



General Assembly

Substitute Bill No. 6714

January Session, 2023



AN ACT CONCERNING CRUELTY TO ANIMALS.

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

1 Section 1. Section 53a-65 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 As used in this part, the following terms have the following
4 meanings:

5 (1) "Actor" means a person accused of sexual assault.

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

12 (3) "Sexual contact" means any contact with the intimate parts of a
13 person for the purpose of sexual gratification of the actor or for the
14 purpose of degrading or humiliating such person or any contact of the
15 intimate parts of the actor with a person for the purpose of sexual
16 gratification of the actor or for the purpose of degrading or humiliating
17 such person.

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

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

27 (6) "Physically helpless" means that a person is (A) unconscious, or
28 (B) for any other reason, is physically unable to resist an act of sexual
29 intercourse or sexual contact or to communicate unwillingness to an
30 act of sexual intercourse or sexual contact.

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

34 (8) "Intimate parts" means the genital area or any substance emitted
35 therefrom, groin, anus or any substance emitted therefrom, inner
36 thighs, buttocks or breasts.

37 (9) "Psychotherapist" means a physician, psychologist, nurse,
38 substance abuse counselor, social worker, clergyman, marital and
39 family therapist, mental health service provider, hypnotist or other
40 person, whether or not licensed or certified by the state, who performs
41 or purports to perform psychotherapy.

42 (10) "Psychotherapy" means the professional treatment, assessment
43 or counseling of a mental or emotional illness, symptom or condition.

44 (11) "Emotionally dependent" means that the nature of the patient's
45 or former patient's emotional condition and the nature of the treatment
46 provided by the psychotherapist are such that the psychotherapist
47 knows or has reason to know that the patient or former patient is

48 unable to withhold consent to sexual contact by or sexual intercourse
49 with the psychotherapist.

50 (12) "Therapeutic deception" means a representation by a
51 psychotherapist that sexual contact by or sexual intercourse with the
52 psychotherapist is consistent with or part of the patient's treatment.

53 (13) "School employee" means: (A) A teacher, substitute teacher,
54 school administrator, school superintendent, guidance counselor,
55 school counselor, psychologist, social worker, nurse, physician, school
56 paraprofessional or coach employed by a local or regional board of
57 education or a private elementary, middle or high school or working in
58 a public or private elementary, middle or high school; or (B) any other
59 person who, in the performance of his or her duties, has regular
60 contact with students and who provides services to or on behalf of
61 students enrolled in (i) a public elementary, middle or high school,
62 pursuant to a contract with the local or regional board of education, or
63 (ii) a private elementary, middle or high school, pursuant to a contract
64 with the supervisory agent of such private school.

65 (14) "Animal" has the same meaning as provided in section 22-327.

66 (15) "Sexual contact with an animal" means: (A) Any act between a
67 person and an animal that involves contact between a sex organ or
68 anus of one and the mouth, anus or a sex organ of the other; (B) a
69 person touching or fondling a sex organ or anus of an animal, either
70 directly or through clothing, without a bona fide veterinary or animal
71 husbandry purpose; (C) any intentional transfer or transmission of
72 semen by a person upon any part of an animal; or (D) the insertion,
73 however slight, of any part of a person's body or any object into the
74 vaginal or anal opening of an animal, without a bona fide veterinary or
75 animal husbandry purpose, or the insertion of any part of the animal's
76 body into the vaginal or anal opening of the person.

77 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) A person is guilty of
78 sexual assault of an animal when such person knowingly and for the

79 purpose of sexual gratification of the actor or of another person: (1)
80 Engages in sexual contact with an animal; (2) forces another person to
81 engage in sexual contact with an animal; or (3) creates or distributes
82 pornographic images of prohibited sexual contact with an animal.

83 (b) Sexual assault of an animal is a class A misdemeanor.

