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## New laws take effect this week

By Keith M. Phaneuf, Journal Inquirer

### Measures to close a loophole in sexual assault law, to expand grandparents' rights and protection for reporters, and to restrict retired Supreme Court justices topped a list of new statutes that took effect Sunday.

The more than 100 new laws also include legislation to curb underage drinking; encourage motorists to choose less-polluting cars; and establish new penalties for highway racing, illegal e-mail solicitations, so-called "dram shops."

One of the key new statutes is designed to close a loophole in the state's sexual assault laws exposed during a September 2005 incident at the University of Connecticut in Storrs. Advertisement

The new law expands the definition of illegal sexual contact, specifically tied to charges of third- and fourth-degree sexual assault, to include assaulting another person with bodily fluids originating from the genital area.

State legislators expressed frustration this past spring after learning there was no way to charge three UConn students with sexual assault though they were accused of masturbating over a sleeping female student in a dormitory last fall.

The three men were charged with disorderly conduct and public indecency but couldn't be prosecuted for sexual assault because there was no direct contact with the woman, as defined under law at the time, authorities said.

Another new statute, the reporter "shield law," prohibits courts and other bodies with subpoena power from compelling the media to disclose confidential sources of information obtained from them.

With some exceptions, the measure also protects reporters from a subpoena involving nonconfidential information, unless it is necessary for a pending investigation, prosecution, or civil action, is not otherwise available, and is of interest to the public.

The Connecticut Supreme Court now faces new restrictions on when semi-retired "senior justices" may hear cases because of a new law that took effect Sunday.

The Supreme Court has seven full-time justices, and any five assigned to a case are considered a full panel.

Sometimes a full justice cannot hear a case because of a conflict of interest or because of an already full workload.

But prior law didn't preclude the chief justice from selecting a semi-retired judge to serve in place of a full-time justice - even if the full-time jurists hadn't asked to be passed over.

The new law states that a senior justice may serve only if five full justices are not available to hear a case.

Other laws that took effect Sunday include:

\* Ban on e-mail "phishing."

This law prohibits using the Internet to induce another to provide identifying information by pretending to be an on-line Internet business without the business' authorization.

Those found to have violated the law may be penalized up to \$25,000 for the first offense, and may face triple damages if they have engaged in repeated practices.

A violation is also a class D felony, punishable by one to five years imprisonment.

\* Expansion of grandparents' rights.

This statute directs the Department of Children and Families to make its best effort to identify and notify a child's grandparents no later than 15 days after a court removes a child from a parent's custody. Grandparents also are allowed under this law to provide DCF with their contact information and to ask to be notified in the event a child is removed from his or her parents because of abuse.

\* Extension of liability in liquor sales.

The Dram Shop Act makes a liquor seller liable for selling liquor to an already intoxicated person who injures a person or damages property.

It also increases the amount of time an injured party has to notify the seller of an intent to sue for damages from 60 days to 120 days.

\* Expansion of victim services.

This law gives the state Office of Victim Services authority to waive the time limit for crime victims to apply for crime victim compensation and to award compensation amounts in excess of the statutory maximum.

It also bars the office from denying compensation to a sexual assault victim who fails to report the crime to the police within the statutory time period.

\* Ban on client-hypnotist relationships.

This law makes it sexual assault for hypnotists to have consensual sexual intercourse or contact with clients under the same circumstances that currently apply to psychotherapy.

This conduct is second-degree sexual assault when it involves sexual intercourse. By law, people convicted of this crime are subject to lifetime sex-offender registration.

\* Ban on highway racing.

This law prohibits driving a motor vehicle on a public highway for purposes of betting, racing, or making a speed record.

The statute also makes it an offense to act as a starter, timekeeper, judge, or spectator at such a race, or to bet on the outcome.

A first offense is punishable by up to one year in prison, a fine of \$75 to \$600, or both.

\* 'Prom party loophole' prohibited.

This statute closes the so-called "prom party loophole" by making it illegal for an adult to knowingly permit a minor to illegally possess alcohol on the adult's property or within his dwelling unit.

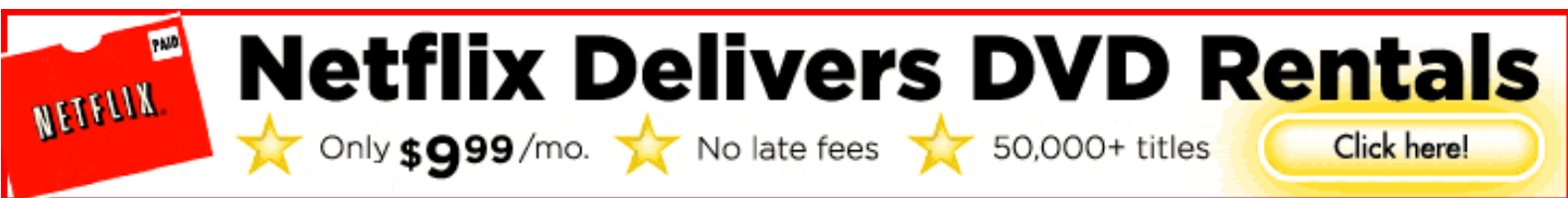
An adult could be held liable if he or she fails to make a "reasonable effort" as determined by a judge to stop the illegal possession of alcohol.

The bill makes a first offense an infraction and subsequent offenses subject to up to one year in prison, a fine of up to \$ 500, or both.

\* 'Clean cars' promoted.

The so-called "clean cars" statute requires state environmental officials to establish a greenhouse gas-labeling program for new motor vehicles sold or leased for the 2009 model year and later. It also creates a \$5 fee, applied when new vehicles are registered, to fund the labeling program.

The measure also redefines "hybrid passenger car" for a sales-tax exemption on new vehicles purchased between Oct. 1, 2004, and Oct. 1, 2008.



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