

## Index of Connecticut Laws – Sex Discrimination

Connecticut General Statutes	Subject Matter
Sec. 10-15c	Discrimination in public schools prohibited; 1997 amendment added prohibition of discrimination based on sexual orientation
Sec. 46a-54(15)	Certain employers to post information concerning the illegality of sexual harassment and to provide training
Secs. 46a-58 to 46a-81r	Commission on Human Rights and Opportunities (CHRO) discriminatory practices
Sec. 46a-81m.	Sexual orientation discrimination: Educational and vocational programs of state agencies. All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to sexual orientation. (P.A. 91-58, S. 13.) Cited. 236 C. 453, 454, 456, 460, 461, 466, 467, 470, 471, 474-476, 481, 482. Gay rights law cited. Id.
Sec. 46a-82.	Filing of a discriminatory practice complaint with CHRO
Secs. 17a-101 to 17a-103b	Reports of abuse or neglect by mandated reporters
Sec. 53a-90a	Criminal offense of using a computer to entice a minor to engage in sexual activity
Sec. 53a-71, as amended by Sec. 1 of P.A. 02-106 (below)	Sexual assault in the second degree: - Class C felony: (Intercourse)
Sec. 53a-73a, as amended by Sec. 2 of P.A. 02-106 (below)	Sexual assault in the fourth degree: - Class A misdemeanor (Touching)

Public Acts	Title
P.A. 99-113	An Act Concerning the Use of a Computer to Entice a Minor to Engage in Sexual Activity.
P. A. 00-72	An Act Concerning Intimidation Based on Bigotry or Bias.
P.A. 02-106	An Act Concerning Sexual Assault by a Coach or Instructor, Mandated Reporting of Child Abuse or Neglect and Issuance and Revocation of Educator Certificates
P.A. 02-119	Act Concerning Bullying Behavior in Schools and Concerning the Pledge of Allegiance
P.A. 02-138	An Act Concerning Penalties for Sexual Assault of a Minor...Reporting

	and Investigation of Child Abuse and Neglect, Disclosure of Records of Teacher Misconduct...
P.A. 04-130	AN ACT CONCERNING SEXUAL ASSAULT OF YOUTHS BY PERSONS STANDING IN A POSITION OF POWER, AUTHORITY OR SUPERVISION.
P.A. 04-135	AN ACT CONCERNING HATE CRIMES.

## Free Speech Rights of Students

- ? [BETHEL SCHOOL DISTRICT NO. 403 ET AL. v. FRASER, A MINOR, ET AL.](#)  
In *Bethel*, the Court upheld the right of Washington state high school administrators to discipline a student for delivering a campaign speech at a school assembly that was loaded with sexual innuendo. The Court expressed the view that administrators ought to have the discretion to punish student speech that violates school rules and has the tendency to interfere with legitimate educational and disciplinary objectives.
  
- ? [HAZELWOOD SCHOOL DISTRICT ET AL. v. KUHLMEIER ET AL.](#)  
In *Hazelwood*, the Court relied heavily on *Bethel* to uphold the right of school administrators to censor materials in a student-edited school paper that concerned sensitive subjects such as student pregnancy, or that could be considered an invasion of privacy.
  
- ? [PAPISH v. BOARD OF CURATORS OF THE UNIVERSITY OF MISSOURI ET AL.](#)  
*Papish* considered the decision of the University of Missouri to expel a journalism student who distributed a controversial leaflet (including four-letter words and a cartoon showing the Statue of Liberty being raped) on campus. The Court held the expulsion violated Papish's First Amendment rights.
  
- ? [TINKER ET AL. v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT ET AL.](#)  
In *Tinker*, perhaps the best known of the Court's student speech cases, the Court found that the First Amendment protected the right of high school students to wear black armbands in a public high school, as a form of protest against the Viet Nam War. The Court ruled that this symbolic speech--"closely akin to pure speech"--could only be prohibited by school administrators if they could show that it would cause a substantial disruption of the school's educational mission.

# Public Acts

**Senate Bill No. 1312**

**Public Act No. 99-113**

***An Act Concerning the Use of a Computer to Entice a Minor to Engage in Sexual Activity.***

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

(NEW) (a) A person is guilty of enticing a minor when such person uses an interactive computer service to knowingly persuade, induce, entice or coerce any person under sixteen years of age to engage in prostitution or sexual activity for which the actor may be charged with a criminal offense. For purposes of this section, "interactive computer service" means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(b) Enticing a minor is a class A misdemeanor for a first offense, a class D felony for a second offense and a class C felony for any subsequent offense.

**SUMMARY:** This act makes it a crime to use an interactive computer service to lure a person under age 16 to engage in prostitution or sexual activity. A first offense is a class A misdemeanor, a second offense a class D felony, and a third or subsequent offense a class C felony. (see Table on Penalties).

The act defines an "interactive computer service" as any information service, system, or access software provider that gives multiple users access to a computer server. It specifically includes a system providing access to the Internet and such systems operated by libraries or educational institutions.

To be convicted, the actor must knowingly use the computer device to persuade, induce, entice, or coerce the child to engage in any sexual activity that is a crime.

