 1. Section 46a-54 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

The commission shall have the following powers and duties:

(1) To establish and maintain such offices as the commission may deem necessary;

(2) To organize the commission into a division of affirmative action monitoring and contract compliance, a division of discriminatory
practice complaints and such other divisions, bureaus or units as may be necessary for the efficient conduct of business of the commission;

(3) To employ legal staff and commission legal counsel as necessary to perform the duties and responsibilities under section 46a-55, as amended by this act. One commission legal counsel shall serve as supervising attorney. Each commission legal counsel shall be admitted to practice law in this state;

(4) To appoint such investigators and other employees and agents as it deems necessary, fix their compensation within the limitations provided by law and prescribe their duties;

(5) To adopt, publish, amend and rescind regulations consistent with and to effectuate the provisions of this chapter;

(6) To establish rules of practice to govern, expedite and effectuate the procedures set forth in this chapter;

(7) To recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the policies of this chapter;

(8) To receive, initiate as provided in section 46a-82, investigate and mediate discriminatory practice complaints;

(9) By itself or with or by hearing officers or human rights referees, to hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question;

(10) To make rules as to the procedure for the issuance of subpoenas by individual commissioners, hearing officers and human rights referees;

(11) To require written answers to interrogatories under oath relating to any complaint under investigation pursuant to this chapter
39 alleging any discriminatory practice as defined in subdivision (8) of
40 section 46a-51, as amended by this act, and to adopt regulations, in
41 accordance with the provisions of chapter 54, for the procedure for the
42 issuance of interrogatories and compliance with interrogatory
43 requests;

44 (12) To utilize such voluntary and uncompensated services of
45 private individuals, agencies and organizations as may from time to
46 time be offered and needed and with the cooperation of such agencies,
47 (A) to study the problems of discrimination in all or specific fields of
48 human relationships, and (B) to foster through education and
49 community effort or otherwise good will among the groups and
50 elements of the population of the state;

51 (13) To require the posting by an employer, employment agency or
52 labor organization of such notices regarding statutory provisions as
53 the commission shall provide;

54 (14) To require the posting, by any respondent or other person
55 subject to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-
56 81e, of such notices of statutory provisions as it deems desirable;

57 (15) (A) To require an employer having three or more employees to
58 (i) post in a prominent and accessible location information concerning
59 the illegality of sexual harassment and remedies available to victims of
60 sexual harassment; and [(B) to require an employer having fifty or
61 more employees to] (ii) provide, not later than three months after the
62 employee's start date with the employer, a copy of the information
63 concerning the illegality of sexual harassment and remedies available
64 to victims of sexual harassment to each employee by electronic mail
65 with a subject line that includes the words "Sexual Harassment Policy"
66 or words of similar import, if (I) the employer has provided an
67 electronic mail account to the employee, or (II) the employee has
68 provided the employer with an electronic mail address, provided, if an
69 employer has not provided an electronic mail account to the employee,
70 the employer shall post the information concerning the illegality of
sexual harassment and remedies available to victims of sexual harassment on the employer's Internet web site, if the employer maintains such an Internet web site. An employer may comply with the requirements of this subparagraph by providing an employee with the link to the commission's Internet web site concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment by electronic mail, text message or in writing. (B) To require an employer having twenty-five or more full-time employees provide two hours of training and education to [all supervisory] employees within one year of October 1, [1992, and to all new supervisory employees within six months of their assumption of a supervisory position] 2019, provided any employer who has provided such training and education to any such employees after October 1, [1991] 2018, shall not be required to provide such training and education a second time. An employer having (i) twenty-five or more full-time employees shall provide such training and education to an employee hired on or after October 1, 2019, not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act; or (ii) less than twenty-five full-time employees shall provide such training and education to all supervisory employees within one year of October 1, 2019, and to all new supervisory employees within six months of their assumption of a supervisory position, provided any employer who has provided such training and education to any such supervisory employees after October 1, 2018, shall not be required to provide such training and education a second time. Any supervisory employee hired on or after October 1, 2019, by an employer having less than twenty-five full-time employees shall receive such training and education not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act. Such training and education shall include information concerning the federal and state statutory
provisions concerning sexual harassment and remedies available to
victims of sexual harassment. An employer who is required to provide
training under this subdivision shall provide periodic supplemental
training that updates all supervisory and nonsupervisory employees
on the content of such training and education not less than every ten
years. As used in this subdivision, "sexual harassment" has the same
meaning as provided in subdivision (8) of subsection (b) of section 46a-60, and "employer" includes the General Assembly and "employee"
means any individual employed by an employer, including an
individual employed by such individual's parent, spouse or child;

