

Legislative History for Connecticut Act

Act Number:	07-143	
Bill Number:	1458	
Senate Pages:	3513-3537, 3657-3658	27
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Committee:	Judiciary: 6137-6147, 6167-6187, 6211-6212, 6218-6225, 6231-6235, 6404-6408, (6426), (6430), 6481-6487, 6498-6499, 6524, 6527, 6529, 6530, 6590-6591, 6595-6606	81
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2007

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Thank you, Senator Looney. Mr. Clerk.

THE CLERK:

Calling from the Senate Calendar for Tuesday, May 29, 2007, Favorable Reports, Calendar Page 4.

Calendar 519, File 627, Substitute for Senate Bill

1458, An Act Concerning Jessica's Law, Favorable

Report of the Committee on Judiciary, the Clerk is in possession of an amendment.

THE CHAIR:

Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, will you remark further, Sir?

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, I believe that the Clerk has in his possession, an

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amendment, LCO 8088. I ask that it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 8088, which will be designated Senate Amendment Schedule "A", is offered by Senator McDonald of the 27th District, et al.

THE CHAIR:

Senator McDonald.

SEN. MCDONALD:

Mr. President, I move adoption.

THE CHAIR:

Please proceed, Sir.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, this bill is an important one, or this amendment, I should say, is an important one relating to our criminal laws with respect to sexual activity and the rights of minor children.

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It is in two parts. With the leave of the Chair, I will explain the first part and then yield to Senator Kissel to explain the second part.

Under current law, Mr. President, it is illegal for an individual to have sexual relations with a child where the child is 13 years of age, and the other actor is more than 2 years older than that child.

Mr. President, under current law, that constitutes sexual assault in the second degree, and requires a minimum mandatory sentence of nine months in prison and registration as a sex offender.

Mr. President, while nobody is encouraging young adults or teenagers to engage in sexual activity, the question before the Chamber is at what age will we criminalize that conduct?

Mr. President, under federal law, under the Adam Walsh Act, the federal government recently raised that threshold to a four-year time period.

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However, Mr. President, under this amendment, we would raise that to three years, rather than four, and, again, it would just be for the purpose of determining whether or not somebody could be charged with sexual assault in the second degree. With that, Mr. President, with your permission, I would yield to Senator Kissel.

THE CHAIR:

Senator Kissel, do you accept the yield?

SEN. KISSEL:

Thank you very much, Mr. President. I certainly do.

THE CHAIR:

Please proceed.

SEN. KISSEL:

Thank you. Well, at the outset, I'd like to thank Senator McDonald and Representative Lawlor, the Co-Chairs of the Judiciary Committee, for helping to move this forward, as well as my counterpart in the House, Representative O'Neill.

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Here, in the Circle, I very much would like to thank and commend Senator DeLuca and Senator McKinney for pushing the Jessica's Law issue forward, beginning last year, and even into this year.

This second part of the amendment is the work of a lot of folks who discussed this and tried to fashion a response to the ever-increasing amounts of child predators preying on our young people.

I also specifically wish to thank the efforts of Governor Rell and her staff. Governor Rell came forward with her own proposal this year. It certainly set the stage.

And I'd also like to thank Chelsea Turner and Lisa Moody for keeping track of this particular proposal, as well as the efforts of our Chief State's Attorney, Kevin Kane, who sat down with us and worked out a lot of these details, as well as Senate Republican Staff Attorney Michael Cronan, who put an awful lot of time into this as well.

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With those thanks being stated, I would like to state that while I completely agree with Senator McDonald that I believe this particular part of legislation is extraordinarily important, I also would like to say that I hope we never have to use this new law.

I cannot, for the life of me, understand what is happening in our society, where grown men and women prey upon our young people for their sexual gratification.

Provably, the crux of the amendment, regarding this amendment, has to do with assault on a minor that is 12 years old or less. The language is tailored in a way such that it says under 13.

The Town of Enfield just went through a horrible week, last week, where, unfortunately, we lost a 13-year-old.

Looking at that young man's picture, who ran away from home, and he was later found drowned in the Connecticut River, but when you look at the picture of

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a 13-year-old, you realize how incredibly young that little boy was.

This bill essentially talks about protecting those children 12 years old or less. The first part, and I think probably the most important part, the second part of the legislation, has to do with aggravated sexual assault of a minor.

Again, we put a lot of time and effort, on both sides of the aisle, in trying to craft a piece of legislation that would withstand strident defense counsel attacks on it, and we think we have one here that makes an awful lot of sense.

For those who kidnap or legally restrain or stalk a 12-year-old, and use violence against them, or commit sexual assault against more than one 12-year-old, or has been previously convicted of a violent sexual assault, or, and this is important as well, who doesn't know the victim at all, it's up to the state's attorney.

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But the provisions of this could kick in such that the state's attorney could pursue the charges of aggravated sexual assault of a minor and, upon conviction, that individual would face a mandatory minimum prison sentence of 25 years for a first offense and 50 years for a second offense.

Regarding the provision regarding does not know the victim, during the public hearing, and talking to victim's rights groups and the state's attorney, one of the things that was clear, not only in Connecticut, but throughout the entire nation, is that in probably over 80% of these matters, the victim of the crime knows the perpetrator.

How sad, but it's somebody close to them. It could be a family member and things like that. We wanted to craft this particular bill in a way that would address that issues, and that issue has to be handled different, in many of these instances, because there are all these relationships.

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The parents, the inability of the child to testify, and the difficulty in proceeding with a case like this, as brought to our attention by the state's attorneys who prosecute these cases throughout Connecticut.

We carved that out, because it's the rare case, but usually the most horrific, where someone just sets out and targets a child 12 years old or 11 years old or 10 years old.

For someone to go out and do that to one of our little loved ones, our children, we felt, given the facts and circumstances of that particular case, the state's attorney might want to pursue the charge of aggravated sexual assault on a minor.

What that provision, this section of the amendment does, is give the state's attorneys this added new arrow in their quiver, this new weapon to prosecute crime, if they feel the totality of the facts of the case merit it.

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It is also important that they can prove the case, because in any sexual assault case, it is very, very difficult to prove, even when you are dealing with an adult, but it's twice or multiple times more difficult when you have a child.

We also enhanced penalties for a variety of sexual assault crimes regarding minors. Risk of injury and impairing morals, now would have a mandatory minimum of five years.

Employing a minor in an obscene performance, enticing a minor into a sexual act, importing child pornography, essentially, what we are doing is bumping these crimes, if proven, from having sentence ranges from 1 to 20 years to at least having ranges that would carry a mandatory minimum of 5 years.

About the mandatory minimum, in many areas of our laws, we are moving away from mandatory minimum sentencing, but in this particular matter, when one deals with sexual predators, which tends to be the kind of crime where the perpetrator, the criminal,

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repeats their patterns of behavior, and one adds upon that that these sexual predators are preying on our young people, it seems that if we were going to have any area in our criminal statutes, where a mandatory minimum sentence would be appropriate, it would be in matters where someone is found guilty of preying on our young people.

Also regarding what is called the ten-year exception to the hearsay rule, we have some modifications to or creation of that, regarding admissibility of evidence, at the suggestion of the Chief State's Attorney, but also on balance with the Judicial Branch, as well as the Office of the Chief Public Defender.

What that does is allow the court to have a proceeding outside the purview of the jury, and there would be some safeguards placed in the situation regarding the testimony that could be utilized in the criminal proceeding, and that would touch upon certain things such as spontaneous utterances, utterances that

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were made by the child prior to the filing of the charges, and other, similar safeguards that the court would weigh to make sure that, on balance, it is testimony that would probative.

If all of these safeguards are met, even if the child is unable to testify at trial, some of this evidence would be allowed in.

Again, this was a matter extensively looked into, a matter of compromise, that, on the one hand, certainly, would allow the state's attorneys to move forward in prosecuting these cases, which again, are very, very difficult.

One can imagine this. Again, if you are a parent, and this crime has happened to your son or daughter, the last thing you want is for them to then be in court and be grilled on this.

There are safeguards in here to let this very important information come in in proving the case, and at the same time, protecting certain fundamental due process rights of criminal defendants.

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The last part of this particular section of the amendment has to do with special parole. Again, the Chief State's Attorney brought it to our attention that one has mandatory minimum sentences, it does not allow, currently, the court to impose certain other requirements that they would have available to them if they were putting on a sentence of a certain period of time and then probation.

What this does is incorporate those provisions, which, otherwise, one would find more familiar in a probationary setting, in a special parole setting, such as if one had to go and seek counseling services, treatment, report their whereabouts as a sexual offender, and other things that the court feels would, at the same time, keep the perpetrator on the straight and narrow, and at the same time, would actually protect the public.

Again, this is the work of an awful lot of people. It's Connecticut's version of Jessica's law, and nothing would make me happier than to see this

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bill enacted into law and never have to be used in the State of Connecticut.

With that, Mr. President, I strongly urge adoption of the amendment, which, in totality, becomes the bill. Thank you very much, Sir.

THE CHAIR:

Thank you, Senator Kissel. Will you remark further? Senator McKinney.

SEN. MCKINNEY:

Thank you, Mr. President. Mr. President, I, too, rise in support of the amendment, and would, at the outset, like to thank all of those who have worked so hard on this, especially the Co-Chairs and Ranking Members of the Judiciary Committee, in the Senate, Senator McDonald and Senator Kissel, as well as Chairman Lawlor, in the House.

Mr. President, this is one of the better examples of how good government works. Last year, we had some debate, perhaps livelier debate, at times, on Jessica's Law.

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We didn't get to a compromise and a resolution. As a result, our laws, for the past year, have not been tough enough on child predators.

Because of the good work of many Legislators, because of the input of the State's Attorney's office and the Public Defender's office, and so many other people involved, we now have very good bill before us, which is the result of hard work and compromise, on many people.

I'm especially grateful that there has been agreement to compromise on the language regarding the changing of the age of consent for sexual assault. Previous versions had four years in the bill.

Some of us were uncomfortable with the thought of a young 13-year-old with a 17-year-old, and I think a 3-year age difference is far more appropriate. There may come a time when the federal government requires us to do four years, but that time is not here now.

Mr. President, sadly, one cannot go through the day without learning of yet another tragedy, where

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some sexual predator has preyed on or tried to prey on one of our kids.

You turn on the TV news, you listen to the radio, you pick up the newspaper, and you're hearing about some sexual predator being arrested for attacking one of our children, attacking the youngest and most vulnerable of our kids.

The stories and the ages are simply disgusting. Now it has become high, TV drama, with all these investigative report shows, to engage in stings, to see how many people you can catch, on the Internet, who are trying to go after and lure 10-, 11-, and 12-year-old young boys and girls into sexual activities.

Mostly, they are men in ages of 30's and 40's and 50's. It is simply unspeakable and disgusting. Sadly, our laws are not tough enough to deal with them.

Earlier, when we held a press conference, at the beginning of Session, to call for the passage of

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Jessica's Law, we had account after account of cases, in our own State of Connecticut, where Judges simply did not understand the severity of these crimes and meet out severe penalties.

We had one case alone, where a man in Avon was caught with hundreds and hundreds of pictures of child pornography on his computer, with videotapes of young children being sexually molested, and that man was convicted and did not see one day in jail.

What's so disturbing about that, Mr. President, is that those hundreds of young kids, prepubescent children, who were abused and taken advantage of, to be part of those films and part of those pictures, they are true victims.

The fact that these people can be out there, demanding this disgusting material and not be punished, only further victimizes those young children.

This bill sends a very strong message. It sends a strong message to the public, to parents and to kids

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that if people are engaging in this disgusting activity, these predators will be caught, and they will be sent to jail for a very long time.

It sends a message to the predators that they had better watch out, and it also sends a message, sadly, a message which needs to be sent loud and clear to the judiciary of this state, that these are crimes that must be taken very seriously.

These are crimes that must be punished according to the severity of the crime. I am also very happy that a new crime is in this language, which would establish a crime for people who use the Internet to entice minors into sexual activity.

The Internet has become a tool for so many of these sexual predators to go after our young kids. My hope is that, perhaps, next year, we'll also come back with further protections and even an education program, to tell teachers and parents and young people how to properly use the Internet, and how to avoid being lured into this type of activity.

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This is, I think, one of the more important bills we are going to do this Session, and I think it's an issue that, gladly, we have all come to agree upon. Again, I would repeat that this is one of the better examples of what we do.

I would be remiss if I didn't mention a word about why this is called Jessica's law. Jessica Lunsford was a nine-year-old girl, who was brutally, sexually assaulted and killed in Florida.

Based on the tragedy, and because of that tragedy, her father has led a crusade across the nation. To date, 39 states have passed some form of Jessica's law.

Some of the states have enacted laws, which are harsher than ours, some a little more lenient, but his tragedy has, hopefully, turned out to be protection and to the benefit of many other young kids, other young kids who may not be molested, because states like Connecticut, hopefully, will pass Jessica's Law.

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We know that sexual predators repeat their crimes, very often, until they are caught. If they are let back out into society, they are going to prey on young people again.

That's why we need tougher penalties. That's why we need the possibility of mandatory minimums. I wanted to end this by at least mentioning Mr. Lunsford, and I'm sure he's not watching, but I do know he keeps abreast of how other states are doing, in terms of passing Jessica's Law.

Hopefully, tonight we will take one step, the House will take the others, and Connecticut will join in line with the other 39 of our 50 states that have passed tougher laws regarding sexual predators and sexual offenses. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator McKinney. Will you remark further on Senate Amendment "A"? Senator DeLuca.

SEN. DELUCA:

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Thank you, Mr. President. I would like to associate my remarks with those of Senator Kissel and Senator McKinney, and, first of all, to add my thanks to all those that worked on this bill.

Senator Kissel thanked everybody, but it was a lot of his effort, these past two years, that was persistent in working to come up with a bill that would be acceptable to all so that we could be here at this point this evening. I want to thank him for that.

I don't know whether it's the Internet that has sparked so many more of these type crimes, but it seems to be that, at least they have reported more. As Senator McKinney said, just the person going into the Internet to try to entice them would be a crime under this bill.

Senator McKinney was one of those who was persistent in making sure that we had the Internet part incorporated within this bill, because of the

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ability of these predators to access these people on these websites, such as MySpace, etc.

You know, he also mentioned about Jessica's father. At least her death, Jessica's father had committed himself to make sure that anybody else that commits such a horrible crime will suffer the consequences that they should, that his daughter's murderer did not get at that point in time, would not have gotten, had he not been associated with the murder.

He should be mentioned, also, that he has dedicated his life to make sure that people get punished properly. I'm glad that we are joining these other states to make sure this happens. Thank you.

Although it has been mentioned about this horrible crime, I think one part that hasn't been mentioned about the impact on the young person's entire life.

This is something that impacts them forever, and they will never forget. The perpetrator should not be

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allowed to forget it either. I think this bill goes a long way to making sure that they don't.

As it has been indicated, this is a good bill. It is a result, as I mentioned, and it has been mentioned by others, of a lot of work, by a lot of people, to make sure that it works, it addresses the situation, and it takes all the considerations of those involved to make sure that it works properly.

To echo Senator Kissel, it's a good bill that I hope we don't have to use in the very near future or at all. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator DeLuca. Will you remark further on Senate Amendment "A"? If not, I will try your minds. All those in favor, indicate by saying "aye".

SENATE ASSEMBLY:

Aye.