84 (c) In addition to any sentence imposed pursuant to subsection (b)
85 of this section, at the time of a person's sentencing for a conviction
86 under this section, the court shall order that, for the five-year period
87 commencing from the date of such conviction or the date of such
88 person's release from imprisonment for such conviction, whichever is
89 later, such person (1) shall not harbor, own, possess, reside with, adopt
90 or serve as a foster placement for any animal, and (2) shall not be
91 employed by, or volunteer for, any entity in any position that involves
92 care for, or regular contact with, any animal.

93 Sec. 3. Subsection (a) of section 53a-73a of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective*
95 *October 1, 2023*):

96 (a) A person is guilty of sexual assault in the fourth degree when: (1)
97 Such person subjects another person to sexual contact who is (A) under
98 thirteen years of age and the actor is more than two years older than
99 such other person, or (B) thirteen years of age or older but under
100 fifteen years of age and the actor is more than three years older than
101 such other person, or (C) physically helpless, or (D) less than eighteen
102 years old and the actor is such other person's guardian or otherwise
103 responsible for the general supervision of such other person's welfare,
104 or (E) in custody of law or detained in a hospital or other institution
105 and the actor has supervisory or disciplinary authority over such other
106 person; or (2) such person subjects another person to sexual contact
107 without such other person's consent; or (3) such person engages in
108 sexual contact with [an animal or] a dead body; or (4) such person is a
109 psychotherapist and subjects another person to sexual contact who is
110 (A) a patient of the actor and the sexual contact occurs during the

111 psychotherapy session, or (B) a patient or former patient of the actor
112 and such patient or former patient is emotionally dependent upon the
113 actor, or (C) a patient or former patient of the actor and the sexual
114 contact occurs by means of therapeutic deception; or (5) such person
115 subjects another person to sexual contact and accomplishes the sexual
116 contact by means of false representation that the sexual contact is for a
117 bona fide medical purpose by a health care professional; or (6) such
118 person is a school employee and subjects another person to sexual
119 contact who is a student enrolled in a school in which the actor works
120 or a school under the jurisdiction of the local or regional board of
121 education which employs the actor; or (7) such person is a coach in an
122 athletic activity or a person who provides intensive, ongoing
123 instruction and subjects another person to sexual contact who is a
124 recipient of coaching or instruction from the actor and (A) is a
125 secondary school student and receives such coaching or instruction in
126 a secondary school setting, or (B) is under eighteen years of age; or (8)
127 such person subjects another person to sexual contact and (A) the actor
128 is twenty years of age or older and stands in a position of power,
129 authority or supervision over such other person by virtue of the actor's
130 professional, legal, occupational or volunteer status and such other
131 person's participation in a program or activity, and (B) such other
132 person is under eighteen years of age; or (9) such person subjects
133 another person to sexual contact who is placed or receiving services
134 under the direction of the Commissioner of Developmental Services in
135 any public or private facility or program and the actor has supervisory
136 or disciplinary authority over such other person.

137 Sec. 4. (NEW) (*Effective October 1, 2023*) A law enforcement officer or
138 animal control officer authorized under section 22-329a of the general
139 statutes, as amended by this act, investigating an alleged violation of
140 section 2 of this act may lawfully take possession of an animal when
141 such officer has a reasonable belief that the animal was sexually
142 assaulted in violation of section 2 of this act in order to protect the
143 health or safety of the animal or the health or safety of others, and to
144 obtain evidence of the alleged offense. Any animal, whether dead or

145 alive, taken into possession pursuant to this section shall be promptly
146 transported to an animal shelter or veterinary hospital to be examined
147 by a licensed veterinarian for care and treatment and to preserve
148 evidence of any alleged violation of section 2 of this act.

