



# House of Representatives

General Assembly

**File No. 526**

February Session, 2022

Substitute House Bill No. 5468

*House of Representatives, April 19, 2022*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

2 (1) "Minor" means any person under eighteen years of age, or who  
3 the actor reasonably believes to be under eighteen years of age;

4 (2) "Interactive computer service" has the same meaning as provided  
5 in section 53a-90a of the general statutes;

6 (3) "Inappropriate relationship" means a relationship that is patently  
7 offensive to prevailing standards in the adult community as a whole  
8 with respect to what is a suitable relationship between an adult and a  
9 minor; and

10 (4) "Harmful to the minor" means communication with a minor by  
11 means of an interactive computer device that is patently offensive to  
12 prevailing standards in the adult community as a whole with respect to

13 what is a suitable form of communication between an adult and a minor.

14 (b) A person, who is twenty-one years of age or older, is guilty of  
15 harmful communication with a minor when such person uses an  
16 interactive computer service to knowingly persuade, induce, entice or  
17 coerce a minor, to: (1) Share a photographic or other recorded image of  
18 the minor for the purpose of providing sexual gratification to the person  
19 who requests that the image be shared, (2) share a photographic or other  
20 recorded image of the minor, which the person who requests the image  
21 then disseminates to one or more third persons for the purpose of  
22 providing sexual gratification to such third persons, (3) engage in any  
23 communication of an inappropriate sexual nature, (4) engage in any  
24 communication that is part of a pattern of communication or behavior  
25 designed to form or maintain an inappropriate relationship, or (5)  
26 engage in any communication that is harmful to the minor.

27 (c) For the purposes of this section, a violation may be deemed to have  
28 been committed either at the place where the communication originated  
29 or at the place where it was received.

30 (d) Harmful communication with a minor is a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section

**Statement of Legislative Commissioners:**  
In Section 1(b), redundant language was deleted.

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill creates a new crime of harmful communication with a minor, punishable by a class D felony and, in the event that violations are charged, results in a potential cost and a potential revenue gain. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500<sup>1</sup> while the average marginal cost for supervision in the community is less than \$800<sup>2</sup> each year.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****sHB 5468*****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 to knowingly persuade, induce, entice, or coerce a minor (i.e., anyone under age 18 or who 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) of an inappropriate sexual nature with the minor, (b) that is part of a pattern of communication or behavior designed to form or maintain an inappropriate relationship with a minor, or (c) that is harmful to a minor (i.e., communication with a minor using an interactive computer device that is 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 with respect to what is a suitable relationship between an adult and a minor. “Interactive computer service” means 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.

Under the bill, harmful communications with a minor is a class D felony (punishable by up to five-years imprisonment, up to a \$5,000 fine, or both).

EFFECTIVE DATE: October 1, 2022

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/31/2022)