

Legislative History for Connecticut Act

<u>SB/519</u>	PA 619	<u>1975</u>
<u>Senate</u> : P. 3214 - 3227		(14)
<u>House</u> : P. 6478 - 6483		(6)
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I think there will have to be a model set up anyway. I certainly don't want to plunge right into this. This has got to be dealt with. There has to be a computer available at least some computer time available to collect the data. Instructions to the local police departments as to how we can work and so on. So I see this as a very good possibility and I think the Commission might very well be able to develop a model that would not cost a great deal of money. Because I know what you are saying, the first thing they say is what is the cost of this. So we can come up with some kind of a model which perhaps, would involve other agencies.

Representative Collins: I can just visualize it being mostly in the hands of your Commission for the next year or so.

Ms. Bergin: Well, it may very well be. Assuming it is a coordinating agency, I think there is a very good possibility. If you have a task force, then they might want to take this on as the next step in their task.

Senator Hudson: This would mean amending this bill rather substantially and changing the whole thrust of it. But I agree with you, I think the ability to get any new funding for a new project is pretty remote at this stage.

Ms. Bergin: We are aware of that and if it can be amended so that it can come back to us so that it can be developed further, I am sure that this would be acceptable to the Commission and they would be able to work out something perhaps which would then go into the next General Assembly.

Okay, the other bill is Raised Committee Bill 1519, AN ACT CONCERNING SEXUAL ASSAULT AND RELATED OFFENSES. It is an omnibus bill and it has many sections. One of the other things that the task force discovered when it did its work was that there were a number of statutes over-lapping, confusing and so on that had come into use over many years and this really is an attempt to straighten out and organize the various statutes and bring them up to date and pick up some the areas which were really no longer useful or were contradictory. So the beginning of this bill has to do with the definitions of the act, sexual intercourse, what it really means. And I won't go into all of this, deviate sexual intercourse is considered to be unnecessary at this point and so this was removed. The bill was made sex neutralized in most cases where it could be because the problems of rape can be either by males or females. Sexual contact is described on Page 2, female is taken out because it is not needed in this particular bill. Mentally defective is redefined, mentally incapacitated redefined, physically helpless is defined. Forceable compulsion has been taken out and there is a new section, Number 7, talking about the use of force - means either the use of a dangerous instrument and use of actual physical force or violence or superior physical strength against the victim. Which helps to straighten out the problem of the previous section which talks

about the person having to overcome earnest resistance or threat, expressed or implied, the person fears immediate death or serious physical injury to himself or to another person or fears that here another person will immediately be kidnapped. Obviously no other crime requires this kind of resistance and as a matter of fact, police departments throughout in their crisis centers, encourage people to do just the opposite - not to resist for fear of being seriously injured.

Then additional intimate parts is described in a little more detail. Lack of consent is also defined a little more clearly. The affirmative defense issue is also stricken because it is re-described in another area. I am going to ask Barbara Lifton to come up in a few minutes and talk a little bit more about these things because she was the person on the sex crimes task force who is most familiar with it.

Section 3 is also repealed and many changes are made in this having to do with the compulsion of a person to involve themselves in sexual assault. I would bring your attention to a change which should be made in the middle of Page 3 under Section 3a.- misconduct is an improper use of the terms. It should be sexual assault - a person is guilty of sexual assault rather than misconduct.

Again, it is described in more detail on Page 4, I would suggest also on Page 4 - Lines 105, 106 and 109 - we talk about his guardian, his welfare and him and we should add or her in each of these cases. Where it talks about the other person as less than 18 years old and the actor is his guardian - should be his or her guardian. Again it appears on 106, otherwise responsible for the general supervision of his or her welfare and again on 109, the active or supervisory disciplinary authority over him or her.- in that next lines. To make this sex neutralized.

Then the classification of the crimes of sex assault, are in the sections following - sexual assault of second degree. In the third degree and in the fourth degree. And these are new and an attempt was made here to as I suggested before, to straighten out the problems that had arisen through the years of many statutes that had been brought in in this area and which were as I say, rather confusing.

Section 7 is a new section. A person guilty of coercive promotion of prostitution when he knowingly compels a person by force or intimidation to engage in prostitution and knowingly profits from such conduct by another.

In Section 8, there are several sections that are repealed and these sections, the first Section 53a66 has to do with affirmative defense in terms of husband and wife where the consent or lack of consent has been used as an affirmative defense. 53a72 is another definition and in 53-74-290, have a number of the statutes having to do with the new scheme and also repeal the elements of prostitution and adultery statutes. And I would like to ask Barbara Lifton to join us here

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for any questions that you might. Because she is more familiar with these than I.

Senator Hudson: Good morning, Senator Finney has joined us. Nice to see you again.

Senator Finney: Inaudible - not using microphone.

Senator Hudson: Are there any questions from the committee regarding this bill.

Representative Collins: What is the affirmative defenses in this bill that would be repealed under this new act - you just made reference to them.

Ms. Bergin: Do you want to take about them.

Ms. Lifton: I can read the penal code. I am Commissioner Barbara Lifton. The affirmative defenses which are part of Section 53a-67, Section B and C - are repealed. One is that the alleged victim faces an element of offense and it shall be that affirmative defense that the act of reasonably believe the alleged victim to be above the specified age. And also C - in any prosecution for an offense under this part, it shall be an affirmative defense and the defendant and the alleged victim were at the time of the alleged offense, living together by mutual consent in a relationship of co-habitation as man and wife, regardless of the legal status of their relationship. That is probably the most important one that has been repealed.

Senator Hudson: Are there any other questions.

Ms. Bergin: We feel in this particular case the martial exclusion is possibly in violation of the protection of laws guaranteed by the fourteenth amendment in the United States Constitution. It denies married persons the same legal protection against sexual assault that is provided to other persons.

Senator Hudson: Are there any other questions.

Thank you very much. The next speaker is Representative Muriel Yacavone.

Representative Yacavone: Muriel Yacavone, 9th District. I am here today to speak in support of Committee Bill 7832, AN ACT CONCERNING THE CIVIL AND LEGAL RIGHTS OF PERSONS WITH A PRESENT OR PAST HISTORY OF MENTAL DISORDERS.

This bill would prohibit discrimination in employment and public accommodations against persons with a present or past history of mental illness. The bill is similar in purview to Public Act 73-279,

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spoken with over a long period of time, have always indicated a real need for a systematic exchange of this criminal intelligence information and I am presuming that it is afforded.

The second bill that I would like to address myself to is Bill 1519 which is the ACT CONCERNING SEXUAL ASSAULTS. And I would like to perhaps go into all the legislative history. In 1971, the Connecticut legislature substantially revised our penal code and adopted what has been called the model penal code - drawing from the experience of New York which had just preceded in the adoption. We have made some changes, the most prominent being the removal of the "proberration" requirement. We are - from the experience of people that have been in the area of prosecution and defense and hearing the victims as well as I guess, you all probably are familiar with the Permanent Commission's report on this subject. The laws need to be revised. The laws need to be re-examined and we ought not to be fearful in looking at them just because they were looked at three or four years ago. There were looked at three or four years ago but all the laws were and I think there is a great need for re-examining these particular statutes.

The basic changes have been pointed out quite well I think, by Kay Bergin. I would like to comment from the perspective of what some of the differences are.

