

PA10-191

HB5533

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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**VOL.53
PART 11
3318- 3572**

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes were properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally.

THE CLERK:

House Bill 5196 as amended by House "A."

Total Number Voting 136

Necessary for Passage 69

Those voting Yea 136

Those voting Nay 0

Those absent and not voting 15

SPEAKER DONOVAN:

The bill, as amended, is passed.

Will the Clerk please call Calendar 358.

THE CLERK:

On page 14, Calendar 358, Substitute for House Bill 5533, AN ACT CONCERNING SEXTING.

SPEAKER DONOVAN:

The Chair of the Judiciary Committee, House Chair Representative Michael Lawlor, you have the floor, Sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Good morning.

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SPEAKER DONOVAN:

Morning, sir.

REP. LAWLOR (99th):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question's on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark?

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

This bill takes the existing statute governing child pornography and creates a special category for which they'll be a lesser penalty than is the penalty under the current law.

In order to explain this briefly, Mr. Speaker, I guesst have to explain the definition of child pornography is a photograph, any type of photographic image -- excuse me -- which depicts a child under the age of 16 engaged in sexually explicit activity. That constitutes child pornography and the possession of it is a very

serious felony. Depending on the number of images involved, this could have a maximum penalty anywhere from 5 to 20 years in prison and require that a person convicted of this offense be on the sex offender registry for at least 10 years.

It turns out, Mr. Speaker, that technology has advanced a little bit more quickly than the criminal law anticipates and, at the moment, our law enforcement agencies are confronted with a problem and, that is, children under the age of 16 taking photos of themselves or their friends engaged in sexually explicit activity and then having those photographs on their cell phones and sending them to their friends. Those images actually constitute child pornography because they do, in some cases, depict children under the age of 16 engaged in sexually explicit conduct.

It turns out parents sometimes finds these images, are understandably outraged. Go to the police, ask that an arrest be made and the police in the statute books will determine that the only crime that fits is a very serious felony called "possession of child pornography." And in the case of the sending of the photograph to another person,

it's a type of distribution of child pornography, which has even more serious consequences.

A number of people thought that maybe it would be a good idea to give the police another option. And I have to commend our colleague, Representative Rebimbas, for bringing this to our attention, and advocating it through the legislative process.

And, in effect, what the bill would do, would be to create a special category which would carry only a misdemeanor penalty, up to a year in prison for situations, such as those that I described. Young people who are possessing the image of a person under the age of 16 engaged in sexually explicit activity, where -- that was at the time was engaged in apparently consensual. And I say "apparently" because, under our law, children under the age of 16 don't have the authority to consent consistent with the criminal statutes. So where there's no evidence of duress or subterfuge or -- or hidden cameras, anything like that, where it appears to be voluntarily engaged in, where it's not further distributed in some type of threatening or harassing way, that would be a misdemeanor under the bill.

There was a drafting error in the bill, Mr. Speaker, and to correct that error, the Clerk has an amendment Number LCO 4673. I'd ask that the Clerk call and I'd be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 4673, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 4673, House "A," offered by Representative Rebimbas and O'Neill.

SPEAKER DONOVAN:

Representative seeks leave of this chamber to summarize the amendment. Is there any objection? Hearing none, Representative Lawlor, you may proceed.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

In the file copy, it appears that it would change the definition of child pornography to cover images of children under 18, as opposed to the existing law which is under 16. I think it's fair to say that it wasn't the intent of the sponsors of the bill to make that change, so this amendment would return it to what is child pornography under

the current law and that would be images of children under the age of 16.

So with the adoption of this amendment, it would clarify the bill and, at the end of the day, assuming this amendment is adopted, what the bill would do would be to create a misdemeanor offense for possession of child pornography under these very limited circumstances. All children involved, everything apparently consensual or voluntary, at least, and no mass distribution of the emails and we've seen some recent incidences in high school where that type of thing in some cases actually led to a suicide. So that type of activity would not be governed by this.

Once adopted as a lesser occluded offense, it would also be an affirmative defense to the existing more serious versions of child pornography. In other words, you could argue that you qualify for the misdemeanor punishment, not the felony punishment, and if a case like this were to go to trial, I suppose a defendant would say that I meet the criteria of the misdemeanor; I should be convicted of that. So I think this amendment clarifies the intent of the bill. I think it's a

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very important bill because it solves a very significant problem that our law enforcement officers are dealing with now, how to deal with situations where this presents itself. They don't want to charge the very serious crime. They do feel it's a criminal offense. They want to take appropriate action, and I think this bill would solve the problem if it's amended. So I would urge adoption of the amendment, Mr. Speaker.

SPEAKER DONOVAN:

Question's on adoption. Will you remark further? Will you remark further?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I would also urge adoption of the amendment. I want to thank Representative Rebimbas for bringing this to our attention and also for that matter Representative Labriola for participating in the forums that brought this about.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the

amendment? Would you care to remark further on the amendment? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark further on the bill as amended.

Representative Rebimbas.

REP. REBIMBAS (70th):

Good morning, Mr. Speaker.

I wanted to thank our legislature for taking a proactive role and not waiting for another devastating story in order to pass what is being proposed here today and what I would submit to be a good law.

This bill was proposed with after many communications with the Connecticut State Police Computer Crimes Unit, conversations with parents and students, after several informational forums on sextings were conducted throughout the state of Connecticut by representatives on both sides of the

aisle. So it is a very important bill. It's one that I believe that we are trying to make the crime -- the punishment fit the crime. We need to have another alternative. We need to make sure that our children who, unfortunately, at times do foolish acts and they don't know the consequences of those acts. But this would be one more avenue, one more alternative, that prosecutors would have if, obviously, the standard were to be met. So, once again, I just want to thank my colleagues on both sides of the aisle for their support on this bill, and also I'd also like to personally thank the students that testified in support of the bill from Post University under the direction of Professor Ruby O'Neill.

So, with that, Mr. Speaker, I would like to urge all my colleagues to support this bill.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill as amended? Would you care to remark further? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

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THE 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote's been properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5533 as amended by House "A."

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 14

SPEAKER DONOVAN:

The bill, as amended, is passed.

Will the Clerk please call Calendar 135.

THE CLERK:

On page 35, Calendar 135, Substitute for House Bill 5387, AN ACT CONCERNING THE REMOVAL OF SNOW AND

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SENATE**

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THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 548, House Bill 5533,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 549, House Bill 5387,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 19, Calendar 522, House Bill 5163,
move to place on the consent calendar.

THE CHAIR:

Excuse me. Senator Looney, could you repeat that
one please?

SENATOR LOONEY:

Oh, yes, Mr. President. It's calendar page 19, I
believe the Calendar may be 552.

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Calendar page 10, Calendar 461, House Bill 5207;
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar
487, House Bill 5220; Calendar 488, House Bill 5297;
Calendar 490, 5425 -- House; Calendar 496, House Bill
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;
Calendar 514, House Bill 5426; Calendar 516, House Bill
5393.

Calendar page 15, Calendar 520, House Bill 5336;
Calendar 521, House Bill 5424; Calendar 523, House Bill
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;
Calendar 540, House Bill 5494; Calendar 543, House Bill
5399.

Calendar page 18, Calendar 544, House Bill 5434;
Calendar 547, House Bill 5196; Calendar 548, House Bill
5533; Calendar 549, House Bill 5387; Calendar 550, House
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

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Calendar page 20, Calendar 556, House Bill 5498;
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,
House Bill 5253; and House Bill -- Calendar 563, House
Bill 5340; Calendar 567, House Bill 5371; and Calendar
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. Immediate roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to the chamber.

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THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 10
3022 – 3348**

2010

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March 22, 2010
10:00 A.M.

RUBY CORBY O'NEILL: Good afternoon.

My name is Dr. Ruby Corby O'Neill, and I'm here with students from Post University in Waterbury, where I'm the Associate Professor of Psychology and a tenured faculty member. The students are forensic psychology minors taking the Special Topics in Forensic Psychology course that I teach at Post.

Thank you, Chairmen Lawlor and McDonald, and the committee for allowing us to be here and the opportunity for the students to participate in their own governance, and to present the findings of a literature review which we hope informs the committee's thinking about raised Bill Number 5533 AN ACT CONCERNING SEXTING.

This new phenomenon of sexting that has hit the technological social network landscape is generating a lot of concern. Educators and social scientists are concerned about the social, emotional, and cognitive consequences of this new form of cyber bullying and sexual objectification. Some of the information we found involved surveys on sexting and cyber bullying, and while the surveys could be challenged on the technical basis of the psychometric properties of validity and reliability, random sampling and representativeness, there is no doubt that we have stepped through the window into teen land, and we're gaining greater insight into what happens there.

The media has reported teen sexting incidents and consequences from all over this country, and we will hear today about an incident in another country. With technology and

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increasing globalization, the world is flat, and toxic technology will have widespread effects. This is a call-to-action, and taking a proactive approach to this rising phenomenon of sexting and its consequential damages cannot wait for the construction of the perfect survey or the perfect sample.

Sexting is the new vehicle for sexual objectification. In my own dissertation work, years ago, on the objectification of adolescent girls, girls voiced varying levels of resistance and resignation to physical, verbal, and visual objectification. Today, technology's sexting aids in this objectification. And when the pictures are mass distributed, the person in the picture, typically female, is severed from her own body and she is no longer considered by others a cointeractant in social life, rendering her socially disenfranchised to act on her own behalf. And her sex, gender, and sexuality become a disembodied, material reality to be traded publicly. This leads to serious consequences.

The research team will now present their findings that we hope can be used by schools, courts, and agencies as they rise to the challenge of addressing this damaging behavior with consideration of the sensitive, critical, developmental moments in the lifespan, adolescence, and an eye toward therapeutic jurisprudence.

Thank you.

SENATOR McDONALD: Thank you.

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And I believe the next speaker is Amy Mantha.
Is that right?

AMY MANTHA: Right. Good afternoon.

My name is Amy Mantha, from Agawam,
Massachusetts. I am a sophomore psychology
major and a forensic psychology minor.

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As you may know, there are many consequences of the new -- new sexting phenomenon. A major concern is bullying or cyber bullying. In a scholarly journal Social Development, researchers state that the basic motives underlying in human behavior is a need to be accepted and recognized by others. A review of the research states that cohesive norms are norms that are tied to popular people within cultures, which is an example of why others join in with the original bully. These norms are important because adolescents are greatly influenced by these norms. The need to belong may also be regarded as a major source of the need for power.

Being bullied by a more powerful person or group than the victim is more severe than the effects of being bullied by a person of equal power because the victim is apt to feel more helpless. While boys usually engage in direct bullying, girls are more likely to indirectly bully, such as spreading rumors and enforcing social isolation.

Some of the consequences of bullying are long term for the health and well-being of victims. Low psychological well-being, poor social adjustment, psychological distress, and physical wellness are a few examples.

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When I was a junior in the academic year of 2007, I witnessed someone becoming a victim of sexting and bullying. A 17-year-old female student sent pictures of a nude part of her body, and it wasn't her elbow, to a male student who attended another school. That male student happened to be friends with every student in my school. The pictures were released and were sent to every cell phone on the premises.

My cell phone had vibrated, and when I opened it, I was at -- I was shocked at what I had saw. I immediately heard gestures of disgust from behind me, and I knew at that time that they had received that same picture. I quickly deleted the picture and listened to everyone else send -- hit send to other students in school. The female students in school started calling her vulgar names and started spreading rumors.

Because the foreign object that was included in one of the objects was also a -- an object in the school cafeteria, the object was the perfect stimulus for a target. She stopped eating and avoided other students, but eventually everyone stopped talking about it.

The Canadian Journal of Psychiatry states that suicide is commonly multiply determined. Jesse Logan, a high school student, hanged herself after being repeatedly harassed by the girls in her school after they received nude pictures from her ex-boyfriend.

Hope Witsell was also a victim of cyber bullying when a nude picture of her was

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released by a boy from whom she only wanted attention. All of her classmates bullied her to the point where she could no longer bear it, and she hung herself. She was only 13.

When is bullying going to stop, when all of the victims of bullying commit suicide? It shouldn't take the death of a kid to motivate addressing this problem. It's a step in the right direction that the Connecticut Legislature does not need a rash of teen suicides to recognize this as an important subject and to start intervening.

Thank you.

SENATOR McDONALD: Thank you.

I know we have a -- a number of the other students who are going to testify, but are there any questions from members of the committee for the first two speakers?

If not, I want to thank you very much for your testimony. I'm looking forward to hearing from your -- from your fellow students.

