

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5468  
AN ACT ESTABLISHING THE CRIME OF HARMFUL COMMUNICATION WITH  
**Title:** A MINOR.  
**Vote Date:** 3/31/2022  
**Vote Action:** Joint Favorable Substitute  
**PH Date:** 3/21/2022  
**File No.:**

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### **SPONSORS OF BILL:**

Rep. Craig C. Fishbein, 90th Dist. Rep. Mary Welander, 114th Dist. Rep. Eleni Kavros DeGraw, 17th Dist. Rep. Greg S. Howard, 43rd Dist. Rep. Patrick E. Callahan, 108th Dist. Sen. Saud Anwar, 3rd Dist. Rep. Nicole Klarides-Ditria, 105th Dist. Rep. David K. Labriola, 131st Dist. Rep. William Pizzuto, 71st Dist. Rep. Donna Veach, 30th Dist. Rep. Tammy Nuccio, 53rd Dist. Rep. Cindy Harrison, 69th Dist. Rep. Mark W Anderson, 62nd Dist. Rep. Dave W. Yaccarino, 87th Dist.

### **SUBSTITUTE LANGUAGE:**

In Section 1(b), redundant language was deleted.

### **REASONS FOR BILL:**

Although parents, legislators, law enforcement and developers have all made innovative strides to make the internet as safe as possible, today's children have, in many cases, unlimited access to the internet and the nearly unlimited communication it facilitates. This can expose children to unprecedented risk of harm. As our understanding of the internet and the associated risk continues to evolve, new steps must be taken to curb online abuse and protect children. "Grooming" is a practice where an adult predator engages in harmful and inappropriate virtual communication with a minor, attempting to condition an increase in susceptibility to future abuse. HB5468 seek to create a unique law which prohibits this practice and sets additional penalties.

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

#### **State of Connecticut, Criminal Justice Division**

The State of Connecticut Division of Criminal Justice supports the purpose of HB 5468, The Division urges a revision of the specific language of the bill, informed by input from a variety of disciplines such as the Judicial Branch, law enforcement and community organizations.

## **NATURE AND SOURCES OF SUPPORT:**

### **Connecticut Republican Assembly**

The Connecticut Republican Assembly testified in support of HB 5468, citing the increased use of the internet and virtual communication with strangers by minors. The assembly urges the committee to support the bill to protect children and the security of families.

### **Thea Alfes**

Ms. Alfes, who claims significant volunteer experience with victims of sexual abuse, testified in support of HB 5468. She emphasizes that grooming is a real phenomenon and that the proposed bill is critical to protecting minors.

**The following individuals repeat the sentiments expressed in the previous testimony**

**C. Marcella Kurowski  
Jacqueline Lopez**

## **NATURE AND SOURCES OF OPPOSITION:**

### **ACLU Connecticut – Jess Zaccagnino, Policy Council**

Ms. Zaccagnino testified in opposition to HB5468. She argues that creating a criminal penalty for grooming is not the best method for addressing this problem and would contribute to mass incarceration. Additionally, Ms. Zaccagnino argues that present statutes are sufficient to prosecute the behavior addressed by HB5468, and the proposed bill does not clearly delineate conduct which is harmful and relationships which are inappropriate.

### **Restorative Action Alliance – Andrew Osmun, Member**

Mr. Osmun testified in opposition to HB 5468, arguing that the definition of grooming is too broad as it includes flattery or mentoring of a minor. He expressed concern that this law could negatively impact healthy and appropriate relationships between adults and minors. Specifically, Mr. Osmun worries the law would be used to retaliate against teachers or parents involved in divorces. Further, Mr. Osmun argues that harmful behavior which constitutes grooming can already be prosecuted under federal law. He advocates for an alternative approach to addressing harmful behavior which focuses on education, prevention and healing, rather than incarceration.

### **One Standard of Justice – Cindy Prizo, Executive Director**

Ms. Prizo testified in opposition to SB5468. She urges the committee to reduce dependence on punitive practices and adopt restorative justice, as she believes laws expanding criminalization such as SB5468 "shatter lives and do nothing to heal the wounds of sexual violence". Within SB5468, Ms. Prizo takes issue with the broad terms of the bill, which depend on 'prevailing standards in the adult community' with which she argues reasonable adults may disagree on, which would not only make it difficult to enforce but also make it difficult for a victim to identify and report cases. In her own words, it legislates what is offensive rather than what is harmful.

**Reported by: Foster Hall**

**Date: 4/19/2022**