THE CHAIR:

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All opposed, "nay". The ayes have it. Senate
Amendment "A" is adopted. Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, I just should say, because we have been focusing on two of the main aspects, and I know that Senator Kissel made brief mention of it, but I do want to also point out that there is an important evidentiary rule that is contained in this bill, in Section 11, which I believe will also be an extraordinarily important tool, in the hands of our prosecutors, to make sure that information provided to law enforcement officials relating to activities that have befallen young people as a result of sexual offenses will be admissible in court.

I want to not only thank Senator Kissel and folks from the Chief State's Attorney's office, but also, of course, the Chief Public Defender's office and Members of the Judicial Branch, but, in particular, an extraordinary array of legal scholars within the

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Judicial Branch who have studied and who are passing, hopefully, very similar rules in their Code of Evidence. If there is no objection, Mr. President, might this item be placed on the Consent Calendar?

THE CHAIR:

Hearing and seeing no objections, so ordered,
Sir. Mr. Clerk.

THE CLERK:

Mr. President, I will yield to the Majority Leader.

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Thank you, Mr. President. Mr. President, I wanted to change a marking on an item that I believe should have been marked Passed Temporarily, but was marked PR. That is, on Calendar Page 22, Calendar 164, Senate Bill 1059, the correct marking would be Passed Temporarily.

THE CHAIR:

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A roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, those items previously placed on the first Consent Calendar, beginning on Calendar Page 1, Calendar 631, Senate Resolution 68.

Calendar Page 4, Calendar 519, Substitute for Senate Bill 1458.

Calendar Page 5, Calendar 591, Substitute for House Bill 7089.

Calendar Page 15, Calendar 394, Substitute for Senate Bill 145.

Calendar Page 20, Calendar 568, House Bill 7067.

Mr. President, that completes those items previously placed on the first Consent Calendar.

THE CHAIR:

Please call the roll. The machine will be open.

THE CLERK:

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The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have
voted, the machine will be locked, and the Clerk will
call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar 1.

Total number voting, 36; necessary for adoption,
19. Those voting "yea", 36; those voting "nay", 0.
Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar passes. Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, I rise
for the purpose of an announcement.

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I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

SPEAKER AMANN:

Thank you. Any business on the Clerk's desk?

CLERK:

Just today's Calendar, Mr. Speaker.

SPEAKER AMANN:

Thank you. Any announcements or introductions? Any announcements or introductions? Hearing none, will the Clerk please call Calendar Number 695.

CLERK:

The State of Connecticut House of Representatives Calendar for Saturday, June 2nd, 2007. On Page 19, Calendar Number 695, Substitute for Senate Bill Number 1458, AN ACT CONCERNING JESSICA'S LAW, Favorable Report of the Committee on Judiciary.

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

SPEAKER AMANN:

The question is on the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate. Representative Lawlor, you may proceed, Sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Mr. Speaker, I think all the Members of the Chamber are aware that for the last few years Connecticut and many states have reconsidered the penalties applied to crimes, which involve sexual crimes against children under the age of 13. There's been a variety of proposals, which have come before the Legislature.

The Judiciary Committee conducted public hearings on those proposals and we received an awful lot of feedback from prosecutors and victims' groups, in particular victims' groups about specific concerns

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they had about specific language relating to the earlier proposals.

As a result, a bipartisan group of Members of the Judiciary Committee and others, both in the Senate and the House, put their heads together, worked with the victims' groups and the prosecutors to attempt to come up with a proposal that would meet the concerns raised by all of the various people who would be directly affected by this.

And at the end, a Jessica's Law proposal was presented, which I think will get the job done without any unintended consequences.

Mr. Speaker, the file copy contains the compromise on the Jessica's Law proposal. In essence what it accomplishes is that for certain sections of the statutes involving sexual abuse of children, minimum mandatory sentences are required.

I should say, Mr. Speaker, in general I am not a big fan personally of minimum mandatory sentences because they deprive prosecutors and victims and

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others of flexibility in dealing with cases which might have unique circumstances.

For example, concerns in a case involving child victims about the child actually testifying. In many cases, victims would prefer a guilty plea as opposed to a full trial and exposing a child victim to cross examination and all the other pressures that go along with a criminal trial.

However, the proposal before us gives prosecutors the flexibility they need to work out cases on an individual basis, taking into consideration the concerns of victims.

And under the file copy there are new sections of existing crimes established that prosecutors could pursue to ensure, if there is a conviction, most often after a trial, that severe mandatory sentences would be imposed in those cases.

At the same time, prosecutors would still retain flexibility to abide by the requests of victims that are oftentimes to have access to other sentences, depending on the circumstances of a particular crime.

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So, Mr. Speaker, that's a long way of saying I think this is a balanced proposal that gets the job done. In the Senate, Mr. Speaker, the Senate adopted a strike all amendment which contains some additional provisions.

I'd like to call that amendment now and ask permission to summarize. Mr. Speaker, the Clerk has LCO Number 8088, previously designated as Senate Amendment "A". I ask that the Clerk call and I be allowed to summarize.

SPEAKER AMANN:

Will the Clerk please call LCO Number 8088, which was previously designated Senate Amendment "A".

CLERK:

LCO Number 8088, Senate "A", offered by Senators McDonald and Kissel.

SPEAKER AMANN:

The Representative summarization, is there objection to summarization of the amendment? If not, Representative Lawlor, you may summarize, Sir.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. This proposed amendment contains all of the elements of the file copy together with some provisions from other bills which were also approved by the Judiciary Committee, but in this case in a modified form.

The first two sections of the amendment deal with the so called statutory rape crime, called sexual assault in the second degree.

The Judiciary Committee has approved the change in the statute which would have said that notwithstanding the fact the age of consent in Connecticut is 16 years old, that if both individuals involved in sexual intercourse are within four years of each other's age, then that would be an exception to a prosecution, a defense to a prosecution under the existing statute.

This amendment changes the four year age different to three years age difference. I should point out, under current law Connecticut law says that if the two persons involved are within two years of each other's age, then that is not technically a

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violation of the statutory rape sexual assault two
statutes.

The reason the Judiciary Committee had selected a four-year age difference was that under the new federal law, the Adam Walsh Act, it really establishes a national standard of a four-year age difference, and most of the surrounding states in the Northeast have a similar four-year age difference.

The Senate however, decided that a three-year age difference would be more appropriate. Many Members of the House, and I know Members of the Senate, expressed a concern about the high school freshman or the college, I'm sorry, the high school senior or the college freshman, and a high school freshman, where there would be within four years age of one another.

The extraordinary difference in maturity between a 15-year-old and a 19-year-old, for example, Mr. Speaker, is something that we ought to take into consideration.

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So I think the three-year age difference is a reasonable compromise, and that's what the amendment accomplishes. Those are the first two sections.

The balance of the amendment repeats the Jessica's Law proposals in the file copy. It adds a couple of changes to other important sections of the file copy, which I'd like to explain as well.

Mr. Speaker, there's something known as the tender years exception. It's a rule of evidence which governs the circumstances under which testimony of child victims can be admitted in a criminal case.

This establishes a carefully balanced test which is substantially similar to that which has been recommended by the Rules Committee of the Judicial Branch, the Rules Committee of the judges, who have the authority to adopt rules of evidence.

What it attempts to do is ensure that under limited circumstances, and those are outlined in the Bill, testimony of child victims can be admitted in a criminal trial when that testimony takes place outside of the courtroom.

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And you can see the specific provisions for that, and I think everyone can understand how difficult it is to obtain testimony from a child victim of sexual assault. This makes it possible to admit out of court testimony under very, very limited circumstances.

I should also note, Mr. Speaker, that there was a recent United States Supreme Court decision and decisions in our own State Supreme Court that made the old rule allowing this type of testimony, it sort of repealed the old rule.

So this is the new rule in this regard, it is different than the old rule. It is much more restrictive. However, it does create the possibility for receiving such testimony.

And Mr. Speaker, there's also the final section of this, which was in the original file copy, which relates to some technical changes in the sentencing option called special parole.

And in essence, the language conforms the rules for special parole with similar probation rules, and should say, Mr. Speaker, these are very technical

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changes, they do not accomplish a major substantive change in sentencing policy.

They are to conform probation rules with parole rules. So, Mr. Speaker, I urge adoption of Senate Amendment "A".

SPEAKER AMANN:

Care to remark further on the amendment before us? Representative O'Neill.

REP. O'NEILL: (69th)

Yes, I would join the Co-Chair of the Committee in urging adoption, and take this opportunity to thank him for all the hard work and the opportunity to participate in the crafting of this legislation. Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Representative Mikutel.

REP. MIKUTEL: (45th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of this amendment as well. It really, this Bill is an important Bill, one of the most important Bills we will do this Session.

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It can realistically be said that this passage of this Bill into law will save children from being abused and murdered by child predators. Mr. Speaker, I have a question for the proponent of the Bill.

SPEAKER AMANN:

Sure, Sir, please frame your question, Sir, and Representative Lawlor, please prepare for the question. Representative Mikutel, you may proceed with your question, Sir.

REP. MIKUTEL: (45th)

Yes, Representative Lawlor. I'm trying to get at the issue of prevention. This Bill provides strong mandatory minimum sentences. It will hammer those who commit the crime. How does this Bill get at preventing the crime?

In this case, young Jessica was murdered by a registered sex offender who had been sentenced to prison previously for child molestation, sentenced to ten years, served two years, served two years, came out, was a registered sex offender but did not register.

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So he got lost in the community. The police could not find him. He resurfaced at his sister's house right next to Jessica. He then actually kidnapped Jessica out of her bedroom where she slept.

Now this person was lost in the system, how, Representative Lawlor, we have many sex offenders in prison who will be coming out when their time is served.

How do we, is there any provision in this Bill that allows for the electronic monitoring of sex offenders so that we can follow them when they come out so we can prevent the tragedy that happened to Jessica?

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I think that's a very good question. The answer, I'm happy to say, is that a Bill that the House acted upon just earlier this week, under the leadership of yourself, Mr. Speaker, deals with that issue exactly.

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Megan's Law, monitoring of convicted sex offenders in the community, requirement that they register e-mail addresses, for example, so that if they do as we saw the other day in news accounts attempt to post a profile on one of these social networking sites, that by itself would be a crime.

And a wide variety of other methods of monitoring convicted sex offenders in the community have been approved by this General Assembly this year, and in recent years.

And I think it's important to point out that this is Connecticut. That happened in Florida, and Florida's criminal justice system has been criticized extensively for allowing people to fall through the cracks.

And I think our own probation and parole officials, our corrections officials, our law enforcement officers around the state have done an extraordinary job of effectively monitoring convicted sex offenders in the community. And we don't have,

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knock on wood, the horror stories that we have seen in other states.

I think we can be proud of our law enforcement community when it comes to monitoring convicted sex offenders, and I know you, Mr. Speaker, and all of us are committed to ensuring they continue to have the resources they need to do just what the Representative has recommended.

So we voted on that earlier this week, with some luck the Senate will approve it today or in the next few days, and it will be added to the arsenal of weapons that our law enforcement community has to bring to bear against convicted sex offenders. Through you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Representative Mikutel.

REP. MIKUTEL: (45th)

Yes, thank you, Mr. Speaker. Mr. Speaker, again yes, this is a worthy Bill and worthy of our passage. It will save lives. It will save children from being abused.

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I would encourage the Chamber, the Judiciary Committee, though, to look at requiring the use of electronic monitoring of certain sex offenders. As it is now, it is at the discretion of the parole board, and only for the duration of the parole.

So Representative Lawlor, as we have a sex review panel now in place that is rating sex offenders by the degree of danger, we should consider requiring the use of electronic monitoring on all those sex offenders who are deemed to be dangerous and have a high dangerous rating, certainly for as long as they are on parole.

That will go a long ways to close the loophole that will prevent people from falling through the cracks by refusing to register and just keep moving about. We can close that gap. Representative Lawlor, I'm counting on you to do that. Thank you, Mr. Speaker.

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Will you remark further, Sir? Thank you, Sir.
Care to remark further on the amendment before us?
Representative Ruwet.

REP. RUWET: (65th)

Thank you, Mr. Speaker. I do want to credit the
Judiciary Committee, and certainly the Senate
Republicans early on in this Session had come out with
strong language on the Jessica's, they're actually
trying to mirror the Jessica's Bill that was in
Florida.

I do have a few questions through you, Mr.
Speaker, to the proponent of the Bill, or the
amendment.

SPEAKER AMANN:

Please frame your question.

REP. RUWET: (65th)

Thank you, Mr. Speaker. Representative Lawlor,
as it relates to child pornography, I know in the
original bill, and I'm trying to find it within the
amendment, you know what felony a person who might be

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arrested for child pornography and where that is in
the amendment? Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. There's a variety of
crimes related to possession of child pornography and
the penalties in each of those discrete crimes is
being modified in this amendment.

Sections 7, 8, 9, and 10 all relate to the
various crimes related to child pornography and each
of those the sentences are being modified to impose
mandatory penalties for certain types of violations of
those crimes. Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Ruwet.

REP. RUWET: (65th)

Thank you, Mr. Speaker, and I appreciate that
that language remains in there. Can you explain what
those modifications are in non-lawyer terms? Through
you, Mr. Speaker.

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SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

Well, depending on which of the crimes is violated there's a mandatory sentence. So for the existing class B felony of importing child pornography, there's a minimum sentence of five years in prison.

For the existing crime of possessing child pornography in the first degree, there's a minimum sentence of five years, for the existing crime of possession of child pornography in the second degree, there's a minimum sentence of two years.

And for the existing crime of possession of child pornography in the third degree, there's a minimum sentence of one year in prison.

SPEAKER AMANN:

Representative Ruwet.

REP. RUWET: (65th)

Thank you, Mr. Speaker, and I thank Representative Lawlor for his clarification. I also

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truly want to thank him again for bringing this very important legislation to us for passage today.

And I think if we have one charge within this Chamber, it's to protect our children from predators, and I think we've come a long way with this legislation in doing that.

I credit certainly the Department of Corrections, the Child Victim Advocates within the state, local and state officials, particularly our police departments and our state troopers, for really working together in education of our communities, particularly our parents, and our community members in terms of how we can move forward to protect our children more.

They give an incredible presentation that would recommend all of the legislators to invite to their communities for that kind of presentation.

But this legislation strengthens, you know, strengthens the law to protect our children, and I say with emotion and passion that this is a critical legislation and one of which each member of this

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Chamber should be proud to vote yes on. So thank you,
Mr. Speaker.

SPEAKER AMANN:

Thank you, Madam, for your words. Representative
Jack Thompson.

REP. THOMPSON: (13th)

Thank you, Mr. Speaker, good afternoon. Mr.
Speaker, I rise in support of this legislation. But I
do want to point out that its real protection is to
against people who have already committed crimes, and
will prevent further abuse.

But I believe in the arsenal of weapons that
Representative Lawlor mentioned, there is another
important step that we have yet to take this Session.

And I would urge you to consider that in the
realm of this law we're acting upon today, and
hopefully the Senate will join us. And that is
providing preventive healthcare to every child.

We know that there are thousands of our children
who do not have the benefits, for example, of
healthcare as they would be under HUSKY, where the

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federal government requires us to provide early and periodic screening, diagnosis, and treatment of every child, no matter what their means.

That should be extended to every child, whether they're being seen by a private physician or to give them access to a health clinic or a school-based health center. Every child should have that opportunity to be periodically examined and have a health home.

That seems to me, in that context or in that environment, we can prevent those children from suffering at the hands of predators no matter where they're, whether they're in the home, in the neighborhood, or whatever.

