

38-Point Safe Community Challenge Analysis for Connecticut

ISSUE 1: CHILD MARRIAGE IN CONNECTICUT

- 1.1 *What is the youngest age one can marry?*
- 1.2 *Is parental approval required?*
- 1.3 *Is judicial approval required?*
- 1.4 *Is there a lower age limit if one of the participants is pregnant?*
- 1.5 *Is there a lower age limit if the minor has been married before?*
- 1.6 *Is there a lower age limit if the participant is in the military?*
- 1.7 *Is there a gender difference in the lowest age limit permitted?*

1.1 What is the youngest age one can marry?

In general 18 years of age. However, a child may marry at 16 or 17 years of age if certain conditions are met. Pursuant to CT Gen Stat § 46b-20a (2019):

(a) A person is eligible to marry if such person is:

(1) Not a party to another marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other relationship;

(2) Except as provided in subsection (b) of this section, at least eighteen years of age;

(3) Except as provided in section 46b-29, not under the supervision or control of a conservator; and

(4) Not prohibited from entering into a marriage pursuant to section 46b-21.

(b) A license may be issued to a minor who is at least sixteen years of age but under eighteen years of age with the approval of the Probate Court as provided in this subsection. A parent or guardian of a minor may, on behalf of the minor, petition the Probate Court for the district in which the minor resides seeking approval for the issuance of a license to such minor. The court shall schedule a hearing on the petition and give notice to the minor, the minor's parents or guardians and to the other party to the intended marriage. The minor and the petitioning parent or guardian shall be present at such hearing. The court may, in its discretion, require the other party to the intended marriage to be present at such hearing. After a hearing on the petition, the court may approve the issuance of a license to the minor if the court finds that: (1) The petitioning parent or guardian consents to the marriage; (2) the minor consents to the marriage and such consent is based upon an understanding of the nature and consequences of marriage; (3) the minor has sufficient capacity to make such a decision; (4) the minor's decision to marry is made voluntarily and free from coercion; and (5) the marriage would not be detrimental to the minor.

1.2 Is parental approval required?

Yes. See above.

1.3 Is judicial approval required?

Yes. See above.

1.4 Is there a lower age limit if one of the participants is pregnant?

No.

1.5 Is there a lower age limit if the minor has been married before?

No.

1.6 Is there a lower age limit if the participant is in the military?

No.

1.7 Is there a gender difference in the lowest age limit permitted?

No.

ISSUE II: CONSENT TO SEXUAL CONTACT

2.1 *What is the definition of “consent”?*

2.2 *Is freely given or affirmative consent required?*

2.3 *What is the youngest age for a person to consent to sexual contact?*

2.4 *Is a difference in age accounted for when considering consent?*

2.5 *Does the law recognize that a developmental disability and/or mental incapacity can impact the ability to consent?*

2.6 *Does the law recognize that consciousness can impact a person’s ability to consent?*

2.7 *Does intoxication impact the victim’s ability to consent?*

2.8 *Is an individual’s ability to consent impacted by their relationship with the perpetrator?*

2.1 What is the definition of “consent”?

Consent is not clearly defined. Lack of consent to sexual contact is stated to exist for certain crimes when:

1. A perpetrator “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”;
2. A perpetrator “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”; or

3. A victim “is physically helpless”. CT Gen Stat § 53a-65, -70, -71, 72a, 73a (2019).

CT Gen Stat § 53a-70 (2019) provides:

(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 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) 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.

(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 of at least ten years, a portion of which may be suspended, except as provided in subdivisions (1) and (2) of this subsection, or 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. Notwithstanding the provisions of subsection (a) of section 53a-29 and except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subsection and impose a period of supervised probation pursuant to subsection (f) of section 53a-29.

CT Gen Stat § 53a-70a (2019) provides:

(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, 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) (1) Except as provided in subdivision (2) of this subsection, aggravated sexual assault in the first degree is a class B felony. Any person found guilty under this section of a class B felony shall be sentenced to a term of imprisonment of at least ten years, five years of which may not be suspended or reduced by the court.

(2) Aggravated sexual assault in the first degree is a class A felony if the victim of the offense is under sixteen years of age. Any person found guilty under this section of a class A felony 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, except that, if such person committed sexual assault in the first degree by violating subdivision (1) of subsection (a) of section 53a-70, 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. Notwithstanding the provisions of subsection (a) of section 53a-29 and except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subdivision and impose a period of probation pursuant to subsection (f) of section 53a-29, or may impose a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28.

CT Gen Stat § 53a-70b (2019) provides:

(a) For the purposes of this section:

(1) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and

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

(b) No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.

