



General Assembly

January Session, 2023

Raised Bill No. 6714

LCO No. 4265



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CRUELTY TO ANIMALS.

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

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 Section 53a-65 of the general statutes is repealed and the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

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

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

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

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

15 intimate parts of the actor with a person for the purpose of sexual
16 gratification of the actor or for the purpose of degrading or humiliating
17 such person.

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

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

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

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

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

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

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

44 (11) "Emotionally dependent" means that the nature of the patient's

45 or former patient's emotional condition and the nature of the treatment
46 provided by the psychotherapist are such that the psychotherapist
47 knows or has reason to know that the patient or former patient is unable
48 to withhold consent to sexual contact by or sexual intercourse with the
49 psychotherapist.

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

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

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

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

76 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) A person is guilty of sexual

77 assault of an animal when such person knowingly and for the purpose
78 of sexual gratification of the actor or of another person: (1) Engages in
79 sexual contact with an animal; (2) forces another person to engage in
80 sexual contact with an animal; or (3) creates or distributes pornographic
81 images of prohibited sexual contact with an animal.

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

83 (c) In addition to any sentence imposed pursuant to subsection (b) of
84 this section, at the time of a person's sentencing for a conviction under
85 this section, the court shall order that, for the five-year period
86 commencing from the date of the conviction or the date of such person's
87 release from imprisonment for a conviction under this section,
88 whichever is later, such person (1) shall not harbor, own, possess, reside
89 with, adopt or serve as a foster placement for any animal, and (2) shall
90 not be employed by, or volunteer for, any entity in any position that
91 involves care for, or regular contact with, any animal. Not later than
92 thirty days after the entry of an order under this subsection, the court
93 shall ensure that such order is provided to and accessible to state and
94 local law enforcement agencies, including animal control officers,
95 through the Connecticut online law enforcement communications
96 teleprocessing system. Nothing in this section shall be construed to
97 permit public access to the Connecticut online law enforcement
98 communications teleprocessing system.

99 Sec. 3. Subsection (a) of section 53a-73a of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective October*
101 *1, 2023*):

102 (a) A person is guilty of sexual assault in the fourth degree when: (1)
103 Such person subjects another person to sexual contact who is (A) under
104 thirteen years of age and the actor is more than two years older than
105 such other person, or (B) thirteen years of age or older but under fifteen
106 years of age and the actor is more than three years older than such other
107 person, or (C) physically helpless, or (D) less than eighteen years old
108 and the actor is such other person's guardian or otherwise responsible

109 for the general supervision of such other person's welfare, or (E) in
110 custody of law or detained in a hospital or other institution and the actor
111 has supervisory or disciplinary authority over such other person; or (2)
112 such person subjects another person to sexual contact without such
113 other person's consent; or (3) such person engages in sexual contact with
114 [an animal or] a dead body; or (4) such person is a psychotherapist and
115 subjects another person to sexual contact who is (A) a patient of the actor
116 and the sexual contact occurs during the psychotherapy session, or (B)
117 a patient or former patient of the actor and such patient or former
118 patient is emotionally dependent upon the actor, or (C) a patient or
119 former patient of the actor and the sexual contact occurs by means of
120 therapeutic deception; or (5) such person subjects another person to
121 sexual contact and accomplishes the sexual contact by means of false
122 representation that the sexual contact is for a bona fide medical purpose
123 by a health care professional; or (6) such person is a school employee
124 and subjects another person to sexual contact who is a student enrolled
125 in a school in which the actor works or a school under the jurisdiction
126 of the local or regional board of education which employs the actor; or
127 (7) such person is a coach in an athletic activity or a person who provides
128 intensive, ongoing instruction and subjects another person to sexual
129 contact who is a recipient of coaching or instruction from the actor and
130 (A) is a secondary school student and receives such coaching or
131 instruction in a secondary school setting, or (B) is under eighteen years
132 of age; or (8) such person subjects another person to sexual contact and
133 (A) the actor is twenty years of age or older and stands in a position of
134 power, authority or supervision over such other person by virtue of the
135 actor's professional, legal, occupational or volunteer status and such
136 other person's participation in a program or activity, and (B) such other
137 person is under eighteen years of age; or (9) such person subjects
138 another person to sexual contact who is placed or receiving services
139 under the direction of the Commissioner of Developmental Services in
140 any public or private facility or program and the actor has supervisory
141 or disciplinary authority over such other person.