The overall concept is to divide the crime into sexual assaults, in different categories. I think this is an important view. Right now we have the crime of rape in two degrees and the crime of deviate sexual intercourse in two degrees. These are parallel crimes but the participation in the areas involved - the sexual areas involved are different. The penalties are the same. And then we have sexual contact and sexual misconduct which basically involves people in custodial roles. What these laws do is define everything in terms of sexual assault which I think is very important because the crime of rape is a crime of violence. It isn't assault. And the language in defining it as such would be most helpful from the stand point of prosecution. Also, I think the onus of the words rape and deviate sexual intercourse as being crimes that one is particularly charged with, could use re-examination. Just the idea of charging someone with these particular crimes - these words are sort of detestable and I think perhaps, the prosecution could be more successful if the way in which the different crimes were expressed were changed and that is why I heartedly endorse the concept of recognizing this as an assault and recognizing it in different degrees and removing some of the terminology that has been previously utilized.

Where there are substantial changes in this legislation proposed, is allowing the prosecution of persons married to each other. Or living together. The 1971 statute specifically defined female as a person not married to the actor or the attacker or one co-habiting as if they were man and wife. Of course, we know in the State of Connecticut,

we don't recognize common law marriage so I think for the purpose of the criminal prosecution, it is inappropriate to recognize it.

Likewise, with regard to excluding attacks between persons married to each other, I believe it is inappropriate. Our statute that we had for 321 years prior to 1971, never excluded the possibility that the husband or wife of the victim could be prosecuted for a sex offense against an individual. 321 years our state has allowed for the prosecution and the change came with some of the formula words that were adopted and utilized in the model penal code. I think it is quite appropriate to allow for the prosecution. I think that the prosecution will not be that frequent, that is if the family relationship is good. Likewise, there should not be attacks in most families. But the males or females who are attacked want to be protected. And I don't think it is necessary to make exclusions as if the people were separated. They would be protected. Because a lot of people can't get separated. A lot of people can't maintain an action. I know some of you may have been aware of some alternate proposals which might be included, limiting the possible victims only as people - that could bring prosecution in light of the fact that they were separated or were going through the process of a dissolution. I think it is very important that people be protected despite their marital status and I don't anticipate that there are any constitutional problems. Women or man can bring assault charges against the spouse. Obviously, if you murder your spouse, you are not protected under the law. The area of sexual assault likewise should not provide any special treatment.

I think that another thing that perhaps may not be apparent at first glance is that there are substantial changes in this law to eliminate what had previously been a statute of limitations to the bringing of charges. The statute in 1971 made a three months statute of limitations in terms of reporting the crime. And more than anything else, I would like that statute changed because of the reporters notes to the model penal code which indicated that this as being protecting people from the possibility of blackmail. Bringing up old relationships that could not necessarily be disputed. Or somebody proving innocent. You have to think of the concept that you have to prove the person guilty - the suspect guilty so that you know, that itself works to limit the period of time in which an individual is likely to report the crime to the police. And I think we just have some natural limitations that we ought not to have a statutory limitation. We ought to consider the individual circumstances and therefore, I heartedly endorse the removal of the statute of limitations of three months. We have no other crime, felony or misdemeanor that is so limited. And this is totally an over reaction to the sociology of rape in the sense that women are somehow going to make up these charges. Which I think that anyone in depth analysis of the problem finds out that the matter of false reports under any circumstances are very slight. And the number of unfounded reports are very slight and I think that we ought to remove this apparent bias in the statutes among the general changes.

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I would like to also say that I recognize that the proposals here do create perhaps considerable departure from the statutes we have had in the State of Connecticut as well as there are other states that at present I think have similar statutory provisions with the exception of the work that has been done in Michigan. But I think most states are working towards re-examining the sex offenses to redefine them in terms of assault and to redefine some of the bugaboos about consent and affirmative defenses and whether males or females can be married to each other and still be abused. And I think that Connecticut can be in the forefront and Connecticut is in good company because I think most states are now reconsidering during this legislative session, similar proposals

Senator Hudson: I wonder if you could summarize, we have a list of people who would like to speak.

Ms. MacDonnell: Well, yes, basically that's my speel.

Senator Hudson: Thank you. I wonder if you have some written material that you could leave with us.

The next speaker is Karen Sitarz.

Ms. Sitarz: Madam Chairperson and members of the committee, my name is Karen Sitarz, and I am speaking to you today in two different capacities. The first one is as a member of the Status of Women Committee of the Connecticut Bar Association. Our committee has endorsed various aspects of the legislative program of the Permanent Commission on the Status of Women, including matters before your committee today. Committee Bill 1519 which is a comprehensive reform of the sexual assault statutes. And Committee Bill 1476 which would create what we think is a long over due sex crimes analysis unit. I would like to raise a question for your consideration about another bill in this area and that is Committee Bill 6386 which gives the Human Rights Commission the authority, the full authority to review the affirmative action plans of the various state agencies. With respect to sex discrimination, we are wondering if it wouldn't be appropriate to give the Permanent Commission on the Status of Women some role in the approval of these plans. Whether it would be concurrent jurisdiction or exclusive jurisdiction, I don't know. But it seems that where we have a commission directly concerned with this problem and have the expertise and it might be wise to involve them in it.

Now, I will put on my other hat and speak as an attorney for Connecticut Business and Industry Association on just a couple of the measure before you. The first one is Committee Bill 7832 which concerns itself with the anti-discrimination laws against people with a present or past history of mental disorders. I see one very significant problem

testify first as a co-chairwoman of the Connecticut Womens Political Caucus and second as a member of the commission.

Before I begin to testify, I would like to point out some serious errors in Committee Bill 1519 which is AN ACT CONCERNING SEXUAL ASSAULTS AND RELATED OFFENSES. Some of the smaller areas have already been pointed out. I would like to refer the committee to Line 83 as has already been pointed out, misconduct should read assault. On Line 80, beginning on Line 85, or engages in deviate sexual intercourse with another person, etc. down to the comma, should be eliminated. That was copied inadvertently from the previous statutes.

Excuse me, the entire section beginning or engages - down to Line 89 or 90 I guess, welfare - should all be eliminated. One section already is bracketed but the first section is not.

Then down to Section 4, there has been a serious omission in section called sexual assault in the first degree - Class B felony - that should read - I am sorry. That is an error. I refer you to Section B, sexual assault in the second degree on Page 4. That is the section - yes, beginning on Line 113.

The first section is correct down to - a person who is guilty of sexual assault of the second degree. I am sorry but I am going to have to go over this entire bill because there has been a second serious error in that Section B should not concern sexual contact. Section B should concern sexual assault which involves a person guilty of sexual assault in the second degree when he or she engages in the sexual intercourse with a person who is mentally defective or mentally incapacitated, physically helpless, under 14 years of age - when the actor was more than three years older than the victim. As I look at this again, I realize that the entire section has been left out and what they have done is that they have repeated what is in Section 6. Section 5 which is sexual assault in the second degree should concern sexual intercourse not sexual contact. It is completely mixed up.

And sexual assault in the third degree and the fourth degree, concerns sexual conduct not in the second degree. I will have to sit down with the council and go over the entire wording of the bill. It is all mixed up.