(c) Any person who violates any provision of this section shall be guilty of a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court.

CT Gen Stat § 53a-70c (2019) provides:

(a) A person is guilty of aggravated sexual assault of a minor when such person commits a violation of subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a and the victim of such offense is under thirteen years of age, and

(1) such person kidnapped or illegally restrained the victim,

(2) such person stalked the victim,

(3) such person used violence to commit such offense against the victim,

(4) such person caused serious physical injury to or disfigurement of the victim,

(5) there was more than one victim of such offense under thirteen years of age,

(6) such person was not known to the victim, or

(7) such person has previously been convicted of a violent sexual assault.

(b) Aggravated sexual assault of a minor is a class A felony and any person found guilty under this section shall, for a first offense, be sentenced to a term of imprisonment, twenty-five years of which may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of fifty years which may not be suspended or reduced by the court.

CT Gen Stat § 53a-71 (2019) provides:

(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 three years older than such other person; or

(2) such other person is impaired because of mental disability or disease 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; or
- (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.
- (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.

CT Gen Stat § 53a-72a (2019) provides:

- (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.

CT Gen Stat § 53a-72b (2019) provides:

- (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, 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 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 a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of ten years.

CT Gen Stat § 53a-73a (2019) provides:

- (a) A person is guilty of sexual assault in the fourth degree when:
 - (1) Such person subjects another person to sexual contact who is
 - (A) under thirteen years of age and the actor is more than two years older than such other person, or
 - (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or
 - (C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or

- (D) physically helpless, or
- (E) 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
- (F) 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; or

(9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(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.

2.2 Is freely given or affirmative consent required?

No.

2.3 What is the youngest age for a person to consent to sexual contact?

16 years old pursuant to CT Gen Stat § 53a-71 (2019).

2.4 Is a difference in age accounted for when considering consent?

Yes. CT Gen Stat § 53a-70 (2019) provides:

(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[.]

CT Gen Stat § 53a-70c (2019) provides:

(a) A person is guilty of aggravated sexual assault of a minor when such person commits a violation of subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a and the victim of such offense is under thirteen years of age, and

(1) such person kidnapped or illegally restrained the victim,

(2) such person stalked the victim,

(3) such person used violence to commit such offense against the victim,

(4) such person caused serious physical injury to or disfigurement of the victim,

(5) there was more than one victim of such offense under thirteen years of age,

(6) such person was not known to the victim, or

(7) such person has previously been convicted of a violent sexual assault.

CT Gen Stat § 53a-73a (2019) provides:

(a) A person is guilty of sexual assault in the fourth degree when:

(1) Such person subjects another person to sexual contact who is

(A) under thirteen years of age and the actor is more than two years older than such other person, or

(B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or

(C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or

(D) physically helpless, or

(E) 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[.]

2.5 Does the law recognize that a developmental disability and/or mental incapacity can impact the ability to consent?

Yes. CT Gen Stat § 53a-65 (2019) provides:

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

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

(6) “Physically helpless” means that a person is

(A) unconscious, or

(B) for any other reason, is physically unable to resist an act of sexual intercourse or sexual contact or to communicate unwillingness to an act of sexual intercourse or sexual contact.

2.6 Does the law recognize that consciousness can impact a person's ability consent?

Yes. CT Gen Stat § 53a-65(6) (2019) provides “physically helpless” means that a person is (A) unconscious, or (B) for any other reason, is physically unable to resist an act of sexual intercourse or sexual contact or to communicate unwillingness to an act of sexual intercourse or sexual contact.

2.7 Does intoxication impact the victim's ability to consent?

Yes. CT Gen Stat § 53a-65 (2019):

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

(6) “Physically helpless” means that a person is

(A) unconscious, or

(B) for any other reason, is physically unable to resist an act of sexual intercourse or sexual contact or to communicate unwillingness to an act of sexual intercourse or sexual contact.

2.8 Is an individual's ability to consent impacted by a supervisory relationship or a position of authority with the perpetrator?

Yes. CT Gen Stat § 53a-73a (2019) provides:

(a) A person is guilty of sexual assault in the fourth degree when:

(1) Such person subjects another person to sexual contact who is . . .

(E) 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

(F) 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; or

(9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(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.

CT Gen Stat § 53a-71 (2019) provides:

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: . . .

(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; or

(11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(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.

