



State of Connecticut
DIVISION OF CRIMINAL JUSTICE
OFFICE OF THE CHIEF STATE'S ATTORNEY

CHRISTOPHER L. MORANO
CHIEF STATE'S ATTORNEY

300 CORPORATE PLACE
ROCKY HILL, CONNECTICUT 06067
(860) 258-5800

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H. B. No. 5215 (RAISED) AN ACT CONCERNING
SEXUAL ASSAULT BY HYPNOTISTS.

PRESENTED BY:
ASSISTANT STATE'S ATTORNEY KEVIN LAWLOR
JUDICIAL DISTRICT OF ANSONIA/MILFORD

The Division of Criminal Justice supports this legislation, which arose from a matter prosecuted in the Judicial District of Ansonia/Milford at Milford. The defendant was a "certified" hypnotherapist who was charged with sexually assaulting three of his former patients. The individual went by the title of "Doctor" and treated people for significant psychological disorders and for significant mental traumas such as a previous sexual assault. He took advantage of his position of authority over these and other vulnerable women who would not make a complaint and sexually assaulted them over the course of several years of treatment.

The prosecution in this case was made tenuous under the current law because a hypnotherapist is not explicitly included in the list of treatment providers who are precluded from having consensual sexual relations with their patients under Section 53a-71, the statute which defines Sexual Assault in the Second Degree.

We proceeded under an alternative theory that the defendant provided psychotherapy as defined in Section 53a-71(6). Luckily for us the Judge agreed that this defendant's particular methods of practice with these women constituted psychotherapy.

H.B. No. 5215 would make clear that people engaged in this type of treatment are barred from sexual relations of any kind with their patients. It would relieve prosecutors and judges from making the interpretation on a case-by-case basis that the treatment provided by the hypnotherapist constituted psychotherapy for the purposes of Sexual Assault in the Second Degree. Hypnotherapists, by their mere position of authority and the vulnerability of their clients, require a clear cut ban similar to the other treatment professionals already included in the statute.

The Division of Criminal Justice respectfully requests the Committee's Joint Favorable Report for H.B. No. 5215.