



General Assembly

**Amendment**

January Session, 2025

LCO No. 8643



Offered by:

SEN. WINFIELD, 10<sup>th</sup> Dist.

SEN. KISSEL, 7<sup>th</sup> Dist.

REP. STAFSTROM, 129<sup>th</sup> Dist.

REP. FISHBEIN, 90<sup>th</sup> Dist.

To: Senate Bill No. 1438

File No. 727

Cal. No. 384

**"AN ACT PROHIBITING FEMALE GENITAL MUTILATION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 54-86g of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2025*):

5 (a) In any criminal prosecution of an offense involving female genital  
6 mutilation, assault, sexual assault or abuse of a child twelve years of age  
7 or younger, the court may, upon motion of the attorney for any party,  
8 order that the testimony of the child be taken in a room other than the  
9 courtroom in the presence and under the supervision of the trial judge  
10 hearing the matter and be televised by closed circuit equipment in the  
11 courtroom or recorded for later showing before the court. Only the  
12 judge, the defendant, the attorneys for the defendant and for the state,  
13 persons necessary to operate the equipment and any person who would

14 contribute to the welfare and well-being of the child may be present in  
15 the room with the child during his testimony, except that the court may  
16 order the defendant excluded from the room or screened from the sight  
17 and hearing of the child only if the state proves, by clear and convincing  
18 evidence, that the child would be so intimidated, or otherwise inhibited,  
19 by the physical presence of the defendant that a compelling need exists  
20 to take the testimony of the child outside the physical presence of the  
21 defendant in order to insure the reliability of such testimony. If the  
22 defendant is excluded from the room or screened from the sight and  
23 hearing of the child, the court shall ensure that the defendant is able to  
24 observe and hear the testimony of the child, but that the child cannot see  
25 or hear the defendant. The defendant shall be able to consult privately  
26 with his attorney at all times during the taking of the testimony. The  
27 attorneys and the judge may question the child. If the court orders the  
28 testimony of a child to be taken under this subsection, the child shall not  
29 be required to testify in court at the proceeding for which the testimony  
30 was taken.

31 (b) In any criminal prosecution of an offense involving female genital  
32 mutilation, assault, sexual assault or abuse of a child twelve years of age  
33 or younger, the court may, upon motion of the attorney for any party,  
34 order that the following procedures be used when the testimony of the  
35 child is taken: (1) Persons shall be prohibited from entering and leaving  
36 the courtroom during the child's testimony; (2) an adult who is known  
37 to the child and with whom the child feels comfortable shall be  
38 permitted to sit in close proximity to the child during the child's  
39 testimony, provided such person shall not obscure the child from the  
40 view of the defendant or the trier of fact; (3) the use of anatomically  
41 correct dolls by the child shall be permitted; and (4) the attorneys for the  
42 defendant and for the state shall question the child while seated at a  
43 table positioned in front of the child, shall remain seated while posing  
44 objections and shall ask questions and pose objections in a manner  
45 which is not intimidating to the child.

46 Sec. 502. Section 54-86h of the general statutes is repealed and the

47 following is substituted in lieu thereof (*Effective October 1, 2025*):

48 No witness shall be automatically adjudged incompetent to testify  
49 because of age and any child who is a victim of female genital  
50 mutilation, assault, sexual assault or abuse shall be competent to testify  
51 without prior qualification. The weight to be given the evidence and the  
52 credibility of the witness shall be for the determination of the trier of  
53 fact.

54 Sec. 503. (NEW) (*Effective October 1, 2025*) Any person aggrieved by a  
55 violation of section 1 of this act may bring a civil action in the superior  
56 court for the judicial district where such person resides against the  
57 person or persons who committed such violation to recover  
58 compensatory damages, punitive damages or any other relief deemed  
59 appropriate by the court.

60 Sec. 504. (NEW) (*Effective October 1, 2025*) In all actions pursuant to  
61 section 503 of this act, the immunity between parent and child in such  
62 action brought by a child against such child's parent or on behalf of a  
63 child against such child's parent is abrogated.

64 Sec. 505. (NEW) (*Effective October 1, 2025, and applicable to all cases filed*  
65 *on or after said date*) Notwithstanding the provisions of section 52-577 of  
66 the general statutes, no action to recover damages for personal injury to  
67 a person under eighteen years of age caused by the performance of  
68 female genital mutilation upon such person may be brought by such  
69 person later than thirty years from the date such person attains the age  
70 of eighteen."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2025</i>	54-86g
Sec. 502	<i>October 1, 2025</i>	54-86h
Sec. 503	<i>October 1, 2025</i>	New section
Sec. 504	<i>October 1, 2025</i>	New section

Sec. 505	<i>October 1, 2025, and applicable to all cases filed on or after said date</i>	New section
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