Okay, now before I begin my testimony for the caucus, I would like to submit to the committee, a letter from the Connecticut Civil Liberties Union since their representative is not here today, endorsing the commission's proposals on sex crimes with two recommendations which the commission in terms of consensus does not have any opposition to. It doesn't matter whether I read them out loud. Certainly recommendations one and two concerning two of the definitions in the statute would be acceptable to us. The third CCLU recommendation concerns with a change in the section concerning affirmative defenses which would apply to the entire penal code and we do not feel that they are competent to either endorse or comment on that recommendation. However, the CCLU does say

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in their letter that with these proposed changes, the Union endorses this proposal and expresses the hope the commission would recommend these to the legislature. And I submit the letter to you.

I speak for the entire membership of the Connecticut Womens Political Caucus in support of these proposed revisions of the sex offense sections of the Connecticut general statutes. The caucus has two major concerns. That the law shall apply equally to all and that the victims of sex crimes shall never again be subjected to the kind of social and legal sanctions supposedly reserved for criminals. The proposed consolidated sex crime scheme goes far in realizing these goals. First, of course, it recommends the complete sex neutralization of the sex crime statutes and there shall be no differentiation between men or women as either sex offenders or victims. And second, it recommends several important revisions to the sex offense sections of the penal code.

First, we endorse the recommendation for the repeal of the marital exclusion and the affirmative defense of voluntary co-habitation. Is there an underlying agreement in our society that coerced sexual relations are all right if a couple know one another. In other words, that friendship infers permission to rape. Does marriage imply permission to assault or injure. For centuries, this was an accepted presumption. Today our laws allow spouses to bring complaints of physical assault against one another. There should be no double standard in our law. If protection is afforded to people who have no established relationship with an attacker, the same protection should be available for people whose relationship has perhaps become an excuse for abuse. Divorce is not always a viable answer to this problem. Financial considerations may make divorce impossible. Any way, what happens during the waiting period before the decree is handed down. A spouse who is separated but not divorced has no protection against forced sexual assault under the current wording of the penal code. Neither marriage or co-habitation should grant either partners the right to rape.

This unified scheme is not obviously a panacea for the elimination of all sex crimes. Unfortunately, not enough is known about what causes sex crimes to make that prediction. But any clarification of this hodge-podge of misleading 19th century sex offense definitions might at least help to more clearly identify the elements of the crime charts, provide a logical progressive of degrees of copability and penalty and thus, aid in prosecution.

As part of that consolidation, the caucus is especially pleased that the scheme redefines forceable compulsion. This impossibly high burden of proof upon the victim implies that lack of evidence of severe physical injury means to consent to sexual assault. Physical force is of course, necessary for conviction. But earnest resistance is meaningless victorian garbigook that has no relation to reality. The requirement in the proposed scheme that coercion by the

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use of force be factually proven is a logical way of getting at the truth without sacrificing the right of either victim or offender. The inference that the victim of the sex crime is the real culprit must be eliminated from our laws and from our attitudes. The caucus is therefore, concerned that a sex crimes analysis unit be established in this state. Data must be collected, attitudes of law enforcement officials must be changed. We need an agency equipped and empowered to perform these necessary services.

And as an addendum since we are not - we do not have the repeal of the prostitution statute before us, I would like to say that the caucus supports any position of non-involvement by the state in all victimless crimes. And a beginning of the end of the double standards for sexual conduct in our society.

I would also like to comment today on several aspects of other bills that are before the committee which I did not know would be before the committee today. The caucus of course, has already testified in general on the proposal concerning discrimination in education on account of sex, religion and national origin. That bill has not been raised - it has been referred as no committee met on that number. I imagine it has been raised.

I testified that night that I felt this bill was extremely important, not only for the substantive reasons that I described concerning the presence of severe discrimination against young women in our educational - public educational programs in the state. But also, because the bill as raised by this committee allows redress, personal redress for parents of children who are so discriminated against. These enforcement provisions are extremely crucial for although the statutes may be amended so that an educational policy prohibiting discrimination would be established, enforcement is extremely important. A private right of action for parent in addition to concurrent jurisdiction with the Commission on Human Rights and Opportunities, would enable parents to go directly to those officials and those boards of educations locally concerned with discriminatory practices. And demand redress for their grievances. So the caucus urges that this committee bill be reported favorably.

SB730

I would also like to briefly comment on the ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE, which as a Commissioner and a member of the Permanent Commission on the Status of Women, we have been very deeply concerned with. We have been concerned with contract compliance in the City of Hartford and we are concerned with contract compliance in general and we feel it is very important that the provisions of this legislation especially those which would allow enforcement prior to the granting of the contract rather than after the granting of the contract. This is a very important enforcement provision and the caucus would like to endorse this bill.

Because if there is not some force in that direction, I am afraid we will lose all the gains we have had.

I also would like to comment that racism is here with us and so is sexism and that is a very real concern to me as a woman and I am concerned also that the Human Rights and Opportunities Commission act as forcefully in regard to sexism as they do in racism and intend to see what I can as an individual legislator, to see that they are properly funded. I did speak before the Exchange last week and was reported very well in the Middletown Press how appalled I was that the issue of constitutional and civil liberties tends to be a verbal one and that there is no funding to see that the commitment is really there. And I hope that we can pay our bills out of the appropriations. They are in my mind not fiscal bills, they are not money bills, they are commitment to back up the -- that comes out of this legislature in terms of guaranteeing civil and constitutional rights to people.

Mr. Andrews:

Can I just make just one comment - I failed to mention that for those who concern themselves with the fact of bills that might require money to enforce certain laws and whatnot, the fact is our economic problem of course, is erratic. It varies, it goes up and down and who knows what it is going to do next year based on certain rules. But one thing is necessary we obviously know - we first must get the laws on the books so if there are problems economically, they can be worked out. We can work towards those but I don't think we should deny putting a law on the books simply because it may require money today that is not available. If that is the case. Now I maintain that let the law go on the books and worry about getting the money to do it in the matter of the continuing process. But I don't think we should deny putting a good law on the books and it always takes time once it gets there to start making it really work anyway. So if we get it there, by the time we really get to that point, perhaps there will be money and we can find a sympathetic ear so that there would be money to do that.

Representative Morton: Thank you for your comments. Any other questions.

Helen Pearl.

Ms. Pearl:

My name is Helen B. Pearl. I am a member of the Permanent Commission on the Status of Women. Actually I am here to testify on behalf of the Women's Legislative Review which has a membership of 13,000. Unfortunately the person who was prepared to do so could not come at the last minute so I don't have any prepared testimony. But I would like to on behalf of the membership, endorse Bill 1519 which is the ACT CONCERNING SEXUAL ASSAULT AND RELATED DEFENSES.

And also 1476, the sex crimes analysis unit. ALERT has witnessed the very laborious process of the Permanent Commission and the

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task force has gone through and decided what needed to be done. Inspired initially by a review of the statutes for sex, neutralizing of course, which is mandatory now with the passing of Question 1. But they went on to do a comprehensive revision rather than just simply sex neutralizing and I think that it has been very well thought out and it is a whole package and as it should have been written -- I am really addressing myself to that rather than apparently what is here with some errors to it. But at least the concept is comprehensive and well thought out and very necessary at this time. And we would commend that bill to you.