ISSUE III: HATE CRIMES LAW IN CONNECTICUT

- 3.1 *Does the state have a hate crimes law?*
- 3.2 *Does the hate crimes law require data collection on hate crimes?*
- 3.3 *Does the state criminalize interference with religious worship?*
- 3.4 *Does the state have a criminal penalty enhancement for crimes or have a separate crime for crimes motivated by race, religion, or ethnicity?*
- 3.5 *Do criminal penalty enhancements exist for crimes motivated by sexual orientation?*
- 3.6 *Do criminal penalty enhancements exist for crimes motivated by gender?*
- 3.7 *Do criminal penalty enhancements exist for crimes motivated by gender identity?*
- 3.8 *Do criminal penalty enhancements exist for crimes motivated by disability?*
- 3.9 *Do criminal penalty enhancements exist for crimes motivated by political affiliation?*
- 3.10 *Do criminal penalty enhancements exist for crimes motivated by age?*

-
- 3.1 Does the state have a hate crimes law?**

Yes. The state has numerous laws. CT Gen Stat § 46a-58 (2019) provides human rights protections regarding deprivations of rights, desecration of property, and placing of a burning cross or noose on property.

(a) It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran.

(b) Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, “desecrate” means to mar, deface or damage as a demonstration of irreverence or contempt.

(c) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person or group of persons, shall be in violation of subsection (a) of this section.

(d) Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran, shall be in violation of subsection (a) of this section.

(e) (1) Except as provided in subdivision (2) of this subsection, any person who violates any provision of this section shall be guilty of a class A misdemeanor and shall be fined not less than one thousand dollars, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony and shall be fined not less than one thousand dollars.

(2) Any person who violates the provisions of this section by intentionally desecrating a house of religious worship (A) shall be guilty of a class D felony and shall be fined not less than one thousand dollars if property is damaged as a consequence of such violation in an amount up to and including ten thousand dollars, and (B) shall be guilty of a class C felony and shall be fined not less than three thousand dollars if the property damaged as a consequence of such violation is in an amount in excess of ten thousand dollars.

(3) The minimum amount of any fine imposed by the provisions of this section may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

(4) The court may order restitution for any victim of a violation of this section pursuant to subsection (c) of section 53a-28.

CT Gen Stat § 46a-59 (2019) outlaws discrimination in associations of licensed persons:

(a) It shall be a discriminatory practice in violation of this section for any association, board or other organization the principal purpose of which is the furtherance of the professional or occupational interests of its members, whose profession, trade or occupation requires a state license, to refuse to accept a person as a member of such association, board or organization because of his race, national origin, creed, sex, gender identity or expression, color or status as a veteran.

(b) Any association, board or other organization which violates the provisions of this section shall be fined not less than one hundred dollars nor more than five hundred dollars.

CT Gen Stat § 46a-60 (2019) prohibits discriminatory employment practices:

(a) As used in this section:

(1) "Pregnancy" means pregnancy, childbirth or a related condition, including, but not limited to, lactation;

(2) "Reasonable accommodation" means, but shall not be limited to, being permitted to sit while working, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth or break time and appropriate facilities for expressing breast milk; and

(3) "Undue hardship" means an action requiring significant difficulty or expense when considered in light of factors such as (A) the nature and cost of the accommodation; (B) the overall financial resources of the employer; (C) the overall size of the business of the employer with respect to the number of employees, and the number, type and location of its facilities; and (D) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer.

(b) It shall be a discriminatory practice in violation of this section:

(1) For an employer, by the employer or the employer's agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or status as a veteran;

(2) For any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any individual because of such individual's race, color, religious creed, age, sex, gender identity or expression, marital

status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or status as a veteran;

(3) For a labor organization, because of the race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or status as a veteran of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification;

(4) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

(5) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so;

(6) For any person, employer, employment agency or labor organization, except in the case of a bona fide occupational qualification or need, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of their race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or status as a veteran;

(7) For an employer, by the employer or the employer's agent: (A) To terminate a woman's employment because of her pregnancy; (B) to refuse to grant to that employee a reasonable leave of absence for disability resulting from her pregnancy; (C) to deny to that employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer; (D) to fail or refuse to reinstate the employee to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits upon her signifying her intent to return unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so; (E) to limit, segregate or classify the employee in a way that would deprive her of employment opportunities due to her pregnancy; (F) to discriminate against an employee or person seeking employment on the basis of her pregnancy in the terms or conditions of her employment; (G) to fail or refuse to make a reasonable accommodation for an employee or person seeking employment due to her pregnancy, unless the employer can demonstrate that such accommodation would impose an undue hardship on such employer; (H) to deny employment opportunities to an employee or person seeking employment if such denial is due

to the employee's request for a reasonable accommodation due to her pregnancy; (I) to force an employee or person seeking employment affected by pregnancy to accept a reasonable accommodation if such employee or person seeking employment (i) does not have a known limitation related to her pregnancy, or (ii) does not require a reasonable accommodation to perform the essential duties related to her employment; (J) to require an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; and (K) to retaliate against an employee in the terms, conditions or privileges of her employment based upon such employee's request for a reasonable accommodation;