Every child should have access, and it would be another major part of our arsenal against ensuring the welfare of our children. So this is a good Bill, but it's just one step that should be taken, but a greater step would be to ensure that every child has healthcare. Thank you, Mr. Speaker.

SPEAKER AMANN:

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Care to remark further on the amendment before us? Care to remark further? If not, let me try your minds. All in favor, please assume by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER AMANN:

All opposed, Nay. Ayes have it. The amendment is adopted. Care to remark further on the Bill as amended? Representative Labriola.

REP. LABRIOLA: (131st)

Thank you, Mr. Speaker. I rise in support of the Bill as amended. As a criminal defense attorney by profession, I can attest that all the provisions of this measure are in the interest of justice, and I can also attest that in speaking with prosecutors and judges, the recognize the importance of this Bill.

With regard to Section 2, as Chairman Lawlor pointed out, there is the nightmare situation of a senior in high school and a freshman or a sophomore in high school, and so the change from two years to three

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years specifically is supported by not only defense attorneys, but also prosecutors and judges alike.

But it really, it does need to change and conform to other states that have a similar age difference of three years, rather than the two years.

I also am strongly in support of the very tough penalties in Section 12 against sexual offenders, and by passing this legislation, we go a long way towards further protecting our children. So I urge passage of this Bill, thank you.

SPEAKER AMANN:

Care to remark further on the Bill as amended? Will you remark further? If not, staff and guests come to the Well of the House. Members take your seats, and the machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

SPEAKER AMANN:

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Have all the Members voted? Have all the Members voted? If all the Members have voted, please check the board and make sure your vote has been properly cast.

If all the Members have voted, the machine will be locked, and the Clerk will take a tally. And will the Clerk please announce the tally.

CLERK:

Senate Bill Number 1458, as amended by Senate Amendment Schedule "A", in concurrence with the Senate.

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

SPEAKER AMANN:

The Bill passes as amended. Are there any announcements or introductions? Announcements or introductions? Representative Ernie Hewett.

REP. HEWETT: (39th)

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REP. WALKER: Okay. Thank you.

REP. LAWLOR: Other questions? If not, thanks very much.

CHRISTOPHER MONTES: Thank you.

REP. LAWLOR: Senator McKinney. And Senator McKinney will be followed by Will Bowen and Gil Alba.

SEN. JOHN MCKINNEY: Good afternoon, Chairman Lawlor, Senator Kissel, and Members of the Judiciary Committee. For the record, I am Senator John McKinney, representing the 28th District.

And I'm here today to testify in favor of Senate Bill 1458, AN ACT CONCERNING JESSICA'S LAW. I want to thank the Committee for raising this important bill for a public hearing today.

Mr. Chairman and Members of the Committee, every day there is yet another news report about horrific acts being perpetrated by sexual predators preying on our children.

In today's *Hartford Courant* alone, there are two such stories. One story details how DNA samples link a man, who was convicted of raping a 10-year-old girl in 2000, to the rape of a 13-year-old girl in 1999.

This story is illustrative of a frightening fact. Sexual predators are repeat offenders. It is a crime with an extremely high recidivism

rate. According to the [Gap in testimony.
Changing from Tape 1B to Tape 2A.]

--likely than those convicted of other crimes to be rearrested for sexual assault. In the second story, there is detail of an Internet sting in New Jersey that captured 29 men who were using the Internet to lure young women between the ages of 12 and 15 into sexual activity.

One of those men was a 42-year-old man from Enfield, Connecticut. This story illustrates another alarming trend, the use of the Internet to prey on our children.

That is why I introduced the Internet Child Protection Act and why this bill creates new mandatory minimum sentences for persons using the Internet to lure children under 16 into sexual activity.

Mr. Chairman, the crux of Jessica's Law is to establish mandatory minimum sentences, longer prison terms for people convicted of the most heinous of crimes, sexual molestation and rape of a person under the age of 13.

The bill before you achieves this objective by creating a new crime, aggravated sexual assault of a minor.

Establishing this new crime gives the prosecutors the tool to put the most heinous of predators behind bars for a very long time. At the same time, it gives the prosecutors the lesser offenses in those cases that warrant it.

In that respect, it addresses the concerns raised by the Chief State's Attorney regarding the all-or-nothing approach included in prior drafts of this bill.

I know that there are Legislators who are uncomfortable with, and perhaps philosophically opposed to, the idea of setting mandatory minimum sentences.

While I respect that opinion, I respectfully disagree and believe that in cases of molestation of a child, such penalties are warranted.

I reach that conclusion for several reasons. First, the heinous nature of these crimes and the vulnerability of the victims. Second, the frightening frequency of these crimes and the high rates of recidivism.

Third, my belief that some in our judiciary are simply not meting out proper punishment. Let me give you just a few examples. A 41-year-old Stratford man admitted to fondling his girlfriend's daughter for over a 6-year period.

She was eight years old when he started. He plead guilty for fourth-degree sexual assault and risk of injury to a minor and was sentenced to four years in prison, four years, two years less than the term of his assaulting an eight-year-old girl.

A 47-year-old Avon man was found guilty with scores of images of child pornography, over 141

pictures on his computer and videos of young children being violently raped.

The victims in these pictures ranged from toddlers to prepubescent teens. A plea agreement was reached that provided for four years in prison, five years probation, and ten years on the sexual offender registry.

But it also allowed the defense to argue for a suspended sentence, and that is exactly what the judge provided.

This 47-year-old man, with child pornography and videos of young children being raped, did not spend 1 day in jail. That is outrageous.

It is apparent to me that our laws are not tough enough and that some of our judges don't get it. I have other examples of similar cases that I won't share with you, unless you ask me questions, because my time is limited.

But let me also share with you a frightening fact that some of these sentences that are being given out as suspended sentences are happening from the same judge.

And one of the roles of the Judiciary Committee, I hope, would be to take a close look at this judge and other judges who aren't getting it.

We have an obligation to set forth public policy regarding crime and punishment. We need to take a stronger stand against the sexual molestation of our children.

Perpetrators need to know that they will be sent to prison for a long time. Prosecutors need the tools to put them in jail and get them off the streets. And judges need to know that we are serious.

And I hope this Committee will act favorably on this legislation before your JF deadline. Let me also compliment the drafters of this for including an exception to the hearsay rule, the toddler's exception, which will, I think, go a long way to help prosecuting some people in many cases.

In instances where defense attorneys who, as distasteful as it may seem, are simply doing their job and representing their client and making it very difficult for a young person to testify at trial, the toddler's exception will allow their previous statements in and will help them.

And also in cases, and we know, sadly, that so many of the acts of sexual molestation occur to victims who know their assailant, perhaps family members, and who are therefore reluctant to go to trial and prosecute.

Allowing hearsay exception for their prior statements will allow prosecutors to go after these family members, even though the child victim may be reluctant to do so.

So I appreciate your time today. I know you have a busy day, and thank you for having a public hearing on this matter, Mr. Chairman.

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REP. LAWLOR: Thank you, Senator. I just want to say I think all of us are delighted that an effort was made to work with the prosecutors' and the victims' groups to figure out a change in the law that actually would work and achieve all of our goals.

And I think we've gotten a good outcome from that process. Are there other questions?
Senator Kissel.

SEN. KISSEL: Thank you very much, Mr. Chairman Lawlor, and thank you for those past remarks. And, Senator McKinney, I really think that you deserve an awful lot of praise, you and Senator DeLuca, for taking a real leadership role regarding this.

You've been a staunch advocate for addressing Internet predators, which, unfortunately, just every time we turn around, there's something in the paper, something in the news about Internet predators utilizing, hiding behind that screen, where nobody really knows what their real ages are and what's going on.

And so I really compliment you for coming and testifying on this proposal. It is something that I think gets Connecticut to the forefront.

I think it's probably been beneficial that we've worked on this, in trying to work with the Chief State's Attorney, who I have the utmost praise for Chief State's Attorney Kane and his staff for really polishing this up.

And it probably could use a little bit more revision as we move forward, but, Senator McKinney, I think every child and every parent in the State of Connecticut owes you a debt of gratitude for really addressing this issue and being a staunch proponent of trying to address these Internet predators, who are just really preying on our most vulnerable citizens, our little ones. So thank you so much for coming to testify, and thank you, Representative Lawlor.

REP. LAWLOR: Are there other questions?
Representative Gonzalez, then Senator Roraback.

REP. GONZALEZ: I apologize, I was out, but when I came in, I heard that you were saying that some of these people, they don't spend not even one day in jail, and that came from one judge, most of the time the same judge. Can you later on share that information with me?

SEN. JOHN MCKINNEY: Absolutely. I mean, it's, again, Representative, I'm afraid to say that this is just a sample of the dozens and dozens and dozens of newspaper stories and off the U.S. Attorney's website cases of people who have been prosecuted for either using the Internet to lure children into sexual activity or actual conducts of sexual molestation.

And in looking at all of these cases, trying to bring two or three to you that highlight it, I think the child pornography one is a stark example of using the computer and child pornography because we know that they're not just pictures.

They are young kids who are being victimized when those pictures are taken. And so in trying to pick two or three of what I thought were the most egregious cases, I'm a little slow, but it hit me after reading all the stories that in three of the cases, it involved the same Superior Court Judge.

And I'd be happy to provide that to the Committee because clearly, and, obviously, all cases are different. One case, the victims didn't want to testify, and there are differences.

But clearly, this is a judge who, in one case, if I could, Mr. Chairman, just for 30 seconds, there was one case where a young man, who, I think, was 19 years old, admitted and plead guilty to sexually molesting 4 young girls, 2 of whom were 4 years old.

In a plea deal, which happens in order, where the prosecution wanted to protect the young girls, he was given a term of probation. He wasn't given any jail time. He was caught in violation of that probation.

What was he doing to violate his probation? He was in the back seat of a car with a 14-year-old girl 2 years later, when, I think, he was at the age of 21.

He could have gotten 15 years under the original plea deal. The prosecution pushed for 15 years, and this judge gave him 15 years,

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suspended after 3. So he's in jail for three years.

Now I don't minimize being in jail for one day. But given the fact that this is such a high rate of recidivism of this crime, I don't have any confidence that after three years, this man is going to be rehabilitated.

REP. GONZALEZ: So I will like the information about the judge.

SEN. JOHN MCKINNEY: Thank you.

REP. GONZALEZ: Thank you.

REP. LAWLOR: And before I recognize Senator Roraback, I want to simply say, you know, we're in a new age of openness, with regard to the Judicial Branch, and I don't think there's any reason to not mention the name of the judge involved.

His name is Thomas P. Miano, and whether or not it's appropriate or not for us to criticize a judge for his sentence being imposed is another issue, but I think everybody should know the name of that judge because I think many people were surprised at the outcome in some of those cases.

SEN. JOHN MCKINNEY: And I just mention it because for two reasons. One, I do think that's our role. If we don't think the Judicial Branch is properly meting out punishment or being as open as they should be, we need to step in.

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Number two, you also have a dual role of oversight of the Judicial Branch when they come up for reappointment, and that may be questions you would ask.

REP. LAWLOR: I agree 100%. Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman, a couple of quick questions. I had a number of constituents contact me this summer when they read in the paper about this Avon case.

And my understanding was that if the individual in question had been charged in federal court by the federal prosecutors, that there would have been a mandatory minimum sentence for child pornography.

And so as I look at this bill, it looks like we're going to be conforming state law with federal law on that question. Do I have that right?

SEN. JOHN MCKINNEY: I believe that's correct. And in discussion I had with our U.S. Attorney, he thinks that the mandatory minimums in federal law have helped.

But they have also said that they don't have enough resources and that if the state mirrored the federal law and used our resources, that would help combat this crime.

SEN. RORABACK: And as I, I think Chairman Lawlor said, this creates, or maybe you said, this creates a new crime.

Would there be another possible approach of imposing mandatory minimums for the underlying crime, and is that a distinction with a difference, or it doesn't make any difference?

SEN. JOHN MCKINNEY: Well, I would certainly, if given the sole right to author legislation, would want to see some mandatory minimum for some of the offenses we currently have.

And I listened, not to all, but a lot of the testimony when you heard, had a public hearing on the Governor's Jessica's Law proposal.

And as I understand it, and I think the Chief State's Attorney is here again today, but he expressed concern, as I know did Chairman Lawlor and others, that prosecuting, if it's 25 years or nothing, people will not reach plea agreements, and you'll have to take a lot of cases to trial, and some people may get off.

You know, my response to that, in part, is, well, there are people who are off now, because they have suspended sentences, who are perpetrating again.

So to make a long answer shorter, Senator, I would like to see some mandatory minimum, maybe one or two years, for the underlying offenses. But I also understand that I want to see something get passed this year as well.

SEN. RORABACK: Thank you, Mr. Chairman. Thank you, Senator McKinney.

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REP. LAWLOR: Had you actually signed up to testify?

SHARON GARRY: Yes.

REP. LAWLOR: Okay. Thank you very much.

SHARON GARRY: Thank you.

REP. LAWLOR: Next, Senator DeLuca and Detective
Dannahey

DET. FRANK DANNAHEY: Good afternoon. I'm Detective
Dannahey of the Rocky Hill Police Department.
I believe Senator DeLuca is going to be
delayed.

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I was asked to come here today on behalf of
Jessica's Law. And what was supposed to happen
is I was supposed to go online to give you a
demonstration with one of my undercover
accounts, where I would BA a 14-year-old girl
character that we use and just let you see what
probably the predictable reaction of those
males online, especially, how they would
interact with that 14-year-old.

Unfortunately, I commend you on having a good
firewall here because it will not allow me to
do that.

So needless to say, I guess I'm going to tell
you what probably would have happened if we had
this demonstration.

I've done this many times. Obviously, you've
seen there's been a lot of media attention to
the Internet predator situation.

Most predictably, I've done the same demonstration, and very typically, one, and this, again, this would be in a very nondescript chat room, such as Connecticut or Hartford.

You'd announce your [inaudible], for example, in my case, undercover character, 14-year-old girl, and you would just sit back and wait. And very quickly, you'd get a lot of adults coming to you.

In not a very long period of time, it's going to start to begin asking intimate questions about yourself, getting very sexual.

In fact, I did this for Kara Sutherland not too long ago, and I think that I probably saw every shade possible of the color red on her face as we proceeded because it was maybe a matter of, I don't think it was even ten minutes before one individual out of Danbury started becoming extremely sexual with this 14-year-old character.

I've often equated doing that demonstration with going out and fishing in the ocean without bait and hauling in as many fish as you could catch.

And as was mentioned here today, if you, and I'm sure most of you have seen Chris Hansen's *Dateline* show, *Predator*, of which maybe we're getting a little tired of at this point because it's probably *Predator 10*.

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But case in point is there's never a lack of these type of individuals. I think as you watch those shows, it just becomes almost laughable that there's times where you have multiple suspects showing up almost at the same time at these houses.

And a lot of these individuals are just people that probably would be under the radar in our local communities, not the kind of person you would imagine to do that kind of thing.

And unfortunately, the Internet lends itself to that, where anonymity is what they have on their side.

And these are members of the community that would not be hanging around the local school ground, the local playground, the local pools, for obvious reasons.

But being in their own home, being anonymous behind a keyboard lends this to themselves where they can do this very easily.

And I guess that's why you're looking at that law, looking at the Internet part of this because, obviously, the solution here is that we need to make it extremely difficult for these guys to operate online the way they do.

And the consequences have to be relative to the fact that you would think twice before doing that.

But again, I mean, if we did do this demonstration, I think, for those of you who

have never seen that, you'd be quickly shocked to see that it's a lot easier than you think.