The bill 8192, discrimination in education on account of sex. That also is a very major concern of ALERT and I think that there is a need for this bill. It says that parents have a direct access as well as going the other route and we would endorse that. SB736

Personally, most of these bills I have not seen until today so I apologize for not being better prepared. 5931, the one on contract compliance - I would just say that last year I personally testified on behalf of AUW that would add sex discrimination to the state statute on state contract compliance. So I was familiar with the history and the background of it. I did not see this bill until now but I think that conceptually it is very important to add affirmative action to a contract compliance. This is done by Presidential executive orders for federal contractors but it is missing here in the state. You know, statutory requirement and I think that as someone who worked in the general area, that it is needed and I would endorse that for myself.

Again speaking as an individual, I would have to support some of the concerns that Commissioner Lifton raised earlier about 6386. 6386 is the bill addressing itself to the submittal of affirmative action plans semi-annually to the Commission on Human Rights and Opportunities Commission. I am a brand new commissioner so I have only been involved as an observer as to the input that has been going into the making of the affirmative action plan for the state. Certainly, there is full agreement that the state itself, should put its own help in order where we are in a position and going and telling the private world that they too, should not be discriminating and have affirmative action. So there is no quarrel at all with the intent of making the affirmative action a reality. I think that as an observer however, I have seen what the commission has gone through in trying to work with the Personnel Department and to develop an affirmative action plan. I hope I am correct in understanding that Human Rights and Opportunities was involved initially with the development of the first plan and it was left to the newly established Permanent Commission to blow the whistle on something that was totally unacceptable.

So I wonder if the Human Rights and Opportunities has all the expertise that they are claiming - somewhat could not or would not enable them to stop and hold up and revise that initial plan. Certainly,

They are in rare cases, being referred to the Mental Health Treatment Center and only have they have been sent to prison and referred for bad behavior in prison, did they have a chance to go to a mental health facility.

On terms of the Corrections Department, I am sorry I don't have a letter here today that was recently written in response to a TV show on rape - from an inmate in Somers asking for help with his problem. There is a need and there is a recognition among some persons presently within the corrections system to be treated for the problem. I think we have to look at it again. It is something that is treatable.

And the police aspect of it, of course, is the apprehension of the offender and again, there are lot of other aspects not just the apprehension of the offender. But they are on the firing line continually. In addition to apprehension of the offender, the police can do a great deal in terms of preventive work in the community education.

In the Judiciary, of course, it is the disposition and outcome of the cases themselves and the sentencing and whether or not there will be possibility for treatment. There again, there would need to be work with Mental Health, Judiciary and Corrections to have a systematic attack on the problem. I emphasize this because it has been shown that there is a high repetition rate of the convicted rapist if he is not treated. I use the word rapist although perhaps if the sex of this proposed statute had been felt, I would be using sex offenders or some other word. It is with us and I think it is going to take time and I would like to speak to 1519 briefly.

The first point being the use of language which I think is a great asset to a victim coming forth, to a victim being able to even look at herself. There is so much stigma attached to rape. For all of us it means being treated different. It means all the things that we are proposing changing. Unequal treatment because you are not married to somebody. It means a statute of limitations. It means having to prove that you didn't consent to a violent act committed on you. The word rape has a great deal of stigma and we found it extremely helpful in talking to victims and even pedestrians. The other day I talked to a victim who didn't want to call the doctor and say she had been raped. I said - would it have been easier to say you had been sexually assaulted. She felt much more at ease using that term. I think we will see a tremendous change in that.

As far as perhaps neutralizing the statutes, again, there are very few men coming forth who are victims of sexual assault. They are very few cases of families where attack by family member is brought to the attention. This will do a great deal to enhance the possibilities that these people will be willing to do something about the problem that is existing, and not contain it within the family or within themselves.

It has been estimated that perhaps incest - this is by a

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psychiatrist in the area - may occur six times more prevalent than rape itself. And I think that this sex neutralization goes a long way towards bringing this out. I would like to comment on and endorse changing the statute to meet the sexual not-married-to-each-other limited to persons not married to each other as far as sexual intercourse is concerned. This is certainly long over due, it has been pointed out. I would like to point out that part of the misconception of this is that rape isn't painful and there are a wide number of people who really do not believe that rape is a painful act. That of course, it couldn't be painful, it couldn't be violent if a person is married and it is committed by a spouse. Also, I think there is another widely held misconception and that is the feeling that every man is a potential rapist. I think there is a reaction to changes in the sex statutes. I have heard a great deal of them. The vulnerability that seems to rise when there is a change made. I think that the misconception is one that obviously make men as well as women effected by these changes in the statutes. It is something that we will have to clarify with further research. Instead of looking at the sex offender himself, I just hasten to point out that not every man is a rapist and not every man who has thoughts about raping, is a rapist. I think there may be a feeling that this may be the case. The vulnerability of changing the laws is this somehow or ever going to make every man a potential criminal. Perhaps if we look at the fact that the person committing these crimes is a sick person and that in fact, some of these persons are married and some of them may in fact, rape their wives and if this isn't crime, they will rape other women and it will have to go beyond until someone can come forth and report it. Is there any reason if we view the crime of rape as one of a sickness, a treatable sickness, is there any reason why it should not be reported by a spouse, a wife of an accused person.

Also, especially when the child themself in cases of incest, is protected against a family member should the wife not be also.

I believe that concludes my testimony. Thank you.

Representative Morton: Is D. G. Lyons here. James Gould.

Mr. Gould: My name is Jim Gould with the Hartford Housing Authority. We are here to lend our support to Bill 8252, AN ACT CONCERNING AGE DISCRIMINATION IN THE STATE ASSISTED MODERATE RENTAL HOUSING.

The statement of purpose of this bill is to eliminate age discrimination against single individuals from the requirements for occupancy in the state owned or assisted moderate rental housing. We are primarily supporting this first of all, to comply with the Title Six of the Civil Rights Act of 1964. Secondly, we are supporting this because of financial concerns. I have recently conducted a study on the vacancies of one bedroom units in moderate rental housing. For the

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BMK

HUMAN RIGHTS AND OPPORTUNITIES

April 1, 1975
9:30 a.m.

year 1973, the Housing Authority lost \$38,791 and 1974, \$37,293. The total of these two years was about \$76,084 lost because we could not rent to single individuals or to anyone who qualified for public housing. So therefore, we are lending our support to this bill for a financial aspect and to comply with federal law.

Representative Morton: Cynthia Ackerman.

Ms. Ackerman: Thank you. I am Cynthia Ackerman, I am representing the Central Connecticut Chapter of the National Organization for Women and I just want to convey to the committee the fact that our board membership strongly supports Bills 1476 and 1519. I think the testimony of Commissioner Lifton and Kay Bergin and Attorney MacDonnell more than adequately explains why we support the bills and I won't waste your time by repeating the points made in their presentation. But we want it on the record that as an organization committed to the achievement of equal rights for all people through the legislative process, we strongly advocate that you act favorably on Bills 1476 and 1519. We feel rational, fair and constructive legislation in the area of sex crimes will help protect a most basic human right to be saved from assault.

Representative Morton: Thank you. We have no other names. Is there anyone here who would like to speak who didn't sign up. This public hearing is closed.

Connecticut Civil Liberties Union Foundation Inc.

