
OLR Bill Analysis

SB 290

AN ACT CLARIFYING THE MEANINGS OF "SEXUAL INTERCOURSE" AND "SEXUAL CONTACT".

SUMMARY

This bill allows sexual assault prosecutions to be based on a single act or multiple acts committed over time as a continuous course of conduct. Current law, as interpreted by the state Supreme Court, does not allow for the latter.

In a 2022 state Supreme Court case involving 1st degree sexual assault, the court held that the existing sexual assault laws criminalize only individual acts and not a continuing course of conduct (*State v. Joseph V.*, 345 Conn. 516 (2022)). The court applied its ruling from another opinion released the same day, *State v. Douglas C.*, 345 Conn. 421 (2022) (see below), and reversed the 1st degree sexual assault conviction in the *Joseph* case and remanded it for a new trial.

Under *Douglas C.*, the court held that a defendant's constitutional right to jury unanimity is violated if (1) the defendant was charged with a single count for a single statutory violation; (2) the evidence supported separate incidents, each of which could independently establish the violation; and (3) there was not a specific unanimity instruction to the jury or a bill of particulars (a detailed itemization of the charges given upon the defendant's request). In this situation, the defendant is entitled to a new trial if there is the risk that the conviction was due to different jurors concluding that the defendant committed different acts of that crime.

EFFECTIVE DATE: Upon passage and applicable to acts occurring before, on, or after that date.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (03/23/2026)