(16) To require each state agency that employs one or more
employees to (A) provide a minimum of three hours of diversity
training and education (i) to all supervisory and nonsupervisory
employees, not later than July 1, 2002, with priority for such training to
supervisory employees, and (ii) to all newly hired supervisory and
nonsupervisory employees, not later than six months after their
assumption of a position with a state agency, with priority for such
training to supervisory employees. Such training and education shall
include information concerning the federal and state statutory
provisions concerning discrimination and hate crimes directed at
protected classes and remedies available to victims of discrimination
and hate crimes, standards for working with and serving persons from
diverse populations and strategies for addressing differences that may
arise from diverse work environments; and (B) submit an annual
report to the Commission on Human Rights and Opportunities
concerning the status of the diversity training and education required
under subparagraph (A) of this subdivision. The information in such
annual reports shall be reviewed by the commission for the purpose of
submitting an annual summary report to the General Assembly.
Notwithstanding the provisions of this section, if a state agency has
provided such diversity training and education to any of its employees
prior to October 1, 1999, such state agency shall not be required to
provide such training and education a second time to such employees.
The requirements of this subdivision shall be accomplished within
available appropriations. As used in this subdivision, "employee"
[shall include] includes any part-time employee who works more than
twenty hours per week;

(17) To require each agency to submit information demonstrating its
compliance with subdivision (16) of this section as part of its
affirmative action plan and to receive and investigate complaints
concerning the failure of a state agency to comply with the
requirements of subdivision (16) of this section; and

(18) To enter into contracts for and accept grants of private or
federal funds and to accept gifts, donations or bequests, including
donations of service by attorneys.

Sec. 2. Subdivision (8) of section 46a-51 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(8) "Discriminatory practice" means a violation of section 4a-60, 4a-
60a, 4a-60g, 31-40y, subdivisions (16) to (17), inclusive, of section 46a-
54, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, as amended
by this act, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive,
subsection (a) of section 46a-80 or sections 46a-81b to 46a-81o,
inclusive;

Sec. 3. Subsection (a) of section 46a-56 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July
1, 2019):

(a) The commission shall:

(1) Investigate the possibilities of affording equal opportunity of
profitable employment to all persons, with particular reference to job
training and placement;

(2) Compile facts concerning discrimination in employment,
violations of civil liberties and other related matters;
Investigate and proceed in all cases of discriminatory practices as provided in this chapter and noncompliance with the provisions of section 4a-60 or 4a-60a or sections 46a-68c to 46a-68f, inclusive;

(4) From time to time, but not less than once a year, report to the Governor as provided in section 4-60, making recommendations for the removal of such injustices as it may find to exist and such other recommendations as it deems advisable and describing the investigations, proceedings and hearings it has conducted and their outcome, the decisions it has rendered and the other work it has performed;

(5) Monitor state contracts to determine whether they are in compliance with sections 4a-60 and 4a-60a, and those provisions of the general statutes which prohibit discrimination; [and]

(6) Compile data concerning state contracts with female and minority business enterprises and submit a report annually to the General Assembly concerning the employment of such business enterprises as contractors and subcontractors;

(7) Develop and include on the commission's Internet web site a link concerning the illegality of sexual harassment, as defined in section 46a-60, and the remedies available to victims of sexual harassment; and

(8) Develop and make available at no cost to employers an online training and education video or other interactive method of training and education that fulfills the requirements prescribed in subdivision (15) of section 46a-54.

