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CONTACT: Christine Palm, Communications Director at 860/240-8449; or 860/836-2145

RE: State v. Richard Fourtin Conviction

DATE: 10-2-12

FROM: Teresa C. Younger, Executive Director, Permanent Commission on the Status of Women

“The Fourtin case sheds light on a serious omission in the corpus of state law. Ambiguity about the victim’s ability to object in cases of sexual assault has opened the door to this unfortunate decision by the Connecticut courts.

“Beginning in 2010 (and each year since then), the Connecticut Legislature has failed to pass a bill under consideration that would have eliminated such ambiguity. For the past few years, the PCSW has advocated for clearer legislation to remedy this interpretation so as to provide protections against sexual assault for individuals whose ability to communicate is substantially impaired by a mental or physical condition. Although several state agencies and organizations joined PCSW in testifying in support of this legislation and no one opposed it, it failed to pass.

“Therefore, we once again urge the Connecticut General Assembly to take the action they failed to take in the past: to clarify and pass legislation that would remove from the victim of a sexual assault the onus to prove the assault was not consensual.”

Bill History

2010 SB 315, AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED

To provide that sexual intercourse or sexual contact with a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or advanced age constitutes the crime of sexual assault.

Legislative History

2010 SB 315

- Before the Human Services and Judiciary Committees
- Senate passed; House didn’t call for a vote
- State agencies that commented on the bill: Chief State’s Attorney, The Arc of Connecticut, CT Association of Centers for Independent Living

- Supporters – Claude Holcomb of Hartford, Mary Ann Langton of West Hartford, Sexual Assault Crisis Services
- No opposition

2011 – SB 918 and 2012-SB 247, AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED

To provide that sexual intercourse or sexual contact with a person whose ability to communicate lack of consent to such sexual activity is substantially impaired because of a mental or physical condition constitutes the crime of sexual assault.

Legislative History

2011 SB 918

- Before the Judiciary Committee
- Senate passed; House didn't call for a vote
- State agencies that commented on the bill: Office of Protection and Advocacy for Persons with Disabilities, Dept. of Mental Health and Addiction Services, Council on Developmental Disabilities, PCSW
- Supporters: YWCA New Britain Sexual Assault Crisis Services, Susan B. Anthony Project, Connecticut Sexual Assault Crisis Services, Inc., The Arc of Connecticut, Mary Ann Langton
- No opposition

2012, SB 247

- Before the Judiciary Committee
- Senate referred to the Appropriations Committee; Appropriations Committee didn't call it for a vote
- State agencies that commented on the bill: Division of Criminal Justice, CT Council on Developmental Disabilities, Office of Protection and Advocacy for Persons with Disabilities, CT Office of the Victim Advocate, PCSW
- Supporters: HARC, Susan B. Anthony Project, Connecticut Sexual Assault Crisis Services, Inc., The Arc of Connecticut, Mary Ann Langton, Mary Louise Reardon, Robert James Payne
- No opposition

About the PCSW: The Permanent Commission on the Status of Women was formed in 1973 under Sec. 46a-1 of the Connecticut General Statutes to study and improve Connecticut women's economic security, health and safety; to promote consideration of qualified women to leadership positions and to work toward the elimination of gender discrimination. As a non-partisan arm of the General Assembly, the agency monitors, critiques and recommends changes to legislation in order to inform public policy, and assesses programs and practices in all State agencies for their effect on the state's women. The PCSW serves as a liaison between government and its diverse constituents, and convenes stakeholders, including the business, non-profit and educational communities, local governments, and the media, in order to promote awareness of women's issues.