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

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

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

157 (a) Any animal control officer or regional animal control officer
158 appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable,
159 may take physical custody of any animal when such animal control
160 officer has reasonable cause to believe that such animal is in imminent
161 harm and is neglected or is cruelly treated in violation of section 22-366,
162 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-250,
163 53-251, [or] 53-252 or section 2 of this act, and, not later than ninety-six
164 hours after taking physical custody, shall proceed as provided in
165 subsection (c) of this section, except that if, in the opinion of a licensed
166 veterinarian or the State Veterinarian, at any time after physical custody
167 of such animal is taken, such animal is so injured or diseased that it
168 should be euthanized immediately, such officer may have such animal
169 humanely euthanized by a licensed veterinarian.

170 (b) Any animal control officer or regional animal control officer
171 appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable,
172 may take physical custody of any animal upon issuance of a warrant
173 finding probable cause that such animal is neglected or is cruelly treated
174 in violation of section 22-366, 22-415, 53-247, as amended by this act, 53-
175 248, 53-249, 53-249a, 53-250, 53-251, [or] 53-252 or section 2 of this act,

176 and shall thereupon proceed as provided in subsection (c) of this section
177 except that if, in the opinion of a licensed veterinarian or the State
178 Veterinarian, at any time after physical custody of such animal is taken,
179 such animal is so injured or diseased that it should be euthanized
180 immediately, such officer may have such animal humanely euthanized
181 by a licensed veterinarian.

182 Sec. 6. (NEW) (*Effective October 1, 2023*) (a) Any veterinarian licensed
183 in accordance with the provisions of chapter 384 of the general statutes,
184 who in the course of his or her employment, has reasonable cause to
185 suspect that an animal is being or has been harmed, neglected or treated
186 cruelly in violation of section 53-247 of the general statutes, as amended
187 by this act, shall make a written or oral report of the alleged violation to
188 the local law enforcement agency or the animal control officer for the
189 town where the animal is being kept. A report made pursuant to this
190 subsection shall be made as soon as practicable, but not later than forty-
191 eight hours after the veterinarian has reasonable cause to suspect that
192 an animal has been harmed, neglected or treated cruelly. The report
193 shall contain the following: (1) The name of the veterinarian, (2) the
194 address where the animal was observed and the name and address of
195 the owner or other person responsible for care of the animal, except as
196 provided in this subsection; (3) a description of the animal; (4) the nature
197 and extent of the harm to, neglect of or cruelty to the animal; and (5) the
198 approximate date and time such harm, neglect or cruelty was suspected.
199 Notwithstanding the provisions of this subsection, when a report
200 concerns an animal that is suspected of having been harmed, neglected
201 or treated cruelly due to participation in an exhibition of animal fighting
202 for amusement or gain, the veterinarian may anonymously report the
203 required information to the local law enforcement agency or the animal
204 control officer.

205 (b) Any veterinarian, who in good faith, makes a report pursuant to
206 this section, shall be immune from any civil liability which might
207 otherwise arise from or be related to the actions taken pursuant to this
208 section and shall have the same immunity with respect to any judicial
209 proceeding which results from such report. The immunity from civil

210 liability extends only to actions done pursuant to this section and does
211 not extend to the malpractice of a veterinarian that results in injury to,
212 or the death of, an animal.

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

215 (a) Any person who overdrives, drives when overloaded, overworks,
216 tortures, deprives of necessary sustenance, mutilates or cruelly beats or
217 kills or unjustifiably injures any animal, or who, having impounded or
218 confined any animal, fails to give such animal proper care or neglects to
219 cage or restrain any such animal from doing injury to itself or to another
220 animal or fails to supply any such animal with wholesome air, food and
221 water, or unjustifiably administers any poisonous or noxious drug or
222 substance to any domestic animal or unjustifiably exposes any such
223 drug or substance, with intent that the same shall be taken by an animal,
224 or causes it to be done, or, having charge or custody of any animal,
225 inflicts cruelty upon it or fails to provide it with proper food, drink or
226 protection from the weather or abandons it or carries it or causes it to be
227 carried in a cruel manner, or fights with or baits, harasses or worries any
228 animal for the purpose of making it perform for amusement, diversion
229 or exhibition, shall, for a first offense, be fined not more than one
230 thousand dollars or imprisoned not more than one year or both, and for
231 each subsequent offense, shall be guilty of a class D felony.