EFFECTIVE DATE: October 1, 1999

**BACKGROUND**

*Sexual Activities That Are Crimes*

The penal code includes at least 20 crimes related to sexual activity. They range from the class A felony of employing a minor in an obscene performance to the class B misdemeanor of public indecency. Other crimes include the class B felonies of first-degree sexual assault, aggravated first-degree sexual assault, and sexual assault in a spousal or cohabiting relationship; other types of sexual assault; a number of crimes involving promoting, engaging in, or permitting prostitution; and bigamy and incest.



**Substitute House Bill No. 5710**

**Public Act No. 00-72**

***An Act Concerning Intimidation Based On Bigotry Or Bias.***

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

Section 1. (NEW) (a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity or sexual orientation of such other person, causes serious physical injury to such other person or to a third person.

(b) Intimidation based on bigotry or bias in the first degree is a class C felony.

Sec. 2. (NEW) (a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity or sexual orientation of such other person, does any of the following: (1) Causes physical contact with such other person, (2) damages, destroys or defaces any real or personal property of such other person, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

(b) Intimidation based on bigotry or bias in the second degree is a class D felony.

Sec. 3. (NEW) (a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons because of the actual or perceived race, religion, ethnicity or sexual orientation of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

(b) Intimidation based on bigotry or bias in the third degree is a class A misdemeanor.

Sec. 4. Section 54-56e of the general statutes, as amended by section 3 of public act 99-148 and section 5 of public act 99-187, is repealed and the following is substituted in lieu thereof:

(a) There shall be a pretrial program for accelerated rehabilitation of persons accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature.

(b) The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting attorney with respect to a defendant (1) who, the court believes, will probably not offend in the future, (2) who has no previous record of conviction of a crime or of a violation of section 14-196, subsection (c) of section 14-215, section 14-222a, subsection (a) of section 14-224 or section 14-227a, (3) who has not previously been adjudged a youthful offender on or after October 1, 1995, under the provisions of sections 54-76b to 54-76n, inclusive, and (4) who states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury that the defendant has never had such program invoked in the defendant's behalf, provided the defendant shall agree thereto and provided notice has been given by the defendant, on a form approved by rule of court, to the victim or victims of such crime or motor vehicle violation, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Any defendant who makes application for participation in such program shall pay to the court an application fee of thirty-five dollars.

(c) This section shall not be applicable: (1) To any person charged with a class A or class B felony or a violation of section 14-227a, as amended, subdivision (2) of section 53-21, section 53a-56b, 53a-60d, 53a-70, as amended, 53a-70a, as amended, 53a-70b, 53a-71, 53a-72a or 53a-72b, as amended, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267 or 21a-279 who (A) is eligible for the pretrial drug education program established under section 54-56i, as amended, or (B) has previously had the pretrial drug education program invoked in such person's behalf, or (5) unless good cause is shown, to any person charged with a class C felony.

(d) [Any] Except as provided in subsection (e) of this section, any defendant who enters such program shall pay to the court a participation fee of one hundred dollars. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of the right to a speedy trial. Any such defendant shall appear in court and shall, under such conditions as the court shall

order, be released to the custody of the Office of Adult Probation, except that, if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district, such defendant may be transferred, under such conditions as the court shall order, to the court handling such docket for supervision by such court. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. The period of such probation or supervision, or both, shall not exceed two years. The court may order that as a condition of such probation the defendant participate in the zero-tolerance drug supervision program established pursuant to section 53a-39d, as amended. If the defendant has reached the age of sixteen years but has not reached the age of eighteen years, the court may order that as a condition of such probation the defendant be referred for services to a youth service bureau established pursuant to section 17a-39, provided the court finds, through an assessment by a youth service bureau or its designee, that the defendant is in need of and likely to benefit from such services. If the defendant is charged with a violation of section 1, 2 or 3 of this act or section 46a-58 or 53-37a, the court may order that as a condition of such probation the defendant participate in a hate crimes diversion program as provided in subsection (e) of this section.

(e) If the court orders the defendant to participate in a hate crimes diversion program as a condition of probation, the defendant shall pay to the court a participation fee of four hundred twenty-five dollars. No person may be excluded from such program for inability to pay such fee, provided (1) such person files with the court an affidavit of indigency or inability to pay, (2) such indigency or inability to pay is confirmed by the Office of Adult Probation, and (3) the court enters a finding thereof. The Office of Adult Probation shall contract with service providers, develop standards and oversee appropriate hate crimes diversion programs to meet the requirements of this section. Any defendant whose employment or residence makes it unreasonable to attend a hate crimes diversion program in this state may attend a program in another state which has standards substantially similar to, or higher than, those of this state, subject to the approval of the court and payment of the application and program fees as provided in this section. The hate crimes diversion program shall consist of an educational program and supervised community service.