There was an arrest in Farmington recently, and a Farmington detective said that when he went to training, like I went to training, you're very shocked at how quickly that being online as a teen is going to lend yourself open to a lot of kind of solicitation that most teens aren't looking for or aren't inviting.

It's the ones that do invite that though that lends us to read the *Hartford Current* articles that we do day after day, week after week.

I'd be happy to answer any questions. I again apologize that we couldn't make this demonstration happen for you today.

REP. LAWLOR: No problem. And I guess the bad news, maybe it's good news, is we've all been able to see that play out on television pretty clearly.

And I think all of us have been horrified at this. But I think, on the other hand, the innovative tactics that law enforcement has used in this has, I hope, begun to, I mean, you'd be surprised on this TV show, guys are getting arrested for a second time.

But I hope it sends the message loudly and clearly, as easy as it is to victimize children, it's just as easy to catch people. And maybe that word will get out, and maybe it will come to an end.

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DET. FRANK DANNAHEY: It is. And that's the positive side of a show like that. Again, it's a little disheartening when you see an individual show up a second time, that, obviously, they didn't get the message the first time.

But I guess that just shows, I mean, I learned very quickly when I started doing this undercover work that these are very, individuals that are not easily discouraged by consequences, and that's a little scary.

An individual that I got trained from, who's probably the leading male sexual predator investigator, said that what was interesting to him was that whenever he would encounter the people that would come to, in his case, New Hampshire, looking for a 13-year-old boy, he'd have to ask the question, well, didn't you even think it might have been law enforcement?

And the scary response always was, yes, but I also thought that I had a 50% chance that it was a teen.

So I think when you hear that kind of response, which was typical in our case, is that you can just see the kind of individual you're dealing with, which is much, much different individual from other types of crimes we investigate.

REP. LAWLOR: Representative Walker?

REP. WALKER: Thank you. I've been doing a little reading on the behavior of sexual predators and things and people like that.

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Do you know of any type of therapy or rehabilitation process that has worked with people that have been convicted of, or have admitted to, being sexual predators?

DET. FRANK DANNAHEY: I haven't, and that's part of the problem. I think the one thing that we have going for us when they do get released, and in our case, when we were doing these online stings maybe six or seven years ago, when the Internet was at its early stages, and as the Representative had talked about, most of the sentences for all of our guys that we did catch was probably no more than two years' time served.

If you got two years, that was actually, at the time, a pretty good sentence, given the fact that a lot of these cases don't get that kind of time served that you're looking for.

But probably the key, as far as keeping a handle on this, is the probation aspect of this.

I mean, we've seen some excellent probation officers out there that once they do get released, because I don't think, I think anybody would say, and I'm not a psychologist, psychiatrist, but I don't think you ever cure a person like this.

You just merely keep them under control in your community, and that's probably the best that we can ask for.

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REP. WALKER: Thank you.

DET. FRANK DANNAHEY: You're welcome.

REP. LAWLOR: Are there any other questions?
Senator Kissel.

SEN. KISSEL: Thank you, Mr. Chairman. Detective, I just want to thank you for all your hard work regarding this. You've really been on the cutting edge. It's great to see you.

I know that you've worked closely, brought our caucus up to speed regarding this, Senator DeLuca, Senator McKinney, and the rest of my colleagues, and it's great to see you here testifying.

Every time that we try to do some sort of audiovisual presentation regarding this, we seem to run into glitches.

The other aspect, and again, I cannot stress any more that Chief State's Attorney Kane and his staff deserve an awful lot of credit for cobbling together, with some of us, this revised Jessica's Law.

And as well as Governor Rell and her staff deserve an awful lot of credit for also strongly supporting these measures.

You know, unfortunately, this just isn't going away any time soon, and what's amazing to me is your statement that these folks are just willing to roll the dice.

And if anything, I'm hoping that our computer-savvy young people, who, I have an 11-year-old, and knock on wood, God forbid anything would happen to my children, but they seem to be way ahead of folks my age as to what's going on on the Web and what's going on regarding technology.

And I'm hoping that along with our efforts to try to reinforce law enforcement and allow our state's attorneys the proper amount of tools to address the cases, whether there's strong evidence or weak evidence.

But I really hope that as we continue along this path, that the young people out there recognize that things are not always what they seem and that these predators are just like sharks, swimming around, just looking for the faintest hint of blood.

And what's really scary to me is the previous group of folks that testified regarding missing people. There may be an Internet connection between people going missing and these predators.

I mean, not all sexual predators are murderers, but, you know, there's an awful lot that we're just not aware of.

And if we could just harness this tool, unfortunately, it seems that the predators have harnessed this [Gap in testimony. Changing from Tape 2A to Tape 2B.]

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--great opportunities here along with the dangers. And I just want to commend you for your hard work regarding this.

DET. FRANK DANNAHEY: Thank you. And I think, I don't know if you're aware of Project Safe Childhood. It's one of those initiatives. I've also been involved in kind of a meeting of the minds of all those that do Internet crimes.

Because in the old days, going back six or seven years ago, I have to say law enforcement sometimes gets very territorial.

You know, the local authorities might not want to work with state police or want to work with federal authorities, and now that whole group has gotten together very recently, in the last two months, to say, you know what, we're all on the same page here because the bottom line is you're protecting Connecticut's children.

So we've come light years as far as the cooperation level of the state. State authorities, local authorities, federal authorities are all on the same page now, saying, we have to work together.

There's enough cases. You know, we can't be having turf wars for the sake of not doing the best job we can in investigating these cases. So we've really come a long way in that aspect.

REP. LAWLOR: Other questions? If not, thanks very much. Oh, I'm sorry, Representative Powers way down at the end there, sorry.

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REP. POWERS: Thank you, Mr. Chairman. Good afternoon. What do you do when you're being the 14-year-old boy online, or girl?

How do you know where these people are, whether or not they're in the State of Connecticut? Is it your attempt to get them to cross the state line and get here?

DET. FRANK DANNAHEY: Yes. I mean, when you're, first off, obviously, entrapment is an issue, but you're looking for them to set the stage of what's going to happen.

In doing our undercover work, you would be looking to see if that person was going to come to Rocky Hill, for example, to central Connecticut, for example, and oftentimes, they would.

I mean, that is part of the problem. You're dealing with people all over the country. When I do my programs with teens, I always remind them that www is worldwide Web.

And when you're talking to somebody out there, you don't know where they're coming from. So sometimes it's a surprise to us when they do show up.

We're expecting maybe somebody from the local area, and they're flying into Bradley Airport and renting a car and coming to Rocky Hill to meet what they think is a teenager.

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REP. POWERS: When you talk to these individuals, do they tell you why they're this compulsive or this driven to do something like that?

DET. FRANK DANNAHEY: I think most of the time, they're looking to justify what they're doing. Obviously, as you watch the *Dateline* show, most people are coming there to counsel the child.

They're coming there to talk to them and tell them that's a very bad thing to do. But, of course, we all know that that is not the case.

You know, they are very much into using children, as most adults would be, you know, if they went out and looking for a relationship.

To them, children are like adults, and they want to involve themselves in that kind of relationship. And I have to say that they do not see that as being wrong. They will not--

REP. POWERS: That was my next question. They don't see it as wrong?

DET. FRANK DANNAHEY: I hate to say it, but I think the remorse most of the time is that they got caught. That's what the remorse is.

The remorse isn't that, you know, gee, I shouldn't have done that, and I put myself in a bad position.

The remorse is, I came here, and I got tackled to the ground by the police, and now I've got account to the legal system for this, which is scary in and of itself.

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REP. POWERS: Right. I was very pleased to hear your last statement, the fact that you're all coming together, because I know that our local police have gone down to the FBI training center and done that.

And they've caught people and that kind of thing. Of course, our proximity to New York, we tend to get a lot of people coming across the line.

DET. FRANK DANNAHEY: And the bad thing about this situation is this is not a crime where it's an urban crime, a suburban crime, a rural crime.

I mean, you have to do education programs at Hartford, Connecticut. You have to go do education programs out in the most rural community in northwestern Connecticut. There is no boundaries when it comes to the Internet.

REP. POWERS: And it seems to me, I'm the mother of four sons, and aside from the nothing wrong will ever happen to me, nothing bad will ever happen to me, there seems to be somewhat of a disconnect, and maybe this is just guys, I don't know, but there's some kind of a disconnect between reality and what's going on on the screen. Do you try to address that when you're training with the kids?

DET. FRANK DANNAHEY: Absolutely. In fact, one of the scenarios, with especially middle school groups I work with a lot, is to differentiate between the real world and the online world.

You ask, and I know cyber bullying is certainly a topic that has come your way and will come your way, you know, would you get in trouble for threatening a student in school? Yes, I would.

If you text type a message on an instant messaging session after school, would you get in trouble for that? And you're not going to get an immediate response because that's a gray area for them.

So you're absolutely right. Part of what you have to get across is the online world versus the real world. And for a lot of them, that distinction is a little bit of a gray area.

We definitely have to do a better job in, you know, hitting home that point. But that's kind of the crux of most education programs that should be going on.

REP. POWERS: Well, thank you for what you do, and thank you for getting all the pieces together. I think that's, it's a very frightening thing to a parent and to teachers and to anybody who deals with kids.

And I think that's really the only way, because frequently, our local police will turn to the FBI because, as you said, the federal statutes are significantly stronger--

DET. FRANK DANNAHEY: And that was our stumbling block in the early days was do you investigate this situation as Connecticut law enforcement,

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or do we turn this case over to the federal authorities, which, you know, if we are on par, I think we'll all be doing a much better job, where we can step up to the plate and investigate cases in our own community without having to assist [inaudible] although federal authorities certainly are there to help us.

But we need to take care of our own problem in and of Connecticut through Connecticut law enforcement with their assistance.

REP. POWERS: Thank you very much. Thank you, Mr. Chairman.

REP. LAWLOR: Senator Meyer.

SEN. MEYER: Detective, I think we're all sorry that you didn't have the demonstration today, and I just want to ask you a question about entrapment.

Of course, entrapment would throw out a conviction of one of these predators. Where do you draw the line on entrapment, in terms of what you say to the perpetrator when you're undercover? Do you invite the perpetrator to come into Connecticut?

DET. FRANK DANNAHEY: No.

SEN. MEYER: You don't. You avoid that kind of an invitation.

DET. FRANK DANNAHEY: You're only basically responding to a question they put forth to you. Can you say that you would do a particular act?

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You could say that, but as far as who brings that up, it has to be the suspect.

And that is, I mean, any time you go to that type of training, that's probably what that word entrapment, you'll hear that through the course of your training over and over again because that is always of concern.

And it was a concern originally when we started doing these cases with the state's attorneys was, you know, we really have to be very careful in this because we certainly don't want bad case law coming forward in Connecticut to say that local law enforcement is doing these investigations, and they're putting the suspects into behavior they normally wouldn't do. So you're truly following their lead and being extremely conscious of doing that.

SEN. MEYER: And so far, have you had any cases that have been thrown out because of entrapment?

DET. FRANK DANNAHEY: No.

SEN. MEYER: Good.

DET. FRANK DANNAHEY: No. I think the Supreme Court, the Sorabella case out of New Britain was good case law, good for law enforcement, that had we lost that case, the ability to do undercover cases in Connecticut would probably, we wouldn't be doing those right now.

So they did agree that, you know, law enforcement did a good job and did not entrap

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this individual into coming from Massachusetts to New Britain to meet a teen.

SEN. MEYER: Thanks so much.

DET. FRANK DANNAHEY: You're welcome.

REP. LAWLOR: Further questions? Representative Dillon.

REP. DILLON: Hi. I just wanted to pose a question to you and get some, in 1995, I think, we adopted a bill that I had done, which is very minimal actually, but in the beginning, which prohibited computer stalking.

And it really added to our existing threatening statutes. And it had included at that time, I think, by mail, by telegraph, and it simply added by computer.

And in the years that have taken place since then, I've done a number of speaking with folks who are maybe campus security, before student groups.

And the issue that comes up all the time, after we discuss, you know, don't put personal information on there, don't say, I'm meeting Beth at 10:00 at such and such, is the anonymity of your screen name.

And by definition, if you're an undergraduate, it's your name. You know, there's not alias. And so we, and I must say that there's tremendous interest at the undergraduate level.

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We went to one, I think there were, it was myself and somebody from the police department, and it was packed, mostly young women.

And what they were worried about was though that the syntax of the universities is your real name.

I don't know if that's come up in some of the work that you do and if you have any recommendations for how that would be handled.

DET. FRANK DANNAHEY: It really hasn't, I mean, when you look at a site like Facebook, for example, although they're starting to engage the high school age group, because of the fact they were dealing with college-age students, they really weren't on the radar.

You didn't see these kind of Internet-predator cases because they did have that .edu address or whatever.

Another thing though that probably wouldn't make college students so vulnerable, as far as Internet predators, is that the peak age of interest, as far as Internet predators, is at age 15.

You see a great, it greatly diminishes when you get to age 16, 17, and certainly when a, and you can't call them a child anymore, when a teen turns 18, most of these predators will have absolutely no interest in that age group because of the fact that those are now looked at as adults.

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So the key usually is at what age are most of these predators interested in. And from about 11 to 15 seems to be that key age group, and that's why you see so many cases amongst that group because that is the preferential age.

As the teen gets older, the teen is now looked at as an adult, so there's actually not a lot of attraction for those individuals anymore because they're perceived as adults as opposed to children, who are their preferential age group.

REP. DILLON: Well, just in respect, I mean, statistically, that may be true. But if we were speaking to college students who may look young, or if they were thinking of different kinds of predators, the problem remains that the syntax of most universities is your real name.

So I don't know if it would give much comfort to an 18-year-old young woman, if there has been an episode on her campus where maybe it might very well happen that it was a spurned boyfriend who was doing this, and it wouldn't--

DET. FRANK DANNAHEY: And that would probably be the more likely scenario--

REP. DILLON: But that wouldn't comfort someone if there was an act of violence from a former boyfriend, for me to say, well, yes, but at least it won't be the other kind of guy.

I just wondered if people in your field have looked at the whole issue of maybe scrambling.

Or I know that at the time we did that bill that prohibited computer stalking, I was able to get that through almost unanimously.

I think there were only two or three people. But another one that prohibited, you know, I think anonymous screen names got me attacked all over the country.

I think, I mean, it's just, you know, tiny, but it was a very vociferous group of this is the pioneering, and it's censorship, and the Internet is such and such, and it was very intense, and I just dropped it.

I was just sort of floating it as a proposed bill, and, clearly, it struck a nerve with people who were very religious and adamant about censorship on the Internet.

I respect that, but I'm still concerned, and I never pursued it again, having been chastened. It seems to me that the whole ability to be anonymous there, it cuts both ways.

On the one hand, you can get someone who posts things that may be a slur on someone's character, and they're hiding behind a screen name.

On the other hand, you know, your daughter could be an undergraduate who is totally exposed with everything that they post because the school's syntax uses their name.

Is there a taskforce that I could go to to follow that issue, to work with young women who

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would want to think about how to work around sort of protecting themselves with their names?

DET. FRANK DANNAHEY: I think maybe an organization, like the Connecticut Sexual Assault Crisis Workers, might be a good venue.

Obviously, that particular scenario you described, I'll agree with you, as far as stalkers go, yes, that could be a potential problem.

I mean, years ago, students used to get their grades by their social security number, which we now know is an open invitation to identity theft.

But I think maybe you might see, as far as stalking goes, that that may, in some case, become an issue.