So thank you very much.

AMY MANTHA: Thank you.

SENATOR McDONALD: I believe Ollie Gray is next; is that right? And then Gilson Nazario?

OLLIE GRAY: My name is Ollie Gray. I live in Waterbury, Connecticut. I'm a sophomore criminal --

SENATOR McDONALD: Can you pull the microphone a

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little closer to you?

Thank you (inaudible).

OLLIE GRAY: My name is Ollie Gray. I live in Waterbury, Connecticut. I'm a sophomore criminal justice major and forensic psychology minor.

My senior year of high school, I received a text message of two elderly men -- elderly men engaging in a sexual act. I wasn't the first to see this message; my 9-year-old sister actually opened my phone, prior to me realizing I received a text. I did not want this message sent to me, but who does? My sister's innocence could have been in jeopardy, and I just prayed she wouldn't be scarred. This is just one example showing how easy someone can send and receive sexually provocative photos.

Traditionally, peer harassment has been viewed as face-to-face encounter between a bully and a victim in view of an audience of peers. A new method of peer harassment has surfaced, known as cyber harassment. The bullying is directed at a victim through the use of communication or information technology. With the growth of technology, cyber bullying has become more prevalent over the past decade.

A University of Calgary study of 432 Canadian students Grades 7 through 9 reported that more than two-thirds of students have heard of incidents of cyber harassment. About one-quarter have been harassed several times, and some students admitted engaging in this form of harassment. The reported consequences of falling victim to cyber harassment were sadness

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and anger.

In another study by the University of Calgary, 177 Grade 7 students, 80 males and 90 females, were asked questions about cyber harassment; 54 percent of the students were bully victims, and over 25 percent of them have been cyber bullied. More than half of the students knew someone who was being cyber bullied. Over 40 percent of the cyber bully victims had no idea who cyber bullied them.

The high percentage of adolescents who had experiences of cyber bullying suggests that cyber bullying is becoming an increasing problem for schools and society. Bullying, cyber bullying, and victimization are not mutually excuse -- mutually exclusive -- excuse me. In the school bully group, 85 percent reported that they were also bully victims; 30 percent in this group were cyber bullies, and 27.3 percent were victims. Most bullies were also bully victims themselves.

If these categories are not mutually exclusive as the research seems to suggest, that needs to be considered when developing intervention programs.

Thank you.

SENATOR McDONALD: Thank you.

Mr. Nazario.

GILSON NAZARIO: Good afternoon.

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My name is Gilson Nazario. I'm a senior psychology major from Watertown, Connecticut.

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As you may know, 6th grader Olivia Gardener, from California, was continually harassed, even after changing schools. She attended three different schools and the cyber bullying followed her to each one. Is it -- it is reasonable to conclude that sexting is another dimension of cyber bullying. The main issue with cyber bullying is that it cannot be stopped since -- simply by transferring to a new school or moving. Since the bullying is taking place electronically, the problem can follow you wherever you go.

According to The American Journal of Psychiatry, cyber bullying is not like traditional bullying, because the aggressor doesn't need to be more powerful than the person they are bullying, because they don't have to confront them face to face. The research states that a single post on the Internet can be repeatedly damaging to the victim because of how many people can view that one post. The aggressor in these situations doesn't get the immediate feedback from the victim that can moderate their behavior.

According to the journal Reclaiming Children and Youth, cyber bullying is about power and control. According to the Journal of Psychiatry and Law, the widespread use of the Internet can create mob behavior, which can cause someone to be harassed by a person they don't even know or met face to face.

According to the Journal of Adolescent Health, of the students being bullied online, more than one-third also report being bullied at school. There is no statistical evidence that cyber

victimization is focused more on a certain sex but, rather, it affects everyone equally.

The psychiatry bible, The Diagnostic and Statistical Manual of Mental Disorders, by the American Psychiatric Association, identifies several diagnoses of particular relevance to an understanding of the psychiatric causes and consequences of cyber bullying. There is a link between classroom bullying and ADD, personality disorders, among other disorders.

There is an increased suicide rate among adults who are victims of childhood bullying. This is actually more prevalent in women. However, after being continually encouraged to do so by one of his peers, 13-year-old Ryan Halligan took his own life. A combination of cyber bullying and adolescent sexuality is a dangerous and volatile one.

When dealing with sexting, adolescent sexual motives play a role. And this is where we see gender differences. According to the Handbook of Adolescent Psychology, there are four main factors for why people have sex, physical, goal attainment, emotional, and insecurity. Research results revealed that men listed more reasons for having sex that were more physical, whereas women are more likely to include emotional reasons.

It may be beneficial to consider these factors when developing a response to the crime of sexting as it pertains to adolescents and the development of rehabilitative or educational outreach.

Thank you.

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SENATOR McDONALD: Thank you very much.

Are there any questions for Mr. Gray or Mr. Nazario?

Thanks very much.

I believe the next two speakers are Shanna Anderson and Terice Jones.

SHANNA ANDERSON: My name is Shanna Anderson. I'm from Jamaica and Waterbury, Connecticut. I'm a freshman psychology major.

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Sexting may be a worldwide phenomenon. My colleagues have mentioned instances in the U.S., but similar cases occur worldwide.

When I was in high school, a student had a video of her circulated. The backlash was so great, she fled the country to avoid peer victimization and stigma she received. Her name became synonymous with the word "slut," just like "Kleenex" is synonymous with "tissues."

Peer victimization and stigma are linked to sexting. According to the Child Study Journal, peer victimization is negative actions that are repeatedly directed by peers at a person; it's physical, verbal or relational aggression. The main type of victimization sexting uses is relational victimization. This involves damaging relationships through manipulation and destruction. She was a victim of this type of victimization. She was ostracized from school, friends, family, and was sent to another country. Personal details of her life are

public knowledge, and she lost the people important to her.

According to the journal, Educational Psychology, the threat of losing friends may contribute to problems for adolescents, especially girls, because of preoccupation with relational concerns. The journal also states preoccupation with peer approval, loss of relationships, and self-protection distract girls from learning activities and drain mental energy needed to participate in class.

Sexting victimization is spilling over in the -
- to the classroom and affecting other (inaudible). Not only are these students mostly female students being victimized and struggling emotionally, their schoolwork suffers because they become obsessed with their own victimization or are unable to escape it long enough to learn in school.

Social anxiety is another effect. Research from the Child Study Journal show that social anxiety may be a condition response to exposure to peer aggression which results in avoidance of social interactions. Sexters whose pictures become public avoid social situations and sometimes avoid school. Anxiety is another consequence of -- and -- and research has associated victimization with distress, fear of negative evaluation, physiological symptoms, and social avoidance.

Redistribution of sexts sent in private from one person to another is often seen as betrayal. Research shows that such betrayal can lead to anger, frustration, sadness, disappointment, mistrust, confusion, and

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insecurity. Such distress can have deadly results.

TERICE JONES: Good afternoon.

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My name is Terice Jones, from Waterbury, Connecticut. I'm a junior and psychology major.

When I was a senior in high school, a girl was recorded in a sexual act. After it was exposed, she stopped coming to school. Although sexting should not be treated as a nullity, it is important to consider some developmental factors, such as adolescent sexual desire and concerns that arise during puberty. In some ways, it is even more difficult to describe adolescent sexual behavior than their attitude toward sex.

According to research published in the Handbook of Psychology, sexual desire can be defined as an interest in sexual objects or activities or a wish, need or drive to seek out sexual objects to engage in sexual activities. Young children might become aroused in response to erotic stimulating. Many do not experience strong urges to act on those feelings until puberty.

According to research published in the Handbook of Psychology, adolescent sexual desire is often presumed to be a fairly uniform experience, propelling adolescents toward a diverse array of sexual behaviors.

It is important to understand that desire is linked to variability in gonadal hormones. Early childhood experiences of desire stem from

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hormone-independent arousabilities whereas the classic pubertal surges in self-reported sexual desire reflect the hormonally mediated urge to seek sexual activity.

There are also gender differences in -- in desire. Empirical data have suggested that women experience less frequent and insistent sexual desire than do men. Boys become aware of their sexual interests and impulse several years earlier than do girls. It is important to consider that this may explain why boys request and pressure girls to send nude pictures of themselves, thereby contributing to this sexting behavior, which is also being called the "digital disease" and the "adolescent mating call."

Thank you.

SENATOR McDONALD: Thank you very much.

Are there any questions for Ms. Anderson or Ms. Jones?

Thanks, very much, ladies.

Next is Amanda Prince, and Megan Hansen.

AMANDA PRINCE: Hello.

My name is Amanda Prince and I'm a senior sociology major and a psychology minor. As a sophomore in Hampton, New Hampshire, a girl in my grade sent her picture of her naked to her boyfriend. She then broke up with him. The boyfriend exacted revenge, printed out the pictures and made poster-size printouts of the sext. He plastered them all over my high

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school. Administrators and friends tried to remove the pictures, but the harm was done and it was too late. She was so distraught that she ended up transferring schools and never showed her face at my school again.

Sexting is influenced by a adolescent's brain and lack of development. Self-perception is a component in sexting. Adolescents may have a negative self-perception, so they make themselves feel better. The reason for this negative self-perception is because their medial prefrontal and parietal cortices are not fully developed until adulthood.

Social cognition involves our ability to understand rules and concepts that govern social interactions. Brain areas that deal with social cognition are the dorsomedial prefrontal cortex, the temporal parietal junction, and posterior, superior temporal sulcus. These brain areas do not develop until adulthood. Due to the underdevelopment of the brain areas that govern self-perception and social cognition, adolescents rely on others perception of themselves.

The last area of the brain that influences adolescents' choice to sext is the prefrontal cortex. The prefrontal cortex is a central area of the brain that controls planning complex cognitive behaviors, personality expression, decision making, and moderating social -- correct social behavior. This is not fully developed until the age of 23 and is the last part of the brain to develop.

A main component of the prefrontal cortex that influences adolescents to sext is the dorsal,

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lateral prefrontal cortex. This area of the brain is implicated in decision making and is a factor as to why adolescents do not understand that sexting is not in anyone's best interest. The right, lateral prefrontal cortex is also undeveloped -- underdeveloped and regulates inhibition in -- of inappropriate actions.

Adolescent brains are underdeveloped and are not fully capable of making good decisions. This lack of development in the adolescent brain may be the reason why they do not understand that sexting is a bad decision, and they do not understand the consequential -- consequential damages of that bad action.

MEGAN HANSEN: My name is Megan Hansen, from Newtown, Connecticut. I am a sophomore psychology major and forensic psychology minor.

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I was a recipient of a picture, when I was a sophomore in high school. A nude picture of one of my classmates was sent, by her ex-boyfriend, as revenge to every student in the school. She was absolutely devastated and considering transferring schools.

When I received the picture, I felt embarrassed and ashamed for knowing that someone would do this to another person. I immediately deleted it from my phone but couldn't erase the memory of the picture nor of watching her cry in school and having to be picked up by her parents because she couldn't bear to be in the building. I needed to get a better understanding of why a nude picture of someone was taken in the first place and why someone would do this to another.

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I have taken the responsibility of exploring the personal fable and imaginary audience theories to better understand why adolescents are engaging in sexting behavior. Imaginary audience refers to adolescents' tendency to believe that others are always watching and evaluating them, while the personal fable refers to the belief that the self is unique, invulnerable, and omnipotent. According to the journal Child Development, David Elkind states adolescents are thought to believe that, mistakenly, their own appearance and behavior are of as much concern to others as they are to themselves and also to assume that others' evaluations of them match their self-evaluations. Adolescents then must construct and react to an imaginary audience.

Self-consciousness and conformity to a peer group in regards to appearance relate to the imaginary audience, while isolation and risk-taking behavior are linked directly to the personal fable.

An adolescent's transition into Piaget's formal, operational stage of cognitive development is shaky and leads them to fail to differentiate the contents of his or her thoughts from those of others. Conversely, while constructing this imaginary audience, that differentiation error swings to the opposite extreme where the adolescent fails to realize the commonality of experiences and emotions among peers and instead considering him or herself unique, thus creating the personal fable.

Adolescents become self-conscious and concerned with what others think of them when they

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themselves begin to question who they are, how they fit in, and what they will do with their lives. The self-concerns and social demands of the identity development process may lead adolescents to confuse their own concerns with the concerns of others, thus the victim believes what others are telling them. Research shows that separation individuation is in -- is the main task of adolescence and the imaginary audience. The personal fable aid their separations from their parents. Adolescents become increasingly concerned with nonfamilial relationships and begin to think about themselves in various social scenarios in which they are the focus and may contribute to the destructive behavior of sexting.