Affiliated with the American Civil Liberties Union

57 Pratt Street, Hartford, Connecticut 06103 Tel. 246-7471

FRANK COCHRAN, LEGAL DIRECTOR

December 26, 1974

Kay Bergin, Executive Director
Permanent Commission on the Status of Women
6 Grand St.
Hartford, Ct. 06106

SB1519

RE: REPORT OF THE TASK FORCE ON SEX CRIMES

Dear Ms. Bergin:

I am writing on behalf of the Connecticut Civil Liberties Union Board to express the Union's comments on the proposed changes in the chapter on sex crimes. The Board would appreciate your distribution of these comments to Commission members and other interested parties.

The CCLU Board gave the report its serious and detailed consideration, particularly the legislative recommendations. There were three ways in which, the Board voted, improvements could be made:

- 1) The proposed definition of "sexual intercourse" (Definitions, 2) should be amended by adding "for the purpose of sexual gratification of the actor." As drafted, the definition appears too broad in that it would theoretically permit prosecution as a sex offense; of a parent who forced his child to submit to a rectal thermometer. The CCLU Board believed penetration of genital or anal openings for purposes other than sexual gratification of the actor should be made criminal only insofar as they would constitute an assault under present definitions thereof.
- 2) The proposed definitions of sexual assault in the second and fourth degrees contain a subsection 2(C) making criminal sexual intercourse and contact (respectively) when "the actor uses intimidation, duress, threat of blackmail or any other form of non-physical coercion to compel the other person to submit . . ." This language is also vague. While the CCLU Board did feel it was a legitimate concern of the criminal law to prohibit undesired sexual intercourse or contact in the employer-employee or professor-student situation, the language used in the draft is unclear. The CCLU has no specific recommendation, but suggests sharper and clearer language.
- 3) The CCLU has previously expressed concern that the notion of affirmative defenses in the criminal code may lead to undermining of the presumption of innocence and the requirement that conviction be based only on proof beyond a reasonable doubt.

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Kay Bergin, Executive Director
December 26, 1974

In the present scheme there are several affirmative defenses, of which one, lack of scienter, would remain if the proposed scheme were adopted. The Union would amend Section 53a-12 and all statutes setting up various affirmative defenses by eliminating the category of affirmative defenses (53a-12(b)) and specifying that all defenses are ordinary defenses under which the burden of proof would remain with the state, and beyond a reasonable doubt.

With those proposed changes, the last proposal being general to the code and the first two specific to the proposed amended chapter on "sex crimes", the Union endorsed the proposal, and expressed the hope that the Commission would recommend it to the legislature.

Very truly yours,



Frank Cochran
Legal Director
fw

cc: Ann Hill
Cookie Polan
David Borden

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CONNECTICUT
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THE HOUSE

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THE CLERK:

Page three of the Calendar, Calendar 1427, Substitute for Senate Bill 1519, AN ACT CONCERNING SEXUAL ASSAULT AND RELATED OFFENSES, as amended by Senate Amendments, Schedules A, B, C and D.

THE SPEAKER:

Gentleman from the 21st, Representative Thomas Clark.

REPRESENTATIVE CLARK (21st):

Mr. Speaker, I move for suspension of the rules for immediate consideration.

THE SPEAKER:

Is there objection? Hearing none, the Rules are suspended. The gentleman from the 21st.

REPRESENTATIVE CLARK (21st):

I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

REPRESENTATIVE CLARK (21st):

Yes, Mr. Speaker. Before going into the Amendments, I would like to remark generally on the Bill. I won't attempt to go through each one of the particular segments of the new sex assault Bill, just to say generally that this Bill is a result of a study commission - a task force, which was set up by the Committee on the Status of Women. It included participants from fields of law enforcement, as well as the people dealing every day with the social problems and this Bill is an attempt to deal with the problem of sex offenses, not only from a standpoint of the perpetrator

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of the crime, but also from the standpoint of the victim. It's been a very real problem in this State and in this country over the years that in the areas of sex offense, many of these crimes have become confirmatory through the use of the language involved and one of the attempts of this Bill is to sort of neutralize this so that the victim will not necessarily be caught up in the stigma of the language which has been used in some of our sexual crime language in the past. I would ask that the Clerk call Senate Amendment A.

THE SPEAKER:

Clerk please call Senate A.

THE CLERK:

Senate Amendment, Schedule A, LCO 3551.

REPRESENTATIVE CLARK (21st):

I would ask that I might be given permission to summarize.

THE SPEAKER:

Is there objection to the gentleman from the 21st summarizing Senate A in lieu of reading? Hearing none, the gentleman of the 21st for that purpose.

REPRESENTATIVE CLARK (21st):

Mr. Speaker, Senate A basically, in the sexual assault in the first degree would include the firearm restriction which we put in earlier Legislation which would state that first degree sexual assault would be sexual assault with a firearm. It is an attempt to go along with the Legislation which we passed this Session and is on the books with regard to offenses committed with a firearm. And I would ask for its adoption.

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THE SPEAKER:

Question is on adoption of Senate A. Will you remark? Will you remark further on adoption of Senate A? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? Senate A is adopted. Will you remark further on the Bill as amended?

REPRESENTATIVE CLARK (21st):

MR. Speaker, I would ask the Clerk call Senate Amendment B.

THE SPEAKER:

The Clerk please call Senate Amendment B. Clerk please read Senate B.

THE CLERK:

Senate Amendment, Schedule B, LCO No. 9832. In Line 163, delete "53a-69,".

REPRESENTATIVE CLARK (21st):

Mr. Speaker, Senate B would merely restore the time limitation which had been taken out in the original Bill. It would put back in the three month time limitation for the bringing of a complaint under this Bill. I would move for its adoption.

THE SPEAKER:

Will you remark further on adoption of Senate B? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? Senate B is adopted. Will you remark further on the Bill as amended by Senate A and B. The gentleman from the 21st.

REPRESENTATIVE CLARK (21st):

I would ask that the Speaker call Senate Amendment C.

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THE SPEAKER:

We'll have the Clerk call Senate Amendment C.

THE CLERK:

Senate Amendment, Schedule C.

THE SPEAKER:

Clerk please read.

THE CLERK:

LCO 3554. In Line 160, after the word "consent" and before the period, insert "comma or three such person engages in sexual contact with an animal or dead body".

THE SPEAKER:

The gentleman from the 21st.

REPRESENTATIVE CLARK (21st):

I believe the Amendment is self-explanatory. I move for its adoption.

THE SPEAKER:

Will you remark further on Senate C? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? Senate C is adopted. Will you remark further on the Bill as amended by Senate A, B and C? The gentleman from the 21st.

REPRESENTATIVE CLARK (21st):

I would ask that the Clerk call Senate Amendment D.

THE SPEAKER:

Will the Clerk please call Senate D? Clerk please read.

THE CLERK:

Senate Amendment, Schedule D, LCO 8494. In Line 164, delete "53a -81" and insert "53a-80".

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REPRESENTATIVE CLARK (21st):

On the Amendment, Mr. Speaker, Senate D would restore the penalty for adultery which was removed in the appealer section and I would move for adoption of Senate D.

THE SPEAKER:

Will you remark further on adoption of Senate D? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? The Chair is in doubt. All those in favor of adoption of Senate Amendment, Schedule D will indicate by saying aye. All those opposed? The doubt has been removed. Senate D is adopted. Will you remark further on the Bill as amended by Senate A, B, C, D? The gentleman from the 21st.

