

DDS Legislative Update – May 20, 2013

DDS Bill Passes in the House

S.B. No. 874 - AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES' STATUTES, one of DDS's bills this legislative session, was passed unanimously by the House on Tuesday, May 14, 2013. The bill now becomes a Public Act and goes to the Governor, who is expected to sign it into law. The bill makes technical and conforming changes to the State Interagency Birth-to-Three Coordinating Council and other Birth-to-Three statutes, fixes one appointment to the Camp Harkness Advisory Committee, and creates a 23-member Autism Spectrum Disorder Advisory Council.

Senate Passes “Sexual Assault” Bill

After several years of work on the part of advocates, legislators and state agency staff, **H.B. No. 6641 - AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED** **Senate File No. 787** passed the Senate unanimously. **The bill now goes to the Governor for his signature.**

The bill seeks to close the loophole in the sexual assault statutes that led to the Appellate Court's decision in *State v. Fournin*. Under current law, it is 2nd degree sexual assault to have sexual intercourse, or 4th degree sexual assault to have intentional sexual contact, with someone who is (1) physically helpless or (2) “mentally defective” and consequently unable to consent. The bill expands the definition of physically helpless for these purposes to include someone who is physically unable to resist an act of sexual intercourse or sexual contact. **The bill also eliminates references to “mentally defective” in these statutes and instead refers to “impaired because of mental disability or disease.”** It defines this term in a similar manner as the current definition for “mentally defective,” except for updated terminology. Thus, under the bill, a person is “impaired because of mental disability or disease” if such a condition renders him or her incapable of appraising the nature of his or her conduct.

DDS Legislative List of Bills Being Tracked as of May 17, 2013

Below is a link to the list of bills DDS is tracking and assessing as of May 17, 2013 that may be of interest to or may have a potential impact on DDS consumers, families and guardians, DDS employees and DDS providers.

[DDS Legislative List of Bills Being Tracked – May 17, 2013](#)

[Link to all DDS Testimony](#)

[DDS Testimony for the Connecticut General Assembly](#)

[Link to the DDS Legislative Affairs Webpage](#)

<http://www.ct.gov/dds/cwp/view.asp?a=2039&q=394202>