~~[(e)]~~ (f) If a defendant released to the custody of the Office of Adult Probation satisfactorily completes such defendant's period of probation, such defendant may apply for dismissal of the charges against such defendant and the court, on finding such satisfactory completion, shall dismiss such charges. If the defendant does not apply for dismissal of the charges against such defendant after satisfactorily completing such defendant's period of probation, the court, upon receipt of a report submitted by the Office of Adult Probation that the defendant satisfactorily completed such defendant's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. If a defendant transferred to the court handling the criminal docket for drug-dependent persons satisfactorily completes such



defendant's period of supervision, the court shall release the defendant to the custody of the Office of Adult Probation under such conditions as the court shall order or shall dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended. An order of the court denying a motion to dismiss the charges against a defendant who has completed such defendant's period of probation or supervision or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 5. Subsection (a) of section 53a-30 of the general statutes, as amended by section 12 of public act 99-183, is repealed and the following is substituted in lieu thereof:

(a) When imposing sentence of probation or conditional discharge, the court may, as a condition of the sentence, order that the defendant: (1) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip [him] the defendant for suitable employment; (2) undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose; (3) support [his] the defendant's dependents and meet other family obligations; (4) make restitution of the fruits of [his] the defendant's offense or make restitution, in an amount [he] the defendant can afford to pay or provide in a suitable manner, for the loss or damage caused thereby and the court may fix the amount thereof and the manner of performance; (5) if a minor, (A) reside with [his] the minor's parents or in a suitable foster home, (B) attend school, and (C) contribute to [his] the minor's own support in any home or foster home; (6) post a bond or other security for the performance of any or all conditions imposed; (7) refrain from violating any criminal law of the United States, this state or any other state; (8) if convicted of a misdemeanor or a felony, other than a capital felony, a class A felony or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, and any sentence of imprisonment is suspended, participate in an alternate incarceration program; (9) reside in a residential community center or halfway house approved by the Commissioner of Correction, and contribute to the cost incident to such residence; (10) participate in a program of community service labor in accordance with section 53a-39c, as amended; (11) participate in a program of community service in accordance with section 51-181c; (12) if convicted of a violation of subdivision (2) of section 53-21, section 53a-70, as amended, 53a-70a, as amended, 53a-70b, 53a-71, 53a-72a or 53a-72b, as amended, undergo specialized sexual offender treatment; (13) if convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as defined in section 54-250, as amended, or of a felony that the court finds was committed for a sexual purpose, as provided in section 54-254, as amended, register such person's identifying factors, as defined in section 54-250, as amended, with the Commissioner of Public Safety when required pursuant to section 54-251, as amended, 54-252, as amended, or 54-253, as amended, as the case may be; (14) if convicted of a violation of section 1, 2 or 3 of this act or section 46a-58 or 53-37a, participate in an anti-bias crime education program; (15) satisfy any other conditions reasonably related to his

rehabilitation. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.

Sec. 6. (NEW) Each police basic or review training program conducted or administered by the Division of State Police within the Department of Public Safety, the Police Officer Standards and Training Council established under section 7-294b of the general statutes or a municipal police department in the state shall include training relative to crimes motivated by bigotry or bias.

Sec. 7. (NEW) The Chief State's Attorney shall establish within the Office of the Chief State's Attorney a Hate Crimes Advisory Committee to coordinate federal, state and local efforts concerning the enforcement of laws prohibiting the intimidation of persons on the basis of bigotry or bias and programs to increase community awareness and reporting of crimes motivated by bigotry or bias and to combat such crimes, and to make recommendations concerning the training of police officers relative to such crimes.

Sec. 8. Section 29-7m of the general statutes is repealed and the following is substituted in lieu thereof:

(a) On and after July 1, 1988, the Division of State Police within the Department of Public Safety shall monitor, record and classify all crimes committed in the state which are motivated by bigotry or bias.

(b) The police department, resident state trooper or constable who performs law enforcement duties for each town shall monitor, record and classify all crimes committed within such town which are violations of section [53a-181b] 1, 2 or 3 of this act and report such information to the Division of State Police within the Department of Public Safety.

Sec. 9. Subsection (a) of section 52-571c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person injured in person or property as a result of an act that constitutes a violation of section [53a-181b] 1, 2 or 3 of this act may bring a civil action against the person who committed such act to recover damages for such injury.

Sec. 10. Section 53a-40a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A persistent offender of crimes involving bigotry or bias is a person who (1) stands convicted of a violation of section 46a-58 or 53-37a or [subsection (a) or (c) of section 53a-181b] section 1, 2 or 3 of this act and (2) has been, prior to the commission of the present crime, convicted of a violation of section 46a-58 or 53-37a, [or subsection (a) or (c) of section 53a-181b] section 1, 2 or 3 of this act or section 53a-181b of the general statutes in effect prior to the effective date of this act.

(b) When any person has been found to be a persistent offender of crimes involving bigotry or bias, and the court is of the opinion that [his] such person's history and character and the nature and circumstances of [his] such person's criminal conduct indicate that an increased penalty will best serve the public interest, the court shall: (1) In lieu of imposing the sentence authorized for the crime under section 53a-35a if the crime is a felony, impose the sentence of imprisonment authorized by said section for the next more serious degree of felony, or (2) in lieu of imposing the sentence authorized for the crime under section 53a-36 if the crime is a misdemeanor, impose the sentence of imprisonment authorized by said section for the next more serious degree of misdemeanor, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony as authorized by section 53a-35a.

Sec. 11. Section 53a-181b of the general statutes is repealed.