(8) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to harass any employee, person seeking employment or member on the basis of sex or gender identity or expression. "Sexual harassment" shall, for the purposes of this subdivision, be defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

(9) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to request or require information from an employee, person seeking employment or member relating to the individual's child-bearing age or plans, pregnancy, function of the individual's reproductive system, use of birth control methods, or the individual's familial responsibilities, unless such information is directly related to a bona fide occupational qualification or need, provided an employer, through a physician may request from an employee any such information which is directly related to workplace exposure to substances which may cause birth defects or constitute a hazard to an individual's reproductive system or to a fetus if the employer first informs the employee of the hazards involved in exposure to such substances;

(10) For an employer, by the employer or the employer's agent, after informing an employee, pursuant to subdivision (9) of this subsection, of a workplace exposure to substances which may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus, to fail or refuse, upon the employee's request, to take reasonable measures to protect the employee from the exposure or hazard identified, or to fail or refuse to inform the employee that the measures taken may be the subject of a complaint filed under the provisions of this chapter. Nothing in this subdivision is intended to prohibit an employer from taking reasonable measures to protect an employee from exposure to such substances. For the purpose of this subdivision, "reasonable measures" shall be those measures which are consistent with business necessity and are least disruptive of the terms and conditions of the employee's employment;

(11) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent: (A) To request or require genetic information from an employee, person seeking employment or member, or (B) to discharge, expel or otherwise discriminate against any person on the basis of genetic information. For the purpose of this subdivision, "genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or a family member.

(c) (1) The provisions of this section concerning age shall not apply to: (A) The termination of employment of any person with a contract of unlimited tenure at an independent institution of higher education who is mandatorily retired, on or before July 1, 1993, after having attained the age of seventy; (B) the termination of employment of any person who has attained the age of sixty-five and who, for the two years immediately preceding such termination, is employed in a bona fide executive or a high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit under a pension, profit-sharing, savings or deferred compensation plan, or any combination of such plans, from such person's employer, which equals, in aggregate, at least forty-four thousand dollars; (C) the termination of employment of persons in occupations, including police work and fire-fighting, in which age is a bona fide occupational qualification; (D) the operation of any bona fide apprenticeship system or plan; or (E) the observance of the terms of a bona fide seniority system or any bona fide employee benefit plan for retirement, pensions or insurance which is not adopted for the purpose of evading said provisions, except that no such plan may excuse the failure to hire any individual and no such system or plan may require or permit the termination of employment on the basis of age. No such plan which covers less than twenty employees may reduce the group hospital, surgical or medical insurance coverage provided under the plan to any employee who has reached the age of sixty-five and is eligible for Medicare benefits or any employee's spouse who has reached age sixty-five and is eligible for Medicare benefits except to the extent such coverage is provided by Medicare. The terms of any such plan which covers twenty or more employees shall entitle any employee who has attained the age of sixty-five and any employee's spouse who has attained the age of sixty-five to group hospital, surgical or medical insurance coverage under the same conditions as any covered employee or spouse who is under the age of sixty-five.

(2) No employee retirement or pension plan may exclude any employee from membership in such plan or cease or reduce the employee's benefit accruals or allocations under such plan on the basis of age. The provisions of this subdivision shall be applicable to plan years beginning on or after January 1, 1988, except that for any collectively bargained plan this subdivision shall be applicable on the earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of the collective bargaining agreement, or (ii) January 1, 1988.

(3) The provisions of this section concerning age shall not prohibit an employer from requiring medical examinations for employees for the purpose of determining such employees' physical qualification for continued employment.

(4) Any employee who continues employment beyond the normal retirement age in the applicable retirement or pension plan shall give notice of intent to retire, in writing, to such employee's employer not less than thirty days prior to the date of such retirement.

(d) (1) An employer shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to a reasonable accommodation to the known limitations related to pregnancy pursuant to subdivision (7) of subsection (b) of this section to: (A) New employees at the commencement of employment; (B) existing employees within one hundred twenty days after the effective date of this section; and (C) any employee who notifies the employer of her pregnancy within ten days of such notification. An employer may comply with the provisions of this section by displaying a poster in a conspicuous place, accessible to employees, at the employer's place of business that contains the information required by this section in both English and Spanish. The Labor Commissioner may adopt regulations, in accordance with chapter 54, to establish additional requirements concerning the means by which employers shall provide such notice.