Thank you.

SENATOR McDONALD: Thank you very much.

Are there any questions?

Senator Kissel.

SENATOR KISSEL: I -- I've been listening very intently to everybody's discussion, and we've grappled. I've actually attended many informational sessions where a professor from Dartmouth came and explained to us the development of -- of the young person's brain and actually how in many respects it doesn't fully mature until around age 25. And if one looks at insurance tables and to when they feel people are a good insurance risk, it tends to be around that mid-20s, and that's why we made efforts to raise the age regarding how we -- our criminal justice system treats 16 and 17-year-olds. But if we are going -- there's sort

of two things. If -- if we're going to condemn in and created a -- create a crime out of sending a -- a -- an untoward depiction of one's self or receiving it, and at the same time we're acknowledging that these adolescents don't have the capacity to understand the extent of the risk involved, how do those match up? In other words, we're going to create a crime but what you're saying is that on the one hand, quite often it's the young lady that for whatever reason, lack of self-respect, wanting to -- to solicit praise for herself from her boyfriend, she's committing an act that would be proscribed by sending a picture of herself in some form of undress.

And then in the scenarios that you're talking about, typically it's the mean ex-boyfriend that then disseminates it all over town, all over the school, in various forms. But I'm assuming that even though the young man is being aware of his sexuality quicker than that young lady, their -- we're -- we're dealing in both instances with adolescents that don't have, from your discussion, the capacity to understand the full extent of what they're doing. Easier to condemn the actions of the mean boyfriend, because apparently they're sending of the information is just to harm an individual. But in both instances, the individual, either the young lady or the young man is sending something out into the -- the cyber world where it has the potential to be disseminated vastly, I mean all over the globe. And so how do you match those two things up?

A VOICE: I don't know.

AMANDA PRINCE: Well, I think that one of the things

that needs to be matched up is that I think parents, teachers, family, friends need to get involved in actually preventing the acts as happening before it does happen. Because a lot of -- the parents are also, you know, they're a generation behind, so they're not really aware of the sexting that is going on. They're not aware of how strong the consequences are and how traumatic they can be. So I think that what needs to happen, also, is parents, friends, family, teachers, everyone needs to get involved with teaching the consequences of this action, and before it actually does happen. Because doing it is wrong but also receiving is wrong, and then resending it is very wrong. So I think there needs to be an intervention between all of those steps before they actually do happen.

SENATOR KISSEL: And the other young lady?

MEGAN HANSEN: Well, I think our basic purpose is to give -- need a further understanding of why this is happening, why this behavior is becoming more and more prevalent. And so my research basically states that adolescents are prone to believing that everybody else is always watching them, and they believe to be very unique, and then they don't have the same experiences and commonality as other students. So I think that we're not trying to say that it shouldn't be punished, we -- we agree. We all agree that it's wrong, the behavior is wrong and it should be perhaps a misdemeanor, but at the same time understand that it's a mistake by these -- a lot of -- a lot of children are making these mistakes.

And our other colleagues are going to share

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stories about that, how you can be punished for the rest of your life for a mistake that you make when you're an adolescent. And I think we're just trying to bring a further understanding of that.

SENATOR KISSEL: And I -- and I very much appreciate that. And I think that these kinds of, you know, public hearings on bill proposals are a great forum to make the public more aware. And I think that's probably why an awful lot of folks from the media were here. They probably weren't aware that they were going to get a two-hour dissertation on habeas corpus, but that's okay. We all learned from that discussion as well.

But regarding the specifics of the bill that we have before us, there's a couple of parts to it. One of them is, you know, if you do disseminate this, whether you're the young -- young lady or, you know, taking a picture of a part of your body and sending it to your boyfriend or if you're the boyfriend then sending it out to another guy or somebody in the school or something else like that, I mean there's the potential that someone could be convicted and face a Class A misdemeanor charge, which is a year in prison. And that's fairly substantial. So that's one thing, and I'm just wondering what your feeling, if that's too -- too hard.

And, also, I'm reading the second section. It seems that it would be an affirmative defense if you had less -- if there was only one picture involved. And it sort of seems like there's a cutoff of three or more or more than three. And so just the single photograph, this

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law may not even protect that individual from that one photograph bouncing around the world and -- and causing someone to suffer extreme emotional distress.

So, on the one hand, do you feel that the penalty is appropriate, assuming that all the other parameters are met or do you think it that -- do you think it's too severe? And, on the other hand, do you think that there should be some sort of three-or-more threshold, which really wouldn't cover the stories that I've been hearing where it's this isolated photograph, one really bad picture that the person, typically a young lady takes of herself to sort of prove herself to her boyfriend, how much she loves him. And then when the romance, as typically happens -- very rare do adolescence romances last; typically, young people have lots and lots of true loves, but they still feel super like that that's the one person forever -- but when that inevitably comes to an end, then that one photograph can be used to really hurt the person.

So I'm just wondering on the specifics of the bill how you guys feel about that?

AMANDA PRINCE: I agree that it should be a misdemeanor. I think that a felony and having to register as a sex offender for the rest of your life is very, very harsh, and I don't think that something that you do when you're 15-years-old should extend to when you're 50-years-old. I don't think it -- it's fair that, you know, once you end up having children, you're not allowed to go near your child's school. I don't think that's fair.

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I do agree with a misdemeanor charge because what you're doing is wrong. And there's -- there's no way of teaching an adolescent that you just did something that's wrong unless you do punish them and you do tell them that this is wrong. At this point, they may not understand why it's wrong, but they may realize that it -- it is wrong, and later on down the road they can realize while it is wrong.

I agree that it should be, you know, more than three or more than five pictures, because I think that to have one picture sent to you and to hit the send button is -- could be a mistake, but if you're taking three, five pictures, like, that takes sometime. I don't think that that's a mistake; I think that that's truly thinking about what you're doing, and you're truly trying to harm someone. I think that once it reaches a certain amount of time that you're doing it, you're really just trying to hurt someone. I don't think that it's just a simple mistake, that it's very easy to just write forward, click on someone's name, and press send, when it's a little different to take the time to actually think about what you're doing. So I do agree with a misdemeanor charge and I do agree with a certain minimum of pictures.

SENATOR KISSEL: Thank you.

I appreciate that, and I think that's a very thoughtful response, because clearly by having the number of pictures out there, what we're trying -- what I believe the drafters were attempting to do is create sort of a mens rea element, an -- an element of malice of forethought --

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AMANDA PRINCE: Uh-huh.

SENATOR KISSEL: -- that can be gleaned from the fact that this is happening on a number of occasions as opposed to just one where it could be simple negligence or just an oversight or just the craziness of the moment. And --

AMANDA PRINCE: Uh-huh.

SENATOR KISSEL: -- believe me, I remember what it was like to be young. And maybe the crazy things that we did back in the seventies were different than now, but we did crazy things.

Thank you, Mr. Chairman.

SENATOR McDONALD: Thank you.

I think we're going to have a whole, separate hearing on the crazy things you did in the seventies.

Representative Hamzy.

REP. HAMZY: Thank you, Mr. Chairman.

Thank you for your testimony.

I -- I had a couple questions, and -- and although I'm not -- don't consider myself to be old, I guess listening to this testimony, it seems like there's a whole generational gap just between myself and -- and yourselves. And the one thing that I -- I just can't understand is the initial sending of a -- of a whether it's semiclad or nude photo of a person. How does that -- what goes through someone's mind

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where they wouldn't send or put those photos on the walls of a school but they would feel comfortable enough to send it through an electronic means? And I know you touched on some of the psychological reasons for how people and what the -- how they feel about themselves but is there -- is there an explanation for that disconnect?

AMANDA PRINCE: Actually, the main disconnect is that they don't understand it. That -- that's the whole reason why they send it. It's, you know, when you're younger, you -- you do something and your parents tell you it's wrong. You don't understand really -- you don't really understand why it's wrong until maybe you get older and you have your own children and you realize why it's wrong, you know, that you can't do this because of this. They actually are sending these sexts without knowing why they -- what can actually happen. They don't realize the severity that it can go around the school.

And they feel that they're invisible; nothing can happen to them; that it won't happen to them; that they're going to be with this boy or this girl for the rest of their lives, and that nothing can go wrong; they won't break up. So that's the actual disconnect that is with adolescents with the sexting.

REP. HAMZY: And -- and that's the thing that I -- it's difficult for me to understand because it seems -- when I think of, you know, younger people who are interconnected, whether it's by Facebook and they -- and they interact with people not just in, you know, in their school but in the state and internationally. And the

disconnect, it's -- I guess it's hard for me or difficult for me to grasp that there'd be that much of a disconnect between, you know, sending these types of photos and the consequences of doing that, what -- what it -- what it would be. And it's just, it's difficult for me.

Now, just going on to another situation, how would you feel or what are your thoughts on treating the two acts differently? For example, the initial, where if it's a boyfriend that sends a -- a picture to a girlfriend and then -- and then they breakup and then the girlfriend out of spite sends it to, you know, the rest of the school or vice versa, the girlfriend sends a photo the boyfriend and out of spite. What are your thoughts on treating those two acts differently; in other words, not criminalizing the first photo but maybe dealing with a penalty or a punishment for the second scenario?

AMANDA PRINCE: Should I go? I think that they both should be charged, but I think that they should be charged a little bit differently. I think the girl is making a mistake but by the guy or opposite resending it, it's almost like they become the victim. You didn't ask for it to be sent around. You -- you were trusting someone with a personal picture of yourself, and I think that there is a little bit of a difference in sending it by trusting someone and sending it out of spite and trying to hurt someone.

So I think that it is a very, you know, kind of like an immature, not-thought-out mistake to send your picture, but it's a little different to go around sending it to people to try to

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harm that person, to try to, you know, seek revenge on them.

REP. HAMZY: So should, as part of our consideration, should the first act not be criminalized and the second -- the second act criminalized or you think they should both -- they should both have some criminal penalty?

AMANDA PRINCE: I think that they should both have some criminal penalty but by sending it, I don't think it should be, you know, very much of a criminal penalty. I don't think that jail time would be the right thing to do there. Maybe seeking some sort of counselling to, you know, realize what you did, either counselling or something on that low level. But I think that prison time is a little extensive.

REP. HAMZY: Because under the -- the bill that's being considered, both acts are treated the same; they're both -- I think both are going to be a -- a Class A misdemeanor.

AMANDA PRINCE: Uh-huh.

REP. HAMZY: So there's no distinction that's drawn between the two --

AMANDA PRINCE: Uh-huh.

REP. HAMZY: -- two acts. So that's -- that's the reason why I asked.

AMANDA PRINCE: Okay.

SENATOR McDONALD: Representative Klarides.

REP. KLARIDES: Thank you, Mr. Chairman.

Thank you all for -- for joining us today. It's -- it's great that you can be here and, you know, we with hear your -- what you have to say about it, because I was fortunate enough to do a forum on this issue in my district, which was in Shelton and Derby and Orange and Woodbridge area. And what's interesting to me is, I mean, I guess I differ from Representative Hamzy in a sense that I get why you guys don't get that it's a problem, because -- no, I do. Because we were all that age and what do you -- you do? You feel invincible. No matter what you're doing, nothing is ever going to come of it.

A VOICE: Uh-huh.

REP. KLARIDES: The problem is now, as opposed to when we were that age, you know, you didn't have all these cell phones and the Internet and things that can just be disseminated like that. You know, before, where were you -- where were you going to do, put it up on a, you know, on the school wall? You know, I mean, there was really nowhere else to do something this harmful with a photo or -- or something like that.

It was just very interesting to me to have the parents there, because the parents didn't really understand at all. And I guess that that's just another of the challenges that a parent faces with learning all these new technologies and what's going on.

What I don't -- I'm sorry if you have been asked this question before, but what do you think we can do besides passing a law to help

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people, young people understand what, you know, how serious this is?

AMANDA PRINCE: I think that what you guys can actually do is help set up small programs in schools and in -- inside of the community to teach the parents that you think your child is an angel but they're actually not; they are doing this. Parents always want to think that their child's not doing it but, indeed, they are doing it.

And I think that they need to be aware of the signs. They need to be aware of the consequences, and they need to also see how severe this is and how easy it is to send out a picture. So I think that everyone needs to kind of get together as a community and try to help the -- the children and the adolescents with how not to and, you know, teach them the right from wrong.

REP. KLARIDES: I just think whether it's this or any one of a number of other things, it's education of -- of the kids and the parents so everybody is aware of it.

