

Appendix B

(New) Sec. 4-12. Admissibility of Evidence of Victim's Sexual Behavior in Civil Proceedings Involving Alleged Sexual Misconduct

“(a) As used in this section: (1) ‘Sexual misconduct’ means any act that is prohibited by section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, and any act that constitutes sexual harassment, as defined in subdivision (8) of subsection (b) of section 46a-60; and (2) ‘victim’ includes an alleged victim.

“(b) The following evidence is not admissible in a civil proceeding involving alleged sexual misconduct: (1) Evidence offered to prove that a victim engaged in other sexual behavior; or (2) evidence offered to prove a victim's sexual predisposition.

“(c) Notwithstanding the provisions of subsection (b) of this section, the court may admit the evidence in a civil case if the probative value of such evidence substantially outweighs the danger of (1) harm to any victim; and (2) unfair prejudice to any party. The court may admit evidence of a victim's reputation only if the victim has placed the victim's reputation in controversy.” General Statutes §52-180c (a) through (c), as amended by Public Acts No. 21-40, §50.

COMMENTARY

Section 4-12 quotes General Statutes § 52-180c (a) through (c), as amended by Public Acts No. 21-40, §50, which covers the admissibility of evidence of a victim's alleged sexual behavior in a civil proceeding that involves allegations of sexual misconduct as defined in subsection (a). The term “victim” includes an alleged victim. See Section 4-11, commentary. Because § 52-180c (d) and (e) concern the procedural framework for admitting such evidence in civil proceedings, the text of those subsections is not included in Section 4-12.