(2) The Commission on Human Rights and Opportunities shall develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies and persons seeking employment about their rights and responsibilities under this section.

CT Gen Stat § 46a-64 (2019) outlaws discriminatory public accommodations practices:

(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran, of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran; (3) for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a place of public accommodation, resort or amusement to fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (5) to deny any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person, accompanied by his guide dog or assistance dog, full and equal access to any place of public accommodation, resort or amusement. Any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person may keep his guide dog or assistance dog with him at all times in such place of public accommodation, resort or amusement at no extra charge,

provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of such person. The blind, deaf or mobility impaired person or person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person shall be liable for any damage done to the premises or facilities by his dog. For purposes of this subdivision, “guide dog” or “assistance dog” includes a dog being trained as a guide dog or assistance dog and “person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person” means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization.

(b) (1) The provisions of this section with respect to the prohibition of sex discrimination shall not apply to (A) the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex or (B) separate bathrooms or locker rooms based on sex. (2) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors or to special discount or other public or private programs to assist persons sixty years of age and older. (3) The provisions of this section with respect to the prohibition of discrimination on the basis of physical disability shall not require any person to modify his property in any way or provide a higher degree of care for a physically disabled person, including, but not limited to blind or deaf persons, than for a person not physically disabled. (4) The provisions of this section with respect to the prohibition of discrimination on the basis of creed shall not apply to the practice of granting preference in admission of residents into a nursing home as defined in section 19a-490, if (A) the nursing home is owned, operated by or affiliated with a religious organization, exempt from taxation for federal income tax purposes and (B) the class of persons granted preference in admission is consistent with the religious mission of the nursing home. (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income.

(c) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.

CT Gen Stat § 46a-66 (2019) prohibits discriminatory credit practices:

(a) It shall be a discriminatory practice in violation of this section for any creditor to discriminate on the basis of sex, gender identity or expression, age, race, color, religious creed, national origin, ancestry, marital status, intellectual disability, learning disability, blindness, physical disability or status as a veteran against any person eighteen years of age or over in any credit transaction.

(b) No liability may be imposed under this section for an act done or omitted in conformity with a regulation or declaratory ruling of the Banking Commissioner, the Federal Reserve Board or any other governmental agency having jurisdiction under the Equal Credit Opportunity Act, notwithstanding that after the act or

omission the regulation or declaratory ruling may be amended, repealed or determined to be invalid for any reason.

CT Gen Stat § 53-37a (2019) prohibits deprivation of a person's civil rights by person wearing mask or hood

Any person who, with the intent to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness or physical disability, violates the provisions of section 46a-58 while wearing a mask, hood or other device designed to conceal the identity of such person shall be guilty of a class D felony.

CT Gen Stat § 53a-181j (2019) prohibits intimidation based on bigotry or bias in the first degree:

(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, disability, sex, sexual orientation or gender identity or expression of such other person, causes 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, for which three thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

3.2 Does the hate crimes law require data collection on hate crimes?

Yes. CT Gen Stat § 29-7m (2019) requires recording and reporting of crimes motivated by bigotry or bias:

(a) On and after July 1, 1988, the Division of State Police within the Department of Emergency Services and Public Protection 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-181j, 53a-181k or 53a-181l and report such information to the Division of State Police within the Department of Emergency Services and Public Protection.

3.3 Does the state criminalize interference with religious worship?

No.

3.4 Does the state have a criminal penalty enhancement for crimes or have a separate crime for crimes motivated by race, religion, or ethnicity?

Yes. See above.

3.5 Do criminal penalty enhancements exist for crimes motivated by sexual orientation?

Yes. See above.

3.6 Do criminal penalty enhancements exist for crimes motivated by gender?

Yes. See above.

3.7 Do criminal penalty enhancements exist for crimes motivated by gender identity?

Yes. See above.

3.8 Do criminal penalty enhancements exist for crimes motivated by disability?

Yes. See above.

3.8 Do criminal penalty enhancements exist for crimes motivated by political affiliation?

No.

3.9 Do criminal penalty enhancements exist for crimes motivated by age?

No.