Sec. 12. This act shall take effect October 1, 2000, except that sections 4 to 7, inclusive, shall take effect July 1, 2001.

Approved May 16, 2000



**Substitute House Bill No. 5722**

**Public Act No. 02-106**

**AN ACT CONCERNING SEXUAL ASSAULT BY A COACH OR INSTRUCTOR,  
MANDATED REPORTING OF CHILD ABUSE OR NEGLECT AND ISSUANCE AND  
REVOCAION OF EDUCATOR CERTIFICATES.**

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

Section 1. Section 53a-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than two years older than such person; or (2) such other person is mentally defective to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age.

(b) Sexual assault in the second degree is a class C felony for which nine months of the sentence imposed may not be suspended or reduced by the court.

Sec. 2. Section 53a-73a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person intentionally subjects another person to sexual contact who is (A) under fifteen years of age, or (B) mentally defective or mentally incapacitated to the extent that [he] such other person is unable to consent to such sexual contact, or (C) physically helpless, or (D) less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age.

(b) Sexual assault in the fourth degree is a class A misdemeanor.

Sec. 3. Subsection (b) of section 17a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(b) The following persons shall be mandated reporters: Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist, coach of intramural or interscholastic athletics, school teacher, school principal, school guidance counselor, school paraprofessional, social worker, police officer, clergyman, pharmacist, physical therapist, optometrist, chiropractor, podiatrist, mental health professional or physician assistant, any person who is a licensed substance abuse counselor, any person who is a

licensed marital and family therapist, any person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k, any person paid to care for a child in any public or private facility, day care center or family day care home licensed by the state, the Child Advocate and any employee of the Office of Child Advocate.

Sec. 4. Section 17a-101a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

Any mandated reporter, as defined in section 17a-101, as amended by this act, who in [his] such person's professional capacity has reasonable cause to suspect or believe that any child under the age of eighteen years has been abused, as defined in section 46b-120, or has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon [him] such child by a person responsible for such child's health, welfare or care or by a person given access to such child by such responsible person, or is placed at imminent risk of serious harm by an act or failure to act on the part of such responsible person, or has been neglected, as defined in section 46b-120, shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive. Any person required to report under the provisions of this section who fails to make such report shall be fined not less than five hundred dollars nor more than [five hundred] two thousand five hundred dollars.

Sec. 5. Subsection (g) of section 10-145b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2002*):

(g) On and after July 1, 1989, the State Board of Education, upon receipt of a proper application, shall issue a provisional educator certificate to any person who (1) has successfully completed a beginning educator program and one school year of successful teaching as attested to by the superintendent, or the superintendent's designee, in whose local or regional school district such person was employed, (2) has completed at least three years of successful teaching in a public or nonpublic school approved by the State Board of Education or appropriate governing body in another state within ten years prior to application for such provisional educator certificate, as attested to by the superintendent, or the superintendent's designee, in whose school district such person was employed, or by the supervising agent of the nonpublic school in which such person was employed, and has met preparation and eligibility requirements for an initial educator certificate, (3) has taught successfully in public schools in this state for the 1988-1989 school year under a temporary emergency permit and has met the preparation and eligibility requirements for an initial educator certificate, or (4) has successfully taught with a provisional teaching certificate for the year immediately preceding an application for a provisional educator certificate as an employee of a local or regional board of education or facility approved for special education by the State Board of Education.

Sec. 6. Subsection (k) of section 10-145b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2002*):

(k) Unless otherwise provided in regulations adopted under section 10-145d, in not less than three years nor more than eight years after the issuance of a provisional educator certificate pursuant to subsection (g) of this section, as amended by this act, and upon the statement of the superintendent in whose school district such certificate holder was employed, or the [superintendent] supervisory agent of a nonpublic school approved by the State Board of Education, in whose school such certificate holder was employed, that the provisional educator certificate holder and such superintendent or supervisory agent have mutually determined or approved an individual program pursuant to subdivision (2) of subsection (j) of this section and upon the statement of such superintendent or supervisory agent that such certificate holder has a record of competency in the discharge of [his] such certificate holder's duties during such provisional period, the state board upon receipt of a proper application shall issue such certificate holder a professional educator certificate. A signed recommendation from the superintendent of schools, or the superintendent's designee, for the local or regional board of education or from the [superintendent] supervisory agent of a nonpublic school approved by the State Board of Education shall be evidence of competency. Such recommendation shall state that the person who holds or has held a provisional educator certificate has successfully completed at least three school years of satisfactory teaching for one or more local or regional boards of education or such nonpublic schools. Each applicant for a certificate pursuant to this subsection shall provide to the Department of Education, in such manner and form as prescribed by the commissioner, evidence that the applicant has successfully completed coursework pursuant to subsection (h) or (j) of this section, as appropriate.

Sec. 7. (NEW) (*Effective July 1, 2002*) If a person holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, of the general statutes, as amended by this act, is convicted of a felony or fined pursuant to section 17a-101a of the general statutes, as amended by this act, the state's attorney or assistant state's attorney for the judicial district in which the conviction or fine occurred shall notify, in writing, the Commissioner of Education of such conviction or fine.