Sec. 4. Subparagraph (A) of subdivision (4) of subsection (b) of section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(4) (A) Each person designated by a state agency, department, board or commission as an equal employment opportunity officer shall (i) be responsible for mitigating any discriminatory conduct within the
agency, department, board or commission, (ii) investigate all
complaints of discrimination made against the state agency,
department, board or commission, except if any such complaint has
been filed with the Commission on Human Rights and Opportunities
or the Equal Employment Opportunity Commission, the state agency,
department, board or commission may rely upon the process of the
applicable commission, as applicable, in lieu of such investigation, and
(iii) report all findings and recommendations upon the conclusion of
an investigation to the commissioner or director of the state agency,
department, board or commission for proper action. An equal
employment opportunity officer shall not disclose witness statements
or documents received or compiled in conjunction with the
investigation of a complaint of discriminatory conduct within the
agency, department, board or commission until the conclusion of such
investigation, except that witness statements or documents may be
disclosed to personnel charged with investigating or adjudicating such
complaint, or to the Commission on Human Rights and Opportunities.

Sec. 5. Subsection (b) of section 46a-86 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(b) In addition to any other action taken under this section, upon a
finding of a discriminatory employment practice, the presiding officer
may [order the hiring or reinstatement of any individual, with or
without back pay, or restoration to] issue an order (1) eliminating the
discriminatory employment practice complained of; (2) restoring
membership in any respondent labor organization; and (3) awarding
damages, including back pay, suffered by the complainant as a result
of the discriminatory employment practice. Liability for back pay shall
not accrue from a date more than two years prior to the filing or
issuance of the complaint. Interim earnings, including unemployment
compensation and welfare assistance or amounts which could have
been earned with reasonable diligence on the part of the person to
whom back pay is awarded shall be deducted from the amount of back
pay to which such person is otherwise entitled. The amount of any
Sec. 6. Section 46a-84 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) If the investigator fails to eliminate a discriminatory practice complained of pursuant to subsection (a) or (b) of section 46a-82 within fifty days of a finding of reasonable cause, the investigator shall, within ten days, certify the complaint and the results of the investigation to the executive director of the commission and to the Attorney General. The investigator's conclusion that conciliation has failed shall be conclusive on the issue.

(b) Upon (1) certification of a complaint filed pursuant to subsection (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to subsection (c) of said section, or (3) a decision to hear a complaint, which is made pursuant to subsection (e) of section 46a-83, the Chief Human Rights Referee shall appoint a human rights referee to act as a presiding officer to hear the complaint. The chief referee shall also appoint an individual authorized by subsection (e) of this section or a referee, other than the referee appointed to hear the complaint, to conduct settlement negotiations. The chief referee shall serve in the name of the commission a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint, together with a written notice requiring the respondent to appear at a hearing or settlement conference at a date and time specified in the notice. A hearing on a complaint filed pursuant to subsection (a) or (b) of section 46a-82 shall be commenced by convening a hearing conference not later than forty-five days after the certification of the complaint. Such hearing shall be a de novo hearing on the merits of the complaint and not an appeal of the commission's processing of the complaint prior to its certification. A hearing on a complaint filed pursuant to subsection (c) of section 46a-82 shall be commenced by convening a hearing conference not later than twenty
days after the date of notice of such complaint. Hearings shall proceed with reasonable dispatch and be concluded in accordance with the provisions of section 4-180.

(c) The place of any hearing, hearing conference or settlement conference shall be the commission's administrative office in Hartford, unless all parties mutually agree to an alternate location.

(d) The case in support of the complaint shall be presented at the hearing by the Attorney General, who shall be counsel for the commission, or by a commission legal counsel as provided in section 46a-55, as amended by this act. If the Attorney General or the commission legal counsel determines that a material mistake of law or fact has been made in the finding of reasonable cause on a complaint filed pursuant to subsection (a) or (b) of section 46a-82, or the commission legal counsel determines that a complaint to be heard pursuant to subsection (e) of section 46a-83, should be further investigated, the Attorney General or the commission legal counsel may withdraw the certification of the complaint or the decision to hear the complaint and remand the file to the investigator for further action. The investigator shall complete any required action not later than ninety days after receipt of such file. The complainant may be represented by an attorney of the complainant's own choice. If the Attorney General or the commission legal counsel determines that the interests of the state will not be adversely affected, the complainant or the attorney for the complainant shall present all or part of the case in support of the complaint. No commissioner may participate in the deliberations of the presiding officer in the case.

