

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6737
AN ACT ESTABLISHING THE CRIME OF HARMFUL COMMUNICATION WITH
Title: A MINOR.
Vote Date: 3/27/2023
Vote Action: Joint Favorable
PH Date: 3/8/2023
File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

Minors use the internet to communicate with friends and meet new people but even though websites might be geared to children and young adults, there are also adult online predators who look to interact with children, and in some cases, these interactions can lead to real life encounters. Children are susceptible to be groomed or manipulated by adults they meet online and with cell phones now sometimes being used by children, it can be more difficult for parents to monitor online communications. There are currently no punishments for an individual 21-years or older who interacts with a minor in an inappropriate manner. This bill would establish a new crime for various types of harmful communications with a minor as a class A misdemeanor.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut, Division of Criminal Justice: Although the Division of Criminal Justice supports the underlying purpose of this bill, which is to ensure that our criminal laws capture the conduct of grooming, they feel that the bill is unnecessary because much of the conduct that it seeks to capture is already subject to prosecution. They recommend that a task force be created to develop a legal definition for a criminal child grooming offense that would withstand a legal challenge.

State of Connecticut, Division of Public Defender Services: The Division urges the committee not to support the bill as written because current law already penalizes persons for placing minors at risk of physical danger or in situations in which their health is likely to be injured or their morals likely impaired. Additionally, they believe the definitions in the bill are

overbroad and vague and do not acknowledge or accommodate the cultural differences that exist among people. The Division recommends that the subject matter of the bill be referred to the Connecticut Sentencing Commission or that the committee would create a working group to study the issue.

NATURE AND SOURCES OF SUPPORT:

Linda Dalessio: She submitted testimony in support.

Martin Grabeck: He submitted testimony in support.

NATURE AND SOURCES OF OPPOSITION:

Jess Zaccagnino, Policy Counsel, ACLU: The ACLU opposes the bill as written because they state that, under current Connecticut law, enticement of a minor and the unlawful dissemination of intimate images are already crimes. They add that this bill will unnecessarily complicate the current statute by relying on vague "adult community" standards that do not clearly delineate conduct that is harmful and relationships that are inappropriate. They also believe there is no empirical evidence to suggest that creating a new crime with increased criminal penalties will deter inappropriate sexual communications with minors.

David Horowitz, Executive Director, The Media Coalition: The Media Coalition opposes this bill because they believe that the State of Connecticut already has a criminal statute to address this issue, which also meets the Miller/Ginsberg test applied by the U.S. Supreme Court relative to sexual speech that is not protected by the First Amendment. They state that the terms included in the bill are not defined. They add that, "in the current climate, many adults believe speech about hot button topics is patently offensive for minors; especially on subjects such as race, sexual orientation, gender identity, body image, public health, reproductive rights, police practices, political affiliations and many more matters". Lastly, they believe this bill, if passed, "would create an open-ended prohibition on any speech that adults find offensive for minors", and that, "the lack of contours means speakers will avoid any online communication with minors about any subject or containing any content that could be considered offensive, to avoid the risk of being incarcerated".

Joseph Wierzbicki: He submitted testimony in opposition.

Joseph Ricco: He submitted testimony in opposition.

Reported by: Jennifer Albrecht

Date: April 11, 2023