149 Sec. 5. Subsections (a) and (b) of section 22-329a of the general
150 statutes are repealed and the following is substituted in lieu thereof
151 (*Effective October 1, 2023*):

152 (a) Any animal control officer or regional animal control officer
153 appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable,
154 may take physical custody of any animal when such animal control
155 officer has reasonable cause to believe that such animal is in imminent
156 harm and is neglected or is cruelly treated in violation of section 22-
157 366, 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-
158 250, 53-251, [or] 53-252 or section 2 of this act, and, not later than
159 ninety-six hours after taking physical custody, shall proceed as
160 provided in subsection (c) of this section, except that if, in the opinion
161 of a licensed veterinarian or the State Veterinarian, at any time after
162 physical custody of such animal is taken, such animal is so injured or
163 diseased that it should be euthanized immediately, such officer may
164 have such animal humanely euthanized by a licensed veterinarian.

165 (b) Any animal control officer or regional animal control officer
166 appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable,
167 may take physical custody of any animal upon issuance of a warrant
168 finding probable cause that such animal is neglected or is cruelly
169 treated in violation of section 22-366, 22-415, 53-247, as amended by
170 this act, 53-248, 53-249, 53-249a, 53-250, 53-251, [or] 53-252 or section 2
171 of this act, and shall thereupon proceed as provided in subsection (c)
172 of this section except that if, in the opinion of a licensed veterinarian or
173 the State Veterinarian, at any time after physical custody of such
174 animal is taken, such animal is so injured or diseased that it should be
175 euthanized immediately, such officer may have such animal humanely
176 euthanized by a licensed veterinarian.

177 Sec. 6. (NEW) (*Effective October 1, 2023*) (a) Any veterinarian licensed
178 in accordance with the provisions of chapter 384 of the general
179 statutes, who in the course of his or her employment, has reasonable
180 cause to suspect that an animal is being or has been harmed, neglected
181 or treated cruelly due to participation in an exhibition of animal
182 fighting for amusement or gain, shall report the following information
183 to the local law enforcement agency or animal control officer: (1) The
184 address of the owner or other person responsible for care of the
185 animal; (2) a description of the animal; and (3) the approximate date
186 and time of discovery of such harm, neglect or cruelty.

187 (b) Any veterinarian, who in good faith, makes a report pursuant to
188 this section, shall be immune from any civil liability which might
189 otherwise arise from or be related to the actions taken pursuant to this
190 section and shall have the same immunity with respect to any judicial
191 proceeding which results from such report. The immunity from civil
192 liability extends only to actions done pursuant to this section and does
193 not extend to the malpractice of a veterinarian that results in injury to,
194 or the death of, an animal.

195 Sec. 7. Section 53-247 of the general statutes is repealed and the
196 following is substituted in lieu thereof (*Effective October 1, 2023*):

197 (a) Any person who overdrives, drives when overloaded,
198 overworks, tortures, deprives of necessary sustenance, mutilates or
199 cruelly beats or kills or unjustifiably injures any animal, or who,
200 having impounded or confined any animal, fails to give such animal
201 proper care or neglects to cage or restrain any such animal from doing
202 injury to itself or to another animal or fails to supply any such animal
203 with wholesome air, food and water, or unjustifiably administers any
204 poisonous or noxious drug or substance to any domestic animal or
205 unjustifiably exposes any such drug or substance, with intent that the
206 same shall be taken by an animal, or causes it to be done, or, having
207 charge or custody of any animal, inflicts cruelty upon it or fails to
208 provide it with proper food, drink or protection from the weather or
209 abandons it or carries it or causes it to be carried in a cruel manner, or

210 fights with or baits, harasses or worries any animal for the purpose of
211 making it perform for amusement, diversion or exhibition, shall, for a
212 first offense, be fined not more than one thousand dollars or
213 imprisoned not more than one year or both, and for each subsequent
214 offense, shall be guilty of a class D felony.

