



House of Representatives

General Assembly

File No. 479

February Session, 2024

Substitute House Bill No. 5298

House of Representatives, April 15, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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. (NEW) (*Effective from passage and applicable to acts occurring*
2 *before, on or after said date*) Any prosecution for a violation of sections 53a-
3 70 to 53a-73a, inclusive, of the general statutes may be brought on the
4 basis of a single act or two or more acts committed over a period of time
5 as a continuous course of conduct.

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 or after said date</i>	New section
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JUD Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which clarifies that certain violations may be prosecuted as a single act or as a continuous course of conduct, is not anticipated to result in a fiscal impact to the state or to municipalities.

The Out Years

State Impact: None

Municipal Impact: None

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)