(e) A human rights referee or attorney who volunteers service pursuant to subdivision (18) of section 46a-54 may supervise settlement endeavors. In employment discrimination cases only, the complainant and respondent, with the permission of the chief referee, may engage in alternate dispute resolution endeavors for not more than three months. The cost of such alternate dispute resolution endeavors shall be borne by the complainant or the respondent, or
both, and not by the commission. Any endeavors or negotiations for conciliation, settlement or alternate dispute resolution shall not be received in evidence.

(f) The respondent shall file a written answer to the complaint under oath and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. If the respondent fails to file a written answer not later than fifteen days after the date of service of the complaint, or fails to appear at the hearing, hearing conference or settlement conference after notice in accordance with section 4-177, the presiding officer or a referee or an attorney who volunteers services pursuant to subsection (e) of this section may enter an order of default and order such relief as is necessary to eliminate the discriminatory practice and make the complainant whole, except that if the default was entered by an attorney who volunteers services pursuant to subsection (e) of this section, the chief referee shall appoint a referee to act as a presiding officer to award relief. The commission or the complainant may petition the Superior Court for enforcement of any such order for relief pursuant to section 46a-95.

(g) The presiding officer conducting any hearing shall permit reasonable amendment to any complaint or answer and the testimony taken at the hearing shall be under oath and be transcribed at the request of any party.

(h) The complainant, the respondent and the commission shall be afforded the opportunity to inspect and copy relevant and material records, papers and documents not in the possession of such party, except as otherwise provided by applicable state or federal law. The presiding officer may order a party to produce such records, papers and documents, and if a party fails to comply with such order within thirty days of the date of such order, the presiding officer may issue a nonmonetary order that the presiding officer deems just and appropriate, including, but not limited to, an order (1) finding that the matters that are the subject of the order are established in accordance with the claim of the party requesting such order, (2) prohibiting the
party who has failed to comply with such order from introducing
designated matters into evidence, (3) limiting the participation of the
noncomplying party with regard to issues or facts relating to the order,
and (4) drawing an adverse inference against the noncomplying party,
provided any such order drawing an adverse inference shall not be
enforceable in a proceeding in the Superior Court involving the same
parties.

(i) When the executive director of the commission has determined
that there are available appropriations and otherwise approves a
request, the Chief Human Rights Referee may appoint any magistrate,
who is on the list of available magistrates maintained by the Chief
Court Administrator, to act as a presiding officer at any proceeding
conducted pursuant to this section, subsection (l) of section 46a-83,
subsection (c) or (d) of section 46a-56 or subsection (e) of section 4-
61dd. Any magistrate so appointed shall have the same powers and
duties as a human rights referee appointed pursuant to section 46a-57
and be compensated in accordance with the provisions of section 51-
193r from such funds as may be available to the commission. The Chief
Human Rights Referee may request the appointment of a magistrate
whenever the total number of complaints pending in the commission's
office of public hearings exceeds one hundred.

Sec. 7. Section 46a-97 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2019):

(a) Any employer, employment agency or labor organization which
fails to post such notices of statutory provisions as the commission
may require pursuant to subsection (13) of section 46a-54 shall be
subject to a fine of [fined not more than two hundred fifty dollars.

(b) Any person who fails to post such notices of statutory provisions
as the commission may require pursuant to subsection (14) of section
46a-54 shall be fined not more than two hundred fifty dollars.

(c) Any employer who fails to provide the training and education
concerning the illegality of sexual harassment and the remedies
available to victims of sexual harassment, as required pursuant to subdivision (15) of section 46a-54 shall be fined not more than two hundred fifty dollars.

(d) During the twelve-month period following the date on which a complaint against an employer has been filed with the commission by an employee, the executive director of the commission may assign a designated representative of the commission to enter an employer's place of business during normal business hours for purposes of: (1) Ensuring compliance with the posting requirements prescribed in subdivisions (13), (14) and (15) of section 46a-54, and (2) examining records, policies, procedures, postings and sexual harassment training materials maintained by the employer in connection with the requirements of subdivisions (13), (14) and (15) of section 46a-54. A designated representative of the commission, who is carrying out the duties set forth in this subsection, shall ensure that such activities do not unduly disrupt the business operations of the employer. If the employer's place of business is a residential home, the designated representative of the commission shall not enter such residential home without the express permission of such homeowner.