Sec. 8. Subsection (m) of section 10-145b of the general statutes, as amended by section 53 of public act 01-173, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(m) (1) The State Board of Education may revoke any certificate, authorization or permit issued pursuant to sections 10-144o to 10-149, inclusive, as amended by this act, for any of the following reasons: (A) The holder of the certificate, authorization or permit obtained such certificate, authorization or permit through fraud or misrepresentation of a material fact; (B) the holder has persistently neglected to perform the duties for which the certificate, authorization or permit was granted; (C) the holder is professionally unfit to perform the duties for which the certificate, authorization or permit was granted; (D) the holder is convicted in a court of law of a crime involving moral

turpitude or of any other crime of such nature that in the opinion of the board continued holding of a certificate, authorization or permit by the person would impair the standing of certificates, authorizations or permits issued by the board; or (E) other due and sufficient cause. The State Board of Education shall revoke any certificate, authorization or permit issued pursuant to said sections if the holder is found to have intentionally disclosed specific questions or answers to students or otherwise improperly breached the security of any administration of a state-wide examination pursuant to section 10-14n. In any revocation proceeding pursuant to this section, the State Board of Education shall have the burden of establishing the reason for such revocation by a preponderance of the evidence. Revocation shall be in accordance with procedures established by the State Board of Education pursuant to chapter 54.

(2) When the Commissioner of Education is notified, pursuant to section 17a-101i, as amended, or section 7 of this act that a person holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, as amended by this act, has been convicted of (A) a capital felony, pursuant to section 53a-54b, as amended, (B) arson murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving an act of child abuse or neglect as described in section 46b-120, or (F) a violation of section 53-21, 53-37a, 53a-60b, as amended, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b, as amended, or 21a-278, as amended, or subsection (a) of section 21a-277, any certificate, permit or authorization issued by the State Board of Education and held by such person shall be deemed revoked and the commissioner shall notify such person of such revocation, provided such person may request reconsideration pursuant to regulations adopted by the State Board of Education, in accordance with the provisions of chapter 54.

(3) The State Board of Education may deny an application for a certificate, authorization or permit for any of the following reasons: (A) The applicant seeks to obtain a certificate, authorization or permit through fraud or misrepresentation of a material fact; (B) the applicant has been convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board issuance of a certificate, authorization or permit would impair the standing of certificates, authorizations or permits issued by the board; or (C) other due and sufficient cause. Any applicant denied a certificate, authorization or permit shall be notified in writing of the reasons for denial. Any applicant denied a certificate, authorization or permit may request a review of such denial by the State Board of Education.

Approved June 3, 2002





**Substitute House Bill No. 5425**

**Public Act No. 02-119**

**AN ACT CONCERNING BULLYING BEHAVIOR IN SCHOOLS AND CONCERNING THE PLEDGE OF ALLEGIANCE.**

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

Section 1. (NEW) (*Effective July 1, 2002*) Each local and regional board of education shall develop a policy, for use on and after February 1, 2003, to address the existence of bullying in its schools. Such policy shall: (1) Enable students to anonymously report acts of bullying to teachers and school administrators, (2) enable the parents or guardians of students to file written reports of suspected bullying, (3) require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators, (4) require school administrators to investigate any written reports filed pursuant to subdivision (2) of this section and to review any anonymous reports, (5) include an intervention strategy for school staff to deal with bullying, (6) provide for the inclusion of language in student codes of conduct concerning bullying, (7) require the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed to be notified, and (8) require each school to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection. The notification required pursuant to subdivision (7) of this section shall include a description of the response of school staff to such acts and any consequences that may result from the commission of further acts of bullying. For purposes of this section, "bullying" means any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate or intimidate the other student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time.

Sec. 2. Section 10-230 of the general statutes is amended by adding subsection (c) as follows (*Effective October 1, 2002*):

(NEW) (c) Each local and regional board of education shall develop a policy to ensure that time is available each school day for students in the schools under its jurisdiction to

recite the "Pledge of Allegiance". The provisions of this subsection shall not be construed to require any person to recite the "Pledge of Allegiance".

Approved June 7, 2002



**Substitute House Bill No. 5680**

**Public Act No. 02-138**

**AN ACT CONCERNING PENALTIES FOR SEXUAL ASSAULT OF A MINOR, CIVIL AND CRIMINAL STATUTES OF LIMITATIONS IN SEXUAL ASSAULT CASES, REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT, DISCLOSURE OF RECORDS OF TEACHER MISCONDUCT AND ESTABLISHMENT OF SEXUAL OFFENDER RISK ASSESSMENT BOARDS.**

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

Section 1. Section 54-193a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to any offense committed on or after said date*):

Notwithstanding the provisions of section 54-193, no person may be prosecuted for any offense, except a class A felony, involving sexual abuse, sexual exploitation or sexual assault of a minor except within ~~two~~ thirty years from the date the victim attains the age of majority or within five years from the date the victim notifies any police officer or state's attorney acting in ~~his~~ such police officer's or state's attorney's official capacity of the commission of the offense, whichever is earlier, provided ~~[in no event shall such period of time be less than five years after the commission of the offense]~~ if the prosecution is for a violation of subdivision (1) of subsection (a) of section 53a-71, as amended by this act, the victim notified such police officer or state's attorney not later than five years after the commission of the offense.

