



General Assembly

February Session, 2024

***Raised Bill No. 5298***

LCO No. 1871



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 2024 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage and applicable to acts occurring before, on and after said*  
4 *date*):

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

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

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

15 body.

16 (3) "Sexual contact" means a single act or multiple acts that occur over  
17 a period of time as a continuous course of conduct, that include (A) any  
18 contact with the intimate parts of a person for the purpose of sexual  
19 gratification of the actor or for the purpose of degrading or humiliating  
20 such person or any contact of the intimate parts of the actor with a  
21 person for the purpose of sexual gratification of the actor or for the  
22 purpose of degrading or humiliating such person, or (B) for the  
23 purposes of subdivision (4) of subsection (a) of section 53a-73a, any  
24 contact with the intimate parts of a dead human body, or any contact of  
25 the intimate parts of the actor with a dead human body, for the purpose  
26 of sexual gratification of the actor.

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

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

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

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

43 (8) "Intimate parts" means the genital area or any substance emitted  
44 therefrom, groin, anus or any substance emitted therefrom, inner thighs,  
45 buttocks or breasts.

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

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

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

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

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

74 (14) "Animal" has the same meaning as provided in section 22-327.

75 (15) "Sexual contact with an animal" means: (A) Any act between a  
76 person and an animal that involves contact between a sex organ or anus

77 of one and the mouth, anus or a sex organ of the other; (B) a person  
78 touching or fondling a sex organ or anus of an animal, either directly or  
79 through clothing, without a bona fide veterinary or animal husbandry  
80 purpose; (C) any intentional transfer or transmission of semen by a  
81 person upon any part of an animal; or (D) the insertion, however slight,  
82 of any part of a person's body or any object into the vaginal or anal  
83 opening of an animal, without a bona fide veterinary or animal  
84 husbandry purpose, or the insertion of any part of the animal's body  
85 into the vaginal or anal opening of the person.

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.]*