Sec. 8. Section 46a-104 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

The court may grant a complainant in an action brought in accordance with section 46a-100 such legal and equitable relief which it deems appropriate, including, but not limited to, temporary or permanent injunctive relief, punitive damages, attorney's fees and court costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. The court may only award punitive damages under this section when the Commission on Human Rights and Opportunities has been authorized to award punitive damages in connection with the underlying complaint.

Sec. 9. Section 46a-55 of the general statutes is amended by adding
subsection (c) as follows (Effective October 1, 2019):

(NEW) (c) The executive director, through the supervising attorney, may, within available appropriations, assign a commission legal counsel to bring a civil action concerning an alleged discriminatory practice, in accordance with this subsection, in lieu of an administrative hearing pursuant to section 46a-84, as amended by this act, when the executive director determines that a civil action is in the public interest and if the parties to the administrative hearing mutually agree, in writing, to the bringing of such civil action by commission legal counsel. The commission legal counsel shall bring such a civil action in the Superior Court not later than ninety days following the date the commission legal counsel notifies the parties of the executive director's determination. Such civil action may be served by certified mail and shall not be subject to the provisions of section 46a-100, 46a-101 or 46a-102. The jurisdiction of the Superior Court in an action brought under this subsection shall be limited to such claims, counterclaims, defenses or the like that could be presented at an administrative hearing before the commission, had the complaint remained with the commission for disposition. A complainant may intervene as a matter of right without permission of the court or the parties. The civil action may be tried to the court without a jury, provided the parties to such civil action mutually agree, in writing, that such civil action may be tried to the court without a jury. If the commission legal counsel determines that the interests of the state will not be adversely affected, the complainant or attorney for the complainant shall present all or part of the case in support of the complaint. The court may grant any relief available under section 46a-104, as amended by this act. Where the Superior Court finds that a respondent has committed a discriminatory practice, the court shall award the commission a civil penalty, not exceeding twenty-five hundred dollars, provided such discriminatory practice has been established by clear and convincing evidence. Any civil penalty that is received by the commission pursuant to this subsection shall be deposited in the General Fund.
Sec. 10. (NEW) (Effective October 1, 2019) (a) As used in this section:
(1) "Sexual misconduct" means any act that is prohibited by section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, as amended by this act, and any act that constitutes sexual harassment, as defined in subdivision (8) of subsection (b) of section 46a-60 of the general statutes; and (2) "victim" includes an alleged victim.

(b) The following evidence is not admissible in a civil proceeding involving alleged sexual misconduct: (1) Evidence offered to prove that a victim engaged in other sexual behavior; or (2) evidence offered to prove a victim's sexual predisposition.

(c) Notwithstanding the provisions of subsection (b) of this section, the court may admit the evidence in a civil case if the probative value of such evidence substantially outweighs the danger of (1) harm to any victim; and (2) unfair prejudice to any party. The court may admit evidence of a victim's reputation only if the victim has placed the victim's reputation in controversy.

(d) If a party intends to offer evidence under subsection (c) of this section, the party shall: (1) File a motion by lodging a record pursuant to the requirements set forth in the Connecticut Practice Book that specifically describes the evidence and states the purpose for which it is to be offered; (2) file such motion not later than fourteen days before the date on which the case is to be heard, unless the court, for good cause shown, prescribes a different time for the filing of such motion; (3) serve the motion on all parties in accordance with the rules of the court; and (4) notify the victim or, when appropriate, the victim's guardian or representative.

(e) Before admitting evidence pursuant to subsection (c) of this section, the court shall conduct an in camera hearing and give the parties and the victim the right to attend such hearing and be heard. Unless the court orders otherwise, the motion, related materials and the record of the hearing shall be sealed and remain sealed.
Sec. 11. (NEW) (Effective October 1, 2019, and applicable to any cause of action arising from an incident committed on or after said date) Notwithstanding the provisions of section 52-577 of the general statutes, no action to recover damages for personal injury to a person eighteen years of age or older, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault may be brought by such person later than five years from the date of the act complained of.