ISSUE IV: SEXUAL ASSAULT KIT TESTING IN CONNECTICUT

4.1 Has the state conducted an inventory of untested rape kits (also called sexual assault evidence kits)?

4.2 Has the state conducted testing of the backlog of untested sexual assault kits?

4.3 Is there mandatory testing of all new sexual assault kits?

4.4 Has a sexual assault kit tracking system been implemented?

4.5 Does the state have a Survivors' Right to Notice?

4.6 Has the State provided funding for rape kit reform?

4.1 Has the state conducted an inventory of untested rape kits (also called sexual assault evidence kits)?

Yes. CT Gen Stat § 19a-112a (2019) describes the rape kit testing laws in Connecticut:

(a) There is created a Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations composed of fifteen members as follows: The Chief State's Attorney or a designee; the executive director of the Commission on Women, Children and Seniors or a designee; the Commissioner of Children and Families or a designee; one member from the Division of State Police and one member from the Division of Scientific Services appointed by the Commissioner of Emergency Services and Public Protection; one member from Connecticut Alliance to End Sexual Violence appointed by its board of directors;

one member from the Connecticut Hospital Association appointed by the president of the association; one emergency physician appointed by the president of the Connecticut College of Emergency Physicians; one obstetrician-gynecologist and one pediatrician appointed by the president of the Connecticut State Medical Society; one nurse appointed by the president of the Connecticut Nurses' Association; one emergency nurse appointed by the president of the Emergency Nurses' Association of Connecticut; one police chief appointed by the president of the Connecticut Police Chiefs Association; one member of the Office of Victim Services within the Judicial Department; and one member of Disability Rights Connecticut, Inc. appointed by its board of directors. The Chief State's Attorney or a designee shall be chairman of the commission. The commission shall be within the Division of Criminal Justice for administrative purposes only.

(b) (1) For the purposes of this section, (A) "protocol" means the state of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault, including the Interim Sexual Assault Toxicology Screen Protocol, as revised from time to time and as incorporated in regulations adopted in accordance with subdivision (2) of this subsection, pertaining to the collection of evidence in any sexual assault investigation, and (B) "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

(2) The commission shall recommend the protocol to the Chief State's Attorney for adoption as regulations in accordance with the provisions of chapter 54. Such protocol shall include nonoccupational post-exposure prophylaxis for human immunodeficiency virus (nPEP), as recommended by the National Centers for Disease Control. The commission shall annually review the protocol and may annually recommend changes to the protocol for adoption as regulations.

(c) (1) The commission shall design a sexual assault evidence collection kit and may annually recommend changes in the kit to the Chief State's Attorney. Each kit shall include instructions on the proper use of the kit, standardized reporting forms, standardized tests which shall be performed if the victim so consents and standardized receptacles for the collection and preservation of evidence. The commission shall provide the kits to all health care facilities in the state at which evidence collection examinations are performed at no cost to such health care facilities.

(2) Not later than October 1, 2018, the Division of Scientific Services within the Department of Emergency Services and Public Protection shall (A) implement an electronic tracking system for sexual assault evidence collection kits, and (B) notify health care facilities at which evidence collection examinations are performed of such kit-tracking system.

(3) Not later than October 1, 2018, the commission shall develop guidelines for (A) the use by such health care facilities of kit-tracking software to record (i) when a sexual assault evidence collection kit is used, and (ii) when and to which law enforcement agency the kit is transferred, (B) the use by the Division of Scientific Services within the Department of Emergency Services and Public Protection of such software to record the receipt of each kit submitted by a law enforcement

agency to the division, and (C) training employees of such health care facilities and the division who are subject to the guidelines, including instruction on the use of such kit-tracking software.

(d) Each health care facility in the state that provides for the collection of sexual assault evidence shall follow the protocol adopted under subsection (b) of this section, contact a sexual assault counselor, as defined in section 52-146k, when a person who identifies himself or herself as a victim of sexual assault arrives at such health care facility and, with the consent of the victim, shall collect sexual assault evidence. After the collection of any evidence, the health care facility shall contact a law enforcement agency to receive the evidence. Not later than ten days after the collection of the evidence, the law enforcement agency shall transfer the evidence, in a manner that maintains the integrity of the evidence, to the Division of Scientific Services within the Department of Emergency Services and Public Protection or the Federal Bureau of Investigation laboratory. If the evidence is transferred to the division, the division shall analyze the evidence not later than sixty days after the collection of the evidence or, if the victim chose to remain anonymous and not report the sexual assault to the law enforcement agency at the time of collection, shall hold the evidence for at least five years after the collection of the evidence. If a victim reports the sexual assault to the law enforcement agency after the collection of the evidence, such law enforcement agency shall notify the division that a report has been filed not later than five days after filing such report and the division shall analyze the evidence not later than sixty days after receiving such notification. The division shall hold any evidence received and analyzed pursuant to this subsection until the conclusion of any criminal proceedings. The failure of a law enforcement agency to transfer the evidence not later than ten days after the collection of the evidence, or the division to analyze the evidence not later than sixty days after the collection of the evidence or after receiving a notification from a law enforcement agency, shall not affect the admissibility of the evidence in any suit, action or proceeding if the evidence is otherwise admissible. The failure of any person to comply with this section or the protocol shall not affect the admissibility of the evidence in any suit, action or proceeding if the evidence is otherwise admissible.

