



Legislative Testimony  
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**Written Testimony Opposing House Bill 6737, An Act Establishing the  
Crime of Harmful Communication with a Minor**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 6737, An Act Establishing the Crime of Harmful Communication with a Minor.

The ACLU-CT supports meaningful reform to empower children who have been harmed by inappropriate sexual communication from adults. It is clear that everyone must do more to stop the sexual harassment of children. But adding yet another crime to our general statutes is not the best method to address this problem. Under current Connecticut law,<sup>1</sup> there are already offenses that encompass the types of acts covered by this bill's proposed crime of harmful communication with a minor. Both the enticement of a minor and the unlawful dissemination of intimate images are already crimes. House Bill 6737 unnecessarily complicates this, relying on vague "adult community" standards that do not clearly delineate conduct that is harmful and relationships that are inappropriate.

Mass incarceration over the past four decades has been driven in large part due to increasing the lengths of prison sentences.<sup>2</sup> Longer prison sentences have persisted,

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<sup>1</sup> See, e.g., Conn. Gen. Stat. §§ 53a-90a; 53a-182b; 53a-183; 53a-189c.

<sup>2</sup> JEREMY TRAVIS, BRUCE WESTERN & STEVE REDBURN, THE GROWTH OF INCARCERATION IN THE UNITED STATES, 70, (Nat'l Academies Press 2014), available at <https://www.nap.edu/read/18613/chapter/5>.

despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction initiatives.”<sup>3</sup> Moreover, longer sentences do not appear to have any significant deterrent effect.<sup>4</sup> Systems that have reduced sentences notably, the federal criminal system noticed any effect on public safety. In short, there is no empirical evidence to suggest that creating a new crime with increased criminal penalties will deter inappropriate sexual communications with minors.

The ACLU-CT is dedicated to ending mass incarceration. That effort requires the General Assembly to continue making progress towards reducing the number of people who enter the criminal legal system and reducing the amount of time that people who do enter the system serve. The legislature will not achieve that kind of progress if it creates new crimes with increased penalties without any real justification to do so. This bill, however, attempts to do just that. As such, the ACLU-CT opposes House Bill 6737 and urges this Committee to do the same.

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<sup>3</sup> Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, SENTENCING PROJECT (Nov. 5, 2018), available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scalepunishment/>.

<sup>4</sup> *Id.*