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## **OLR Bill Analysis**

### **sHB 5472**

#### ***AN ACT CONCERNING SEXUAL ASSAULT AND THE ABSENCE OF CONSENT.***

#### **SUMMARY**

This bill defines “consent” for purposes of the state’s sexual assault laws.

Under the bill, consent is each person’s unambiguous, informed, and voluntary manifestation of agreement to engage in a sexual act. Each person must agree actively and freely, and not due to force, fraud, or coercion. A person’s (1) prior participation in a sexual act, (2) absence of verbal resistance, or (3) withdrawn agreement to engage in the act, does not constitute consent.

Various provisions of the sexual assault laws directly reference consent. For example:

1. first degree sexual assault includes engaging in sexual intercourse with someone who is mentally incapacitated to the extent that the person cannot consent (CGS § 53a-70(a)(4));
2. second degree sexual assault includes engaging in sexual intercourse with someone who is impaired due to mental disability or disease to the extent that the person cannot consent (CGS § 53a-71(a)(2)); and
3. fourth degree sexual assault includes subjecting someone to sexual contact without the person’s consent (CGS § 53a-73a(a)(2)).

EFFECTIVE DATE: October 1, 2022

#### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 33    Nay 5    (03/31/2022)