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

243 (c) Any person who knowingly (1) owns, possesses, keeps or trains
244 an animal engaged in an exhibition of fighting for amusement or gain,
245 (2) possesses, keeps or trains an animal with the intent that it be engaged
246 in an exhibition of fighting for amusement or gain, (3) permits an act
247 described in subdivision (1) or (2) of this subsection to take place on
248 premises under his control, (4) acts as judge or spectator at an exhibition
249 of animal fighting for amusement or gain, or (5) bets or wagers on the
250 outcome of an exhibition of animal fighting for amusement or gain, shall
251 be guilty of a class D felony.

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

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

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

276 thirty days after the entry of an order under this subsection, the court
277 shall ensure that such order is provided to and accessible to state and
278 local law enforcement agencies, including animal control officers,
279 through the Connecticut online law enforcement communications
280 teleprocessing system. Nothing in this section shall be construed to
281 permit public access to the Connecticut online law enforcement
282 communications teleprocessing system.

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

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

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

304 (c) In addition to any sentence imposed pursuant to subsection (b) of
305 this section, the court shall inquire on the record whether there are any
306 requests by a victim for restitution, and if (1) a person is convicted of an
307 offense that resulted in injury to another person or damage to or loss of

308 property, (2) the victim requests financial restitution, and (3) the court
309 finds that the victim has suffered injury or damage to or loss of property
310 as a result of such offense, the court shall order the offender to make
311 financial restitution under terms that it determines are appropriate. In
312 determining the appropriate terms of financial restitution, the court
313 shall consider: (A) The financial resources of the offender and the
314 burden restitution will place on other obligations of the offender; (B) the
315 offender's ability to pay based on installments or other conditions; (C)
316 the rehabilitative effect on the offender of the payment of restitution and
317 the method of payment; and (D) other circumstances, including the
318 financial burden and impact on the victim, that the court determines
319 make the terms of restitution appropriate. If the court determines that
320 the current financial resources of the offender or the offender's current
321 ability to pay based on installments or other conditions are such that no
322 appropriate terms of restitution can be determined, the court may
323 forego setting such terms. The court shall articulate its findings on the
324 record with respect to each of the factors set forth in subparagraphs (A)
325 to (D), inclusive, of this subsection. Restitution ordered by the court
326 pursuant to this subsection shall be based on easily ascertainable
327 damages for injury or loss of property, actual expenses incurred for
328 treatment for injury to persons and lost wages resulting from injury.
329 Restitution shall not include reimbursement for damages for mental
330 anguish, pain and suffering or other intangible losses, but may include
331 the costs of counseling reasonably related to the offense. Restitution
332 ordered by the court pursuant to this subsection shall be imposed or
333 directed by a written order of the court on a form prescribed by the Chief
334 Court Administrator containing the amount of damages for injury or
335 loss of property, actual expenses incurred for treatment for injury to
336 persons and lost wages resulting from injury as ascertained by the court.
337 The order of the court shall direct that a certified copy of the completed
338 form containing the written order be delivered by certified mail to each
339 victim and contain an advisement to the victim that the order is
340 enforceable as a judgment in a civil action as provided in section 53a-
341 28a. The court shall retain the original of each form containing a written
342 order of restitution as part of such offender's court record.

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

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

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

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

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2023</i>	53a-65
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	53a-73a(a)
Sec. 4	<i>October 1, 2023</i>	New section
Sec. 5	<i>October 1, 2023</i>	22-329a(a) and (b)
Sec. 6	<i>October 1, 2023</i>	New section
Sec. 7	<i>October 1, 2023</i>	53-247
Sec. 8	<i>October 1, 2023</i>	53a-28

Statement of Purpose:

To (1) redefine the crime of sexual contact with an animal, (2) require that veterinarians report suspected incidents of animal cruelty, and (3) prohibit persons convicted of animal cruelty or having sexual contact with an animal from possessing or working with animals for a period of five years from the date of conviction or release from imprisonment for the offense, whichever is later.

[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.]