Just one other question. I know you -- you had answered my colleague's question about do you think that the penalty should be the same. I get -- where I get torn, to be honest with you, is saying even though one person sends that kind of photo to another person, that's just kind of stupid but that's not malicious, per se. I guess the next phase of it, dissemination of it is my problem, my bigger problem, because that is a conscious effort to send something that you know darn well is somethings other -- that person doesn't want

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anybody to see. And that's, you know, where I really, really get stuck with it.

Because, you know, years back we -- we passed the -- a law called "voyeurism." And at first the big issue was somebody taking that picture -- and that was something I was very involved with -- taking the picture was one thing but then disseminating it, you know, whether that was on a cell phone or an e-mail or wherever it was sent was -- was the major problem. I mean, taking it was bad enough because that -- that example, I mean, it's actually taking it is malicious in and of itself, but it just made it worse when everybody in the world could see it.

So I -- I thank you, again, for coming up today, and then your input is very important to us.

AMANDA PRINCE: Thank you.

REP. LAWLOR: Thanks.

Representative Baram.

I just point out, we -- we have two more members of the student panel to go, so I don't know if you want to --

REP. BARAM: Just a --

REP. LAWLOR: -- (inaudible).

REP. BARAM: -- quick question. You raised the issue of parental liability, and just like parents being liable if they serve liquor in their home, as I understand it, many minors have their cell phones under a family plan

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where the parents ultimately sign for the phone and pay for it under the -- the primary telephone number. I'm wondering if you think there should be any parental liability when something like this happens so that the parent are more responsible in making sure that these phone are used appropriately by their children?

AMANDA PRINCE: I definitely think that there should be some parental liability, because when you were buying your child a cell phone, you're giving them a line to everyone in the world. And I think that just like the Internet, that it needs to be watched and it needs to be monitored.

They do have, you know, services that you can watch what child is doing on your phone, and I think that if parents aren't taking these steps, then they should be somewhat liable for their child's picture getting sent around school. I think that although it is enough to feel absolutely terrible if your daughter's picture gets completely sent around and every single person sees it, I think that they need to take some responsibility. And I think that they need to look over their child's phone, and they need to look at their text messages and try to see the signs before they actually happen.

REP. FOX: Well, thank you very much.

Are there any other questions?

And so we'll go to the -- the final two panel members, Jenna Salvesen, and Kelly Hayes.

JENNA SALVESEN: Hi.

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REP. FOX: Hi. Good afternoon.

JENNA SALVESEN: Good afternoon.

My name is Jenna Salvesen. I'm from Cape May,
New Jersey. I'm a senior psychology major.

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There are several dimensions to the sexting phenomenon, and we understand that the -- the Legislator has an enormous task ahead of them in trying to address all of these dimensions. The fact that these photos can end up in the wrong hands is a concern. Although parents believe they know what their teenagers are doing, there's research that shows they do not.

The scholarly journal Child Development reported the lack of parent and child congruency regarding adolescent sexual behaviors. According to research, there are reports suggesting that parents underestimate the sexual activities of their teens. Specifically, 47 percent of mothers incorrectly thought that their teen had not engaged in sexual intercourse.

Parents who engage in more extensive conversations with their children about sex are more likely to be aware of their child's sexual activity. However, the better the overall relationship between parent and teen, the less likely it would be that the parent would accurately perceive their child's sexual activity because a child doesn't want to hurt or upset the parent.

Although parents may not be aware of their teen's sexual behavior and sending of photos,

we know from research that photographs can end up in the hands of anyone. What we should be careful or -- what we should be careful of is if these photos end up in the hands of a sex offender. If these sexts or explicit photographs end up in the hands of a pedophile or sex offender, there could be major consequences that may lead to a reoffense.

According to the scholarly journal Deviant Behavior, there is evident to strongly suggest that for some potential offenders, pornography may activate a predisposition to offend. Unlike the general public, sex offenders become more aroused and aggressive than others by such materials, thereby contributing to offending. These photos can be sent wherever and when ever, and people should be aware that sex offenders become motivated, fueled just before the offense.

According to a review of the book Pornography: Research Advances and Policy Considerations, pedophiles swap pornographic photographs the way boys swap baseball cards. As they add to their collections, they get strong reinforcement from each other for their behavior. Pedophiles get active validation from other pedophiles.

Although this may be an extreme case of pornographic stimulation, it should be noted that a report of the Attorney General's Office in the State of Texas reported that Arthur Gary Bishop, convicted of sexually abusing and killing five young boys said if pornographic material would have been unavailable to me, it's most probable that my sexual activities would not have escalated to the -- the degree

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they did. He said pornography's impact on him was devastating. He states he's a homosexual pedophile convicted of murder and pornography was a determining factor to his downfall.

KELLY HAYES: Good afternoon.

My name is Kelly Hayes, and I am from South Orange, New Jersey, and I am a freshman psychology major.

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Now that we are aware of the sexting phenomenon, variously termed "trend du jour," "digital disease," "the adolescent mating call," and "techno-sex," we need to have some sort of educational outreach to teens and parents.

In addition to proposing an anonymous reporting mechanism, we suggest distribution of sexting awareness pamphlets that we developed to teens and parents. Teen awareness pamphlets could be distributed in health classes. Parent awareness pamphlets are mailed home. Information for both pamphlets could be incorporated into student handbooks throughout the state. Connecticut could become the model for the rest of the country.

Teen awareness pamphlets will contain the following information: What is sexting? According to athinline.org, sexting is sending or forwarding nude, sexually suggestive or explicit pictures on your cell phone or online. Nancy Willard, M.S., J.D. of The Center for Safe and Responsible Internet Use states in her research that for many teens, sexting is initiated in response to pressure.

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According to the Institute for Reasonable Online and Cell-Phone Communication, there are seminars and events in your area to promote safe cyber usage and sexting awareness. Get involved. There is a sexting awareness event and concern on the 31st of March at Newton Middle School.

According to the National Crime Prevention Council, remember that healthy relationships should be based on mutual respect, not sexual attraction. Sexting awareness tips from the national campaign.org and netsmartz.org are also included in the pamphlet.

Parent awareness pamphlets will contain the following information: According to athinline.org, three in ten young people have been involved in sexting. Top 20 Texting and Internet Acronyms from Netlingo will also be included.

Sexting is not gender specific. According to Susan Lipdins, Ph.D., 65.5 percent of her sample of teens ages 13 to 19-years-old sexted. Within this sample, 63.6 percent of teen females sexted and 72.7 percent of teen males sexted. Sexting awareness tips from thenationalcampaign.org are included, as well.

And we have presented you with a prototype of these pamphlets.

Thank you.

REP. FOX: Well, thank you very much.

Are there any questions?

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Representative O'Neill.

REP. O'NEILL: Yeah, thank you.

Thank you, and thank you for coming, and -- and all the members of the panel. And I also wish to thank Professor Corby for organizing this and bringing you folks up here and taking such an interest in this piece of legislation.

And just in case anyone is wondering and was watching this on TV, Professor Ruby Corby O'Neill is also my wife, so I want to welcome here to the Legislature. And I think this is her second time testifying. The first time she did was back in 1998, and unfortunately I missed it, and hence all those years in between.

Thank you, Mr. Chairman.

REP. FOX: Thank you.

Are there any questions from members of the committee?

Thank you to all of the members of the panel who came today.

Next, we will go back to the -- the public official's sign-up sheet, and I know that Kevin Kane testified.

And I see Representative Rebimbas, so it looks like you're next, and good afternoon.

REP. REBIMBAS: Good afternoon.

Good afternoon, Chairman, ranking members, and

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members of the Judiciary Committee.

I am State Representative Rosa C. Rebimbas, of the 70th District. I'm here in support of H.B. 5486 AN ACT CONCERNING RESIDENCY RESTRICTIONS FOR REGISTERED SEXUAL OFFENDERS.

If you ask the average Connecticut resident whether or not we have laws on the books that restricts where a sexual offender can live, more often that not the response will be yes. As of 2007, 27 other states have laws of these kinds. Consequently, many Connecticut residents assume we have similar laws.

Many people are familiar with the on-line sexual offender registry list and frequently view the list when they are in the process of looking for a place to rent or a home to purchase. By searching the list they can make informed decisions as to where they want to live with their children, where they want their children to be educated, and where they would receive the best care for their children. Every parent wants to create a safe environment, where his or her child can learn, play, and walk free from the threat a sexual offender.

Unfortunately, parents cannot be with their children every moment of every day in order to safeguard their children. This bill would give parents the added assurance that a sexual offender will not be living in a house or apartment within close proximity to where their child has to walk past every day to get to and from school. This bill would give parents the added assurance that a sexual offender will not live close to a school or daycare facility

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Connecticut has ignored this issue. We need to become proactive and not just reactive when we hear of a tragic abduction or sexual crime upon an unsuspecting Connecticut child.

Now, I'm also here in support -- and if you may allow me, I would like to testify on both, and then I'd be more than happy to accept any questions -- I'm also here in support of H.B. 5533, AN ACT CONCERNING SEXTING, and I respectfully request the committee's support of this bill. The concept of this bill was created after many discussions with a variety of law enforcement officials, including members of the Connecticut Computer Crimes Unit, some state's attorneys, and numerous students, parents, and school administrators at public forums.

Ignorance of the law is not a defense for violating the law, but at times, minor children do foolish acts without appreciating the consequences of their actions. This proposed bill creates a lesser category for punishment for minors who are 13 years of age or older but under 18 years of age who may knowingly possess and transmits any visual depiction of child pornography by means of electronic communication device. This proposed bill will truly allow the punishment to fit the crime. This bill provides another option for prosecutors to hold minors accountable for their actions where probable cause exists without having to charge the minor child under the existing laws of child pornography, which carries with it a felony conviction.

This bill is very important in updating our penal code by incorporating electronic

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communication devices and in identifying the unlawful acts that minor children are committing without knowing it. This bill takes a proactive role in recognizing the devastation that our minor children would face if they were convicted under the current child pornography laws. This would mean that a minor child would have a felony on their record, and he or she would have to register as a sexual offender.

For all the above reasons stated I again respectfully request and encourage your support for H.B. 5486, and 5533.

REP. FOX: Thank you very much.

Are there any questions?

Representative Labriola.

REP. LABRIOLA: Thank you.

Good afternoon, Representative Rebimbas.

As you know, we -- when we had our forum at Naugatuck High School, you and I regarding the issue of sexting, we had members of the prosecutor's office there, and the state police, local police, counselors. And we had a -- an enormous crowd of people, about half parents and half students. Really, one of the main things that -- that I got out of it was just how rampant the problem really is. And -- and so I thank you for your leadership on this particularly -- particular issue, in highlighting it.

Because, you know, just about every child, every student at this -- those teenagers have a

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cell phone which is also a camera and which has Internet capability, and it's just -- in seconds they can disseminate these nude or seminude pictures. I just want to see if you wanted to react to that.

REP. REBIMBAS: Thank you, Representative Labriola.

That's actually a very good point that you made. And we did have the privilege of doing an informational forum in our district in Naugatuck, and it was very important because it was very informative not only for the administrators and parents, but this is something that's been going on for a long, long time. Since technology, we've had the ability to take pictures on cell phones and videos, and unfortunately it's something that's taken this long for our laws to catch up with. And I think it's very important, because we do need to provide options for prosecutors because, unfortunately, a child pornography charge for any minor child is devastating.

The informational forums that we had the opportunity to do, not only was it educational but there's many parents out there that they have no idea what other functions these cell phones have when they're providing it to their children, so it was informative on so many different levels. But, nonetheless, we need to -- need to establish something because we do need to hold minors accountable. That's certainly why have a juvenile justice system, as well of being mindful of we need to make sure that the punishment actually fits the crime.

REP. LABRIOLA: So -- so, with regard to that, the

actual punishment, under this proposal, that act of sexting would carry the -- it would be an A misdemeanor as opposed to a felony and it would not have the sexual register -- the sexual offender registration component to it, is that right?

REP. REBIMBAS: Yes, that's correct.

And one other thing I would want to clarify, because I know it was mentioned earlier, is a Class A misdemeanor is up to one year in jail or up -- also, up to \$2,000 fine. It could be one or the other one or it certainly could be both. So I think it would provide that leeway, again, depending on the facts and circumstances of the specific situation that it's not an automatic time in jail, for example.

REP. LABRIOLA: And one of the things that we had at our forum was -- was, again, highlighting it, talking to parents about how rampant this problem is, having them take a -- after all, it's -- it's in the household. They, the parents need to take much more of a -- of -- of an effort in monitoring what actually their children are doing with their cell phones and - - and how easily they can disseminate these photographs so -- within seconds -- but also that, you know, what the effect of being arrested would be, how devastating it could be.

