

1 **AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT**
2 **SENTENCING COMMISSION WITH RESPECT TO SEXUAL ASSAULT IN THE**
3 **FOURTH DEGREE.**

4 Section 1. Section 53a-73a of the general statutes is repealed and the following
5 is substituted in lieu thereof (*Effective October 1, 2023*):

6 (a) A person is guilty of sexual assault in the fourth degree when: (1) Such
7 person subjects another person to sexual contact who is (A) under thirteen years of age
8 and the actor is more than two years older than such other person, or (B) thirteen years
9 of age or older but under fifteen years of age and the actor is more than three years
10 older than such other person, or (C) physically helpless, or (D) less than eighteen years
11 old and the actor is such other person's guardian or otherwise responsible for the
12 general supervision of such other person's welfare, or (E) in custody of law or detained
13 in a hospital or other institution and the actor has supervisory or disciplinary authority
14 over such other person; or (2) such person subjects another person to sexual contact
15 without such other person's consent; or (3) such person engages in sexual contact with
16 an animal; or (4) such person engages in sexual contact with a dead human body; or
17 ~~[(4)] (5)~~ such person is a psychotherapist and subjects another person to sexual contact
18 who is (A) a patient of the actor and the sexual contact occurs during the
19 psychotherapy session, or (B) a patient or former patient of the actor and such patient
20 or former patient is emotionally dependent upon the actor, or (C) a patient or former
21 patient of the actor and the sexual contact occurs by means of therapeutic deception;
22 or ~~[(5)] (6)~~ such person subjects another person to sexual contact and accomplishes the
23 sexual contact by means of false representation that the sexual contact is for a bona
24 fide medical purpose by a health care professional; or ~~[(6)] (7)~~ such person is a school
25 employee and subjects another person to sexual contact who is a student enrolled in a
26 school in which the actor works or a school under the jurisdiction of the local or
27 regional board of education which employs the actor; or ~~[(7)] (8)~~ such person is a coach
28 in an athletic activity or a person who provides intensive, ongoing instruction and
29 subjects another person to sexual contact who is a recipient of coaching or instruction
30 from the actor and (A) is a secondary school student and receives such coaching or
31 instruction in a secondary school setting, or (B) is under eighteen years of age; or ~~[(8)]~~
32 (9) such person subjects another person to sexual contact and (A) the actor is twenty
33 years of age or older and stands in a position of power, authority or supervision over
34 such other person by virtue of the actor's professional, legal, occupational or volunteer
35 status and such other person's participation in a program or activity, and (B) such other

36 person is under eighteen years of age; or [(9)] (10) such person subjects another person
37 to sexual contact who is placed or receiving services under the direction of the
38 Commissioner of Developmental Services in any public or private facility or program
39 and the actor has supervisory or disciplinary authority over such other person.

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

42 Sec. 2. Subdivision (3) of section 53a-65 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2023*):

44 (3) "Sexual contact" means (A) any contact with the intimate parts of a person for
45 the purpose of sexual gratification of the actor or for the purpose of degrading or
46 humiliating such person or any contact of the intimate parts of the actor with a person
47 for the purpose of sexual gratification of the actor or for the purpose of degrading or
48 humiliating such person; or (B) for the purposes of subdivision (3) of subsection (a) of
49 section 53a-73a, as amended by this act, any contact with the intimate parts of an
50 animal or any contact of the intimate parts of the actor with an animal, for the purpose
51 of sexual gratification of the actor; or (C) for the purposes of subdivision (4) of
52 subsection (a) of section 53a-73a, as amended by this act, any contact with the intimate
53 parts of a dead human body, or any contact of the intimate parts of the actor with a
54 dead human body, for the purpose of sexual gratification of the actor.

55 **Statement of Purpose:**

56 To clarify the requirements of sexual assault in the fourth degree with an animal or a
57 dead body.