(e) (1) No costs incurred by a health care facility for the examination of a victim of sexual assault, when such examination is performed for the purpose of gathering evidence as prescribed in the protocol, including the costs of testing for pregnancy and sexually transmitted diseases and the costs of prophylactic treatment as provided in the protocol, and no costs incurred for a medical forensic assessment interview conducted by a health care facility or provider or by an examiner working in conjunction with a multidisciplinary team established pursuant to section 17a-106a or with a child advocacy center, shall be charged directly or indirectly to such victim. Any such costs shall be charged to the Forensic Sex Evidence Exams account in the Judicial Department.

(2) No costs incurred by a health care facility for any toxicology screening of a victim of sexual assault, when such screening is performed as prescribed in the protocol, shall be charged directly or indirectly to such victim. Any such costs shall be charged to the Division of Scientific Services within the Department of Emergency Services and Public Protection.

(f) The commission shall advise the Chief State's Attorney on the establishment of a mandatory training program for health care facility staff regarding the implementation of the regulations, the use of the sexual assault evidence collection kit and kit-tracking software and procedures for handling evidence.

(g) The commission shall advise the Chief State's Attorney not later than July 1, 1997, on the development of a sexual assault examiner program and annually thereafter on the implementation and effectiveness of such program.

(h) Not later than October 1, 2018, the commission shall develop policies and procedures to ensure each victim has access to information regarding the victim's sexual assault evidence collection kit, including, but not limited to, information regarding when the kit was tested, whether DNA (deoxyribonucleic acid) obtained from the testing of the kit was entered into the DNA data bank established under section 54-102j, a national DNA data bank or any other data bank of another state, and if so, whether the sample derived from the kit satisfactorily matches a profile in any such DNA data bank.

4.2 Has the state conducted testing of the backlog of untested sexual assault kits?

Yes. See above.

4.3 Is there mandatory testing of all new sexual assault kits?

Yes. See above.

4.4 Has a sexual assault kit tracking system been implemented?

Yes. See above.

4.5 Does the state have a Survivors' Right to Notice?

Yes. See above.

4.6 Has the State provided funding for rape kit reform?

Yes. See above.

ISSUE V: SPOUSAL RAPE IN CONNECTICUT

5.1 Is spousal rape, when a spouse rapes a partner who is unconscious, drugged, or otherwise incapacitated, treated differently than if the individuals are not spouses?

5.2 Does an exception for spousal rape exist under laws criminalizing statutory rape?

5.3 Does an exception for sexual contact under laws criminalize certain sexual contact between people with a supervisory relationship?

5.1 Is spousal rape, when a spouse rapes a partner who is unconscious, drugged, or otherwise incapacitated, treated differently than if the individuals are not spouses?

Yes. Sexual crimes against a spouse or cohabitation partner are treated differently with a more narrow law specific to those crimes. The terms “sexual intercourse” and “sexual contact,” for the purpose of sexual crimes are defined specifically as actions between persons that are not married. CT Gen Stat § 53a-65 (2019) provides:

(2) “Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

(3) “Sexual contact” means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

A separate offense is provided for when a sexual assault involves spouses or people cohabitating. For this specific crime, CT Gen Stat § 53a-70b (2019) provides:

(a) For the purposes of this section:

(1) “Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and

(2) “Use of force” means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.

(b) No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.

(c) Any person who violates any provision of this section shall be guilty of a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court.

Also, for the purpose of these crimes, except an offense under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, it is an affirmative defense that the defendant and victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation regardless of the relationship's legal status. CT Gen Stat § 53a-67 (2019) provides:

(a) In any prosecution for an offense under this part based on the victim's being mentally incapacitated, physically helpless or impaired because of mental disability or disease, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know of such condition of the victim.

(b) In any prosecution for an offense under this part, except an offense under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, it shall be an affirmative defense that the defendant and the alleged victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation, regardless of the legal status of their relationship.

5.2 Does an exception for spousal rape exist under laws criminalizing statutory rape?

Yes. CT Gen Stat § 53a-67 (2019) provides that spouses or people cohabitating as a couple can engage in consensual sex even if their ages would prohibit the actions if they were not married or cohabitating. CT Gen Stat § 53a-67 (2019) provides:

(a) In any prosecution for an offense under this part based on the victim's being mentally incapacitated, physically helpless or impaired because of mental disability or disease, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know of such condition of the victim.

(b) In any prosecution for an offense under this part, except an offense under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, it shall be an affirmative defense that the defendant and the alleged victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation, regardless of the legal status of their relationship.

