

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 Section 53a-65 of the general statutes is repealed and the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 intentional transfer or transmission of semen by a
72 person upon any part of an animal; or (D) the insertion, however slight,
73 of any part of a person's body or any object into the vaginal or anal
74 opening of an animal, without a bona fide veterinary or animal
75 husbandry purpose, or the insertion of any part of the animal's body
76 into the vaginal or anal opening of the person.

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

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

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

93 Sec. 3. Subsection (a) of section 53a-73a of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective October*
95 *1, 2023*):

96 (a) A person is guilty of sexual assault in the fourth degree when: (1)
97 Such person subjects another person to sexual contact who is (A) under
98 thirteen years of age and the actor is more than two years older than
99 such other person, or (B) thirteen years of age or older but under fifteen
100 years of age and the actor is more than three years older than such other
101 person, or (C) physically helpless, or (D) less than eighteen years old
102 and the actor is such other person's guardian or otherwise responsible
103 for the general supervision of such other person's welfare, or (E) in
104 custody of law or detained in a hospital or other institution and the actor
105 has supervisory or disciplinary authority over such other person; or (2)
106 such person subjects another person to sexual contact without such
107 other person's consent; or (3) such person engages in sexual contact with
108 [an animal or] a dead body; or (4) such person is a psychotherapist and
109 subjects another person to sexual contact who is (A) a patient of the actor
110 and the sexual contact occurs during the psychotherapy session, or (B)
111 a patient or former patient of the actor and such patient or former
112 patient is emotionally dependent upon the actor, or (C) a patient or
113 former patient of the actor and the sexual contact occurs by means of
114 therapeutic deception; or (5) such person subjects another person to

115 sexual contact and accomplishes the sexual contact by means of false
116 representation that the sexual contact is for a bona fide medical purpose
117 by a health care professional; or (6) such person is a school employee
118 and subjects another person to sexual contact who is a student enrolled
119 in a school in which the actor works or a school under the jurisdiction
120 of the local or regional board of education which employs the actor; or
121 (7) such person is a coach in an athletic activity or a person who provides
122 intensive, ongoing instruction and subjects another person to sexual
123 contact who is a recipient of coaching or instruction from the actor and
124 (A) is a secondary school student and receives such coaching or
125 instruction in a secondary school setting, or (B) is under eighteen years
126 of age; or (8) such person subjects another person to sexual contact and
127 (A) the actor is twenty years of age or older and stands in a position of
128 power, authority or supervision over such other person by virtue of the
129 actor's professional, legal, occupational or volunteer status and such
130 other person's participation in a program or activity, and (B) such other
131 person is under eighteen years of age; or (9) such person subjects
132 another person to sexual contact who is placed or receiving services
133 under the direction of the Commissioner of Developmental Services in
134 any public or private facility or program and the actor has supervisory
135 or disciplinary authority over such other person.

136 Sec. 4. (NEW) (*Effective October 1, 2023*) A law enforcement officer or
137 animal control officer authorized under section 22-329a of the general
138 statutes, as amended by this act, investigating an alleged violation of
139 section 2 of this act may lawfully take possession of an animal when
140 such officer has a reasonable belief that the animal was sexually
141 assaulted in violation of section 2 of this act in order to protect the health
142 or safety of the animal or the health or safety of others, and to obtain
143 evidence of the alleged offense. Any animal, whether dead or alive,
144 taken into possession pursuant to this section shall be promptly
145 transported to an animal shelter or veterinary hospital to be examined
146 by a licensed veterinarian for care and treatment and to preserve
147 evidence of any alleged violation of section 2 of this act.

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

151 (a) Any animal control officer or regional animal control officer
152 appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable,
153 may take physical custody of any animal when such animal control
154 officer has reasonable cause to believe that such animal is in imminent
155 harm and is neglected or is cruelly treated in violation of section 22-366,
156 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-250,
157 53-251, [or] 53-252 or section 2 of this act, and, not later than ninety-six
158 hours after taking physical custody, shall proceed as provided in
159 subsection (c) of this section, except that if, in the opinion of a licensed
160 veterinarian or the State Veterinarian, at any time after physical custody
161 of such animal is taken, such animal is so injured or diseased that it
162 should be euthanized immediately, such officer may have such animal
163 humanely euthanized by a licensed veterinarian.

164 (b) Any animal control officer or regional animal control officer
165 appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable,
166 may take physical custody of any animal upon issuance of a warrant
167 finding probable cause that such animal is neglected or is cruelly treated
168 in violation of section 22-366, 22-415, 53-247, as amended by this act, 53-
169 248, 53-249, 53-249a, 53-250, 53-251, [or] 53-252 or section 2 of this act,
170 and shall thereupon proceed as provided in subsection (c) of this section
171 except that if, in the opinion of a licensed veterinarian or the State
172 Veterinarian, at any time after physical custody of such animal is taken,
173 such animal is so injured or diseased that it should be euthanized
174 immediately, such officer may have such animal humanely euthanized
175 by a licensed veterinarian.

176 Sec. 6. (NEW) (*Effective October 1, 2023*) (a) Any veterinarian licensed
177 in accordance with the provisions of chapter 384 of the general statutes,
178 who in the course of his or her employment, has reasonable cause to
179 suspect that an animal is being or has been harmed, neglected or treated

180 cruelly due to participation in an exhibition of animal fighting for
181 amusement or gain, shall report the following information to the local
182 law enforcement agency or animal control officer: (1) The address of the
183 owner or other person responsible for care of the animal; (2) a
184 description of the animal; and (3) the approximate date and time of
185 discovery of such harm, neglect or cruelty.

