



General Assembly

February Session, 2006

Raised Bill No. 439

LCO No. 2041



Referred to Committee on

JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING SEXUAL ASSAULT.**

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

1 Section 1. Subdivision (8) of section 53a-65 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

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

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

Section 1	October 1, 2006	53a-65(8)
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**Statement of Purpose:**

To revise the definition of "intimate parts" for purposes of the crimes of risk of injury to minors and sexual assault in the third and fourth degrees.

[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.]



Senate

CONNECTICUT STATE LIBRARY  
LEGISLATIVE REFERENCE SECTION

General Assembly

File No. 336

February Session, 2006

Senate Bill No. 439

Senate, April 4, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

#### **AN ACT CONCERNING SEXUAL ASSAULT.**

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**JUD** Joint Favorable

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill expands the crime of sexual assault. To the extent that this change increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

### **The Out Years**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

1067

**OLR Bill Analysis  
SB 439**

**AN ACT CONCERNING SEXUAL ASSAULT.**

**SUMMARY:**

This bill expands the activities that constitute third and fourth degree sexual assault. It makes someone guilty of these crimes if all other elements of the crimes are met and the actor engages in or causes or forces another to submit to sexual contact by emitting any substance from his genital area or anus.

By law, third degree sexual assault is a class D felony or, if the victim is under age 16, a class C felony. A class D felony is punishable by up to five years in prison, a \$5,000 fine, or both. A class C felony is punishable by up to 10 years in prison, a \$10,000 fine, or both.

Fourth degree sexual assault is a class A misdemeanor or, if the victim is under age 16, a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both.

EFFECTIVE DATE: October 1, 2006

**BACKGROUND**

***Third Degree Sexual Assault***

A person commits third degree sexual assault when he compels another person to submit to sexual contact by force or threat of force against the victim or a third person. The threat must reasonably cause the victim to fear physical injury to himself or the third person. The sexual contact must have been intended for the actor's sexual gratification or the victim's humiliation or degradation.

***Fourth Degree Sexual Assault***

This crime generally involves sexual contact without a victim's

permission or sexual contact with a victim who is (1) unable to give consent because of age or physical or mental circumstances, (3) helpless, or (3) vulnerable because the actor holds a special position of trust or power over them.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 36    Nay 0    (03/17/2006)

## REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

**COMMITTEE:** Judiciary Committee

**File No.:**

**Bill No.:** SB-439

**PH Date:** 3/13/2006

**Action/Date:** JF 3/17/06

**Reference Change:**

### **TITLE OF BILL:**

AN ACT CONCERNING SEXUAL ASSAULT.

### **SPONSORS OF BILL:**

Chief State's Attorney

### **REASONS FOR BILL:**

To expand the definition of "intimate parts" as the result of a sexual assault of a student at the University of Connecticut

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

Chief State's Attorney Christopher Morano-This bill would extend the definition of intimate parts to include any substance emitted from the genital area, groin, anus, which would subject an individual to sexual assault charges if such substance made contact with another person. We believe the conduct alleged in the UConn case constitutes sexual assault and should be classified as such.

Natasha M. Pierre, Associated Legislative Analyst, Permanent on the Status of Women-This bill would provide additional protection from sexual assault by closing the loophole to ensure that actions commonly thought of a sexual assault are included in the definition.

### **NATURE AND SOURCES OF SUPPORT:**

Victim in UConn Case-With an objective to seek justice, please protect me and other prospective victims out there by doing the right thing and refine a statute which has only further victimized me as a person by not fully recognizing the awful acts done to me by these individuals. The three men who sexually violated me will only have been convicted of a misdemeanor at best. By passing this bill the pride, self-worth and safety of myself and other

women victimized by thoughtless individuals will be increasingly protected. Redefining this statute forces any sexual predators to be held accountable for their ludicrous and extremely degrading actions, no matter how they force their "intimate parts" on another individual, whether it be by penetration or ejaculation, both of which must be considered sexual assault. This may actually force potential, as well as existing, sexual predators to understand that ejaculating on a person's face is not in fact funny, normal, or an act that can easily be dismissed by a misdemeanor.

The consequences of a potential assailant would inevitably endure by a just and protective legal system are the only components left with the potential to redeem the victim and all they have lost by these criminal acts.

#### **NATURE AND SOURCES OF OPPOSITION:**

Nothing submitted

Sarah Kolb

3/21/06

Reported by

Date

CONNECTICUT  
STATE LIBRARY  
LEGISLATIVE REFERENCE  
SECTION

# JUDICIARY COMMITTEE VOTE TALLY SHEET

**Bill No.:** SB-439

### Amendment Letter:

# AN ACT CONCERNING SEXUAL ASSAULT.

**Chair:** LAWLOR, M.

**Motion:** O'NEILL, A.

**Second: KISSEL, J.**

**Action:** Joint Favorable

## Language

**Change:**

<b>TOTALS</b>	<b>Voting</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent and Not Voting</b>	<b>Voice Vote</b>
	36	36	0	0	5	

	yea	nay	abstain	absent
Sen. <b>McDonald</b> , A. S27	X			
Rep. <b>Lawlor</b> , M. 099	X			
Sen. <b>Handley</b> , M. S04	X			
Rep. <b>Spallone</b> , J. 036	X			
Sen. <b>Kissel</b> , J. S07	X			
Rep. <b>Farr</b> , R. 019				X
Rep. <b>Barry</b> , R. 012	X			
Rep. <b>Berger</b> , J. 073				X
Rep. <b>Cafero</b> , L. 142	X			
Rep. <b>Candelaria</b> , J. 095	X			
Sen. <b>Cappiello</b> , D. S24	X			
Sen. <b>Coleman</b> , E. S02	X			
Rep. <b>Dillon</b> , P. 092	X			
Rep. <b>Doyle</b> , P. 028	X			
Rep. <b>Dyson</b> , W. 094	X			
Rep. <b>Fox</b> , G. 146	X			
Rep. <b>Fritz</b> , M. 090				X
Rep. <b>Geragosian</b> , J. 025	X			
Rep. <b>Giegler</b> , J. 138	X			
Rep. <b>Godfrey</b> , B. 110	X			
Sen. <b>Gomes</b> , E. S23	X			
Rep. <b>Gonzalez</b> , M. 003	X			
Rep. <b>Green</b> , K. 001	X			
Rep. <b>Hamm</b> , G. 034	X			
Rep. <b>Hamzy</b> , W. 078	X			
Rep. <b>Hovey</b> , D. 112	X			
Rep. <b>Klarides</b> , T. 114				X
Rep. <b>Labriola</b> , D. 131				X

[illegible]

Vote date: 3/17/2006 5:30:00 PM

Correction date:

CONNECTICUT STATE LIBRARY  
LAW/LEGISLATIVE REFERENCE UNIT