And, unfortunately, it will be a tragedy that will show that that's maybe how somebody made contact, or locate a particular individual through their name being their screen name.

REP. LAWLOR: Further questions? If not, thanks again, Detective. And thanks again for your commitment on this issue.

DET. FRANK DANNAHEY: Thank you. I apologize for the inability to do the demonstration, but, again, I'll commend you on your firewall.

REP. LAWLOR: Okay. Well, maybe after our deadline next week, we'll figure out a way we can all

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see it. Next is Merit Lajoie, together with Robin Montstream.

And following them will be Monique Ferraro, and then it will be Chief State's Attorney Kevin Kane.

MERIT LAJOIE: Good afternoon, Representative Lawlor and Members of the Judiciary Committee. My name is Merit Lajoie, and I'm here to say as a Tolland resident and a concerned parent.

SB902
HB 6285

Last year, my 17-year-old son, Ryan, made some very irresponsible, impulsive, and careless decisions, yet very typical, common, and characteristic of an immature, 17-year-old boy.

His best friend was about to be sentenced to serve one year in jail, and instead of taking responsibility for his actions, he fled court and became a wanted fugitive.

Of course, Ryan was one of the first he contacted, and after four days of staying close by, the two, plus one, decided to head south.

Those four days were nothing more to me than _____pp_____uni.i.s, _____s_____pp_____uni.i.s_o_o_____ Ryan and his friend.

I attempted on more than one occasion to report Ryan as a missing person or a runaway but without success.

I spent hours on the telephone and Internet, looking for any assistance but, again, without success.

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thank you for your testimony. Next is Chief State's Attorney Kevin Kane.

ATTY. KEVIN KANE: Good afternoon, Representative Fox, Members of the Committee. Thank you very much. My name is Kevin Kane. I'm here testifying on behalf of the Division of Criminal Justice.

HB 7237
HB 6285

And I'd like to testify briefly about two bills. We've submitted written testimony, or are submitting written testimony, about other bills on the agenda for today.

We have submitted written testimony also on the two bills that I'm about to talk about, and I'm not going to read that testimony. I'd like to try to be quick.

The first bill is Senate Bill 1458, which is the revised Jessica's Law bill. I'd like to thank all the Members of the Committee in the General Assembly who were so concerned about this issue, and rightfully so concerned about this issue, as to want to address it and want to address it very strongly [Gap in testimony. Changing from Tape 2B to Tape 3A.]

--response to the problem that I think will deal with the problem very well. A lot of people worked on this, recognized the problem, and put in some hard work to try to draft this language, which works and, I think, will provide for effective law enforcement, if we can add one more provision to it, that I think was inadvertently left off.

It might have been my fault. I'm not too sure how it happened. But that deals with the provision that would give the court the authority, or the option, of using probation and probation supervision after a period of incarceration.

That language is all contained in Raised House Bill 7237, which I think is entitled AN ACT CONCERNING SPECIAL PAROLE.

What it would do would permit, at present, for many of these sex offenses, the court has an option only of imposing incarceration or incarceration and a period of special parole.

If the court imposes an incarceration and a period of special parole, the sentence, the combination cannot exceed the maximum sentence for the crime.

Therefore, it limits the actual time when a person can be supervised after a period of incarceration.

If this Raised bill language, 7237, is included in this bill, that would allow the court to impose a substantial sentence of imprisonment, followed by a suspended portion of that sentence, with up to 35 years of probation.

Probation has become very good at intensive supervision of sexual offenders. A lot of these prisoners, after completing a sentence, truly may not be rehabilitated, really need supervision, really need to be controlled in

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There are some issues that really need to be addressed and addressed more carefully than we've been able to do.

And I'm not criticizing the Committee because I think the work that the Committee did, and I saw firsthand some of the sessions I went to and the minutes I read, and the others, they did a terrific amount of great work.

But I just hope those details that need to be addressed can be addressed before the bill is effectively passed. Thank you.

REP. LAWLOR: Thank you, Kevin. I just want to ask you about a couple of things, starting with sex offenders and talk a little bit about juveniles. Then I'm sure other Members of the Committee have similar questions.

First of all, on the sex offender topic, I just want to thank you for you and your office working closely with a number of Legislators to draft a proposal that seemed to be acceptable to virtually everybody, in terms of increasing penalties for child molesters and otherwise making the system work more efficiently, in terms of getting convictions where we actually have good cases. SB1458

So I think the end result is a good product, and, hopefully, we can turn it into law sooner rather than later.

You don't have testimony on a different bill, and I just wanted to ask you a couple of questions about it. You may or may not have HB 7408

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seen it, so, if not, I'll just explain it to you.

But it's House Bill 7408, and there's a couple of provisions there which relate to the victim's role in petitioning a court to remove the restriction on putting convicted sex offenders on the Internet.

And the other provision deals with making computer repair companies, or individuals, mandated reporters.

You may be aware that there was a controversy recently where a guy pleaded guilty to abusing a child, and the end result was the court took advantage of a provision in the current law.

It's 54-255, which permits the court to order that a person be a registered sex offender but not have their name on the Internet registry. There is a provision for that.

And apparently, it's used rarely, but, as 4,000 people on the registry, I think there's about 40 or so people on the Internet who don't actually have their names on the Internet registry.

I was here when we passed that law, and the whole point was in cases where victims felt that, you know, in many cases, it's their father for example, by putting the offender's picture information on the Internet, you're basically outing the victim and that there might be cases where the victims themselves don't want this actually to be out there for

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public consumption, in respect for their own privacy.

So a judge has that authority to do it. If you read the statute, it's clearly geared towards the interests of the victim, and it also allows the judge to lift that restriction at any time after putting the restriction on.

And what wasn't clear was whether or not the victims could actually come back into court any time after the criminal case is resolved and ask the judge to reconsider the restriction.

So there's language in here that says, the victim may, at any time, petition the court to remove the restriction on the dissemination of such registration information and to make such registration information available to the public.

Just to be clear, if circumstances changed, it's all, it gives the victims the opportunity to come in and do that.

And I guess my question is is that something you think would be appropriate, or does that create a concern on your part?

ATTY. KEVIN KANE: I think that would be appropriate. I do think this whole area though, the Risk Assessment Committee or Board is looking at this area, and this shows an ambiguity or a dilemma in the situation.

That provision is designed to protect victims who don't want to be disclosed by having the

offender named in the registration. The purpose of registration is to protect the public in general.

It's not to protect the victim. The victim already knows who the offender is and can stay away from the offender.

The victim doesn't have any personal interest or benefit from having this person be a registered sex offender.

But the public may well have a benefit and have a need to have this person, and if it's the kind of person who is a threat to the public. So it's hard to address this issue in that concept.

REP. LAWLOR: Well, I guess the technical issue here, and this came up in the context of this case that was reported extensively in the newspapers, etc.

But in this particular case, apparently, there was a plea agreement, where one of the aspects of the agreement was that the judge would order that the person not be on the sex offender registry.

And apparently, the victim's family agreed to that in an effort to resolve the case. And then the question came up, let's say, a week later or a month later or a year later, for whatever reason, the victims changed their view on that topic.

How do they get back in front of the judge to request the name go back on the registry? And it's clear that the prosecutor would have the opportunity to bring it back, but I think, in this particular case, the prosecutor might have felt that they're honor bound by a plea agreement to not undermine that.

And so the question was, let's say the prosecutor didn't initially want to do it, then can the victim go in on their own and just ask the judge to conduct a hearing, which is already provided for under the statute, although the statute is silent as to who can request the hearing to take place?

Would it be inappropriate to give the victim that opportunity just to ask for the judge to consider what the statute calls for, which is, the court shall remove the restriction if, at any time, the court finds the public safety requires that such person's registration be made available or that a change of circumstances make publication of the registration no longer likely to reveal the identity of the victim, etc.

But at the same time, it requires the court, in the first place, to consider whether or not having it on the Internet is required for public safety, and the publication of the registration information would likely reveal the identity of the victim.

So the question is could the victim later on, on his or her own, ask the court to reconsider the restriction, and this would give the victim

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sort of standing to come into court and simply ask for that?

ATTY. KEVIN KANE: I haven't thought in great detail about that. I suppose it could be done if, assuming the statute gives the court the jurisdiction to do it after the sentencing has been over. Normally, courts lose jurisdiction when sentencing is imposed.

REP. LAWLOR: It's clear the statute gives the court jurisdiction to do that at any time. It says, if at any time, the court finds that such a thing has taken place. So it seems like they have jurisdiction.

But maybe you haven't thought about it, but I just was asking if you can consider that and let us know how you guys come out on that.

ATTY. KEVIN KANE: I will. One of the major concerns I would have is when a defendant pleads guilty, with an understanding as to what the plea agreement is, and part of the plea agreement to which the defendant pleads guilty is that he won't be required to be a sex offender, and then all of a sudden, somebody says, oh, we changed our mind.

Now we want him to be a registered sex offender. That may give him the right to withdraw his guilty plea.

REP. LAWLOR: It might, although the statute that allowed them to do that, in this case, makes it very clear that the court can change its mind at any time in the future.

And so, and maybe if, I mean, one would hope this would only happen at the request of a victim, and the statute is clearly written with that intent in mine.

But since the issue was raised, it's a very legitimate issue, and I think you're right, the Risk Assessment Board, this is the kind of thing that that's designed for.

But in the meantime, if you'd consider the question about whether or not, what problems would be caused if we did this. I personally think it's a good idea, but I just want to make sure we're not making it worse somehow.

ATTY. KEVIN KANE: As long as the defendant is aware at the time of the plea, is made aware at the time of the plea agreement that the court will continue to have the option to require him to register, as long as that's part of the plea agreement so that the defendant knowingly and voluntarily agrees to that, I don't see a problem.

REP. LAWLOR: Okay. And the second question is, again, this is a relatively new concept, but it was suggested.

I know Representative O'Brien is here, who initially suggested it to us, to have computer repair people be mandated reporters, on the theory that if they were repairing a computer, and they see child pornography, what they believe is child pornography, should they be obligated to report that to the Department of

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Children and Families so that there can be an appropriate investigation, in the same way that a teacher, police officer, medical professional would have that same obligation? I just wondered if you had any thoughts on that.

ATTY. KEVIN KANE: I think it's a good idea. I did have a case several years ago, where that's exactly what happened.

A computer repairperson discovered something, told, actually it was just a parent or a homeowner, and the case was made as a result of that, and it was a very important case. I think it's a good idea.

REP. L WLOR: Okay. And then, finally, on the HB 6285 juvenile topic, I don't have a question, but I just want to make it clear.

I'm sure my colleagues will, the one thing you can rest assured, you expressed a concern that we'd pass a bill and then forget about it or, and the alternative not fill in the blanks on the bill before us, the blanks are definitely going to get filled in.

And this is an issue that will be front and center for at least the next three or four years, there's no question in my mind, based on the energy behind it already. So with that in mind, I'm sure Representative Walker has some questions.

ATTY. KEVIN KANE: I'd feel a lot better, I would have felt a lot better if I saw a Division of Criminal Justice blank, Public Defender

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REP. FOX: Any other Members of the Committee?
Senator Kissel.

SEN. KISSEL: Thank you very much, Mr. Chairman.
And I couldn't agree with Representative Walker
more. I know that we spent an awful lot of
time on this issue.

And I understand your concerns regarding money,
just like I understand the concerns of the
Police Chiefs Association regarding evidentiary
issues and their ability to investigate crimes.

Nonetheless, I really think that, at least this
Senator's analysis of the situation, we have
done a woeful job regarding 16- and
17-year-olds and children in that middle
period, where everything really bubbles up to
the top.

And it's just always amazed me, whether it's
families with service needs, whether it's
juvenile jurisdiction, whether it's runaways
and the inability of a parent to try to get
governmental assistance, whether it's the
police or some other agency, to intervene to
try to just simply bring their child back home,
at the exact time in a young person's
developmental life when they need the most
safety net and alternatives and counseling and
support services, we as a state have decided
we're not there.

And we had ample informational hearings
regarding this. And if we can get our arms
around this, the dollars that will redound back
to the state will be enormous.

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I mean, we had great folks come to offer information from California and other parts of the country, not only to the Juvenile Jurisdiction Taskforce but to this Committee as well, over the last several years.

But, in particular, I recall the one on a Friday afternoon before the Judiciary Committee.

So, again, it's like so many other areas, where it's not just dollars and cents, but it's quality of life. If we pursue this, think of the benefits to the families. Think about the benefits in the reduction of crime, overall.

And as the Senator with the most correctional facilities in his or her district, we've done our fair share. We don't want to build any more correctional facilities.

We, as a state, with an aging population, we can't afford to lose any of these young people. So if we have to make an extra special effort to intervene in 16 and 17, I think it's worthwhile.

We hear you when it comes to the dollars and cents, and shame on us if we don't provide you with the financial wherewithal to make sure that the men and women within the state's attorney's office have the resources to be allocated to these courthouses, to be able to redefine their mission and to continue a pace with that.

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S w t t s t f n record regarding that. On the other issue, what a difference, and this is Jessica's Law, what a difference about a month and a half makes.

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First of all, I hope that I appraised you, Mr. Chief State's Attorney Kane, and your office, and Bill, and everybody else involved in this, I know my friend and colleague, Representative Arthur O'Neill was involved in this.

But about a month ago, the Governor's proposal was getting a good, swift kick around this building, unfortunately, and maybe it had some flaws in it.

But, certainly, the concern expressed by Governor Rell and her staff and her folks over there at the Capitol was heard by an awful lot of folks.

I know that my leader, Senator DeLuca, Senator McKinney last year, championed this, and so many of us thought that it was really very, very important for the State of Connecticut.

It's nice to know, and I'm not cynical, and we had done some screening earlier this week where my friend and colleague, Representative Lawlor, said maybe I should be a little bit more cynical, but I refuse to be cynical.

I insist upon being an optimist and looking at the bright side. And maybe the proposal just needed a little bit of extra work.

I have to compliment you on being such a fine

gentleman because the faux pas, and that's, of course, French for misstep, was on my side.

When we worked on this, and your office sent to my office your proposal for Jessica's Law, we did some cutting and pasting, and in that process, it was me that forgot to put in there the provision regarding the, which was the mirror of Raised House Bill 7237, regarding special parole, which would allow us to extend the period of probation when we're in situations such as this.

So it wasn't you. It was me. I've already chatted about this with Representative Lawlor, and it seems to be that the leadership of this Committee is very much open to adding that provision to the underlying bill.

Before we all hold hands and sing *Kum Ba Ya* on this though, I really hope that the Jessica's Law bill, without much revision, other than adding in that portion, can make it through the House and the Senate and get passed into law.

When that day happens, and the Governor signs it, I will feel much better about the process. But, certainly, every time we turn around, there's somebody out there preying on a little girl or a little boy.

And I have an 11-year-old, and when people say, oh, jeepers, this, that, or the other thing, 12 years old is really, really young. My 11-year-old is in 5th grade.

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I mean, if you're not a mom or a dad, just think about a sixth grader. They're still in elementary school. And so these folks that are out there preying on these young people, that's what the Jessica Law bill is all about.

So I don't really have a question, but I wanted to make sure that it's all part of the public record that the glitch was not with your office. It was with myself.

And I will do everything I can to build in that provision into the Jessica's Law bill so that we have one of the very best bills passed by any state in the United States and one that is eminently workable so it will allow your folks, who are on the front lines, to really, when the evidence all lines up, and they feel comfortable about bringing these cases, they can really go to town and put these predators away for a long period of time. So thank you so much, Mr. Chief State's Attorney, for your efforts regarding this.