While it's true that a first offender, a person charged with a misdemeanor, they might have a youthful-offender or accelerated-rehabilitation status available to them, so they might not even end up with a criminal record, let alone go to jail. But, nevertheless, if in combination with other, you know, with any

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other trouble that child had gotten into, they could end up with a record, and one of the things that we talked about at our forum is, you know, some people think that records go away. And once you have a criminal record, it never goes away. So, did you -- did you want to comment on that?

REP. REBIMBAS: Certainly. Those are very good points, Representative Labriola, and I appreciate that, because of the fact that this bill is so important on so many different levels, because it does provide a security, also, for the victims of crimes such as these to have an avenue.

We all do know that the prosecutors do have discretion as to whether or not they even want to prosecute, so there is always the possible factor after speaking with the victim and the -
- and the person who committed the crime whether or not the prosecutor would even prosecute under this particular law for a misdemeanor. So you've got the option not to prosecute. You got the option to obviously have it a misdemeanor or to look at it further and whether or not it would qualify and fall under the child pornography laws. So it's very important to -- for this bill on so many different levels, not only the educational but a protection for the victim, but also so people know. Because, unfortunately, a lot of these minor children have no idea that they're actually breaking the law. So there's a variety of different importance related to the bill, so that's certainly -- thank you, Representative Labriola for pointing that out.

REP. LABRIOLA: Okay.

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REP. REBIMBAS: Yeah. I would rest -- respectfully disagree with the testimony earlier that this in some way would increase the amount of sexual offenders who would want to go underground. Bottom line is if you have a sexual offender who is not properly registering, they're probably not going to properly register no matter what. The fact that we are limiting it to 2,000 feet which is, again, not restrictive, that's less than half a mile. We're not talking about, you know, miles and miles of areas that the sexual offender would not be able to reside, so I would disagree with the fact that this would in some way increase people hiding out.

I think, if anything, it'd be a heightened awareness that if there are sexual offenders walking around a daycare facility or a school, they can't simply say that their excuse is I live right around the corner, I live right across the street, I have the right to be here. Well, in fact, this law would not allow them to have that right to be there.

REP. LABRIOLA: All right. Thank you. Thank you for your testimony.

Thank you, Mr. Chair.

REP. FOX: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

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How you doing, Representative?

In this question, because I've been in and out,

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so I might -- may have missed some things, on Bill 5533, the sexting bill, you were talking about how some young people aren't aware that they're in violation of the law. And I'm assuming that you were talking about this bill helping with that in some way. And I -- I'm not sure how that -- how that happens.

REP. REBIMBAS: I think it was acknowledging the fact that, unfortunately, their -- again, ignorance to the law is not a defense. But, for example, there are some minor children that probably don't understand that the possession of photographs, nude photographs of -- of other minor kids and then, obviously, sending it to a variety of different people, that is an unlawful act currently under our laws.

I guess the informational, educational component, having a bill like this would allow them to have simply a misdemeanor, a Class A misdemeanor, opposed to having a felony on their record. So the educational aspect of it, I don't want to completely ruin their lives for the rest of their life, an -- an inability to find a job, having a record of a felony. This would allow a misdemeanor. Hopefully they would learn their lesson. Hopefully they would learn something from this experience, if it does even reach to the --to the point of the standard of a misdemeanor. So there's the educational component that would give them that opportunity to not face the felony, have a misdemeanor, and hopefully change the way that they conduct themselves.

REP. HOLDER-WINFIELD: So the educational part doesn't come from us actually educating them until they've done something to run afoul of

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the law.

REP. REBIMBAS: If you're looking strictly at the bill, that's in all laws that are passed. Obviously, the consequences are faced only after it becomes law. However, right now, I'm very proud of the informational forums that are occurring throughout the State of Connecticut, the fact that the media not only prints but a television media has picked up on this issue and, again, I think by carving this out, saying specifically what sexting is, is in and of itself an educational component for kids to know obviously what is legal and what's not illegal and what is illegal.

REP. HOLDER-WINFIELD: Thank you.

Thank you, Mr. Chair.

REP. REBIMBAS: Thank you.

REP. FOX: Representative Conway.

REP. CONWAY: Thank you, Mr. Chairman.

Good afternoon, Representative Rebimbas.

REP. REBIMBAS: Good afternoon.

REP. CONWAY: And thanks for your testimony today.

On -- with regards to 5486, and as owner of a -
- daycares in north, central Connecticut I'm
supportive of -- of this concept. We
continually check the local registry on our
own.

But back in 2006 of the -- we passed

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sexual offender is I live right across the street or my house is right next door; what do you want me to do? Well, in that case it would allow the assumption, well, this person isn't residing in the area, what are they doing here? So although they won't be charged with something under this bill specifically, it would probably give a good probable cause for an officer, for example, or administrator to encourage the person to move along.

REP. CONWAY: I hear you're trying to get this through which is -- which is great, but the -- the loitering is almost a -- even more dangerous, because at least when they're residing somewhere -- and hopefully it's outside of the 2,000 feet -- you know where they are. And you know who they are by -- by face. It's those that are loitering in an area that are not from within that, that you can't look up, necessarily, on-line and see their face that seem to pose the -- the -- well, it's the unknown. So there is a -- when you see somebody loitering, then you start looking and you're unable to find. But they seem to be the most to cause potential problems.

But thank you, very much, for your testimony today.

REP. REBIMBAS: Thank you.

REP. FOX: Senator Kissel.

SENATOR KISSEL: Thank you very much,
Mr. Chairman.

Representative Rebimbas, I just want to compliment you. I remember when we were

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screening bills to raise for potential public hearings, you had a lot of very interesting concepts out there. And I -- I watched you all morning. You were very patient to -- to listen through the whole habeas corpus dissertation that we had for a couple of hours, which is a complex, difficult, difficult issue. And -- and I share the position of Chairman Lawlor that it would be great if we could somehow get our arms around that.

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But regarding these proposals, I think that you've given us an awful lot of food for thought, especially regarding the sexting. I think that that -- that bill might some -- some legs, at least from my perspective, because I think a reduced penalty for young people that may not be aware of the ramifications of their activities is -- is probably more appropriate than what we have on the books right now.

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Also, I may have my legislative aide contact your legislative aide because I think the outreach that took place with you and Representative Labriola at your high school is an interesting concept. And my guess is -- I have a 14-year-old and a 6-year-old, so, I guess I got -- I should go home tonight and chat with my 14-year-old as to what's going on, on the cell phone; but I -- I'm -- I think things are pretty good. But things change quickly and he'll be in high school next year, and that's a whole different environment.

And, once again, we as a Legislature have to race to keep up with technology. And as -- as moms and dads, we have to race to keep up with technology, as well. So I -- I really applaud your efforts and your patience. And, you know,

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we do raise an awful lot of bills and not always do the proponents wait patiently to testify, and -- and I compliment you for being dedicated and supportive of the bills that you have out there.

Thank you, Mr. Chair.

REP. REBIMBAS: Thank you, Senator, I appreciate your comments.

REP. FOX: Senator McLachlan.

SENATOR McLACHLAN: Thank you, Mr. Chairman.

And thank you, Representative Rebimbas for your leadership on both of these issues.

I'm still learning about sexting, although I will tell you that one experience I had that was alarming was how my phone -- I had a feature I wasn't aware of -- and an alarming photograph showed up on my phone. And it apparently was a -- a spam of some kind, but it came through and it's -- it -- it was alarming to me. I -- I just wasn't aware that the system could even do that. I knew you could attach photos to e-mail, but I didn't know you could do it on a text message. So I -- I thank you for your leadership on that; I think it's good.

The City of Danbury, in 2006, added a prohibition for -- prohibition of sex offenders in a -- child safety zones, which are parks and pools and playgrounds and -- and school properties. That has worked very well. They've tweaked it a couple of times. There was a very lengthy discussion about residency

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free -- and most often minor children are supervised -- unsupervised when they are walking to school -- I don't believe that 2,000 feet is overly restrictive. But, nonetheless, I would be, you know, entertained and it would think of the flexibility if there was something to actually have this passed.

SENATOR McLACHLAN: Thank you, Representative Rebimbas.

Thank you, Mr. Chairman.

REP. FOX: Thank you.

Are there further questions?

Representative Walker.

REP. WALKER: Good afternoon.

REP. REBIMBAS: Good afternoon.

REP. WALKER: First, I want to start with your testimony on the registration for sex offenders. In your -- in your testimony you -- you talk about this being less of a crime than what is already on the record, and you've mentioned that before. What is the -- the penalty now for -- do we have a -- we have a penalty for sexting right now, currently?

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REP. REBIMBAS: We don't have a law specifically towards sexting; however, we do have child pornography laws that the possession of obviously minor children photos of would -- can fall under that criteria for child pornography. So it is possible that minor children can be

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prosecuted under the child pornography laws.

REP. WALKER: Have they -- have we thought about having more of an educational component, something as opposed to creating a penalty for children to be exploratory? Because they're going to be exploratory about all kinds of things, and that's part of being a child. How -- have you thought about instead going to the idea of having an educational forum and maybe even putting something in so that all schools have something about this as opposed to an arrest issue?

REP. REBIMBAS: Absolutely. Actually, I think it's a two-part. We did briefly discuss the informational aspect of things. We have had informational forums throughout the State of Connecticut; there's other types of forums, as well. I don't know whether or not burdening the educational system with one more mandate would be the answer, but certainly we do need to communicate. And I think the media has also done a very good job in communicating this information.

By creating another law specifically addressing sexting is important because, nonetheless, even though children are children and they're exploring, et cetera, unfortunately there are some minor children that for one reason or the other, not knowing the consequences, are committing an unlawful act, and they also have to be held accountable. So currently, because we only have the child pornography laws, it's either we prosecute them under those laws or we don't prosecute them at all. And by having a sexting-specific law on the books, it would allow for some discretion regarding then how to

prosecute that child because, nonetheless, minor children do also need to be held accountable.

REP. WALKER: I -- I agree. I agree that children should be held accountable, but an arrest is not holding them accountable. I -- and I understand what you're saying where you don't want to make it a mandate on -- on the school system, but at the same time, I mean if their kids are getting arrested, I think we need to go before that -- we need to step in front of that train so that we're not pushing all these kids into another type of situation that's going to make their life that much more complicated or disrupt their life so they won't be able to get -- be employed.

I mean, one of the things that we've been talking about for the last at least ten years that I've been here, has been about the fact that our adolescents do dumb things. Our adolescents' brains are not developed. So what we have been doing, especially in the last few years, is to try and, number one, start to educate people more on -- on the development of children and also try to create programs so that we intervene before they make silly mistakes, because they're going to make silly mistakes. I think the biggest problem that I have is that we -- in the way we guarded -- not guarded -- the way we monitor our children is by creating laws and making the policeman sort of our parent as opposed to having the parents and the teachers and the community become more aware of these things and provide those things -- provide forums that are going to address that. So I -- I mean, I -- I agree with you. We have to figure out a way of

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jumping in front of the train and stop the kids from -- from doing this because is it -- it is wrong. But going all the way to an arrest, I think is going way over the top and I -- and I'm concerned about it. And I think we need to talk about -- about that.

Now, you had another bill that you testified, 5533? No, the other one -- what's the other one? Five -- I'm sorry, I can't (inaudible) --

REP. REBIMBAS: -- 5486.

REP. WALKER: -- 5486. I came in a -- a little late. This is the 2,000 distance for sex offenders to live near a school. I come from New Haven with a 1,500, and the only place in New Haven that doesn't have a school or a daycare or anything is on the Yale Golf Course. And that's 1,500, so pretty much, you know, part of me says, you know, great, this is a great idea. We'll move them all to Wallingford or Milford or wherever, but I think we're -- we're pushing a population of people into a realm that's going to automatically create another way of them being rearrested, and I think we have to come up with a better way of addressing that.

And I -- I did see in your bill that you did say that if they are already living in -- in that area that they would not have to be moved. I'm just not sure that creating boundaries like this -- I -- I agree we don't want them near our daycares and we don't want them near our schools and we want them moved away, but doing a -- doing a -- a residency law like this I think is really going to create even more of a problem, especially if it's going to -- I think

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it's going to push people into the suburbs where they're not going to be able to access any of the services that they need, where there's going to be very limited transportation. And -- and I think Woodbridge is probably going to push back on this idea because theoretically they could live in -- in any of those districts without having to be within the zone of 2,000 of a -- a daycare or a school.