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

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

196 (a) Any person who overdrives, drives when overloaded, overworks,
197 tortures, deprives of necessary sustenance, mutilates or cruelly beats or
198 kills or unjustifiably injures any animal, or who, having impounded or
199 confined any animal, fails to give such animal proper care or neglects to
200 cage or restrain any such animal from doing injury to itself or to another
201 animal or fails to supply any such animal with wholesome air, food and
202 water, or unjustifiably administers any poisonous or noxious drug or
203 substance to any domestic animal or unjustifiably exposes any such
204 drug or substance, with intent that the same shall be taken by an animal,
205 or causes it to be done, or, having charge or custody of any animal,
206 inflicts cruelty upon it or fails to provide it with proper food, drink or
207 protection from the weather or abandons it or carries it or causes it to be
208 carried in a cruel manner, or fights with or baits, harasses or worries any
209 animal for the purpose of making it perform for amusement, diversion
210 or exhibition, shall, for a first offense, be fined not more than one
211 thousand dollars or imprisoned not more than one year or both, and for

212 each subsequent offense, shall be guilty of a class D felony.

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

224 (c) Any person who knowingly (1) owns, possesses, keeps or trains
225 an animal engaged in an exhibition of fighting for amusement or gain,
226 (2) possesses, keeps or trains an animal with the intent that it be engaged
227 in an exhibition of fighting for amusement or gain, (3) permits an act
228 described in subdivision (1) or (2) of this subsection to take place on
229 premises under his control, (4) acts as judge or spectator at an exhibition
230 of animal fighting for amusement or gain, or (5) bets or wagers on the
231 outcome of an exhibition of animal fighting for amusement or gain, shall
232 be guilty of a class D felony.

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

240 (e) Any person who intentionally kills any animal while such animal
241 is in the performance of its duties under the supervision of a peace
242 officer, as defined in section 53a-3, or intentionally kills a dog that is a
243 member of a volunteer canine search and rescue team, as defined in

244 section 5-249, while such dog is in the performance of its duties under
245 the supervision of the active individual member of such team, shall be
246 fined not more than ten thousand dollars or imprisoned not more than
247 ten years, or both.

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

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

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

263 (b) Except as provided in section 53a-46a, when a person is convicted
264 of an offense, the court shall impose one of the following sentences: (1)
265 A term of imprisonment; or (2) a sentence authorized by section 18-65a
266 or 18-73; or (3) a fine; or (4) a term of imprisonment and a fine; or (5) a
267 term of imprisonment, with the execution of such sentence of
268 imprisonment suspended, entirely or after a period set by the court, and
269 a period of probation or a period of conditional discharge; or (6) a term
270 of imprisonment, with the execution of such sentence of imprisonment
271 suspended, entirely or after a period set by the court, and a fine and a
272 period of probation or a period of conditional discharge; or (7) a fine and
273 a sentence authorized by section 18-65a or 18-73; or (8) a sentence of
274 unconditional discharge; or (9) a term of imprisonment and a period of
275 special parole as provided in section 54-125e, except that the court may

276 not impose a period of special parole for convictions of offenses under
277 chapter 420b.

278 (c) In addition to any sentence imposed pursuant to subsection (b) of
279 this section, the court shall inquire on the record whether there are any
280 requests by a victim for restitution, and if (1) a person is convicted of an
281 offense that resulted in injury to another person or damage to or loss of
282 property, (2) the victim requests financial restitution, and (3) the court
283 finds that the victim has suffered injury or damage to or loss of property
284 as a result of such offense, the court shall order the offender to make
285 financial restitution under terms that it determines are appropriate. In
286 determining the appropriate terms of financial restitution, the court
287 shall consider: (A) The financial resources of the offender and the
288 burden restitution will place on other obligations of the offender; (B) the
289 offender's ability to pay based on installments or other conditions; (C)
290 the rehabilitative effect on the offender of the payment of restitution and
291 the method of payment; and (D) other circumstances, including the
292 financial burden and impact on the victim, that the court determines
293 make the terms of restitution appropriate. If the court determines that
294 the current financial resources of the offender or the offender's current
295 ability to pay based on installments or other conditions are such that no
296 appropriate terms of restitution can be determined, the court may
297 forego setting such terms. The court shall articulate its findings on the
298 record with respect to each of the factors set forth in subparagraphs (A)
299 to (D), inclusive, of this subsection. Restitution ordered by the court
300 pursuant to this subsection shall be based on easily ascertainable
301 damages for injury or loss of property, actual expenses incurred for
302 treatment for injury to persons and lost wages resulting from injury.
303 Restitution shall not include reimbursement for damages for mental
304 anguish, pain and suffering or other intangible losses, but may include
305 the costs of counseling reasonably related to the offense. Restitution
306 ordered by the court pursuant to this subsection shall be imposed or
307 directed by a written order of the court on a form prescribed by the Chief
308 Court Administrator containing the amount of damages for injury or
309 loss of property, actual expenses incurred for treatment for injury to

310 persons and lost wages resulting from injury as ascertained by the court.
311 The order of the court shall direct that a certified copy of the completed
312 form containing the written order be delivered by certified mail to each
313 victim and contain an advisement to the victim that the order is
314 enforceable as a judgment in a civil action as provided in section 53a-
315 28a. The court shall retain the original of each form containing a written
316 order of restitution as part of such offender's court record.

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

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

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

337 (g) In addition to any sentence imposed pursuant to section 53-247,
338 as amended by this act, or section 2 of this act, at the time of a person's
339 sentencing for any conviction under said sections, the court shall order
340 that, for the five-year period commencing from the date of such
341 conviction or the date of such person's release from imprisonment for

342 such conviction, whichever is later, such person (1) shall not harbor,
343 own, possess, reside with, adopt or serve as a foster placement for any
344 animal, and (2) shall not be employed by, or volunteer for, any entity in
345 any position that involves care for, or regular contact with, any animal.

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

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