
OLR Bill Analysis

sHB 5298

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

SUMMARY

This bill allows any prosecution for a sexual assault crime to be based on a single act or multiple acts committed over a time period as a continuous course of conduct.

In a 2022 state Supreme Court case involving first degree sexual assault, the court held that the existing sexual assault laws criminalize only individual acts and not a continuing course of conduct (*State v. Joseph V.*, 345 Conn. 516 (2022)). The court applied its ruling from another opinion released the same day, *State v. Douglas C.*, 345 Conn. 421 (2022), and reversed the defendant's conviction on this charge and remanded the case for a new trial (but did not reverse his conviction for the separate crime of risk of injury to a minor).

Under *Douglas C.*, a defendant's constitutional right to jury unanimity is violated if (1) the defendant was charged with a single count for a single statutory violation; (2) the evidence supported separate incidents, each of which could independently establish the violation; and (3) there was not a specific unanimity instruction to the jury or a bill of particulars (i.e., a detailed itemization of the charges given upon the defendant's request). In this situation, the defendant is entitled to a new trial if there is the risk that the conviction was due to different jurors concluding that the defendant committed different acts of that crime.

EFFECTIVE DATE: Upon passage and applicable to acts occurring before, on, or after that date.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 1 (03/28/2024)