So I'm just not sure if we understand what the consequences are when we do something like this.

REP. REBIMBAS: Uh-huh. Thank you, Representative Walker, and I think you've raised very good concerns.

Just going back to your concerns, under H.B. 5533, regarding the sexting, I could not agree with you more on the educational component. And those informational forums that we did have the opportunity to actually hold, one of which was in Naugatuck, we were actually educating parents in addition to the students. The law enforcement was very active, and that is important because they don't even know what they're doing, unfortunately.

But certainly we also have to consider the victims.

A VOICE: Right.

REP. REBIMBAS: And there are minor children out there that know exactly what they're doing. And there are minor children out there that because they know what they're doing, they will

continuously do it unless there's accountability. And that's why this Class A misdemeanor is so important to have, because then the only other alternative, the victim says I want them prosecuted, is under the child pornography laws. And a Class A misdemeanor doesn't automatically carry, you know, imprisonment. It's up to one year in prison or up to a \$2,000 fine, so it could be a variation of any of those. So there's large discretion for a prosecutor. But, nonetheless, unless we have something that's going to hold minor children accountable also for their actions without being the drastic felony under the child pornography laws, I think we would probably be doing also a disservice to the victims.

Now, regarding H.B. 5486, unfortunately, I wish I could probably just say that sexual offenders only reside in cities, but that is certainly not the case. They're everywhere, including the suburbs. With that said, it's still my belief that 2,000 feet is still not overly restrictive. And even in New Haven, Hartford, Danbury, any of the other cities, there certainly are areas that they would still be able to reside within and, nonetheless, be able to get whatever services it is that they need.

I think most importantly when we look at this, we do also just need to keep in mind that we are trying to protect our children. And sexual offenders are people who are prone to reoffend, and the last thing we want to do is put them in an environment or put them or allow them in an environment or allow them to be near children where the --obviously the likelihood of that happening is considerably increased.

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REP. CONWAY: Do you believe that children know what they're doing all the time?

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REP. REBIMBAS: Oh, absolutely not. I don't think anyone could --

REP. CONWAY: And the way --

REP. REBIMBAS: -- say that.

REP. CONWAY: -- you would address their desire to grow and be curious is to incarcerate or to arrest them?

REP. REBIMBAS: Oh, absolutely not. I never said that.

REP. CONWAY: But that's what you would be doing with -- with the sexting.

REP. REBIMBAS: Absolutely not. What I'm doing is protecting them from facing child pornography laws which carries with it a felony and having to register as a sexual offender, possibly for the rest of their lives; that's what I'm doing.

REP. CONWAY: You believe that the -- that there are children now currently being arrested for pornography because they've done this?

REP. REBIMBAS: I think there's currently children who had been arrested and prosecutors have had to grapple with this situation. I've had numerous conversations, including those informational forums, where the state's attorney who is faced with these decisions on a regular basis, unfortunately, has to grapple with these situations.

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REP. CONWAY: Do you have that information? Do you know how many there is? Because I'd really like to know about that.

REP. REBIMBAS: I don't know the exact, but I can certainly get you that information. Absolutely.

REP. CONWAY: Okay. Thank you.

REP. FOX: And -- and just a -- I know Representative Holder-Winfield has a question. Just to clarify, that this proposal, because I think it's misunderstood by a lot of people, in effect it's taking something that's already a serious felony conduct, possession of child pornography, that among other things would get you on the sex offender registry and reducing the penalty for it under very limited circumstances, consensual young people, not further distributed, and making what is a felony under current law into a misdemeanor. That's the effect of the bill; right? It's not --

REP. REBIMBAS: That's correct.

REP. FOX: -- creating a new crime. It's not raising any penalty. It's just saying something in this category, taking the current penalty and knocking it down to a misdemeanor not requiring sex offender registration. So, I -- I think the reason I say, I think people assume that we're taking something that's currently legal and turning it into a crime, just basically takes something that's already a serious crime and reduces the penalty for it, under --

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REP. REBIMBAS: Yes.

REP. FOX: -- very limited circumstances; right?

REP. REBIMBAS: That is correct, yes.

REP. FOX: Okay, good.

Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

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Your -- your statement about it not being overly restrictive leads me to believe that there are places where the restriction is more than 2,000 feet; are there such places?

REP. REBIMBAS: In my findings, and I actually do have some information of the other 27 -- 27 states that have similar laws -- in fact, I don't know, off the top of my mind, if it was over 2,000 square feet -- 2,000 feet or not. I do know there was some states with slightly less, but there was a variety of different states that had, in addition to schools and daycare centers, they had parks. They had anywhere where children gather, which can be a considerable number of places. It could be, obviously, a Girl's and Boy's Club facility. It could be a variety of different things. So, comparably, this is not that restrictive compared to some other states out there.

REP. HOLDER-WINFIELD: So you are looking at the overall effect versus the distance; okay.

And -- and I would have to -- although I don't necessarily want individuals who've committed

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And after Mr. Carlson, I believe Carmen Rodriguez.

Is Carmen Rodriguez here?

And is there anybody after Ms. Rodriguez who would like to testify before this committee?

Okay.

Mr. Carlson.

BRUCE CARLSON: Good afternoon, Senator McDonald and members of the Judiciary Committee. My name is Bruce Carlson. I am a member of the Board of Directors of Survivors of Homicide. I'm here to speak in favor of Raised Bill 5502. On May 22nd, 2002 my daughter Elizabeth was brutally murdered by inmate 300990.

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Approximately two years later, after a plea bargain, the case was finalized and he was -- he was permanently sent to jail. We now find that in despite of the fact he entered into a consensual agreement, a plea bargain, for which he avoided the possibility of 60 years in jail. And surrendered at least some of his rights to appeal.

He has now filed a habeas appeal, six years after the case was finalized. There is no new evidence in this appeal. Certainly we are not in the case of Sam Rieger or in the eight appeals or so they've been through. This is the first appeal. The issues involving the appeal were discussed extensively and written in the record at sentencing.

And as far as I'm concerned, this is just a

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If I could add something to the other bill that was discussed on sexting. I do not believe that it is the responsibility of the State of Connecticut and it's judicial system to solve every problem. Having recently just bought a new cell phone, I can state that it is possible to buy cell phones that do not have cameras in them.

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If there's no camera in the cell phone, you can't run around taking voyeuristic pictures and sending them to all your friends. I realize you can still use a regular camera and then download it. But there are technology options available to parent if they choose to avail themselves of it.

Thank you very much.

SENATOR MCDONALD: Thank you very much, Mr. Carlson.

And, you know, thank you for your patience today. And also for reminding us that this -- what we do here is not just a theoretical intellectual pursuit. It has real consequences for people. And I'm sure going through this process now, six years after the fact has got to be very difficult for you and your family.

HB 5502

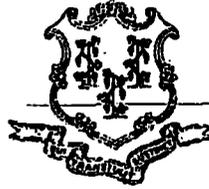
Let me ask you though, what -- I'm -- I'm just trying to understand if there was a -- a plea bargain where the defendant pled guilty -- apparently got some definite sentence, waived his right of appeal, what's the -- what's the basis of the habeas appeal?

BRUCE CARLSON: On -- he was clearly guilty. He admitted his guilt. He essentially -- the police -- if he had gone to trial, I believe he

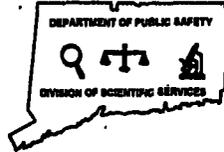
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**JUDICIARY
PART 11
3349 – 3695**

2010



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

March 22, 2010

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

HB 5533 An Act Concerning Sexting

The Department of Public Safety supports this bill.

The Department of Public Safety supports the concept that juveniles between the ages of thirteen and eighteen should not transmit visual depictions of child pornography through electronic devices. The State Police Computer Crime Unit is dedicated to combating crimes against children. It conducts frequent public speaking engagements with stakeholder groups regarding this issue.

The age group covered by this proposed bill appears to be largely ignorant of the potentially life-altering consequences of being included in the sex offender registry. This bill strikes a good balance between asserting the illegality of the activity while, at the same time, removing the age population from the serious consequences of being required to register as a sex offender. This proposal, coupled with an intensive media campaign targeting our youth regarding the underlying consequences of this behavior, should provide an effective deterrent to this conduct.

Sincerely,

John A. Danaher III
COMMISSIONER

Sexting Narrative for Judiciary Committee Legislative Hearing 3-22-2010

Good Morning. My name is Dr. Ruby Corby O'Neill and I'm here with students from Post University in Waterbury where I'm the Associate Professor of Psychology and a tenured Faculty member. The students are Forensic Psychology minors taking the Special Topics in Forensic Psychology course that I teach. Thank you Chairmen Lawlor and McDonald and the committee for allowing us to be here and the opportunity for the students to be participants in their own governance and to present their findings of a literature review which we hope informs the Committee's thinking about raised Bill No. 5533, An Act Concerning Sexting.

This new phenomenon of sexting that has hit the technological social networking landscape is generating a lot of concern. Educators and social scientists are concerned about the social, emotional, and cognitive consequences of this new form of cyberbullying and sexual objectification.

Some of the information we found involved surveys on sexting and cyberbullying. While the survey results could be challenged on the technical basis of the psychometric properties of validity & reliability, random sampling and representativeness, there is *no* doubt that we have stepped through the window into "teenland" and we're gaining greater insight into what happens there. The media has reported teen sexting incidents and consequences from all over this country – and we will hear today about an incident in another country. With technology and increasing globalization, the world is flat, and toxic technology will have widespread effects. This is a call to action and taking a necessary proactive approach to this rising phenomenon of sexting and its consequential damages can not wait for the construction of the perfect survey or the perfect sample.

Sexting is the new vehicle for sexual objectification. In my own dissertation work years ago on the objectification of adolescent girls, girls voiced varying levels of resistance and resignation to physical, verbal, and visual objectification. Today, technology – sexting – aids in this objectification. And when pictures are mass distributed, the person in the picture, typically female, is severed from her own body and she's no longer considered by others a co-interactant in social life, resulting in her being socially disenfranchised to act on her own behalf - and her sex, gender, and sexuality become a disembodied material reality to be traded publicly. This leads to serious consequences.

The research team will now present their findings that we hope can be used by schools, courts, and agencies as they rise to the challenge of addressing this damaging behavior with consideration of the sensitive, critical developmental moment in the lifespan – adolescence - and an eye toward therapeutic jurisprudence. Thank You.

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My name is Amy Mantha from Agawam Massachusetts. I am a Sophomore Psychology major and Forensic Psychology minor. As you may know, there are many consequences of the new sexting phenomenon. A major concern is bullying or cyber-bullying. In the scholarly journal *Social Development*, researchers state that the basic motives underlying human behavior is a need to be accepted and recognized by others (Olthof & Goossens). A review of the research states that cohesive norms are norms that are tied to popular people within culture which is an example of why others join in with the original bully. These norms are important because adolescents are greatly influenced by these norms. The need to belong may also be regarded as a major source of the need for power. Being bullied by a more powerful person or group than the victim is more severe than the effects of being bullied by a person of equal power because the victim is apt to feel more helpless. While boys usually engage in direct bullying, girls are more likely to indirectly bully such as spreading rumors and enforcing social isolation (Banks 1997). Some of the consequences of bullying are long-term for the health and well-being of victims. Low psychological well-being, poor social adjustment, psychological distress and physical wellness are a few examples.

When I was a junior in the academic year of 2007, I witnessed someone becoming a victim of sexting and bullying. A seventeen year old female student sent pictures of a nude part of her body... and it wasn't her elbow, to a male student who attended another school. That male student happened to be friends with every student in my school. The pictures were released and were sent to every cell-phone on the premises. My phone had vibrated in my purse and when I opened it, I was shocked at what I saw. I immediately heard gestures of disgust from behind me and I knew at that time they had received the same picture. I quickly deleted the picture and listened to everyone else hit send to other students in school. The female students in school started calling her vulgar names and started spreading rumors. Because the foreign object that was included in one of the pictures was also an object in the school cafeteria, the object was the perfect stimulus for a target. She eating and avoided other students. Eventually everyone stopped talking about. The *Canadian Journal of Psychiatry* states that suicide is commonly multiply determined. Jesse Logan, a high school student, hanged herself after being repeatedly harassed by the girls in her school after they received nude pictures from her ex-boyfriend. Hope Witsell was also a victim of cyber-bullying when a nude picture of her was released by a boy, from whom she only wanted attention. All of her classmates bullied her to the point where she could no longer bear it, and she hung herself. She was only thirteen. When is bullying going to stop? When all of the victims of bullying commit suicide? It shouldn't take the death of a kid to motivate addressing this problem. It's a step in the right direction that the Connecticut Legislature does not need a rash of teen suicides to recognize this as an important subject and to start intervening. Thank You.