Sec. 12. Section 53a-72a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or [(2) [(3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

(b) Sexual assault in the third degree is a class D felony or, if the victim of the offense is under sixteen years of age, a class C felony.

Sec. 13. Section 53a-73a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) [mentally incapacitated or impaired because
of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) [less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the
Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.

Sec. 14. Section 54-193 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2019):

(a) There shall be no limitation of time within which a person may be prosecuted for (1) a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or 53a-166 in which such person renders criminal assistance to another person who has committed an offense set forth in subdivision (1) of this subsection, (3) a violation of section 53a-156 committed during a proceeding that results in the conviction of another person subsequently determined to be actually innocent of the offense or offenses of which such other person was convicted, or (4) a motor vehicle violation or offense that resulted in the death of another person and involved a violation of subsection (a) of section 14-224.

(b) (1) Except as provided in subsection (a) of this section, no person may be prosecuted for a violation of a (A) class B felony violation of section 53a-70, as amended by this act, 53a-70a or 53a-70b, as amended by this act, (B) class C felony violation of section 53a-71, as amended by this act, or 53a-72b, or (C) class D felony violation of section 53a-72a, except within ten years next after the offense has been committed.

(2) No person may be prosecuted for a class A misdemeanor violation of section 53a-73a, as amended by this act, if the victim at the
time of the offense was eighteen years of age or older, except within five years next after the offense has been committed.

[(b)] (c) No person may be prosecuted for any offense, other than an offense set forth in subsection (a) or (b) of this section, for which the punishment is or may be imprisonment in excess of one year, except within five years next after the offense has been committed.

[(c)] (d) No person may be prosecuted for any offense, other than an offense set forth in subsection (a), [or] (b) or (c) of this section, except within one year next after the offense has been committed.

[(d)] (e) If the person against whom an indictment, information or complaint for any of said offenses is brought has fled from and resided out of this state during the period so limited, it may be brought against such person at any time within such period, during which such person resides in this state, after the commission of the offense.

[(e)] (f) When any suit, indictment, information or complaint for any crime may be brought within any other time than is limited by this section, it shall be brought within such time.

Sec. 15. Subsection (a) of section 53a-70 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to [engage in] submit to sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71, as amended by this act, and in the commission of such offense is aided by two or more other persons.
actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

Sec. 16. Subsection (b) of section 53a-70b of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(b) No spouse or cohabitor shall compel the other spouse or cohabitor to [engage in] submit to sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.

Sec. 17. Subsection (a) of section 53a-71 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the second degree when such person [engages in] compels another person to submit to sexual intercourse with [another] such person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs
by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person."

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Effect Date</th>
<th>Section(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>October 1, 2019</td>
<td>46a-54</td>
</tr>
<tr>
<td>2</td>
<td>October 1, 2019</td>
<td>46a-51(8)</td>
</tr>
<tr>
<td>3</td>
<td>July 1, 2019</td>
<td>46a-56(a)</td>
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<tr>
<td>4</td>
<td>October 1, 2019</td>
<td>46a-68(b)(4)(A)</td>
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<td>5</td>
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<td>9</td>
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<td>46a-55</td>
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<tr>
<td>10</td>
<td>October 1, 2019</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 11</td>
<td>October 1, 2019, and applicable to any cause of action arising from an incident committed on or after said date</td>
<td>New section</td>
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<tr>
<td>Sec. 12</td>
<td>October 1, 2019</td>
<td>53a-72a</td>
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<td>Sec. 13</td>
<td>October 1, 2019</td>
<td>53a-73a</td>
</tr>
<tr>
<td>Sec. 14</td>
<td>October 1, 2019, and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2019</td>
<td>54-193</td>
</tr>
<tr>
<td>Sec. 15</td>
<td>October 1, 2019</td>
<td>53a-70(a)</td>
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<td>Sec. 16</td>
<td>October 1, 2019</td>
<td>53a-70(b)</td>
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<tr>
<td>Sec. 17</td>
<td>October 1, 2019</td>
<td>53a-71(a)</td>
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