ATTY. KEVIN KANE: Thank you, Senator. I think we all put our heads together, and together, we all came up with something, which I hope will pass and I hope will help.

REP. FOX: Representative Hamm.

REP. HAMM: Thank you, Mr. Vice Chairman. Attorney Kane, I'm so apologetic, I came in a little after your testimony had begun, and so I'm going to ask that you clarify for me your opposition or not to the Raise the Age bill, House Bill 6285.

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REP. LAWLOR: Next is Kathy Rector. I'm sorry, next is on behalf of Senator Debicella.

KATIE KENNALEY: Good evening, Senator McDonald, Representative Lawlor, Members of the Committee. My name is Katie Kennaley, and I will be giving testimony in favor of Senate Bill 1458, on behalf of Senator Debicella.

The testimony is in favor of Senate Bill 1458, AN ACT CONCERNING JESSICA'S LAW. Like all of you, and every other responsible human being, I abhor the very idea that there are people in the world that can sexually assault adults, never mind children.

Yet, rarely does a day go by when the horrifying details of what some people are capable of doing to children is graphically laid out for all to see.

Shockingly, these details, all too often, include mention of the fact that the perpetrators are not strangers to these types of violent crimes against children.

How can we, as lawmakers, as responsible members of society, and as decent human beings, fail to take the strongest action possible to discourage this type of heinous behavior and, failing that, to harshly punish it?

I believe that passing this bill would put everyone on notice, from potential criminals to potential victims, that Connecticut citizens do not tolerate the sexual assault and sexual

abuse of children and that they stand ready to take the strongest action possible against these criminals.

Decent human beings know that there is no acceptable excuse for this type of criminal behavior.

Connecticut citizens want our law enforcement and judicial systems to have the necessary authority to act in a manner that reflects our belief that there is no excuse for sexually assaulting and sexually abusing children.

I believe that Senate Bill 1458 should be passed for several reasons. First, it should serve to protect our children by removing pedophiles from society.

Second, it is fair to have the penalty fit the heinous nature of the crime. Third, I feel that it will be more effective than plea bargaining in taking dangerous pedophiles off the streets.

Protecting our children. Connecticut needs a law on the books that takes these criminals off the streets for a very, very long time.

Even if the risk of spending a significant portion of one's life behind bars is not enough to deter all sexual predators from making children their victims, society can at least prevent convicted pedophiles from creating new victims by imposing lengthy prison sentences.

Fairness and justice. Connecticut needs a law on the books that imposes punishment that fits the crime. Pedophiles bring terror into the lives of innocent children. That terror, that horror, and that loss of innocence can last a lifetime.

As citizens of a just society, we have the obligation to impose a punishment that reflects our understanding of what was taken from these young victims. Twenty-five years or more in prison is not too much to demand of sexual predators.

More effective than current plea bargains. The only argument that I have heard to date against Jessica's Law is that it will hamper the ability of prosecutors to enter plea bargains with alleged pedophiles.

Opponents say that more pedophiles will get off because it is harder to convict a pedophile than to simply plea bargain a life sentence.

I believe this argument has a critical faulty assumption, that these plea bargains actually accomplish anything to protect our children and to ensure justice.

Law-abiding, responsible citizens have little or not patience for a legal system that routinely enters into plea bargains with criminals who sexually abuse and sexually assault children.

They are correct to be dissatisfied with prison sentences of only a few years, with time off

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for good behavior. Such plea bargains are not fair or just to the victims.

Try explaining to the past and future victims of child sexual predators that a two-year plea bargain is fair.

Additionally, such plea bargains do little to protect children from pedophiles striking again if they are simply being rotated out of prison every few years.

I believe that mandatory minimum sentence of 25 years for the 1st offense and 50 years for the 2nd offense are more in line with justice for the victims and more likely to protect our children.

Thank you for considering this legislation, and I urge the Judiciary Committee to pass this on to the full Senate and House for debate and final action. Thank you.

REP. LAWLOR: Thanks very much, and if you don't mind, could you convey to Senator DeBicella that, number one, Connecticut no longer has good-credits for anybody, so there's no time off for good behavior.

And the concerns that he raised to the bill were actually concerns about an earlier bill, but everybody, at least most the people I'm aware of, support the current bill. So just if you could just update him on that, we'd appreciate it. Thank you.

KATIE KENNALEY: Okay. I'll let him know.

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REP. LAWLOR: Thank you. Senator McDonald.

SEN. MCDONALD: Thank you. And thanks for sticking around all day. And I hope that Senator Debicella is home in Shelton, watching this on CTN so he can see the fine work that you did tonight, so thank you for being here.

REP. LAWLOR: Are there questions? If not, thanks very much. Next is Kathy Rector. And Ms. Rector will be followed, is Senator Guglielmo here? And Representative Sawyer is no longer here, I'm guessing. Okay.

So after this group, we'll call on Sally Joughin, and she'll be followed by Hector Glynn. Is Mr. Glynn still here? You are, okay.

BETH MCCABE: First of all, I would like to thank every Committee Member here for hanging in there all day. I know it's been really long.

I've been sitting here watching you, and I totally sympathize, but thank you for being here.

My name is Beth McCabe from Canton, Connecticut. When I was 11 years old, I was sexually abused by a priest.

I'm here to testify regarding House Bill 7408, requesting to extend the Statute of Limitations from 30 to 40 years and propose a window to enable child victims of horrific sex crimes to expose the perpetrators in court.

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because I know that I want to live in a society that will welcome me back, even though I've committed an offense, that I don't come back hostile and bitter and commit more offenses.

But I'm telling you now that there are many men in those prisons that are going to be coming back out into society.

And because of their mistreatment that they're receiving, because of the unchallengeable authority that the Department of Corrections has, is creating a lot of bitter people. And with that, I thank you.

BARBARA FAIR: Hi, my name is [inaudible - microphone not on] Fair, and I'm Timothy's sister. I'm also a part of People Against Injustice in New Haven. I've been here many years, many, many hours on different bills.

But I just want to thank the Committee for, you know, taking the time to listen to us tonight, especially to the Heads of Judiciary, Representative Lawlor and Senator McDonald.

A lot of what I have to say has to do more with, because I looked at the different bills that I wanted to speak on, and there's quite a few of them, especially because I work a lot with kids.

But my biggest thing that I'm here for tonight is the prison overcrowding. But one of the things I wanted to say about some of the resolutions that we can have with the bills that we have for children is that I think there

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But you know what? Those people are we. And that's one day, if we're ever going to have a better world, that's the way we're going to have to look at it. These are we.

And then we don't have to spend so much time up here passing legislation to punish people. If you want to punish somebody, punish those predators that are out there destroying our kids lives, the reason a lot of these kids are running away and drinking and drugging and all that stuff.

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Take care of those predators first and stop wasting so much time punishing our kids. And on the final note, sorry, I get a little emotional, especially with kids.

But I just wanted to say that the job I hold now, as Assistant Manager, that means I go and look at the gaps in services and try to figure out how we can change things.

I think there may be a little gap in this system because when you sit here at 9:30 in the morning, and then you end up testifying at 7:30 at night, something is wrong.

But if you'd like to offer my assistance, maybe I can help you. Thank you. But I appreciate the fact that you stayed here and listened to us.

REP. LAWLOR: As promised early on, we stay here until the end. But, you know, there's a lot of Legislatures who severely limit their public

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reflect this, my pledge, and my heart. Thank you.

SEN. MCDONALD: Thank you very much, Mr. Sorrentino. Are there any questions from Members of the Committee? If not, thanks very much for being here.

If I'm right, Sharon O'Reilly, is Sharon O'Reilly here? Okay. Stan Frank, followed by Jennifer Zito.

STAN FRANK: Do you guys get paid overtime for staying?

SEN. MCDONALD: Neither overtime nor hazardous duty.

STAN FRANK: Good evening, Senators and Representatives and Committee Members. I'm here in support of Jessica's Law. My name is Stan Frank. I'm the owner of Gem Jewelry, and I've been married 43 years.

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I've got two grown children, six grandchildren, and I've been very, very financially successful in life. But that's just a part of who I am. I'm also an incest survivor.

I was raped by my uncle when I was seven years old. I read and heard some of the reasons why some people would not like to pass Jessica's Law.

Some people say it would be very traumatic for the child that has been sexually molested to testify.

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All the pain, shame, and suffering the child will experience the rest of their lives doesn't start with testifying. It started when the little boy or girl had been sodomized orally, vaginally, or anally.

Another reason some people don't want to pass Jessica's Law is that it would crowd the courts and create a lot of work for prosecutors and fill our jails and do away with plea bargaining.

Wouldn't that have been wonderful if the little boy or girl could have plea bargained with their sexual molester?

If anyone here thinks that it would cause too much trouble to prosecute and convict, and 25 years might be too long to put away some of the most severe offenders for sexually molesting children, I can tell you I'm 69 years old.

I was raped at the age of seven. My sentence so far is 62 years and still running, and there is thousands more that have had similar experiences.

Statistics say that one in 4 girls are sexually molested by the age of 12, and 1 in 8 boys. In my opinion, one purpose of Jessica's Law is determined.

If my uncle knew he would be sentenced to 25 years, just maybe it might not have happened to me.

If all those Catholic priests that raped little boys had known they might not be protected, and their horrible acts not covered up, and they would be sentenced to 25 years, just maybe some of them would not have raped, and some of these little children would not have to grow into manhood without all that shame, pain, and suffering.

We all now know the priests are not raping anywhere near the numbers of a few years ago, and it's not because of the church. Why? It's because of exposure and punishment. It works.

Twenty-five years automatically, no plea bargaining, no misguided judges giving super-lenient sentences for the most horrible, heinous crimes that one human being can do to a child.

It appears that pedophiles cannot be cured, and maybe the pervert that raped little Jessica and had previously molested other children, if he got put away, Jessica might be alive today.

The sexual molester of children creates a horrible, heinous crime, that knows no social or economic or racial boundaries. And every day, we read it or hear about another child being sexually molested.

And so far, our police, prosecutors, judges, and lawmakers have not curtailed these horrible crimes.

I believe that passing some sensible version of Jessica's Law, and taking the worst offenders

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out of society for 25 years and away from our children, will cut down the number of sexual abuses against our children.

Children are the weakest among us. They don't have power. They don't have the use of money, and they can't vote. It's up to us, all of us, as a caring society, to do something and protect our children.

Just one more thing I want to mention, it has to do with that 40 years. I was raped in 1945. I remembered it in 1987. That was 42 years later. I have no cause to sue anybody.

But I would like that 40-year-or-nothing to be passed because a lot of people do block it from their minds, as I did. And it screwed up most of the early part of my life. Thank you for listening to me.

SEN. MCDONALD: Thank you, and at this hour, I normally thank anybody for being here at this late time, but I particularly want to thank you for your testimony, as a survivor of sexual abuse.

This obviously is a very complicated area, and your testimony is a very important part of that debate, so I appreciate it deeply. Senator Kissel.

SEN. KISSEL: Thank you very much, Chairman McDonald. Mr. Frank, I really want to thank you for staying. We started our public hearing at 11:00, and it's about almost 20 minutes to 9:00.

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STAN FRANK: I've been here since 9:30.

SEN. KISSEL: There you go. And I would agree with Chairman Lawlor that it may not be the best of procedures for having the public come and testify, but I really can't figure out a better one. And we utilized a lottery system, so it's the luck of the draw.

STAN FRANK: I can honestly say that I have never been in these Chambers before, and it's really an education for myself, I've lived in Hartford all my life, to come and listen to this. And I respect all of you people.

SEN. KISSEL: The other thing is that one of your, first of all, for you to be, for lack of a better term, brave enough to come and talk about this very horrendous event that happened in your childhood, that took a lot of guts, and I completely acknowledge that.

And you're a businessman and a prominent businessman in Connecticut. There's a Gem Jewelry in Enfield, northcentral Connecticut. Your ads are all over the TV.

And so I bet you that weighed into do I testify, or do I not testify? Also, as one of the many Legislators who put some time and effort in trying to cobble together a Jessica's Law for Connecticut that's workable, and I understand your predisposition against plea bargaining, but I think our state's attorneys, all of them that are on the front lines, one of which is Chairman Lawlor's brother, came and

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testified earlier on the Governor's proposal and indicated they need to have the means to assess the evidence that they can put forward.

I think that this proposal, the way I view it is arrows in a quiver. It still allows them, in a case where they can't muster all the evidence, to really have some ability to at least get some people on the registry.

But in the case where they have ample evidence, and they really want to throw the book at someone, the 25-year mandatory minimum is there.

So as one of the few lay people who waited around all day to testify on Jessica's Law, I want to thank you for that because I think your testimony today is very important.

And last but not least, regarding the extension of the Statute of Limitations, I think your testimony is very valuable regarding that issue as well.

It's clear that you really don't have a big dog in the fight. It's not that you have a predisposition against the Catholic church. I don't sense that whatsoever.

STAN FRANK: I'm not Catholic.

SEN. KISSEL: And, you know, I'm not saying that anybody here had that, but people could be concerned that they might have. That's out of the issue here.

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Nor are you representing the other side of the equation, you know, an institution that has concerns regarding it.

You're just here as a regular person, offering your insights, and also your testimony that whether science supports repressed memory or not, your testimony is that it was so horrific, what occurred to you, that for the better part of your entire life, you blocked it out of your mind.

STAN FRANK: Yup, I did.

SEN. KISSEL: And so that really helps, I think, myself and, I would guess, some of my colleagues and other folks that may be watching on the CTN network get their arms around a lot of these issues. So I just wanted to thank you. Thank you, Mr. Chairman.

SEN. MCDONALD: Thank you. Is there anything further? If not, thanks again.

STAN FRANK: Thank you.

SEN. MCDONALD: Jennifer Zito is next.

JENNIFER ZITO: Thank you, Chairman McDonald, HB 7406
Chairman Lawlor, and Distinguished Members of
the Committee.

I know the hour is late, and my words seem somewhat less, they pale by comparison to some of the testimony you've had today.

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both Members of this Committee who are not here, are watching this from home.

In fact, my guess is that Senator Roraback is sitting in lovely Goshen, Connecticut at the moment, watching this. And as he is [inaudible] to do, he often does that.

But other Members of the Committee are watching this and hearing your testimony, but I am hoping that, at least with respect to this issue, some folks from the State's Attorney's office in Norwalk and the Chief State's Attorney's office are listening as well. And if not, they'll be getting our e-mail shortly. So thank you very much.

JENNIFER ZITO: Thank you. I appreciate it.

SEN. MCDONALD: Next, is Laurice Harvey here? Shanice Maxwell? Louise Pyers? Just want to make sure. They went to the effort of signing up.

Morishio Hughes? Sarah Eagan? Nancy Kushins? I didn't want you to testify before it was your time, Nancy.

NANCY KUSHINS: Thank you.

SEN. MCDONALD: Everybody has to wait their turn, you know. You've been very patient.

NANCY KUSHINS: Well, it's a first for me to be last, I have to say. Senator McDonald, Representative Lawlor, Members of Judiciary Committee, my name is Nancy Kushins, and I am

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the Executive Director of Connecticut's Sexual Assault Crisis Services.

As CONNSACS commemorates 25 years of being the leading voice of sexual assault victims in the state, and as we observe April as Sexual Assault Awareness Month, I'm honored to be before you today to testify on bills that impact victims of sexual assault.

You have my written testimony on several bills that are important to us today, but I'd like to spend my time talking about two of those bills.