5.3 Does an exception for spousal rape exist under laws criminalizing certain sexual contact between people with a supervisory relationship exist?

Yes. CT Gen Stat § 53a-67 (2019) provides that spouses or people cohabitating as a couple can engage in consensual sex even if it would be prohibited under laws criminalizing certain sexual contact between people with a supervisory relationship. CT Gen Stat § 53a-67 (2019) provides:

(a) In any prosecution for an offense under this part based on the victim's being mentally incapacitated, physically helpless or impaired because of mental disability or disease, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know of such condition of the victim.

(b) In any prosecution for an offense under this part, except an offense under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, it shall be an affirmative defense that the defendant and the alleged victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation, regardless of the legal status of their relationship.

ISSUE VI: STATUTE OF LIMITATIONS FOR SEXUAL CRIMES IN CONNECTICUT

6.1 *Has this state eliminated the statute of limitations for all felony sex crimes?*

6.2 *In cases when a victim chooses not to report or delays reporting the crime, is the statute of limitations reduced?*

6.3 *Is the statute of limitations impacted by DNA evidence?*

6.4 *What is the state's statute of limitations for its most serious felony sex crimes?*

6.1 Has this state eliminated the statute of limitations for all felony sex crimes?

No. CT Gen Stat § 54-193 (2019) describes the statute of limitations.

(a) There shall be no limitation of time within which a person may be prosecuted for (1) a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or 53a-166 in which such person renders criminal assistance to another person who has committed an offense set forth in subdivision (1) of this subsection, (3) a violation of section 53a-156 committed during a proceeding that results in the conviction of another person subsequently determined to be actually innocent of the offense or offenses of which such other person was convicted, or (4) a motor vehicle violation or offense that resulted in the death of another person and involved a violation of subsection (a) of section 14-224.

(b) No person may be prosecuted for any offense, other than an offense set forth in subsection (a) of this section, for which the punishment is or may be imprisonment in excess of one year, except within five years next after the offense has been committed.

(c) No person may be prosecuted for any offense, other than an offense set forth in subsection (a) or (b) of this section, except within one year next after the offense has been committed.

(d) If the person against whom an indictment, information or complaint for any of said offenses is brought has fled from and resided out of this state during the period so limited, it may be brought against such person at any time within such period, during which such person resides in this state, after the commission of the offense.

(e) When any suit, indictment, information or complaint for any crime may be brought within any other time than is limited by this section, it shall be brought within such time.

6.2 In cases when a victim chooses not to report or delays reporting the crime, is the statute of limitations reduced?

Yes. For the DNA exception to apply in CT Gen Stat § 54-193b (2019), the victim must have reported the crime to law enforcement within five years of the crime's occurrence. CT Gen Stat § 54-193b (2019) provides "limitation of prosecution for sexual assault offenses when DNA evidence available":

Notwithstanding the provisions of sections 54-193 and 54-193a, there shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a

DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.

CT Gen Stat § 54-193a (2019) provides a longer statute of limitation for prosecution of certain child sexual abuse offenses if the victim reports the crime within five years. CT Gen Stat § 54-193a (2019) provides:

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 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 such police officer's or state's attorney's official capacity of the commission of the offense, whichever is earlier, provided if the prosecution is for a violation of subdivision (1) of subsection (a) of section 53a-71, the victim notified such police officer or state's attorney not later than five years after the commission of the offense.

6.3 Is the statute of limitations impacted by DNA evidence?

Yes. Pursuant to CT Gen Stat § 54-193b (2019), with certain crimes, there is no statute of limitations if the victim reported the crime within five years and the defendant is identified through DNA evidence. CT Gen Stat § 54-193b (2019) provides "limitation of prosecution for sexual assault offenses when DNA evidence available":

Notwithstanding the provisions of sections 54-193 and 54-193a, there shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.

6.4 What is the state's statute of limitations for its most serious felony sex crimes?

10 years or less notwithstanding the DNA provision described in CT Gen Stat § 54-193b (2019). See above.

Legal Disclaimer

The Public Policy Institute of the Rockies (PPIR) website and the Safe Community Challenge provides general information that is intended, but not guaranteed, to be correct and up-to-date. The information is not presented as a source of legal advice. You should not rely, for legal advice, on statements or representations made within the website or by any externally referenced Internet sites. If you need legal advice upon which you intend to rely in the course of your legal affairs, consult a competent, independent attorney. PPIR does not assume any responsibility for actions or non-actions taken by people who have visited this site, and no one shall be entitled to a claim for detrimental reliance on any information provided or expressed.