Sec. 2. Section 52-577d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to any cause of action arising from an incident committed prior to, on or after said date*):

Notwithstanding the provisions of section 52-577, no action to recover damages for personal injury to a minor, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault may be brought by such person later than ~~seventeen~~ thirty years from the date such person attains the age of majority.

Sec. 3. (NEW) (*Effective from passage and applicable to any cause of action arising from an incident committed prior to, on or after said date*) Notwithstanding the provisions of sections 52-577 and 52-577d of the general statutes, as amended by this act, an action to recover damages for personal injury caused by sexual assault may be brought at any time after the date of the act complained of if the party legally at fault for such injury has been convicted of a violation of section 53a-70 or 53a-70a of the general statutes.

Sec. 4. Section 53-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Any person who (1) wilfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, or (2) has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or (3) permanently transfers the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803, shall be guilty of a class C felony for a violation of subdivision (1) or (3) of this subsection and a class B felony for a violation of subdivision (2) of this subsection.

(b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to section 17a-58 shall not constitute a violation of this section.

Sec. 5. Section 53a-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71, as amended by this act, and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

(b) (1) [Sexual] Except as provided in subdivision (2) of this subsection, sexual assault in the first degree is a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court. [, and any]

(2) Sexual assault in the first degree is a class A felony if the offense is a violation of subdivision (1) of subsection (a) of this section and the victim of the offense is under sixteen years of age or the offense is a violation of subdivision (2) of subsection (a) of this section. Any person found guilty under said subdivision (1) or (2) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim is under ten years of age or of which five years of the sentence imposed may not be suspended or reduced by the court if the victim is under sixteen years of age.

(3) Any person found guilty under this section shall be sentenced to a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of at least ten years.

Sec. 6. Section 53a-70a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70, as amended by this act, and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) Aggravated sexual assault in the first degree is a class B felony or, if the victim of the offense is under sixteen years of age, a class A felony. [and any] Any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court, [and] except that, if such person committed sexual assault in the first degree by violating subdivision (1) of subsection (a) of section 53a-70, as amended by this act, and the victim of the offense is under sixteen years of age, twenty years of the sentence imposed may not be suspended or reduced by the court. Any person found guilty under this

section shall be sentenced to a period of special parole pursuant to subsection (b) of section 53a-28 [which together constitute a sentence of twenty years] of at least five years.

Sec. 7. Section 53a-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than two years older than such person; or (2) such other person is mentally defective to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor.

(b) Sexual assault in the second degree is a class C felony [for] or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

Sec. 8. Section 53a-72a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

(b) Sexual assault in the third degree is a class D felony or, if the victim of the offense is under sixteen years of age, a class C felony.

Sec. 9. Section 53a-72b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, as amended by this act, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) Sexual assault in the third degree with a firearm is a class C felony [for] or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court [and any person found guilty under this section shall be sentenced to a term of imprisonment] and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of ten years.

Sec. 10. Section 53a-73a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person intentionally subjects another person to sexual contact who is (A) under fifteen years of age, or (B) mentally defective or mentally incapacitated to the extent that [he] such other person is unable to consent to such sexual contact, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school

under the jurisdiction of the local or regional board of education which employs the actor.

(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.

Sec. 11. Section 17a-93 of the general statutes is amended by adding subsection (o) as follows (*Effective October 1, 2002*):

(NEW) (o) "Person entrusted with the care of a child or youth" means a person given access to a child or youth by a person responsible for the health, welfare or care of a child or youth for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring of such child or youth.

Sec. 12. Section 17a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) The public policy of this state is: To protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.

(b) The following persons shall be mandated reporters: Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist, school teacher, school principal, school guidance counselor, school paraprofessional, school coach, social worker, police officer, [clergyman] juvenile or adult probation officer, juvenile or adult parole officer, member of the clergy, pharmacist, physical therapist, optometrist, chiropractor, podiatrist, mental health professional or physician assistant, any person who is a licensed or certified emergency medical services provider, any person who is a licensed [substance abuse] or certified alcohol and drug counselor, any person who is a licensed marital and family therapist, any person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k, any person who is a licensed professional counselor, any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home licensed by the state, any employee of the Department of Children and Families, any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, the Child Advocate and any employee of the Office of Child Advocate.



(c) The Commissioner of Children and Families shall develop an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be made available to all persons mandated to report child abuse and neglect at various times and locations throughout the state as determined by the Commissioner of Children and Families.

(d) Any mandated reporter, as defined in subsection (b) of this section, who fails to report to the Commissioner of Children and Families pursuant to section 17a-101a, as amended by this act, shall be required to participate in an educational and training program established by the commissioner. The program may be provided by one or more private organizations approved by the commissioner, provided the entire costs of the program shall be paid from fees charged to the participants, the amount of which shall be subject to the approval of the commissioner.

