



Substitute House Bill No. 6714

Public Act No. 23-149

AN ACT CONCERNING CRUELTY TO ANIMALS.

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

Section 1. Section 53a-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

As used in this part, the following terms have the following meanings:

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

(2) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

(3) "Sexual contact" means any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

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

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

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

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

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

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

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

(11) "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment

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provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist.

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

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

(14) "Animal" has the same meaning as provided in section 22-327.

(15) "Sexual contact with an animal" means: (A) Any act between a person and an animal that involves contact between a sex organ or anus of one and the mouth, anus or a sex organ of the other; (B) a person touching or fondling a sex organ or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (C) any intentional transfer or transmission of semen by a person upon any part of an animal; or (D) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal, without a bona fide veterinary or animal husbandry purpose, or the insertion of any part of the animal's body

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into the vaginal or anal opening of the person.

Sec. 2. (NEW) (*Effective October 1, 2023*) (a) A person is guilty of sexual assault of an animal when such person knowingly and for the purpose of sexual gratification of the actor or of another person: (1) Engages in sexual contact with an animal; (2) forces another person to engage in sexual contact with an animal; or (3) creates or distributes pornographic images of prohibited sexual contact with an animal.

(b) Sexual assault of an animal is a class A misdemeanor.

(c) In addition to any sentence imposed pursuant to subsection (b) of this section, at the time of a person's sentencing for a conviction under this section, the court shall order that, for the five-year period commencing from the date of such conviction or the date of such person's release from imprisonment for such conviction, whichever is later, such person (1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal.

Sec. 3. Subsection (a) of section 53a-73a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(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) physically helpless, 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

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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] a 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.

Sec. 4. (NEW) (*Effective October 1, 2023*) A law enforcement officer or

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animal control officer authorized under section 22-329a of the general statutes, as amended by this act, investigating an alleged violation of section 2 of this act may lawfully take possession of an animal when such officer has a reasonable belief that the animal was sexually assaulted in violation of section 2 of this act in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the alleged offense. Any animal, whether dead or alive, taken into possession pursuant to this section shall be promptly transported to an animal shelter or veterinary hospital to be examined by a licensed veterinarian for care and treatment and to preserve evidence of any alleged violation of section 2 of this act.

Sec. 5. Subsections (a) and (b) of section 22-329a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Any animal control officer or regional animal control officer appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable, may take physical custody of any animal when such animal control officer has reasonable cause to believe that such animal is in imminent harm and is neglected or is cruelly treated in violation of section 22-366, 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-250, 53-251, [or] 53-252 or section 2 of this act, and, not later than ninety-six hours after taking physical custody, shall proceed as provided in subsection (c) of this section, except that if, in the opinion of a licensed veterinarian or the State Veterinarian, at any time after physical custody of such animal is taken, such animal is so injured or diseased that it should be euthanized immediately, such officer may have such animal humanely euthanized by a licensed veterinarian.

(b) Any animal control officer or regional animal control officer appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable, may take physical custody of any animal upon issuance of a warrant finding probable cause that such animal is neglected or is cruelly treated

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in violation of section 22-366, 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-250, 53-251, [or] 53-252 or section 2 of this act, and shall thereupon proceed as provided in subsection (c) of this section except that if, in the opinion of a licensed veterinarian or the State Veterinarian, at any time after physical custody of such animal is taken, such animal is so injured or diseased that it should be euthanized immediately, such officer may have such animal humanely euthanized by a licensed veterinarian.

Sec. 6. (NEW) (*Effective October 1, 2023*) (a) Any veterinarian licensed in accordance with the provisions of chapter 384 of the general statutes, who in the course of his or her employment, has reasonable cause to suspect that an animal is being or has been harmed, neglected or treated cruelly due to participation in an exhibition of animal fighting for amusement or gain, shall report the following information to the local law enforcement agency or animal control officer: (1) The address of the owner or other person responsible for care of the animal; (2) a description of the animal; and (3) the approximate date and time of discovery of such harm, neglect or cruelty.

(b) Any veterinarian, who in good faith, makes a report pursuant to this section, shall be immune from any civil liability which might otherwise arise from or be related to the actions taken pursuant to this section and shall have the same immunity with respect to any judicial proceeding which results from such report. The immunity from civil liability extends only to actions done pursuant to this section and does not extend to the malpractice of a veterinarian that results in injury to, or the death of, an animal.

Sec. 7. Section 53-247 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Any person who overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or

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kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water, or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be done, or, having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection from the weather or abandons it or carries it or causes it to be carried in a cruel manner, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition, shall, for a first offense, be fined not more than one thousand dollars or imprisoned not more than one year or both, and for each subsequent offense, shall be guilty of a class D felony.

(b) Any person who maliciously and intentionally maims, mutilates, tortures, wounds or kills an animal shall, (1) for a first offense, be guilty of a class D felony, and (2) for any subsequent offense, be guilty of a class C felony. The provisions of this subsection shall not apply to any licensed veterinarian while following accepted standards of practice of the profession or to any person while following approved methods of slaughter under section 22-272a, while performing medical research as an employee of, student in or person associated with any hospital, educational institution or laboratory, while following generally accepted agricultural practices or while lawfully engaged in the taking of wildlife.