215 (b) Any person who maliciously and intentionally maims, mutilates,
216 tortures, wounds or kills an animal shall, (1) for a first offense, be
217 guilty of a class D felony, and (2) for any subsequent offense, be guilty
218 of a class C felony. The provisions of this subsection shall not apply to
219 any licensed veterinarian while following accepted standards of
220 practice of the profession or to any person while following approved
221 methods of slaughter under section 22-272a, while performing medical
222 research as an employee of, student in or person associated with any
223 hospital, educational institution or laboratory, while following
224 generally accepted agricultural practices or while lawfully engaged in
225 the taking of wildlife.

226 (c) Any person who knowingly (1) owns, possesses, keeps or trains
227 an animal engaged in an exhibition of fighting for amusement or gain,
228 (2) possesses, keeps or trains an animal with the intent that it be
229 engaged in an exhibition of fighting for amusement or gain, (3) permits
230 an act described in subdivision (1) or (2) of this subsection to take place
231 on premises under his control, (4) acts as judge or spectator at an
232 exhibition of animal fighting for amusement or gain, or (5) bets or
233 wagers on the outcome of an exhibition of animal fighting for
234 amusement or gain, shall be guilty of a class D felony.

235 (d) Any person who intentionally injures any animal while such
236 animal is in the performance of its duties under the supervision of a
237 peace officer, as defined in section 53a-3, or intentionally injures a dog
238 that is a member of a volunteer canine search and rescue team, as
239 defined in section 5-249, while such dog is in the performance of its
240 duties under the supervision of the active individual member of such
241 team, shall be guilty of a class D felony.

242 (e) Any person who intentionally kills any animal while such
243 animal is in the performance of its duties under the supervision of a
244 peace officer, as defined in section 53a-3, or intentionally kills a dog
245 that is a member of a volunteer canine search and rescue team, as
246 defined in section 5-249, while such dog is in the performance of its
247 duties under the supervision of the active individual member of such
248 team, shall be fined not more than ten thousand dollars or imprisoned
249 not more than ten years, or both.

250 (f) In addition to any sentence imposed pursuant to subsections (a)
251 to (e), inclusive, of this section, at the time of a person's sentencing for
252 a conviction under this section, the court shall order that, for the five-
253 year period commencing from the date of such conviction or the date
254 of such person's release from imprisonment for such conviction,
255 whichever is later, such person (1) shall not harbor, own, possess,
256 reside with, adopt or serve as a foster placement for any animal, and
257 (2) shall not be employed by, or volunteer for, any entity in any
258 position that involves care for, or regular contact with, any animal.

259 Sec. 8. Section 53a-28 of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective October 1, 2023*):

261 (a) Except as provided in section 17a-699 and chapter 420b, to the
262 extent that the provisions of said section and chapter are inconsistent
263 herewith, every person convicted of an offense shall be sentenced in
264 accordance with this title.

265 (b) Except as provided in section 53a-46a, when a person is
266 convicted of an offense, the court shall impose one of the following
267 sentences: (1) A term of imprisonment; or (2) a sentence authorized by
268 section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and
269 a fine; or (5) a term of imprisonment, with the execution of such
270 sentence of imprisonment suspended, entirely or after a period set by
271 the court, and a period of probation or a period of conditional
272 discharge; or (6) a term of imprisonment, with the execution of such
273 sentence of imprisonment suspended, entirely or after a period set by

274 the court, and a fine and a period of probation or a period of
275 conditional discharge; or (7) a fine and a sentence authorized by
276 section 18-65a or 18-73; or (8) a sentence of unconditional discharge; or
277 (9) a term of imprisonment and a period of special parole as provided
278 in section 54-125e, except that the court may not impose a period of
279 special parole for convictions of offenses under chapter 420b.