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My name is Ollie Gray IV and I live in Waterbury, Ct. I am a Sophomore Criminal Justice major and Forensic Psychology minor. My senior year of high school I received a text message of two elderly men engaging in a sexual act. I wasn't the first to see this message, my 9yr old sister happened to look at my phone prior to me realizing I had received a message. I did not want the message sent to me. Who does? My sister's innocence could've been in jeopardy I just prayed she wouldn't be scarred. This is just one example showing how easy someone can send and receive sexually provocative photos. Traditionally, peer harassment has been viewed as a face-to-face encounter between a bully and a victim in view of an audience of peers (Espelage & Swearer, 2003). A New method of peer harassment has surfaced known as cyber-harassment. The bullying is directed at a victim through the use of communication or information technology. With the growth of technology, Cyber bullying has become more prevalent over the past decade . A University of Calgary study of 432 Canadian students grades 7-9 reported that more than two thirds of students (69%) have heard of incidents of cyber-harassment, about one quarter (21%) have been harassed several times, and some students (3%) admitted engaging in this form of harassment. The reported consequences of falling victim to cyber harassment were sadness and anger.

In another study by the University of Calgary, 177 grade seven students (80 males and 97 females) were asked questions about cyber-harassment. 54% of the students were bully victims and over 25% of them had been cyber-bullied. More than half of the students knew someone being cyber-bullied. Over 40% of cyber-bully victims had no idea who cyber-bullied them. The high percentage of adolescents who had experiences of

cyberbullying suggests that cyberbullying is becoming an increasing problem for schools and society.

Bullying, cyberbullying and victimization are not mutually exclusive.

In the school bully group, 85% reported that they were also bully victims. 30% in this group were cyber bullies and 27.3% were victims. Most bullies were also bully victims themselves. If these categories are not mutually exclusive, as the research seems to suggest, that needs to be considered when developing intervention programs.

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My name is Gilson Nazario and I'm from Watertown, CT. As you may know, 6th grader Olivia Gardner from California was continually harassed even after changing schools. She attended three different schools and the cyber bullying followed her to each one. It is reasonable to conclude that sexting is another dimension of cyberbullying. The main issue with cyber bullying is that it cannot be stopped simply by transferring to a new school, or moving. Since the bullying is taking place electronically, the problem can follow you wherever you go. According to the American Journal of Psychiatry, Cyber bullying is not like traditional bullying because the aggressor doesn't need to be more powerful than the person they are bullying because they don't have to confront them face to face (Fauman, 2008). The research states that a single post on the internet can be repeatedly damaging to the victim because of how many people can view that one post (2008). The aggressor in these situations doesn't get the immediate feedback from the victim "that can moderate their behavior" (Fauman, 2008). According to the journal Reclaiming Children and Youth, cyber bullying is about power and control (Keith & Martin, 2005). According to the Journal of Psychiatry & Law, the wide spread use of the internet can create "mob behavior" which can cause someone to be harassed by a person they don't even know or met face to face (Drogin, Young, 2008). According to the Journal of Adolescent Health, of the students being bullied online, more than one third also reported being bullied at school (2007). There is no statistical evidence that cyber victimization is focused more on a certain sex, but rather affects everyone equally (Drogin, Young, 2008). The psychiatry Bible, the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) by the American Psychiatric Association, "identifies several diagnoses of particular relevance to an understanding of the psychiatric causes and

consequences of cyber bullying (2008). There is a link between classroom bullying and Attention Deficit Disorder and personality disorders, among other mental disorders (Drogin, Young, 2008). There is an increased suicide rate among adults who were victims of childhood bullying; this is actually more prevalent in women (Drogin, Young, 2008). However, after being continually encouraged to do so by one of his peers, 13 year old Ryan Halligan took his own life. The combination of cyber bullying and adolescent sexuality is a dangerous and volatile one.

[When dealing with sexting, adolescent sexual motives play a role, and this is where we see gender differences. According to the Handbook of Adolescent Psychology, there are four main factors as to why people have sex:

- Physical: stress reduction, pleasure, physical desirability
- Goal attainment: resources, social status (bragging rights), revenge
- Emotional: the experience and expression of love and commitment
- Insecurity: low self-esteem, pressure, mate guarding.

Research results revealed that men listed more reasons for having sex that were more physical, whereas women were more likely to include emotional reasons.]

It may be beneficial to consider these factors when developing a response to the crime of sexting as it pertains to adolescents and the development of rehabilitative or educational outreach.

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Office of Chief Public Defender

Raised Bill No. 5533
An Act Concerning Sexting

Judiciary Committee Public Hearing
March 22, 2010

The Office of Chief Public Defender does not support this legislation and has concerns that more youth, who can engage in sexual activity, including intercourse, will be prosecuted under **Raised Bill No. 5533, An Act Concerning Sexting**. The bill targets only youth who are between 13 and 18 years of age.

Connecticut law currently provides that teenagers who engage in consensual sexual activity, including intercourse, will not be prosecuted if their age difference is 3 years or less. This proposal will criminalize an act by a teenager in a consensual sexual relationship if he/she sent his/her partner a picture of him/herself, i.e. a visual depiction either in a pose or exhibiting conduct, that is otherwise permissible for the partner to observe personally without risk of prosecution.

This office suggests that language as contained in C.G.S. §53a-71, Sexual Assault in the second degree, be inserted to exempt from prosecution those persons whose age is within 3 years of each other and who consensually exchange such photographs of themselves as long as the photographs are not distributed thereafter.



STATE OF CONNECTICUT

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Michelle S. Cruz, Esq.
State Victim Advocate

Testimony of Michelle Cruz, Esq., State Victim Advocate
Judiciary Committee
Monday, March 22, 2010

Good morning Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **OPPOSITION** of:

Raised House Bill No. 5533, An Act Concerning Sexting

Remember the days of Polaroid cameras, calculators and land line telephones; seems so long ago. Unfortunately, as the advancements in technology progress through our lifetime, so do those individuals who use that technology to commit crimes. In response to this criminal behavior, the statutes must be continually updated to reflect these advancements; the statutes regarding mandated reporters of child abuse are a prime example. Raised House Bill No. 5533 will establish a criminal offense for anyone between the ages of 13-17 for possessing child pornography, also commonly referred to as "Sexting". The OVA understands the need to address this troubling issue. However, rather than expose children to the criminal justice system, as young as 13, I believe the issue could be better addressed through education. The spirit and intent behind our states pornography statutes was not to penalize children who, in their infinite wisdom, decided to text their girlfriend or boyfriend, a nude or partially naked photograph of themselves. The purpose of the pornography statutes was, rather, to protect our children.

As any parent would tell you, children will often do things, say things and respond to things without much thought. Many people were blind to the problem of sexual predators using the internet to entice minors for sexual purposes. It really wasn't until the highly publicized television series; "To Catch a Predator", did people grasp the intensity of the problem. Further, websites such as myspace and facebook have shed more light on this growing issue. We have seen difficulties with trying to regulate those types of internet services and I think we will see similar difficulties ahead should this proposal move forward. I urge the committee to instead support funding for educational efforts to address this issue rather than spending even more money on a defense for the children that will be the subject of a criminal prosecution.

Thank you for consideration of my testimony.

Respectfully submitted,

Michelle Cruz, Esq.
State Victim Advocate

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Peer Victimization

My name is Shanna Anderson; I am from Jamaica and Waterbury Connecticut. I am a freshman Psychology major. Sexting may be a worldwide phenomenon. My colleague has mentioned instances in the U.S.; but, similar cases occur worldwide. When I was in high school, a student had a video of her circulated. The backlash was so great she fled the country to avoid peer victimization and stigma she received. Her name became synonymous with the word "slut", just like Kleenex is synonymous with tissues.

Peer victimization and stigma are linked to sexting. According to the Child Study Journal, peer victimization is negative actions that are repeatedly directed by peers at a person through physical, verbal, or relational aggression (Storch, Brassard & Masia-Warner 2003). The main type of victimization sexting deals with is relational victimization. This involves damaging relationships through manipulation and destruction (Storch, Brassard & Masia-Warner 2003)." She was a victim of this type of victimization. She was ostracized from school, friends and family and was sent to live in another country. Personal details of her life are public knowledge and she lost the people important to her.

According to the journal Educational Psychology, the threat of losing friends may contribute to problems for adolescents, especially girls because of preoccupation with relational concerns (Hoglund 2007.) The journal of Educational Psychology states preoccupation with peer approval, loss of relationships, and self-protection distract girls

from learning activities and drain mental energy needed to participate in class (Hoglund 2007.) Sexting victimization is spilling over into the classroom and affecting adolescents. Not only are these students, mostly female students, being victimized and struggling emotionally, their schoolwork suffers because they become obsessed with their own victimization and are unable to escape it long enough to learn in school.

Social anxiety is another effect. Research from the Child Study Journal show that social anxiety may be a conditioned response to exposure to peer aggression which results in avoidance of social interactions (Storch, Brassard & Masia-Warner 2003). Sexters whose pictures become public avoid social situations and sometimes avoid school. Anxiety is another consequence and research has associated victimization with distress, fear of negative evaluation, physiological symptoms, and social avoidance (Storch, Brassard & Masia-Warner 2003).

Redistribution of sexts sent in private from one person to another is often viewed as betrayal. Research shows that such betrayal can lead to anger, frustration, sadness, disappointment, mistrust, confusion, and insecurity (Feldman & Cauffman 1999.) Such distress can have deadly results.

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My name is Terice Jones from Waterbury, CT. I am a Junior & a Psychology Major.

When I was a senior in high school, a girl was recorded in a sexual act. After it was exposed she stopped coming to school altogether.

Although sexting should not be treated as a nullity, it is important to consider some developmental factors, such as adolescent sexual desire and sexual concerns that arise during puberty. "In some ways, it's even more difficult to describe adolescent's sexual behavior than their attitudes towards sex." (Pg. 253 Adolescence) According to research published in the Handbook of Psychology, sexual desire can be defined as "an interest in sexual objects or activities or a wish, need, or drive to seek out sexual objects or to engage in sexual activities. (Regan & Berscheid, 1995, pg. 489) Young children might become aroused in response to erotic stimuli; many do not experience strong urges to act on those feelings until puberty (p. 489). According to research published in the Handbook of Psychology, adolescents sexual desire is often presumed to be a fairly uniformed experience propelling adolescents toward a diverse array of sexual behaviors. It is important to understand that desire is linked to variability in gonadal hormones. Early childhood experiences of desire stem from hormone - independent arousabilities, whereas the classic pubertal surges in self-reported sexual desire reflect the hormonally mediated urge to seek sexual activity (p. 489). There are also gender differences in desire. Empirical data have suggested that women experience less frequent and insistent sexual desire than do men. Boys become aware of their sexual interest and impulse several years earlier than do girls. It is important to consider that this may explain why boys request and pressure girls to send nude pictures of themselves, thereby, contributing to this sexting behavior which is also being called the digital disease and the adolescent mating call.

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My name is Amanda Prince and I am a Senior Sociology major and Psychology minor. As a sophomore in Hampton, NH. a girl in my grade sent her boyfriend pictures of her naked and then she broke up with him. The boyfriend exacted revenge, printed out the pictures, and made poster size printouts of the "sext." He plastered them all over school. Administrators and friends tried to remove the pictures. But, the harm was done and it was too late. She was so distraught she transferred schools and never showed her face at my school again.

Sexting is influenced by the adolescent's brain and lack of development.

Self-perception is a component in sexting. Adolescents may have a negative self-perception so they sext to make themselves feel better. The reason for this negative self-perception is because their medial prefrontal and parietal cortices are not fully developed until adulthood.

Social cognition involves our ability to understand rules and concepts that govern social interactions. Brain areas that deal with social cognition are the dorsomedial prefrontal cortex, temporal-parietal junction, and posterior superior temporal sulcus. These brain areas do not develop until adulthood. Due to underdevelopment of the brain areas that govern self-perception and social cognition, adolescents rely on others perceptions of themselves.

The last area of the brain that influences adolescents' choice to sext is the Prefrontal cortex. The prefrontal cortex, a central area of the brain that controls planning, complex cognitive behaviors, personality expression, decision making, and moderating correct social behavior. This does not fully develop until the age of 23 and is the last part of the brain to develop. A main component of the prefrontal cortex that influences adolescents to sext is the dorsal lateral prefrontal cortex. This area of the brain is implicated in decision making and is a factor as to why adolescents do not understand that sexting is not in anyone's best interest. The right lateral prefrontal cortex is also underdeveloped and regulates inhibition of inappropriate actions.