Sec. 13. Section 17a-101a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

Any mandated reporter, as defined in section 17a-101, as amended by this act, who in [his professional capacity] the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (1) has been abused or neglected, as defined in section 46b-120, [or (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon [him by a person responsible for such child's health, welfare or care or by a person given access to such child by such responsible person] such child, or (3) is placed at imminent risk of serious harm, [by an act or failure to act on the part of such responsible person, or has been neglected, as defined in section 46b-120.] shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive, as amended by this act. Any person required to report under the provisions of this section who fails to make such report shall be fined not more than five hundred dollars and shall be required to participate in an educational and training program pursuant to subsection (d) of section 17a-101, as amended by this act.

Sec. 14. Section 17a-101b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) An oral report shall be made by a mandated reporter [within twenty-four hours of having] as soon as practicable but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm, by telephone or in person to the Commissioner of Children and Families or a law enforcement agency. If a law enforcement agency receives an oral report, it shall immediately notify the Commissioner of Children and Families.

(b) If the commissioner or [his representative] the commissioner's designee suspects or knows that such person has knowingly made a false report, the identity of such person shall be disclosed to the appropriate law enforcement agency and to the perpetrator of the alleged abuse.

(c) If the Commissioner of Children and Families, or [his] the commissioner's designee, receives a report alleging sexual abuse or serious physical abuse, including, but not limited to, a report that: (1) A child has died; (2) a child has been sexually assaulted; (3) a child has suffered brain damage [.] or loss or serious impairment of a bodily function or organ; (4) a child has been sexually exploited; or (5) a child has suffered serious nonaccidental physical injury, [he] the commissioner shall, within [twenty-four] twelve hours of receipt of such report, notify the appropriate law enforcement agency.

(d) [When] Whenever a mandated reporter, as defined in section 17a-101, as amended by this act, has reasonable cause to suspect or believe that any child has been abused or neglected by a member of the staff of a public or private institution or facility that provides care for such child or a public or private school, [he] the mandated reporter shall report as required in subsection (a) of this section. [and shall also] The Commissioner of Children and Families or the commissioner's designee shall notify the person in charge of such institution, facility or school [or facility] or the person's designee, unless such person is the alleged perpetrator of the abuse or neglect of such child. Such person in charge, or [his] such person's designee, shall then immediately notify the child's parent or other person responsible for the child's care that a report has been made.

Sec. 15. Subsection (a) of section 17a-101g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, as amended by this act, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or [his] the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make [his] the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. The department shall complete any such investigation within thirty calendar days of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local

law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

Sec. 16. Section 17a-101j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) After the investigation has been completed and the Commissioner of Children and Families has reasonable cause to believe that sexual abuse or serious physical abuse of a child has occurred, the commissioner shall notify the appropriate local law enforcement authority and the Chief State's Attorney or [his] the Chief State's Attorney's designee or [a] the state's attorney for the judicial district in which the child resides or in which the abuse or neglect occurred [and to the appropriate local law enforcement authority] of such belief and shall provide a copy of the report required in sections 17a-101a to 17a-101c, inclusive, as amended by this act, and 17a-103.

(b) Whenever a report has been made pursuant to sections 17a-101a to 17a-101c, inclusive, as amended by this act, and 17a-103, alleging that abuse or neglect has occurred at an institution or facility that provides care for children [which] and is subject to licensure by the state for the caring of children, and the Commissioner of Children and Families, after investigation, has reasonable cause to believe abuse or neglect has occurred, the commissioner shall forthwith notify the state agency responsible for such licensure of such institution or facility and provide records, whether or not created by the department, concerning such investigation.

(c) If, after the investigation is completed, the commissioner determines that [the person] a parent or guardian inflicting abuse or neglecting a child is in need of treatment for substance abuse, the commissioner shall refer such person to appropriate treatment services.

Sec. 17. Section 17a-103a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

The Commissioner of Children and Families shall provide a telephone hotline for child abuse that shall be dedicated to receive reports of child abuse. Such hotline shall accept all reports of abuse or neglect regardless of the relationship of the alleged perpetrator to the child who is the alleged victim and regardless of the alleged perpetrator's affiliation with any organization or other entity in any capacity. The commissioner shall classify and evaluate all reports pursuant to the provisions of section 17a-101g, as amended by this act.

Sec. 18. Section 17a-105a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

There shall be within the Division of State Police within the Department of Public Safety a child abuse and neglect unit which, within available resources, shall (1) at the request of the Commissioner of Children and Families or the head of the local law enforcement

agency, or [his] such person's designee, assist [such team] a multidisciplinary team established pursuant to section 17a-106a in the investigation of a report of child abuse or neglect, (2) investigate reports of crime involving child abuse or neglect in municipalities in which there is no organized police force, and (3) participate in a mutual support network that shares information and collaborates with local law enforcement agencies.

Sec. 19. (NEW) (*Effective from passage*) In any action to recover damages for personal injury to a minor, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault, no court shall enter an order or judgment in such action, or approve a settlement of such action, that prohibits or restricts any person from disclosing information concerning such abuse, exploitation or assault to the Commissioner of Children and Families or a law enforcement agency.