REPRESENTATIVE CLARK (21st):

Just generally, Mr. Speaker. I would only point to one section of the Legislative Research summary which I think could take some clarification. It makes reference to the fact that the crime - the sexual offense with regard to married parties would not be an affirmative defense. I believe that's an incorrect statement. The statute or the change in the statute really only eliminates the reference to living as husband and wife. It does not, however, eliminate the reference as co-habiting together. In affect, I think that broadens the statute rather than limiting the statute on the affirmative defense and I would move for adoption of the Bill as amended.

THE SPEAKER:

Will you remark further on the Bill as amended?

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REPRESENTATIVE YACAVONE (9th):

I speak in support of the Bill as amended. I'm very proud to have been associated with the original study committee that did the work in preparation for this Legislation.

THE SPEAKER:

Prepare to vote. Members please be seated and staff come to the well. The machine will be opened. The machine is still open. Have (Tape #11) all the Members voted? Is your vote properly recorded? The machine is still open. Have all the Members voted? Is your vote properly recorded? The machine is still open. The machine will be closed and the Clerk will take a tally.

THE CLERK:

Total Number Voting	139
Necessary for Passage	70
Those Voting Yea	139
Those Voting Nay	0
Those Absent and not Voting	12

THE SPEAKER:

The Bill as amended, is passed.

THE CLERK:

On the bottom of page five, Calendar 1359, House Bill 7966, AN ACT CONCERNING SPECIAL STATE POLICEMEN FOR INVESTIGATIVE SECTION OF TAX DEPARTMENT.

THE SPEAKER:

The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

I move acceptance of the Joint Committee's Favorable Report and

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THE CLERK:

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The Clerk will return to page five of the calendar. Cal. 894, File 917. This is the favorable report of the joint standing committee on Judiciary, Substitute for Senate Bill 1519, AN ACT CONCERNING SEXUAL ASSAULT AND RELATED OFFENSES.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. I think the Clerk has several amendments.

THE CLERK:

The Clerk indeed has several amendments This is Senate Amendment A as offered by Senator Barry. It is LCO 3551.

SENATOR BARRY:

Is that the lengthy one, Mr. Clerk? There is only one lengthy one, is it not? That is in effect a technical amendment and what it does is it ties into the law that was passed, the bill that was passed here a couple of weeks ago pertaining to firearms, the use of guns in the commission of crimes because this law, this bill comes secondary to the one we passed, we have to amend it to tie it in. So that I would urge adoption of this amendment.

THE PRESIDENT:

Will you remark further? If not, the question is on the adoption of Senate Amendment Schedule A. All those in favor

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signify by saying Aye. Those opposed Nay. The Ayes have it.

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AMENDMENT A IS ADOPTED.

THE CLERK:

This is Senate Amendment B. It was offered by Senator Neiditz. It is LCO 9832. In line 163, delete "53a-69."

THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

Mr. President, that returns to the law Section 53a-69 from this bill. The bill deletes it and this would return it and keep the law as it is now on the books and that pertains to what is a statute of limitations, really, for complaints of heretofore was known as rape and what will now be known as sexual assault, should this bill pass. And substantively what it does is it means that any complaint under this must be brought within three months of the occurrence or where the alleged victim is under sixteen or incompetent, three months after the parent, guardian or competent person learns of the offense. I urge passage.

THE PRESIDENT:

Any further remarks? Senator Hudson.

SENATOR HUDSON: (33rd)

Are we speaking only on the amendments now or the body of the bill? (Someone in background answered amendments.) I would also urge support of these amendments. This bill originally come out of the Human Rights and Opportunities Commission and the amendments, I believe, are essential for the passage of the bill.

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THE PRESIDENT:

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Are there further remarks? If there are none, the question is on the adoption of Senate Amendment Schedule B. All those in favor please signify by saying Aye. Those opposed Nay. The Ayes have it. AMENDMENT B IS ADOPTED.

THE CLERK:

This is Senate Amendment C as offered by Senator Hudson. It's LCO 3554. In line 160, after the word Consent before the period insert - or such person engages in sexual contact with an animal or dead body.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

The bill as it appears in File 917 would delete from the law those sexual offenses in which one of the parties to the offense was either an animal or a dead body. This amendment returns those two offenses to the law.

THE PRESIDENT:

Further remarks? If not, the question is on the adoption of Senate Amendment Schedule C. All in favor please signify by saying Aye. Contrary minded, no. AMENDMENT C IS ADOPTED.

THE CLERK:

Senate Amendment D as offered by Senator Barry, I'm sorry, Senator Hudson. It's LCO 8494. In line 164, delete

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53a-81 and insert 63a-80.

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THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

Mr. President, I yield to Senator Sullivan.

THE PRESIDENT:

Senator Sullivan.

SENATOR SULLIVAN: (16th)

Mr. President, I don't know if it is proper now on a point of order, but I'd like to make a motion at this time to refer this bill to the next session of the General Assembly for further study. If that motion is in order with the Chair, advise so, because I would like to comment on it.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY:

Mr. President, I would respectfully request that we take up the matter of this amendment which I had moved prior to Senator Sullivan or which had been read by the Clerk and then if the senator wants to move that transfer that it be done after the last amendment is put on. I think this last amendment substantially changes the bill and certainly returns to the law or keeps in the law one of the areas of popular concern over it, namely the adultery. So if there is no objection, senator, may we proceed with the amendment?

THE PRESIDENT:

Under the rules, I note that the motion to amend has

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priority over the motion to continue to the next session so that the Chair rules that Senator Barry is in order to proceed with the amendment.

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THE SENATOR: (Barry)

Thank you, Mr. President. Section 53a-81, which is referred to in line 164 of the file copy of the bill, is the section in the existing statutes that has to do with adultery which makes adultery a crime. The file copy would delete adultery as a crime. The amendment replaces adultery as a crime or keeps it in the criminal law. I move adoption of the amendment.

THE PRESIDENT:

The question is on the adoption of the amendment. Will you remark further? Senator Cutillo.

SENATOR CUTILLO: (15th)

Mr. President, just briefly, I am going to respectfully disagree with Senator Barry. I am going to be against this amendment and I am going to be against the bill. It has no place in front of us right now. It came out with a very sloppy draftsmanship and I don't think this is anyway we ought to lay a law on the people of the State of Connecticut with this type of wording. I would, therefore, speak against this amendment. The legislation that we passed in the past is appropriate and I would ask the rest of the circle to vote against the amendment.

THE PRESIDENT:

Senator Hudson.

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SENATOR HUDSON: (33rd)

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Mr. President, this amendment would delete, the section in the statutes that are proposed before you, would delete that part which would decriminalize adultery in the State of Connecticut. It has nothing whatsoever to do with the major portion of this bill which has to do with the redefinition of rape and defining it in different terms and I would like to have the opportunity to speak on this bill. It is an enormously important bill and have us vote on it today. I urge that we support the amendment because it is of a controversial nature and has nothing whatever to do with the main bill that will be before you.

THE PRESIDENT:

Will you remark further? If not, the question is on the adoption of Senate Amendment Schedule D. All those in favor please signify by saying Aye. And those opposed, Nay. The Chair rules the Ayes have it. THE AMENDMENT IS ADOPTED.

THE CLERK:

The Clerk has no further amendments.

