
OLR Bill Analysis

sHB 5468 (as amended by House "A")*

AN ACT ESTABLISHING THE CRIME OF HARMFUL COMMUNICATION WITH A MINOR.

SUMMARY

This bill establishes a new crime of harmful communication with a minor. Anyone who is age 21 or older is guilty of this crime when the person uses an interactive computer service or text message to knowingly persuade, induce, entice, or coerce a minor (i.e., anyone under age 18 or whom the actor reasonably believes to be under age 18) to:

1. share a photographic or recorded image of the minor (a) for sexual gratification of the person who requests the image or (b) which the requestor then disseminates to one or more third persons for their sexual gratification; or
2. engage in any communication (a) that is part of a pattern of communication or behavior designed to form or maintain an inappropriate relationship with the minor or (b) that is "harmful to the minor" (i.e., patently offensive to prevailing standards in the adult community as a whole regarding what is a suitable form of communication between an adult and a minor).

Under the bill, a violation may be deemed to have been committed either at the place where the communication originated or where it was received.

Under the bill, an "inappropriate relationship" is a relationship that is patently offensive to prevailing standards in the adult community as a whole regarding what is a suitable relationship between an adult and a minor. "Interactive computer service" is any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or

system that provides access to the Internet and those systems operated or services offered by libraries or educational institutions (CGS § 53a-90a).

Under the bill, a harmful communication with a minor is a class A misdemeanor (punishable by up to 364 days imprisonment, up to a \$2,000 fine, or both).

*House Amendment "A" (1) lowers the penalty from a class D felony to a class A misdemeanor, (2) expands the elements of the crime to include using text messages, and (3) removes the provision criminalizing communication of an inappropriate sexual nature between the person over age 21 and the minor.

EFFECTIVE DATE: October 1, 2022

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/31/2022)