Sec. 20. Section 10-151c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

Any records maintained or kept on file by any local or regional board of education which are records of teacher performance and evaluation shall not be deemed to be public records and shall not be subject to the provisions of section 1-210, as amended, provided that any teacher may consent in writing to the release of [his] such teacher's records by a board of education. Such consent shall be required for each request for a release of such records. Notwithstanding any provision of the general statutes, records maintained or kept on file by any local or regional board of education which are records of the personal misconduct of a teacher shall be deemed to be public records and shall be subject to disclosure pursuant to the provisions of subsection (a) of section 1-210. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher. For the purposes of this section, [the term] "teacher" [shall include] includes each certified professional employee below the rank of superintendent employed by a board of education in a position requiring a certificate issued by the State Board of Education.

Sec. 21. (NEW) (*Effective from passage*) (a) There is established an advisory committee to make recommendations concerning: (1) The establishment of one or more sexual offender risk assessment boards to assess and evaluate adjudicated and nonadjudicated sexual offenders who are in the custody of a state agency or the Judicial Branch, or receiving services from a provider under contract with a state agency or the Judicial Branch, to determine whether such persons pose a risk of engaging in illegal sexual behavior and make recommendations to such state agency and the Judicial Branch concerning the appropriate placement and level of supervision of such persons, and (2) the manner in which a person having a reason to believe that a person in the custody of a state agency or the Judicial Branch, or receiving services from a provider under contract with a state agency or the Judicial Branch, is at risk of engaging in illegal sexual behavior due to such person's placement or level of supervision may report such belief

in confidence to a state agency, the Judicial Branch or a sexual offender risk assessment board.

(b) The committee shall be composed of: (1) The following state officials or their designees: The Chief Court Administrator, the Attorney General, the Chief State's Attorney, the Chief Public Defender, the commissioners of Children and Families, Correction, Mental Health and Addiction Services, Mental Retardation, Public Health and Public Safety, the secretary of the Office of Policy and Management, the director of the Office of Protection and Advocacy, the chairperson of the Psychiatric Security Review Board, the chairperson of the Board of Parole, the executive director of the Court Support Services Division, the director of the Office of Victim Services and the Victim Advocate; and (2) a representative from each of the following organizations: Connecticut Sexual Assault Crisis Services, Inc. , Connecticut Police Chiefs Association, Connecticut Association for the Treatment of Sexual Offenders, The Connections, Inc. , Connecticut Psychological Association and American Psychiatric Association. The Secretary of the Office of Policy and Management or the secretary's designee shall serve as chairperson of the advisory committee.

(c) The advisory committee shall report its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to judiciary not later than January 1, 2003, in accordance with the provisions of section 11-4a of the general statutes. The advisory committee shall terminate on the date it submits such report or January 1, 2003, whichever is earlier.

Sec. 22. Subsection (a) of section 52-598 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) No execution to enforce a judgment for money damages rendered in any court of this state may be issued after the expiration of twenty years from the date the judgment was entered and no action based upon such a judgment may be instituted after the expiration of twenty-five years from the date the judgment was entered, except that that there shall be no time limitation on the issuance of such execution or the institution of such action if the judgment was rendered in an action to recover damages for personal injury caused by sexual assault where the party legally at fault for such injury was convicted of a violation of section 53a-70 or 53a-70a.

Approved May 23, 2002



**Substitute House Bill No. 5603**

**Public Act No. 04-130**

**AN ACT CONCERNING SEXUAL ASSAULT OF YOUTHS BY PERSONS STANDING IN A POSITION OF POWER, AUTHORITY OR SUPERVISION.**

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

Section 1. Section 53a-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2004*):

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than two years older than such person; or (2) such other person is mentally defective to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age.

(b) Sexual assault in the second degree is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this

section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

Sec. 2. Section 53a-73a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2004*):

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person intentionally subjects another person to sexual contact who is (A) under fifteen years of age, or (B) mentally defective or mentally incapacitated to the extent that such other person is unable to consent to such sexual contact, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age.

(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.

Approved May 21, 2004





**Substitute House Bill No. 5657**

**Public Act No. 04-135**

**AN ACT CONCERNING HATE CRIMES.**

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

Section 1. (NEW) (*Effective October 1, 2004*) For the purposes of sections 53a-181j to 53a-181l, inclusive, of the general statutes, as amended by this act:

- (1) "Disability" means physical disability, mental disability or mental retardation;
- (2) "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's assigned sex at birth;
- (3) "Mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders";
- (4) "Mental retardation" has the same meaning as provided in section 1-1g of the general statutes; and
- (5) "Physical disability" means any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, blindness, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.

Sec. 2. Section 53a-181j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2004*):

(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, [or] [disability](#), sexual orientation [or gender identity or expression](#) of such other person, causes serious physical injury to such other person or to a third person.

(b) Intimidation based on bigotry or bias in the first degree is a class C felony.

Sec. 3. Section 53a-181k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2004*):

(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, [or] [disability](#), sexual orientation [or gender identity or expression](#) of such other person, does any of the following: (1) Causes physical contact with such other person, (2) damages, destroys or defaces any real or personal property of such other person, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

(b) Intimidation based on bigotry or bias in the second degree is a class D felony.

Sec. 4. Section 53a-181l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2004*):

(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons because of the actual or perceived race, religion, ethnicity, [or] [disability](#), sexual orientation [or gender identity or expression](#) of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

(b) Intimidation based on bigotry or bias in the third degree is a class A misdemeanor.

Approved May 21, 2004