Adolescent brains are underdeveloped and are not fully capable of making good decisions. This lack of development in the adolescent brain may be the reason why they do not understand that sexting is a bad decision and they do not understand the consequential damages of that bad decision.

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My name is Megan Hansen from Newtown Connecticut. I am a sophomore psychology major. I was a recipient of a picture when I was a sophomore in high school. A nude picture of one of my classmates was sent by her ex-boyfriend as revenge to every student in school. She was devastated and considered transferring schools. When I received the picture, I felt embarrassed and ashamed for knowing that someone would do this to another person. I immediately deleted it from my phone but couldn't erase the memory of the picture nor of watching her cry in school and having to be picked up by her parents because she couldn't bear to be in the building. I needed to get a better understanding of why a nude picture of someone was taken in the first place, and why someone would do this to another. I have taken the responsibility of exploring the personal fable and imaginary audience theories to better understand why adolescents are engaging sexting behavior. Imaginary audience refers to "adolescents tendency to believe that others are always watching and evaluating them", while the personal fable, "refers to the belief that the self is unique, invulnerable, and omnipotent." According to research the journal Child Development, David Elkind states "Adolescents are thought to believe that, mistakenly, their own appearance and behavior are of as much concern to others as they are to themselves...and also to assume that others' evaluations of them match their self evaluations." Adolescents then must construct and react to an imaginary audience. Self-consciousness and conformity to a peer group in regards to appearance relate to the imaginary audience while isolation and risk-taking behavior are linked directly to the personal fable. An adolescent's transition into Piaget's formal operational stage of cognitive development is shaky and leads them to "fail to differentiate the contents of his or her thoughts from those of others." Conversely, while constructing this imaginary audience, that "differentiation error swings to the opposite extreme where the adolescent fails to realize the commonality of experiences and emotions among peers, and

instead considering him or herself unique and omnipotent”, thus creating the personal fable.

“Adolescents become self conscious and concerned with what others think of them when they themselves begin to question who they are, how they fit in, and what they will do with their lives” and “the self-concerns and social demands of the identity development process may lead adolescents to confuse their own concerns with the concerns of others.” Thus the victim because believes whatever others are telling them. Research shows that separation-individuation is the main task of adolescence and that the imaginary audience and personal fable aid their separations from their parents. “Adolescents become increasingly concerned with non familial relationships, and begin to think about themselves in various social scenarios in which they are the focus”, and contributes to the destructive behavior of sexting.

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I am Jenna Salvesen from Cape May New Jersey. I am a Senior Psychology major.

There are several dimensions to this sexting phenomenon and we understand that the legislature has an enormous task ahead of them in trying to address all of these dimensions. The fact that these photos can end up in the wrong hands is a concern. Although parents believe they know what their teenagers are doing, there is research that shows they do not. The scholarly journal Child Development reported the lack of parent and child congruency regarding adolescent sexual behaviors. According to research, there are reports suggesting that parents underestimate the sexual activities of their teens. Specifically, 47% of mothers incorrectly thought that their teen had not engaged in sexual intercourse. Parents who engage in more extensive conversations with their children about sex are more likely to be aware of their child's sexual activity. However, the better the overall relationship between parent and teen, the less likely it would be that the parent would accurately perceive their child's sexual activity because the child does not want to hurt or upset the parent. (Jaccard, 1998).

Although parents may not be aware of their teen's sexual behavior and sending of photos, we know from research that photographs can end up in the hands of anyone. What we should be careful of is if these photos end up in the hands of a sex offender.

If these "sexts" or explicit photographs end up in the hands of a pedophile or sex offender, there can be major consequences and may lead to a re-offense. According to the scholarly journal Deviant Behavior, there is evidence to strongly suggest that for some potential offenders pornography may activate a predisposition to offend. Unlike the general public, sex offenders become more aroused and aggressive than others by such materials, thereby contributing to offending. These photos can be sent where-ever and whenever and people should be aware that sex offenders become motivated when 'fueled just before the offense'. (Mustaine, 2009)

According to a review of the book Pornography: Research Advances and Policy Considerations, pedophiles swap pornographic photographs the way boys swap baseball cards; as they add to their collections, they get strong reinforcement from each other for their behavior. Pedophiles get active validation from other pedophiles. (Marshall, 1989)

Although this may be an extreme case of pornographic stimulation, it should be noted that a report of the Attorney General's office in the state of Texas reported that Arthur Gary Bishop, convicted for sexually abusing and killing five young boys said, 'If pornographic material would have been unavailable to me... it is most probable that my sexual activities would not have escalated to the degree they did.' He said pornography's impact on him was 'devastating' he states that he is a homosexual pedophile convicted of murder, and pornography was a determining factor to his downfall. (Anderson, 2010)

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My name is Kelly Hayes and I am from South Orange, NJ. I am a Freshman Psychology Major.

Now that we are aware of this sexting phenomenon, variously termed "trend du jour," "digital disease," "the adolescent mating call," and "techno-sex", we need to have some sort of educational outreach to teens and parents.

In addition to proposing an anonymous reporting mechanism, we suggest distribution of sexting awareness pamphlets that we developed to teens and parents. Teen awareness pamphlets could be distributed in health classes; parent awareness pamphlets are mailed home. Information from both pamphlets could be incorporated into student handbooks throughout the state. Connecticut could become the model for the rest of the country.

Teen awareness pamphlets will contain the following information...

- What is sexting?
 - According to athinline.org, "sexting is sending or forwarding nude, sexually suggestive, or explicit pictures on your cell or online."
- Nancy Willard, M.S., J.D. of *The Center for Safe and Responsible Internet Use* states in her research that for many teens sexting is "initiated in response to 'pressure.'"
- According to the Institute for Responsible Online and Cell-Phone Communication, there are seminars and events in your area to promote safe cyber usage and sexting awareness. Get involved. There is a sexting awareness event and concert on the 31st of March at Newton High School.
- According to the National Crime Prevention Council, "Remember that healthy relationships should be based on mutual respect, not just sexual attraction."
- Sexting awareness tips from nationalcampaign.org and netsmartz.org.

Parent awareness pamphlets will contain the following information...

- According to athinline.org, 3 in 10 young people have been involved in sexting.
- Top 20 Texting and Internet Acronyms from netlingo.com
- Sexting is not gender specific.
 - According to Susan Lipkins, Ph.D. 65.5% of her sample of teens, ages 13-19 year olds, sexted. Within this sample, 63.6% of teen females sexted and 72.7% of teen males sexted.
- sexting awareness tips from thenationalcampaign.org

We'd like to present you with a prototype of these pamphlets.

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MEMBER
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 PUBLIC SAFETY AND SECURITY COMMITTEE

Testimony in Support of:

SB 34
HB 503D

**H.B. No. 5486 (RAISED) AN ACT CONCERNING RESIDENCY RESTRICTIONS FOR REGISTERED
 SEXUAL OFFENDERS**
AND
H.B. NO. 5533 (RAISED) AN ACT CONCERNING SEXTING

Judiciary Committee
March 22, 2010

Good morning Chairman Senator McDonald, Chairman Representative Lawlor, Ranking members and members of the Judiciary Committee. I am State Representative Rosa C. Rebimbas of the 70th District.

H.B. No. 5486

I am here in support of H.B. No. 5486 "An Act Concerning Residency Restrictions for Registered Sexual Offenders." If you ask the average CT resident whether or not we have a law on the books that restricts where a sexual offender can live, more often than not the response will be yes. As of 2007, twenty-seven other states have laws of this kind. Consequently, many CT residents assume we have similar laws.

Many people are familiar with the online sexual offender registry list and frequently view the list when they are in the process of looking for a place to rent or home to purchase. By searching the list they can make informed decisions as to where they want to live with their children, where they want their children to be educated and where they would receive the best care for their children.

Every parent wants to create a safe environment, where his or her child can learn, play and walk free from the threat of a sexual offender. Unfortunately, parents cannot be with their children every moment of every day in order to safe guard their children. This bill would give parents the added assurance that a sexual offender will not be living in a house or apartment within close proximity to where their child has to walk past everyday to get to and from school. This bill would give parents the added assurance that a sexual offender will not live close to a school or day care facility where their child attends or plays outside at. This bill will considerably lessen the probability of an unsupervised child running into a sexual offender on their way to and from school.

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There is no constitutional or rational reason why a sexual offender needs to reside near a school or daycare facility. The requirement in this bill that the sexual offender cannot establish a residence within two thousand feet of a school or daycare facility is not overly restrictive. Many other state laws restrict where a sexual offender can work or loiter. Some legislation goes farther to include parks or other places "where kids gather" as restricted areas for sexual offenders. This proposed bill does not include these other items in the hopes of gaining support for its passage to address an issue that has been overlooked for much too long.

Moreover, this bill does not displace sexual offenders who may already reside within the restricted areas. If sexual offenders currently reside within two thousand feet of these facilities they have the right to stay there. This bill also does not displace a sexual offender whose residence comes within the restricted area by virtue of a new school or day care facility being established for the first time. If a sexual offender were to violate this proposed law then he or she will be guilty of a class A misdemeanor. This is a very small price to pay for someone who knowing violates this law and puts our children in possible harms way. It has been much too long that CT has ignored this issue. We need to become proactive and not just reactive when we hear of a tragic abduction or sexual crime upon an unsuspecting CT child.

H.B. No. 5533

I am also here in support of H.B. No 5533, "An Act Concerning Sexting" and I respectfully request the Committee's support of this bill.

The concept of this bill was created after many discussions with a variety of law enforcement officials, including members of the CT computer crimes unit, some State's attorneys, and numerous students, parents and school administrators at public informational forums.

Ignorance of the law is not a defense for violating the law, but at times minor children do foolish acts without appreciating the consequences of their actions. This proposed bill creates a lesser category for punishment for minors who are thirteen years of age or older but under eighteen years of age, who may knowingly possess and transmits any visual depiction of child pornography by means of an electronic communication device.

This proposed bill will truly allow the punishment to fit the crime. This bill provides another option for prosecutors to hold minors accountable for their actions, where probable cause exists, without having to charge the minor child under the existing laws of child pornography, which carries with it a felony conviction.

This bill is very important in updating our penal code by incorporating electronic communication devices and identifying unlawful acts that minor children are committing without knowing it. This bill takes a proactive role in recognizing the devastation that our minor children would face, if they were convicted under the current child pornography laws. This would mean that a minor child would have a felony on their record and he or she would have to register as a sexual offender.

For all of the above stated reasons I again respectfully request and encourage your support for H.B. No. 5486 and H.B. No. 5533.

I also support S.B. No. 34 and H.B. No 5030.

Respectfully submitted,

Rosa C. Rebimbas
State Representative, 70th District



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

S.B. No. 34 An Act Concerning Computer Crimes Against Children

H.B. No. 5533 (RAISED) An Act Concerning Sexting

Joint Committee on Judiciary

March 22, 2010

The Division of Criminal Justice respectfully recommends and requests the Committee's Joint Favorable report for Governor's Bill S.B. No. 34, An Act Concerning Computer Crimes Against Children, which amends General Statutes § 53a-90a. The Division of Criminal Justice also respectfully recommends and requests the Committee's Joint Favorable report for H.B. No. 5533, An Act Concerning Sexting. The Division of Criminal Justice recommends, however, that H.B. No. 5533 be amended such that any persons subject to prosecution under Section 1 would be exempt from prosecution pursuant to Connecticut General Statutes § 53a-90a.

Read together, H.B. No. 5533 and S.B. No. 34 expand protections for persons under the age of sixteen who are persuaded, induced, enticed, or coerced into displaying intimate parts of their bodies through electronic communication devices. S.B. No. 34 amends General Statutes § 53a-90a to include circumstances in which a person entices a minor to display his or her intimate body parts through electronic transmission. As provided in Section 53a-90a(b)(1), any person who entices a minor over the age of thirteen to engage in such conduct is guilty of a class D felony for a first offense.

H.B. N. 5533 addresses the same conduct, but provides that when the offender is between the ages of thirteen and eighteen he or she shall be guilty of a class A misdemeanor.

The Division of Criminal Justice believes that a separate, less severe penalty, for persons under the age of eighteen who engage in this type of conduct for the first time is appropriate. Therefore the Division recommends that Subsection 1(b) of H.B. No. 5533 be amended such that its provisions supersede those found in General Statutes § 53a-90a.

Respectfully submitted,

Kevin T. Kane
Chief State's Attorney