First, CONNSACS supports the modifications made to Senate Bill 1458, AN ACT CONCERNING JESSICA'S LAW. And we share the desire of Legislators to keep children and communities safe.

Thank you for hearing the issues and concerns raised by victim services organizations and other entities.

The bill, as now written, provides prosecutors with the tools they need, while considering the impacts on sexual assault victims.

CONNSACS opposes House Bill 5503, AN ACT CONCERNING RESIDENCY RESTRICTIONS FOR REGISTERED SEXUAL OFFENDERS.

While CONNSACS applauds the positive intentions of Legislators to keep our children safe, residency restrictions have unintended consequences of decreasing, rather than increasing, public safety.



James F. Papillo, J.D.
Victim Advocate

STATE OF CONNECTICUT

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Testimony of James Papillo, State Victim Advocate Submitted to the Judiciary Committee Wednesday, April 4, 2007

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Senate Bill No. 398, *An Act Establishing a Trafficking in Persons Council* (OPPOSE)

Senate Bill No. 844, *An Act concerning Missing Persons and the Duties of the Chief Medical Examiner* (SUPPORT)

Senate Bill No. 1457, *An Act Concerning Consensual Sexual Activity Between Adolescents Close in Age to Each Other* (GENERAL SUPPORT)

Raised Senate Bill No. 1458, *An Act Concerning Jessica's Law* (SUPPORT)

House Bill No. 6285, *An Act Concerning the Age of a Child With Respect to Juvenile Court Jurisdiction* (GENERAL SUPPORT WITH PROPOSED AMENDMENT TO SECTION 13)

Raised House Bill No. 7408, *An Act Concerning the Risk Assessment Board, the Dissemination of Registration Information of Sexual Offenders and the Sexual Abuse of Children* (SUPPORT)

Senate Bill No. 398

During the 2006 legislative session, Special Act No. 04-8 was amended to continue and strengthen the work of the Interagency Task Force on Trafficking in Persons. Unfortunately, the funding to establish and implement a training program was repealed in the budget implementation bill (Section 98 of Public Act No. 06-187).

Connecticut is a pathway between Boston and New York City, both major destinations for human traffickers. Connecticut lawmakers have a responsibility to ensure that traffickers will be prosecuted when caught engaging in trafficking within the state and, further, that adequate services will be available to assist the victims of such trafficking. Part of that responsibility is to ensure that the agencies and entities investigating and prosecuting trafficking crimes are sufficiently equipped and trained to understand the complicated nature of human trafficking.

Senate Bill No. 398 establishes a Trafficking in Persons Council to support the work and recommendations of the Interagency Task Force on Trafficking in Persons. However, as presently drafted, this proposal is deficient in that it fails to provide funding

Raised Senate Bill No. 1458

I testified before this Committee on February 23, 2007 and expressed serious concerns about portions of House Bill No. 7086 which is modeled after Florida's "Jessica's Law." While the undersigned certainly supports reasonable efforts to "get tough" on those who commit sexual assaults on minor children in Connecticut, my concerns, as detailed in my written testimony provided to this Committee, centered on a number of potential, negative consequences that could result from the sentencing structure proposed under House Bill No. 7086.

I believe that Raised Senate Bill No. 1458 provides a reasonable "get tough" approach on the problem and on those who commit heinous sexual offenses on minor children. Section 1 creates a new crime of aggravated sexual assault of a minor with a mandatory minimum sentence of 25 years for a first conviction of the offense. A person can only be charged with this enhanced offense when such person commits one of the specified sexual offenses against a child under the age of thirteen **and** when one or more of the enumerated qualifications apply.

In addition to providing tough penalties for those convicted of the most despicable crimes against children, the enhanced offense will also be a valuable tool for prosecutors as they negotiate such cases during the plea bargain process.

As of February 15, 2007, there were 603,245 registered sex offenders in the United States.¹ The increased mobility of our society has led to "lost" sex offenders, those who fail to comply with registration requirements yet remain undetected. In addition, the wide disparity among the state programs in both registration and notification procedures permits, and actually encourages, sex offenders to "shop around" for the state with the least stringent laws, in order to live in communities with relative anonymity. I strongly urge the Committee to support Raised Senate Bill No. 1458 and send a message that Connecticut will not tolerate or be lenient on violent sexual predators.

House Bill No. 6285

It is the position of the undersigned that the Victims' Rights Amendment to the Connecticut State Constitution (Article First, Section 8(b)) applies to juvenile delinquency and youthful offender proceedings just as they do to adult criminal proceedings. This position has been supported by the General Assembly with the passage of Public Act 05-169 which prohibits a judge from excluding a victim from juvenile delinquency and youthful offender proceedings unless, after hearing from the parties *and the victim*, the judge finds good cause and states the reason(s) for such exclusion on the public record.

Section 13 of House Bill No. 6285 establishes a Juvenile Jurisdiction Policy and Operations Coordinating Council. The Council will have the duty to monitor the implementation of the central components of the implementation plan developed by the

¹ National Center for Missing & Exploited Children- www.missingkids.com



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Testimony of Connecticut Sexual Assault Crisis Services, Inc.

Nancy Kushins, Executive Director
 Connecticut Sexual Assault Crisis Services, Inc.

In support of SB 398 An Act Establishing a Trafficking in Persons Council

In support of SB 1457 An Act Concerning Consensual Sexual Activity Between Adolescents Close in Age to Each Other

In support of SB 1458 An Act Concerning Jessica's Law

In opposition to HB 5503 An Act Concerning Residency Restrictions for Registered Sexual Offenders

In support of HB 7086 An Act Concerning the Risk Assessment Board, the Dissemination of Registration Information of Sexual Offenders and the Sexual Abuse of Children

Submitted to the Judiciary Committee
 Public Hearing, April 4, 2007

Senator McDonald, Representative Lawlor, and members of the Judiciary Committee, my name is Nancy Kushins and I am the Executive Director of Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS). CONNSACS is the statewide association of nine community-based rape crisis centers in Connecticut. Our mission is to end sexual violence and ensure high quality, comprehensive and culturally competent sexual assault victim services.

During fiscal year 2005-2006, CONNSACS' community-based program staff and volunteers provided services to 4,326 sexual assault victims and their families. Our member centers also provided risk reduction and prevention education to more than 46,000 children and youth and to over 8,000 members of the general public and training for nearly 3,400 professionals, including law enforcement personnel.

I am submitting testimony on behalf of CONNSACS with respect to the following:

- ***SB 398 An Act Establishing a Trafficking in Persons Council***

- SB 1457 An Act Concerning Consensual Sexual Activity Between Adolescents Close in Age to Each Other
- SB 1458 An Act Concerning Jessica's Law
- HB 5503 An Act Concerning Residency Restrictions for Registered Sexual Offenders
- HB 7086 An Act Concerning the Risk Assessment Board, the Dissemination of Registration Information of Sexual Offenders and the Sexual Abuse of Children

CONNSACS supports SB 398 An Act Establishing a Trafficking in Persons Council. As an original member of the Interagency Task Force on Trafficking in Persons, CONNSACS remains committed to identifying and providing services to victims of trafficking. The establishment of a Trafficking in Persons Council will serve to ensure continuity to the excellent work that has already been done under the leadership and vision of Senator Stillman. Bringing together key state stakeholders has been a productive learning experience for us all. While a great deal of progress has been made, it is important that no momentum is lost. The Permanent Commission on the Status of Women has successfully played a key role in supporting and sustaining the activities of the trafficking task force, and will also provide outstanding leadership to the council.

CONNSACS supports SB 1457 An Act Concerning Consensual Sexual Activity Between Adolescents Close in Age to Each Other. This bill decriminalizes *consensual* sexual activity by teenagers close in age by increasing the age difference in the sexual assault in the second degree statute (CGS 53a-71) from two years to three calendar years when the younger party is 14 or 15 years old and by providing for a two calendar year age difference when the younger party is 13 years old.

Consensual sexual activity by and between adolescents should not be a violation of the criminal law. While as adults we may not agree with or condone sexual activity by young teens, studies show that they are making the decision to engage in sexual activity. The two-year age difference in Connecticut's law results in the prosecution of teens for their consensual relationships with their peers.

CONNSACS supports the modifications made to SB 1458 An Act Concerning Jessica's Law, and CONNSACS shares the desire of legislators to keep children and communities safe. Thank you for hearing the issues and concerns raised by victim services organizations and other entities. The bill, as now written, provides prosecutors with the tools they need, while considering the impacts on sexual assault victims.

CONNSACS opposes HB 5503 An Act Concerning Residency Restrictions for Registered Sexual Offenders. While CONNSACS applauds the positive intentions of legislators to keep our children safe, residency restrictions have unintended consequences of decreasing, rather than increasing, public safety.

A number of states have implemented residency restrictions in which sex offenders may not reside within a certain radius of schools, parks, skating rinks, certain neighborhoods, etc, and may not utilize resources such as group homes, homeless shelters and hurricane shelters. However, there is no evidence that these laws protect children. In

JOINT
STANDING
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HEARINGS

JUDICIARY

PART 21
6552-6885

2007

Testimony to the Judiciary Committee
4/4/07 Public Hearing

SB1458 - An Act Concerning Jessica's Law

Dear Members of the Judiciary Committee:

As a mother of three children I have some grave concerns about the protection of our children from sexual predators who prey on the innocence of children. I am urging representatives of Connecticut to ensure the passage of SB1458 An Act Concerning Jessica's Law. For years the public has continually witnessed the abuse of children who have been preyed upon by unsuspecting deviant perpetrators who lure children to their evil traps and then take away their childhood and, in many cases, their life.

Judges throughout the nation have been too lax in their sentencing of these individuals who have a prior history of sexual abuse, especially with children. Many of these sexual offenders that do receive rehab in prison commit the same crimes. Rehab is not proven to help these sexual offenders. In most cases this is a sickness that the individual cannot control within themselves due to their obsession with sexual insatiable desires to molest children. Society has no obligation to rehab or to be lenient with sexual predators, especially when they brutalize children. In dealing with the rehab situation first, the punishment must be the forfeiture of freedom for much of the abuser's life. That's just and fitting punishment. If you rape or sexually brutalize a child, that child will never fully recover. For the rest of that person's life, the crime will be played out in a variety of ways.

Because of that heinous act, the state of Florida and other states have passed "Jessica's Law," which mandates that a first-time conviction for felony sexual battery on a child will result in a 25 years-to-life prison sentence. No plea bargain, no parole, no judge dispensing light punishment.

In the past three years, 41 out of 50 states have passed a version of Jessica's Law, but there is still powerful opposition to it. Many prosecutors claim that they will not get a full confession from the perpetrator if he knows that he will be sentenced to 25 years. However, it is up to the prosecutor to obtain the necessary facts to prove that this individual has committed this horrific crime. This has always been the case in the justice system and anything short of this is just a copout and avoiding real justice for the victim.

We live in a society where the lawyers and judges claim we must be sensitive to the criminal and the victim. It doesn't fit into their "restorative justice" philosophy, where the criminal, as well as the victim, must be "healed." My question then is "What about the child who will never heal from the wounds? Children's lives are brutally lost in heinous ways. Their life is stolen from them at a very young age. Where is their justice?"

Finally, anyone who is a parent can relate to this and understand why we need to remove this individual from society for as long as possible even for the first offense. If you vote against Jessica's Law, you're hurting the kids.

Sincerely,

Carol Annino
23 Whitewater Turn
Simsbury, CT 06081



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender

Raised Bill No. 1458
An Act Concerning Jessica's Law

Judiciary Committee Public Hearing
April 4, 2007

Consistent with its position in the past, the Office of Chief Public Defender opposes Raised Bill No. 1458, An Act Concerning Jessica's Law. Sections 1 through 8 and section 10 would require the imposition of mandatory prison sentences on persons convicted of sexual offenses against a person under the age of 13 years. In recent years, there has been debate about mandatory minimum sentences and reasons for departure from the imposition of such. The bill, however, would remove all discretion from the court to consider any mitigating information pertaining to the defendant and requires that the court impose a mandatory sentence regardless.

The Office of Chief Public Defender is also opposed to Section 9 of the bill as it would provide a "tender years exception" which as drafted is unconstitutional. For the reasons stated in the attached testimony submitted by Deputy Chief Public Defender to the Judiciary Committee in regard to Raised Bill 1245, An Act Concerning a Tender Years Exception to the Hearsay Rule, this office urges this Committee to reject this section.

SB1458

006595-4

GOOD MORNING EVERYONE, MY NAME IS STAN FRANK
I'M THE OWNER OF GEM JEWELRY. I HAVE BEEN
MARRIED 43 YEARS AND HAVE 2 GROWN CHILDREN
THATS JUST PART OF WHO I AM. I'M ALSO AN
INSECT SURVIVOR, I WAS RAPED BY MY UNCLE WHEN
I WAS SEVEN YEARS OLD, I READ AND HEARD
SOME OF THE REASONS WHY SOME PEOPLE WOULD
NOT LIKE TO PASS JESSICA'S LAW

SOME PEOPLE SAY IT WOULD BE VERY TRAUMATIC
FOR THE CHILD THAT HAD BEEN SEXUALLY
MOLESTED TO TESTIFY

ALL THE PAIN SHAME AND SUFFERING THE
CHILD WILL EXPERIENCE THE REST OF THEIR LIVES
DONT START WITH TESTIFYING. IT STARTED WHEN THE
LITTLE BOY OR GIRL HAD BEEN sodomized ORALLY
VAGINALLY OR ANALLY

ANOTHER REASON SOME PEOPLE DONT WANT
TO PASS JESSICA'S LAW IS THAT IT WOULD CROWD

JESSICA'S LAW

THE COURTS, CREATE A LOT OF WORK FOR PROSECUTORS
AND FILL OUT JAILS AND DO AWAY WITH PLEA
BARGAINING

WOULDN'T IT HAVE BEEN WONDERFUL IF THE
LITTLE BOY OR GIRL COULD HAVE PLEA BARGAINED
WITH THEIR SEXUAL MOLESTER.

IF ANYONE HEAR THINKS THAT IT WOULD CAUSE
TO MUCH TROUBLE TO PROSECUTE AND CONVICT
AND 25 YEARS MIGHT BE TO LONG TO PUT AWAY THE
MOST SEVERE OFFENDORS FOR SEXUALLY MOLESTING
CHILDREN

I CAN TELL YOU I'M 69 YEARS OLD AND I
WAS RAPED AT THE AGE OF SEVEN
MY SENTENCE SO FAR IS 62 YEARS AND STILL
RUNNING AND THERE IS THOUSANDS MORE THAT
HAVE HAD SIMILAR EXPERIENCES

STATISTICS SAY THAT 1 IN 4 GIRLS ARE
SEXUALLY MOLESTED BY THE AGE OF 12

AND ONE IN 8 BOYS, THE WORLD ALMANAC STATES THERE ARE 200 MILLION PEOPLE OVER 18 IN THE UNITED STATES, FOR ONLY 1 PERCENT WERE SEXUALLY MOLESTED THAT'S 2 MILLION PEOPLE AND WE ALL KNOW THE FIGURE IS MUCH HIGHER.

IN MY OPINION THE MAIN PURPOSE OF THE LAW IS DETERMENT, IF MY UNCLE KNEW HE WOULD BE SENTENCED TO 25 YEARS. MAYBE, JUST MAYBE IT MIGHT NOT HAVE HAPPENED.