SENATOR BARRY:

Mr. President, on the bill itself, this bill was forged and the hearings were held before the Human Services Commission, Committee. It came to the Judiciary Committee very late in the session. No real input was put into it other than to review it by the Judiciary Committee. I think the real expert in this circle on this bill is Senator Hudson and I would at this time

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defer to her for an explanation of the bill.

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THE PRESIDENT:

Senator Sullivan.

SENATOR SULLIVAN: (16th)

Mr. President, at this time, I would like to renew my motion for referral of this bill to the next session of the General Assembly. As just stated by Senator Barry, this bill came to Judiciary, where it properly should have been from the very beginning, at a very late time. Judiciary really didn't have enough time to go over the bill which is indicative of the problems with the bill. There were four amendments to the bill which proves that there were areas in the bill that should have probably been handled prior to it being put into the file. The language in the bill, Mr. President, is vague in some areas to me. In line 15, by an object - I don't know what an object is. I think the bill requires an awful lot of work, Mr. President, before we foist this upon the state as a whole. As a matter of fact, Mr. President, as a lawyer I'd love this bill because I think it would increase my practice by about tenfold because of all the problems within it. I think you would find it very difficult to sustain a conviction as regards sexual intercourse the way this bill is now drafted in the file and I don't think it is helping the people it is intended to help. It puts an awful burden on the defendant, especially since we have now passed legislation which does not require corroboration any longer. It puts a big burden on the defendant now from just an accusation. So Mr. President, for these reasons alone, not that

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I'm not against this changing the law in regard to this. But for these reasons alone, I would ask that the motion to refer to the next session of the General Assembly so that the Judiciary can really look the bill over and put out a piece of legislation that would be acceptable to everybody, be supported.

THE PRESIDENT:

Senator Hudson, would you like to comment on the motion.

SENATOR HUDSON: (33rd)

Yes, I would. There seems to be a very difference of opinion and a difference of information. I talked with Representative Tulisano who sits on the Judiciary Committee and was assured that they gave quite a long time to this bill and indeed it was changed substantially from the bill that came out of the Human Rights and Opportunities Committee. It was not the bill that we originally proposed and some of the changes, quite frankly, I am unhappy with, but it was Representative Tulisano's opinion that the bill is well-drafted, that it does meet a very real need and that the present statute is wholly inadequate and makes it very difficult to get a rape conviction in the State of Connecticut. I'd like to speak on the bill that you have before you and the motion to refer because you can't act properly on that motion without knowing what the bill is all about and the need for it. And I speak today, not only as a senator and as a colleague, but for the first time, I speak to you all, as a feminist. And I speak for my sisters, for your wives and for your daughters and also for your sons, for this bill would protect them as well. I want to point out first the need for the

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bill for rape is the fastest growing crime in this Nation. It is listed among the four violent crimes. In the five-year period from 1968 to 1973, that's the period I have the final statistics on from the FBI, rape increased in this country sixty-four percent. Most rapes, contrary to ordinary opinion, do not occur on the streets, in the back alleys of our cities or out in the woods, but they occur in a woman's home. We had two rapes in Madison, my hometown, two within the last couple of years. One of them occurred at ten o'clock in the morning in a suburban home in North Madison and the rapist came and threatened the life of the three-year old daughter if the woman did not submit. She did submit. The other rape occurred near the center of town on Neck Road and it was a vicious, brutal assault on a fourteen year old paperboy who was delivering papers and who was dragged into the woods, stripped of his clothing and anally raped by a homosexual. The need for protection for women and for young people against sexual assault has never been greater. The present statute requires that there be force, force enough so the statute goes, to overcome earnest resistance, whatever that means. Well in most rape cases, there is no resistance. In fact, in eighty-seven percent of rape cases, there is no resistance and there is no resistance because the rapist has a knife or a gun and threatens the woman's life or that of her child. The present statute defines sexual assault only in terms of rape, ordinary intercourse. It doesn't talk about oral or anal intercourse. It doesn't talk about all kinds of assault that can be done sexually on a person. The statute before you

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does explicitly and I understand that there may be some of you in the circle who are affronted by the language of this statute. Well I am more affronted by the act of rape and if we need protection in the criminal law, we must be explicit. And I am not concerned so much that we are going to have problems where the defendant is concerned because the defendant has always gotten away with rape in each and every case. The rape victim is the one person in our system who is presumed guilty until proven innocent. There is a myth around that somehow women who are raped are asking for it, that they are seductive, that they are, that they go to places that are dangerous. This country should be safe for all of us. A woman should be free to dress the way she chooses, to go wherever she will without fear of being raped. Rape is second only to murder where women are concerned as far as their fears go. Never has a need for a statute been as great as the need is today. This statute is not sloppily written. This statute addresses the problem very, very explicitly and very well. I ask all of you if that were your wife who were raped in North Madison and the assailant got away, which statute would you like on the books? The one we have now or the one that is proposed today. If that were your youngster, your young son, who were attacked on Neck Road in Madison, which statute would you want? The one that is presently on the books or the one that we are proposing here today. This is good legislation. It is necessary legislation. And I want to point out something else because there is so much misconception about rape. It is not a stranger who

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rapes a woman. In fifty percent of the cases, it is someone she knows or a relative. It is not a sex maniac. In ninety percent of group rapes, it is planned. In forty-eight percent of rapes where there is a single assailant, it is planned in advance. And in sixty percent of the rapes that were studied in the Philadelphia study of 646 cases, sixty percent of the men who raped were married and had normal sex life with their partners. There is so much misunderstanding about this issue. It has been shrouded in secrecy. It has not been wanted to be talked about. There will be a bill, hopefully, before this session is out that will establish a sex crime analysis unit for the State of Connecticut. The new commissioner Leonard of the State Police Department has urged us for this. The necessity of it is so great. We have the women's movement to thank for this focus on rape. Surely all of you know that there are women centers all over this country that are establishing rape crisis centers for the victim to go to and the family to get aid and counseling. For rape is not only an assault on the body, it is an assault on the mind as well. I urge all of you not to refer this to committee but to support this bill and to vote for it - for your wives, for your daughters, for your sons. Thank you.

THE PRESIDENT:

Will you remark further? Senator Barry.

SENATOR BARRY: (4th)

Mr. President, I would rise to oppose the motion by Senator Sullivan to refer this to the next session, and I want to

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clear up what might have been a misimpression when I said that the Judiciary Committee got this bill late and that it really was forged in the Human Services Committee. That is true, however, it was reviewed by the Judiciary Committee and the ultimate bill was drafted with the present statutes in mind and tied in with the present statutes and all of the technical work of putting the law into legal form was done by David Borden the chief counsel of the Judiciary Committee. So that this has been looked at very closely. I must disagree with my colleague from Waterbury that I don't believe that it is vague. I believe that in so many respects it's much more explicit and much more direct and much more definable. And I think that it will stand the test of legislative judicial review and I would urge that any motion to refer this to the 1976 session be defeated.

THE PRESIDENT:

Senator Cutillo.

SENATOR CUTILLO: (15th)

Mr. President, respectfully, anything that Senator Hudson has endeavored during the course of this session, since I have known her during the course of this session, has been done diligently, honestly and sincerely. My remarks pertaining to the bill, I would hope the senator would not take as personal, but as something that in our legislative process does come in front of us; such as Friday, I think, when we commented on a piece of legislation that we recommitted. It is nothing new. I am not going to belabor the subject in this circle at this moment, but I

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would ask that when this vote is taken, it be taken by roll call vote. I do believe that there are questions as to definition within this bill and for these reasons, I will support the senator's motion to refer.