(c) Any person who knowingly (1) owns, possesses, keeps or trains an animal engaged in an exhibition of fighting for amusement or gain, (2) possesses, keeps or trains an animal with the intent that it be engaged in an exhibition of fighting for amusement or gain, (3) permits an act described in subdivision (1) or (2) of this subsection to take place on

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premises under his control, (4) acts as judge or spectator at an exhibition of animal fighting for amusement or gain, or (5) bets or wagers on the outcome of an exhibition of animal fighting for amusement or gain, shall be guilty of a class D felony.

(d) Any person who intentionally injures any animal while such animal is in the performance of its duties under the supervision of a peace officer, as defined in section 53a-3, or intentionally injures a dog that is a member of a volunteer canine search and rescue team, as defined in section 5-249, while such dog is in the performance of its duties under the supervision of the active individual member of such team, shall be guilty of a class D felony.

(e) Any person who intentionally kills any animal while such animal is in the performance of its duties under the supervision of a peace officer, as defined in section 53a-3, or intentionally kills a dog that is a member of a volunteer canine search and rescue team, as defined in section 5-249, while such dog is in the performance of its duties under the supervision of the active individual member of such team, shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(f) In addition to any sentence imposed pursuant to subsections (a) to (e), inclusive, of this section, at the time of a person's sentencing for a conviction under this section, the court shall order that, for the five-year period commencing from the date of such conviction or the date of such person's release from imprisonment for such conviction, whichever is later, such person (1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal.

Sec. 8. Section 53a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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(a) Except as provided in section 17a-699 and chapter 420b, to the extent that the provisions of said section and chapter are inconsistent herewith, every person convicted of an offense shall be sentenced in accordance with this title.

(b) Except as provided in section 53a-46a, when a person is convicted of an offense, the court shall impose one of the following sentences: (1) A term of imprisonment; or (2) a sentence authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and a fine; or (5) a term of imprisonment, with the execution of such sentence of imprisonment suspended, entirely or after a period set by the court, and a period of probation or a period of conditional discharge; or (6) a term of imprisonment, with the execution of such sentence of imprisonment suspended, entirely or after a period set by the court, and a fine and a period of probation or a period of conditional discharge; or (7) a fine and a sentence authorized by section 18-65a or 18-73; or (8) a sentence of unconditional discharge; or (9) a term of imprisonment and a period of special parole as provided in section 54-125e, except that the court may not impose a period of special parole for convictions of offenses under chapter 420b.

(c) In addition to any sentence imposed pursuant to subsection (b) of this section, the court shall inquire on the record whether there are any requests by a victim for restitution, and if (1) a person is convicted of an offense that resulted in injury to another person or damage to or loss of property, (2) the victim requests financial restitution, and (3) the court finds that the victim has suffered injury or damage to or loss of property as a result of such offense, the court shall order the offender to make financial restitution under terms that it determines are appropriate. In determining the appropriate terms of financial restitution, the court shall consider: (A) The financial resources of the offender and the burden restitution will place on other obligations of the offender; (B) the offender's ability to pay based on installments or other conditions; (C)

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the rehabilitative effect on the offender of the payment of restitution and the method of payment; and (D) other circumstances, including the financial burden and impact on the victim, that the court determines make the terms of restitution appropriate. If the court determines that the current financial resources of the offender or the offender's current ability to pay based on installments or other conditions are such that no appropriate terms of restitution can be determined, the court may forego setting such terms. The court shall articulate its findings on the record with respect to each of the factors set forth in subparagraphs (A) to (D), inclusive, of this subsection. Restitution ordered by the court pursuant to this subsection shall be based on easily ascertainable damages for injury or loss of property, actual expenses incurred for treatment for injury to persons and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering or other intangible losses, but may include the costs of counseling reasonably related to the offense. Restitution ordered by the court pursuant to this subsection shall be imposed or directed by a written order of the court on a form prescribed by the Chief Court Administrator containing the amount of damages for injury or loss of property, actual expenses incurred for treatment for injury to persons and lost wages resulting from injury as ascertained by the court. The order of the court shall direct that a certified copy of the completed form containing the written order be delivered by certified mail to each victim and contain an advisement to the victim that the order is enforceable as a judgment in a civil action as provided in section 53a-28a. The court shall retain the original of each form containing a written order of restitution as part of such offender's court record.

(d) A sentence to a period of probation or conditional discharge in accordance with sections 53a-29 to 53a-34, inclusive, shall be deemed a revocable disposition, in that such sentence shall be tentative to the extent that it may be altered or revoked in accordance with said sections but for all other purposes it shall be deemed to be a final judgment of

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conviction.

(e) When sentencing a person to a period of probation who has been convicted of (1) a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or (2) a motor vehicle violation for which a sentence to a term of imprisonment may be imposed, the court shall consider, as a condition of such sentence of probation, ordering the person to perform community service in the community in which the offense or violation occurred. If the court determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section.

(f) When sentencing a person to a period of probation who is or has been subject to a protective order, the court may issue a protective order that is effective during such period of probation.

(g) In addition to any sentence imposed pursuant to section 53-247, as amended by this act, or section 2 of this act, at the time of a person's sentencing for any conviction under said sections, the court shall order that, for the five-year period commencing from the date of such conviction or the date of such person's release from imprisonment for such conviction, whichever is later, such person (1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal.

Approved June 27, 2023