IF ALL THOSE CATHOLIC PRIESTS THAT RAPED LITTLE BOYS AND KNEW THAT THEY WOULD NOT BE PROTECTED AND THEIR HORRIBLE ACTS ^{NOT} COVERED UP AND THEY WOULD BE SENTENCED TO 25 YEARS MAYBE, JUST MAYBE SOME OF THEM WOULD NOT HAVE RAPED AND SOME OF THESE LITTLE CHILDREN WOULD NOT HAVE ^{TO} GROWN INTO MANHOOD WITH ALL THAT SHAME PAIN AND SUFFERING.

(4)
WE ALL NOW KNOW THE PRIESTS ARE NOT RAPING ANYWHERE NEAR THE NUMBERS OF A FEW YEARS AGO WHY? BECAUSE EXPOSURE AND PUNISHMENT WORK 25 YEARS AUTOMATICALLY, NO PLEA BARGAINING NO MISGUIDED JUDGES GIVING SUPER LENIENT SENTENCES FOR THE MOST HORRIBLE HEINIS CRIMES THAT ONE HUMAN BEING CAN DO TO A CHILD.

IT APPEARS THAT PEDIFILES CANNOT BE COVERED AND MAYBE THE PEDIFILE THAT RAPED LITTLE JESSIE AND HAD PREVIOUSLY MOLESTED OTHER CHILDREN WITH THIS LAW WOULD HAVE BEEN PUT AWAY AND LITTLE JESSIE WOULD BE ALIVE.

THE SEXUAL MOLESTERY OF CHILDREN COMMITS A HORRIBLE HEINIS CRIME. IT KNOWS NO SOCIAL ECONOMIC OR RACIAL BOUNDARIES

AND EVERY DAY WE READ ABOUT OR HEAR ABOUT ANOTHER CHILD BEING SEXUALLY MOLESTED AND SO FAR OUR POLICE, PROSECUTORS AND JUDGES

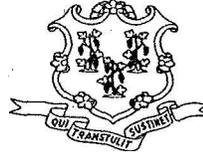
AND LAWMAKERS HAVE NOT CURTAILED THESE HORRIBLE CRIMES.

I BELIEVE THAT PASSING SOME SENSIBLE VERSION OF JESSICA'S LAW AND TAKING THE WORST OFFENDERS OUT OF SOCIETY FOR 25 YEARS AND AWAY FROM OUR CHILDREN WILL CUT DOWN THE NUMBER OF SEXUAL ABUSES AGAINST OUR CHILDREN

CHILDREN ARE THE WEAKEST AMONG US THEY DON'T HAVE POWER, THEY DON'T HAVE THE USE OF MONEY, THEY CAN'T VOTE

IT'S UP TO US ALL OF US AS A CARING SOCIETY TO DO SOMETHING AND PROTECT OUR CHILDREN

I THANK YOU FOR LISTENING TO ME.



State of Connecticut
SENATE
 LEGISLATIVE OFFICE BUILDING
 HARTFORD, CT 06106-1591

SENATOR LOUIS C. DeLUCA
 SENATE REPUBLICAN LEADER
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 LEGISLATIVE MANAGEMENT COMMITTEE
 INSURANCE & REAL ESTATE COMMITTEE

**Testimony of Senate Republican Leader Louis C. DeLuca
 before the Connecticut General Assembly's Judiciary Committee**

April 4, 2007

Chairmen MacDonald and Lawlor, ranking members Kissel and O'Neill, and members of the Judiciary Committee: thank you for the opportunity to testify today in support of S.B. 1458, AN ACT CONCERNING JESSICA'S LAW.

Sexual assault of a child is a heinous crime that warrants severe punishment. For the past two years, the Senate Republican Caucus has led efforts to pass Jessica's Law for Connecticut – legislation that will better protect our children by keeping child predators in jail and out of our neighborhoods.

After the Governor's proposal of a similar law was met with widespread opposition, Sen. Kissel met with the Chief State's Attorney and attempted to address his objections and reach a workable compromise. SB 1458 is the proposed compromise.

The original Jessica's Law was passed in Florida in response to the kidnapping and murder of nine year old Jessica Lunsford by a released pedophile. Her killer had previously broken into a home and kidnapped and raped a young girl. For that crime, he served less than two years in jail. Had he stolen the silverware from the home instead of the youngster, he would have faced a longer prison sentence. He was on probation for that crime, and in violation of that probation, when he broke into the Lunsford home.

Jessica was abducted from her bedroom, raped and buried alive. She was found dead three-weeks later, wrapped in black plastic garbage bags, her hands clutching a toy stuffed dolphin.

Jessica's tragic death prompted 39 states to enact sentencing laws similar to what we are proposing for Connecticut, but opponents of mandatory minimum sentencing of any kind have held our state back for two years. We must not stall anymore.

This bill will put predators where they belong – behind bars where they can do no harm to our children. It will take those who prey on children and keep them off our streets for twenty-five years the first time they abuse a child. If they do it again, they will spend the next fifty years in jail. And our state, and our children, will be safer for it.

Constant pressure from the Senate Republican caucus forced the passage of a compromise bill in the Senate last year, but regrettably the legislation stalled in the House and session adjourned before the measure was ever brought up for a vote.

The Senate Republican Caucus will continue to do everything we can to help pass this legislation in 2007. Thank you again for the opportunity to testify today.

Sincerely,

Louis C. DeLuca
Senate Republican Leader



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

OFFICE OF THE CHIEF STATE'S ATTORNEY
300 CORPORATE PLACE
ROCKY HILL, CONNECTICUT 06067
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Testimony of the Division of Criminal Justice

In Support of:

S.B. No. 1458 (RAISED) AN ACT CONCERNING JESSICA'S LAW

*Presented by Chief State's Attorney Kevin T. Kane
Joint Committee on Judiciary – April 4, 2007*

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Substitute Report for S.B. No. 1458, An Act Concerning Jessica's Law. We will provide the Committee with written recommendations for what we believe are important and very necessary changes in the language of the bill.

The Division of Criminal Justice commends the Committee for the tremendous amount of thought and effort that you have given to develop legislation to appropriately deal with sexual predators. S.B. No. 1458 recognizes the severity of sexual crimes committed against children by creating the crime of Aggravated Sexual Assault of a Minor in the First Degree. This new offense would be punishable by a minimum term of incarceration of twenty-five years and a maximum term of incarceration of fifty years. The bill also creates mandatory minimum penalties for Enticing a Minor when the victim of the offense is under thirteen years of age, Employing a Minor in an Obscene Performance, Importing Child Pornography, and the three degrees of Possession of Child Pornography.

The Division recommends that the bill can be improved further by including a provision that will allow courts to impose periods of probation of up to thirty-five years in addition to incarceration on some of the most serious sex offenders. Currently, while courts can impose periods of probation of up to thirty-five years on lesser degrees of sexual assault and some forms of Risk of Injury, they cannot impose periods of probation of that length on any person convicted of Sexual Assault in the First Degree, Aggravated Sexual Assault in the First Degree, and Sexual Assault in the Third Degree with a Firearm. Courts cannot impose probation for those crimes because the statutes mandate the imposition of incarceration plus special parole. This means that many of our most serious offenders cannot be monitored for more than twenty years on class B felonies and twenty-five years on class A felonies, the maximum periods of incarceration plus special parole that can be

imposed for those crimes. This issue was recently brought to light by a decision by the Connecticut Supreme Court. In *State v. Tabone*, the Court ruled that under the present statutes the period of probation plus special parole cannot exceed the maximum possible period of incarceration.

In order to correct this problem the Division proposes that the legislature eliminate the requirement that courts impose periods of special parole for persons convicted of these crimes. This would give courts the option of placing a person on probation for up to thirty-five years if it felt that the person needed to be monitored beyond the maximum period of the sentence. The court would still, however, be able to impose a period of special parole if it felt it appropriate to do so. This proposal would in no way lessen the mandatory minimum jail sentences that currently are set forth in the statutes. It would simply provide a means by which our most serious sex offenders could be monitored for up to thirty-five years after their release.

In conclusion, the Division of Criminal Justice would express its appreciation to the Committee for your work on this important issue, and we would recommend your Joint Favorable Substitute Report incorporating the changes recommended in this testimony. We would be happy to answer any questions the Committee might have or to provide any additional information you might require. Thank you.



State of Connecticut
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 HARTFORD, CONNECTICUT 06106-1591

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MEMBER
 APPROPRIATIONS COMMITTEE
 ENVIRONMENT COMMITTEE

Proposed Bill No. 1458 – AAC Jessica’s Law
Senator Dan Debicella Testimony
April 4, 2007

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, I appreciate the opportunity to share with you the reasons for my very strong support for SB 1458, An Act Concerning Jessica’s Law. My apologies that I cannot be there in person to testify today because of previous commitments.

Like all of you, and every other responsible human being, I abhor the very idea that there are people in the world who could sexually assault adults, never mind children. Yet, rarely does a day go by when the horrifying details of what some people are capable of doing to children is graphically laid out for all to see. Shockingly, these details all too often include mention of the fact that the perpetrators are not strangers to these types of violent crimes against children.

How can we as lawmakers, as responsible members of society, and as decent human beings fail to take the strongest action possible to discourage this type of heinous behavior and, failing that, to harshly punish it? I believe that passing this bill would put everyone on notice - from potential criminals to potential victims - that Connecticut citizens do not tolerate the sexual assault and sexual abuse of children and that they stand ready to take the strongest action possible against these criminals. Decent human beings know that there is no acceptable excuse for this type of criminal behavior. Connecticut citizens want our law enforcement and judicial systems to have the necessary authority to act in a manner that reflects our belief that there is no excuse for sexually assaulting and sexually abusing children.

I believe that SB 1458 should be passed for several reasons—first, it should serve to protect our children by removing pedophiles from society. Second, it is fair to have the penalty fit the heinous nature of the crime. Third, I believe that it will be more effective than plea bargaining in taking dangerous pedophiles off the streets.

- *Protecting Our Children.* Connecticut needs a law on the books that takes these criminals off the streets for a very, very, long time. Even if the risk of spending a significant portion of one's life behind bars is not enough to deter all sexual predators from making children their victims, society can at least prevent convicted pedophiles from creating new victims by imposing lengthy prison sentences.
- *Fairness and Justice.* Connecticut needs a law on the books that imposes punishment that fits the crime. Pedophiles bring terror into the lives of innocent children. That terror, that horror and that loss of innocence can last a lifetime. As citizens of a just society, we have the obligation to impose a punishment that reflects our understanding of what was taken from these young victims. Twenty-five years, or more, in prison is not too much to demand of sexual predators.
- *More Effective Than Current Plea Bargains.* The only argument I have heard to date against Jessica's Law is that it will hamper the ability of prosecutors to enter plea bargains with alleged pedophiles. Opponents say that more pedophiles will get off because it is harder to convict a pedophile than to simply plea bargain a light sentence. I believe this argument has a critical faulty assumption—that these plea bargains actually accomplish anything to protect our children or ensure justice.

Law abiding, responsible, citizens have little to no patience for a legal system that routinely enters into plea bargains with criminals who sexually assault and sexually abuse children. They are correct to be dissatisfied with prison sentences of only a few years, with time off for good behavior. Such plea bargains are not fair or just to the victims—try explaining to the past and future victims of child sexual predators that a two year plea bargain is fair. Additionally, such plea bargains do little to protect children from pedophiles striking again if they are simply being rotated out of prison every few years. I believe that mandatory minimum sentences of 25 years for the first offense and 50 years for the second offense are more in line with justice for the victims and more likely to protect our children.

Thank you for considering this legislation, and I urge the Judiciary Committee to pass this onto the full Senate and House for debate and final action.



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
April 4, 2007

Senate Bill 1458, An Act Concerning Jessica's Law

Good morning. Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in opposition to section 9 of Senate Bill 1458, An Act Concerning A Tender Years Exception to the Hearsay Rule. This section would establish a tender years exception to the hearsay rule.

As many of you may know, the Judicial Branch has established a Code of Evidence Oversight Committee, chaired by Justice Joette Katz. In addition to Justice Katz, the committee is comprised of:

Attorney Robert B. Adelman
Honorable Thomas Bishop
Attorney Joseph J. Bruckmann
Honorable Thomas J. Corradino
Attorney Susann E. Gill
Honorable John F. Kavanewsky, Jr.

Honorable Joseph Q. Koletsky
Attorney Joseph Rubin
Honorable Michael Sheldon
Attorney Jack G. Steigelfest
Professor Colin Tait
Attorney Eric Wiechmann

The Committee is charged with reviewing Connecticut's Code of Evidence and proposing amendments to it as needed.

The Committee has been thoughtfully and deliberately reviewing the issue of a tender years exception to the hearsay rule for several months. Extensive research and review has been conducted, resulting in a proposed recommendation that is attached to my testimony. Once the Committee finalizes the proposal, it will be noticed and subject to a public hearing before it is voted upon by the judges of the Superior Court.

In light of the Committee's action on this sensitive issue, it respectfully requests for deference to it and asks the legislature not to enact a tender years exception.

Thank you for the opportunity to submit written testimony.

(NEW) Hearsay Exception: Tender Years

(a) A statement made by a child, twelve years of age or under at the time of the statement, concerning any alleged act of sexual assault or other sexual misconduct of which the child is the alleged victim is admissible in evidence in criminal and juvenile proceedings if: (1) The court finds, in a hearing conducted outside the presence of the jury, that the circumstances of the statement, including its timing and content, provide particularized guarantees of its trustworthiness; (2) The statement was not made in preparation for a legal proceeding; and (3) The child either: (A) Testifies and is subject to cross-examination in the proceeding, either by appearing at the proceeding in person or by video telecommunication or by submitting to a recorded video deposition for that purpose; or (B) Is unavailable as a witness, provided that: (i) There is independent corroborative evidence of the alleged act. Independent corroboration does not include hearsay admitted pursuant to this section; and (ii) The statement was made prior to the defendant's arrest in connection with the act described in the statement.

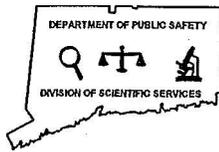
(b) A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his or her intention to offer the statement, the content of the statement, the approximate time, date, and location of the statement, the person to whom the statement was made, and the circumstances surrounding the statement that indicate its reliability. Notice must be given sufficiently in advance of the proceeding to provide the adverse party with a fair opportunity to prepare to meet the statement except for good cause shown.

(c) This section does not prevent admission of any statement under another hearsay exception. Courts, however, are prohibited from (1) applying broader definitions in other hearsay exceptions for statements made by children twelve years of age or under at the time of the statement concerning any alleged act than they do for other declarants and (2) admitting by way of a residual hearsay exception statements that satisfy the description in the first paragraph of section (a).

006606



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

April 4, 2007

SB 1458 AN ACT CONCERNING JESSICA'S LAW

The Department of Public Safety continues to see an increase in crimes involving the sexual exploitation of children on the Internet. Victims of these crimes are highly vulnerable not just as a result of their age or experience but also because of the unprecedented access that offenders have to these children.

Traditionally, mandatory minimum sentences are implemented as a means to deter individuals from committing crimes. For the sexual offender, the reality of serving a harsh sentence very rarely serves as a deterrence to the offense. The use of mandatory minimum sentencing for sexual offenders provides its greatest benefit as a physical barrier, protecting the public from the offender.

The horrific nature of these crimes should result in lengthy sentences. Setting the statutory minimum mandatory too high, however, can act at cross purposes if they are set so high that no defendant will enter a plea. The language of this bill provides a viable compromise by providing mandatory sentencing without setting statutory minimums so high that no defendant will enter a plea.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III".

John A. Danaher III
ACTING COMMISSIONER

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