280 (c) In addition to any sentence imposed pursuant to subsection (b)
281 of this section, the court shall inquire on the record whether there are
282 any requests by a victim for restitution, and if (1) a person is convicted
283 of an offense that resulted in injury to another person or damage to or
284 loss of property, (2) the victim requests financial restitution, and (3) the
285 court finds that the victim has suffered injury or damage to or loss of
286 property as a result of such offense, the court shall order the offender
287 to make financial restitution under terms that it determines are
288 appropriate. In determining the appropriate terms of financial
289 restitution, the court shall consider: (A) The financial resources of the
290 offender and the burden restitution will place on other obligations of
291 the offender; (B) the offender's ability to pay based on installments or
292 other conditions; (C) the rehabilitative effect on the offender of the
293 payment of restitution and the method of payment; and (D) other
294 circumstances, including the financial burden and impact on the
295 victim, that the court determines make the terms of restitution
296 appropriate. If the court determines that the current financial resources
297 of the offender or the offender's current ability to pay based on
298 installments or other conditions are such that no appropriate terms of
299 restitution can be determined, the court may forego setting such terms.
300 The court shall articulate its findings on the record with respect to each
301 of the factors set forth in subparagraphs (A) to (D), inclusive, of this
302 subsection. Restitution ordered by the court pursuant to this
303 subsection shall be based on easily ascertainable damages for injury or
304 loss of property, actual expenses incurred for treatment for injury to
305 persons and lost wages resulting from injury. Restitution shall not
306 include reimbursement for damages for mental anguish, pain and
307 suffering or other intangible losses, but may include the costs of

308 counseling reasonably related to the offense. Restitution ordered by
309 the court pursuant to this subsection shall be imposed or directed by a
310 written order of the court on a form prescribed by the Chief Court
311 Administrator containing the amount of damages for injury or loss of
312 property, actual expenses incurred for treatment for injury to persons
313 and lost wages resulting from injury as ascertained by the court. The
314 order of the court shall direct that a certified copy of the completed
315 form containing the written order be delivered by certified mail to each
316 victim and contain an advisement to the victim that the order is
317 enforceable as a judgment in a civil action as provided in section 53a-
318 28a. The court shall retain the original of each form containing a
319 written order of restitution as part of such offender's court record.

320 (d) A sentence to a period of probation or conditional discharge in
321 accordance with sections 53a-29 to 53a-34, inclusive, shall be deemed a
322 revocable disposition, in that such sentence shall be tentative to the
323 extent that it may be altered or revoked in accordance with said
324 sections but for all other purposes it shall be deemed to be a final
325 judgment of conviction.

326 (e) When sentencing a person to a period of probation who has been
327 convicted of (1) a misdemeanor that did not involve the use, attempted
328 use or threatened use of physical force against another person or (2) a
329 motor vehicle violation for which a sentence to a term of imprisonment
330 may be imposed, the court shall consider, as a condition of such
331 sentence of probation, ordering the person to perform community
332 service in the community in which the offense or violation occurred. If
333 the court determines that community service is appropriate, such
334 community service may be implemented by a community court
335 established in accordance with section 51-181c if the offense or
336 violation occurred within the jurisdiction of a community court
337 established by said section.

338 (f) When sentencing a person to a period of probation who is or has
339 been subject to a protective order, the court may issue a protective
340 order that is effective during such period of probation.

341 (g) In addition to any sentence imposed pursuant to section 53-247,
342 as amended by this act, or section 2 of this act, at the time of a person's
343 sentencing for any conviction under said sections, the court shall order
344 that, for the five-year period commencing from the date of such
345 conviction or the date of such person's release from imprisonment for
346 such conviction, whichever is later, such person (1) shall not harbor,
347 own, possess, reside with, adopt or serve as a foster placement for any
348 animal, and (2) shall not be employed by, or volunteer for, any entity
349 in any position that involves care for, or regular contact with, any
350 animal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	53a-65
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	53a-73a(a)
Sec. 4	<i>October 1, 2023</i>	New section
Sec. 5	<i>October 1, 2023</i>	22-329a(a) and (b)
Sec. 6	<i>October 1, 2023</i>	New section
Sec. 7	<i>October 1, 2023</i>	53-247
Sec. 8	<i>October 1, 2023</i>	53a-28

JUD *Joint Favorable Subst.*