



General Assembly

January Session, 2023

Raised Bill No. 1182

LCO No. 5276



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CLARIFYING THE MEANINGS OF SEXUAL INTERCOURSE
AND SEXUAL CONTACT.**

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 Section 53a-65 of the general statutes is repealed and the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 from passage and*
3 *applicable to acts occurring before, on and after said date*):

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

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

7 (2) "Sexual intercourse" means a single act or multiple acts that occur
8 over a period of time as a continuous course of conduct, that include
9 vaginal intercourse, anal intercourse, fellatio or cunnilingus between
10 persons regardless of sex. Penetration, however slight, is sufficient to
11 complete vaginal intercourse, anal intercourse or fellatio and does not
12 require emission of semen. Penetration may be committed by an object
13 manipulated by the actor into the genital or anal opening of the victim's
14 body.

15 (3) "Sexual contact" means a single act or multiple acts that occur over
16 a period of time as a continuous course of conduct, that include any
17 contact with the intimate parts of a person for the purpose of sexual
18 gratification of the actor or for the purpose of degrading or humiliating
19 such person or any contact of the intimate parts of the actor with a
20 person for the purpose of sexual gratification of the actor or for the
21 purpose of degrading or humiliating such person.

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

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

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

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

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

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

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

48 (11) "Emotionally dependent" means that the nature of the patient's
49 or former patient's emotional condition and the nature of the treatment
50 provided by the psychotherapist are such that the psychotherapist
51 knows or has reason to know that the patient or former patient is unable
52 to withhold consent to sexual contact by or sexual intercourse with the
53 psychotherapist.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to acts occurring before, on and after said date</i>	53a-65

Statement of Purpose:

To clarify the meanings of "sexual intercourse" and "sexual contact" following the Connecticut Supreme Court rulings in State v. Douglas C. and State v. Joseph V.

[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.]