



General Assembly

January Session, 2013

Raised Bill No. 6571

LCO No. 3697



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE
CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO
SEXUAL ASSAULT IN THE FOURTH DEGREE AND KIDNAPPING IN
THE FIRST DEGREE WITH A FIREARM.**

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

1 Section 1. Section 53a-73a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person is guilty of sexual assault in the fourth degree when: (1)
4 Such person [intentionally] subjects another person to sexual contact
5 who is (A) under thirteen years of age and the actor is more than two
6 years older than such other person, or (B) thirteen years of age or older
7 but under fifteen years of age and the actor is more than three years
8 older than such other person, or (C) mentally defective or mentally
9 incapacitated to the extent that such other person is unable to consent
10 to such sexual contact, or (D) physically helpless, or (E) less than
11 eighteen years old and the actor is such other person's guardian or
12 otherwise responsible for the general supervision of such other
13 person's welfare, or (F) in custody of law or detained in a hospital or
14 other institution and the actor has supervisory or disciplinary

15 authority over such other person; or (2) such person subjects another
16 person to sexual contact without such other person's consent; or (3)
17 such person engages in sexual contact with an animal or dead body; or
18 (4) such person is a psychotherapist and subjects another person to
19 sexual contact who is (A) a patient of the actor and the sexual contact
20 occurs during the psychotherapy session, or (B) a patient or former
21 patient of the actor and such patient or former patient is emotionally
22 dependent upon the actor, or (C) a patient or former patient of the
23 actor and the sexual contact occurs by means of therapeutic deception;
24 or (5) such person subjects another person to sexual contact and
25 accomplishes the sexual contact by means of false representation that
26 the sexual contact is for a bona fide medical purpose by a health care
27 professional; or (6) such person is a school employee and subjects
28 another person to sexual contact who is a student enrolled in a school
29 in which the actor works or a school under the jurisdiction of the local
30 or regional board of education which employs the actor; or (7) such
31 person is a coach in an athletic activity or a person who provides
32 intensive, ongoing instruction and subjects another person to sexual
33 contact who is a recipient of coaching or instruction from the actor and
34 (A) is a secondary school student and receives such coaching or
35 instruction in a secondary school setting, or (B) is under eighteen years
36 of age; or (8) such person subjects another person to sexual contact and
37 (A) the actor is twenty years of age or older and stands in a position of
38 power, authority or supervision over such other person by virtue of
39 the actor's professional, legal, occupational or volunteer status and
40 such other person's participation in a program or activity, and (B) such
41 other person is under eighteen years of age; or (9) such person subjects
42 another person to sexual contact who is placed or receiving services
43 under the direction of the Commissioner of Developmental Services in
44 any public or private facility or program and the actor has supervisory
45 or disciplinary authority over such other person.

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

49 Sec. 2. Section 53a-92a of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2013*):

51 (a) A person is guilty of kidnapping in the first degree with a
52 firearm when [he] such person commits kidnapping in the first degree
53 as provided in section 53a-92, and in the commission of said crime [he]
54 such person uses or is armed with and threatens the use of or displays
55 or represents by [his] such person's words or conduct that [he] such
56 person possesses a pistol, revolver, machine gun, shotgun, rifle or
57 other firearm. No person shall be convicted of kidnapping in the first
58 degree and kidnapping in the first degree with a firearm upon the
59 same transaction but such person may be charged and prosecuted for
60 both such offenses upon the same information.

61 (b) Kidnapping in the first degree with a firearm is a class A felony.
62 [for which one year of the sentence imposed may not be suspended or
63 reduced by the court.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53a-73a
Sec. 2	<i>October 1, 2013</i>	53a-92a

JUD *Joint Favorable*