THE PRESIDENT:

The Clerk will announce an immediate roll call vote in the senate. Senator DeNardis, after the announcement.

THE CLERK:

There will be an immediate roll call in the senate. Would all senators please return to the chamber. (A second time)

THE PRESIDENT:

Senator DeNardis, YOU may proceed.

SENATOR DENARDIS: (34th)

Mr. President, I rise to oppose the motion to Recommit and support moving ahead to discuss and vote on the bill as it appears before us. I strongly disagree with those who attack the bill as being poorly drawn or indefinite. I don't think that that charge holds water. I think that the bill is very carefully drawn. It is, as Senator Hudson points out, very explicit and is a product of a great deal of research. I think that there are indeed people in this circle who might want to oppose the bill on its merits and they will do so if this motion fails. I have yet to hear any convincing argument about the bill needing more work. I don't question the people who would oppose the bill on its merits, but I hope the motion to Recommit the bill fails and I hope that we can deal with the bill as it appears before us. I happen to think the bill is timely, necessary and needed and I commend

Senator Hudson for the amount of work that she has put into this bill and for all of the very important statistics and facts that she has marshaled in support of this bill. I consider that the argument that she presents to us very persuasive and from my own experience with matters of this kind in the sense that legislation is needed, I think that it is a very timely bill and the Permanent Commission on the Status of Women, prior to the legislative handling of this bill, has put in a great deal of time and effort on this matter and I would like to see us go to a vote on the merits of this bill after we defeat the motion to Recommit.

THE PRESIDENT:

If there are no further remarks, are the senators prepared to vote on roll call? Senator Beck.

SENATOR BECK: (29th)

Mr. President, speaking on Recommitment, I certainly hope that this body

THE PRESIDENT:

Senator Beck, let the Clerk announce just once more that there is going to be a roll call and then, as soon as he is through.

THE CLERK:

An immediate roll call in the senate. Would all the senators please come into the chamber. (A second time)

THE PRESIDENT:

Senator Beck.

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SENATOR BECK:

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Speaking to Recommittal, I hope that this body does reject the motion to Recommit. The State of New York is far ahead of the State of Connecticut, has already changed its statutes concerning rape. This has been a long-standing national problem. The Commission on the Status of Women which has worked on this and Senator Hudson's committee which has worked on this certainly should not find that another year's delay takes place in the enactment of this legislation. With due respect to the proponents of Recommittal, I have yet to see a piece of legislation which perfect passed in this body and which does not require modification and amendment as the legislation, in fact, is carried out. But I think the far greater mistake would be to delay for another year in facing this issue headon and dealing with it. We do not know how many lives will be affected by the implementation in this session by this legislation, but we certainly know that nothing will have been done on their behalf if we wait for a full year. And I hope we reject the motion to Recommit.

THE PRESIDENT:

Senator Hudson.

SENATOR HUDSON:

Mr. President, there is one more statistic that I failed to bring to your attention and I want you to think of that. And it is this - that every ten minutes a woman is raped in this country.

THE PRESIDENT:

Thank you, senator. There being no further remarks, the

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machine is opened. Let me just restate. It's on page five, Cal. 894 as amended by Senate Schedules A, B, C and D. The motion is to Refer to or to continue to the next session of the General Assembly. The machine is open. Will you please cast your votes? The machine is closed and locked and the Clerk will tally the vote.

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A	1	Joseph J. Fauliso	Y	19	James J. Murphy, Jr.
N	2	Wilber G. Smith	N	20	Richard F. Schneller
N	3	George W. Hannon, Jr.	N	21	George L. Gunther
N	4	David M. Barry	N	22	Howard T. Owens, Jr.
A	5	David H. Neiditz	N	23	Salvatore C. DePiano
N	6	Paul S. Amenta	N	24	Wayne A. Baker
A	7	Charles T. Alfano	N	25	Louis S. Ciccarello
N	8	Lewis B. Rome	N	26	George C. Guidera
N	9	J. Martin Hennessey	Y	27	William E. Strada, Jr.
N	10	Joseph I. Lieberman	N	28	Joseph W. Schwartz
N	11	Anthony M. Ciarlone	N	29	Audrey P. Beck
N	12	Stanley H. Page	N	30	Harold D. Hansen
N	13	Anthony P. Miller	Y	31	Joseph J. Dinielli
Y	14	Robert L. Julianelle	N	32	Richard C. Bozzuto
Y	15	Louis S. Cutillo	N	33	Betty Hudson
Y	16	William J. Sullivan	N	34	Lawrence J. DeNardis
Y	17	Joseph P. Flynn	N	35	Robert D. Houley
N	18	Mary A. Martin	N	36	Florence D. Finney

Total Voting 33
Necessary for Passage 17
Voting Yea 7
Voting Nay 26
Absent and Not Voting 3

THE MOTION TO REFER HAS FAILED.

THE PRESIDENT:

The question is now on the passage of the bill as amended. We will proceed to vote on it. The machine is open and will the senators please vote? Alright, why don't we do this. We will stand at ease for just a moment and the Clerk will make a brief announcement and then we will go right ahead and vote.

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THE CLERK:

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An immediate roll call in the Senate. Would all senators please return to the chamber from the caucus rooms.

(A second time)

THE PRESIDENT:

The machine is opened. Will the Senators please cast their votes? The machine is closed and locked. The Clerk will tally the vote.

A	1	Joseph J. Fauliso	Y	19	James J. Murphy, Jr.
Y	2	Wilber G. Smith	Y	20	Richard F. Schneller
Y	3	George W. Hannon, Jr.	Y	21	George L. Gunther
Y	4	David M. Barry	Y	22	Howard T. Owens, Jr.
A	5	David H. Neiditz	Y	23	Salvatore C. DePiano
Y	6	Paul S. Amenta	Y	24	Wayne A. Baker
A	7	Charles T. Alfano	Y	25	Louis S. Ciccarello
Y	8	Lewis B. Rome	Y	26	George C. Guidera
Y	9	J. Martin Hennessey	N	27	William E. Strada, Jr.
Y	10	Joseph I. Lieberman	Y	28	Joseph W. Schwartz
Y	11	Anthony M. Ciarlone	Y	29	Audrey P. Beck
Y	12	Stanley H. Page	Y	30	Harold D. Hansen
Y	13	Anthony P. Miller	N	31	Joseph J. Dinielli
Y	14	Robert L. Julianelle	Y	32	Richard C. Bozzuto
N	15	Louis S. Cutillo	Y	33	Betty Hudson
N	16	William J. Sullivan	Y	34	Lawrence J. DeNardis
Y	17	Joseph P. Flynn	Y	35	Robert D. Houley
Y	18	Mary A. Martin	Y	36	Florence D. Finney

Total Number Voting	33
Necessary for Passage	17
Voting Yea	29
Voting Nay	4
Absent and Not Voting	3

THE BILL IS ADOPTED.

SENATOR HUDSON:

Mr. President, I would like to move suspension of the rules with immediate transmittal to the House.

THE PRESIDENT: