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

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

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

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

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

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

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

Senate Bill No. 398

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 Unfortunately, the funding to establish and implement a training program was repealed in the budget implementation bill (Section 98 of Public Act No. 06-187).

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

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

and resources to effectively accomplish the goals of the task force. Another bill, Senate Bill No. 940, introduced by the Public Safety and Security Committee, also establishes a Trafficking in Persons Council but incorporates the necessary funding and resources to assist in the prevention of human trafficking in Connecticut and to respond to the needs of victims of human trafficking.

I strongly urge the Committee to support the establishment of a Trafficking in Person Council and to ***include the necessary funding and resources to effectively accomplish the goals and recommendations of the Interagency Task Force on Trafficking in Persons.***

Senate Bill No. 844

The Office of the Victim Advocate (OVA) has assisted many individuals who have had a family member mysteriously disappear, virtually without a trace, and who, it is feared by law enforcement authorities, may be a victim of homicide. As the days, weeks, months or even years pass, family members of missing persons often feel forgotten, ignored and frustrated. Many then take on the search efforts themselves and are further discouraged by the inconsiderate actions of others, including law enforcement officials. Senate Bill No. 844 proposes to adopt a model missing person's act to improve the ability of law enforcement agencies to locate missing persons and to improve timely information and notification to the family members of missing persons. I strongly urge the Committee to support this effort.

Raised Senate Bill No. 1457

The issues of "consensual sexual activity" and "statutory rape" are extremely controversial and are complicated by varying personal ethics, moral values and cultural beliefs. No parent wants to believe or admit that their 13 or 14 year old child is willfully sexually active. And, in many cases, upon learning that their child has become sexually active, parents look to law enforcement and to the criminal justice system to ease their burdened principles.

Statutory rape is a term used to describe an offense that takes place when an individual (regardless of age) has consensual sexual relations with an individual not old enough to legally consent to sexual activity. The central question concerns the age at which a child has the developed capacity to genuinely consent to engage in sexual activity. It is doubtful that everyone will ever agree on what that "magical" age is.

Everyone would agree, however, that whatever the age difference, individuals in a position of authority or trust (e.g. teachers, coaches, etc.) must never be permitted to pursue a sexual relationship with a person under their authority or trust. What the law seeks to punish is the use (consciously or subconsciously) of a position of authority or trust over a child to engage them in sexual activity.

Some see little, if any, difference (in the potential for abuse) between the situation involving a teacher/student relationship and the relationship between adolescents of disparate age. Take for example the case involving, say, a starry-eyed 14 year old high school freshman and a 17 year old senior. Teenagers typically equate popularity among friends with self worth. The more insecure the teenager is, the more likely s/he will give into these pressures to be accepted and popular. Is the "consent" alleged to have been given to engage in sexual conduct under such circumstances in the nature of true, genuine consent? If not, what will the proposed change to the age gap, which makes no attempt to discern genuine from false consent, ultimately teach our kids (both perpetrators and victims)?

Raised Senate Bill No. 1457 proposes to de-criminalize "consensual" sexual activity among teenagers who are close in age to each other. One problem with the proposal is that the proposal presumes that all children aged 13, 14 or 15 have matured and developed, physically, psychologically and emotionally, to give genuine consent to engage in sexual conduct. It makes no provision for the great variability in maturity among children of these ages. Many variables influence the physical, cognitive, emotional and developmental growth of teenagers in today's world. Not all teenagers reach these developmental milestones at the same age.

Having said that, I fully understand and support the intent of the proposal and I do agree that in certain circumstances it may be unjust to prosecute only one participant to a consensual sexual relationship. I would, however, caution you to consider that in many cases, because of age differences between the actors, a younger participant may be susceptible to the very same type of coercion that exists between, for example, a teacher and student. For instance, it can often be the case that a 14-year-old, starry-eyed freshman falls prey to a 17 year old senior in high school who has less than honorable intentions and motivations for "tagging a freshman." Peer pressure and the desire to be popular drive many important decisions made by young teenagers and many of these decisions will later be regretted as the young person has not yet developed sufficient discernment. The very misconduct punished in situations involving those in authority or trust over minor children (e.g., coercion, manipulation or deceit) would go unpunished under Raised Senate Bill No. 1457 where it is presumed that all sexual activity between teenagers close in age to each other is truly consensual.

I strongly object to Section 4 of Raised Senate Bill No. 1457 which allows persons charged with certain sexual offenses to apply for the accelerated rehabilitation program if such person was under 19 years of age at the time of the offense. Expanding the age of consent to allow for circumstances of consensual sexual activity between young teens close in age to one another is one thing; providing the benefits of the accelerated rehabilitation program to those still willing to violate the age provisions is unacceptable and negates the purpose and intent of the proposal. I strongly urge the Committee to amend the proposal and strike Section 4 in its entirety.

Raised Senate Bill No. 1458

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

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

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

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

House Bill No. 6285

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

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

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

Juvenile Jurisdiction Planning and Implementation Committee and resolve issues identified by the committee concerning changes required in the juvenile justice system. *I respectfully request that the State Victim Advocate, or his/her designee, be included among those individuals designated to serve on the proposed Council.* The Council should have an independent representative from the victim community to ensure that the constitutional rights afforded crime victims are protected.

Honoring and respecting the rights of crime victims will serve to enhance the efficiency and effectiveness of our criminal justice system—regardless of whether justice is being meted out in juvenile delinquency proceedings, youthful offender proceedings or adult criminal proceedings. Please don't forget to include the interests and concerns of crime victims when deliberating on these important legislative proposals.

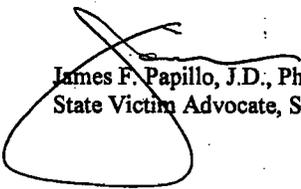
Raised House Bill No. 7408

Section 2 of Raised House Bill No. 7408 permits the victim of the crime, for convictions relating to sexual assault offenses involving a family member, to file a petition with the court to remove any restriction on the dissemination of registration information imposed by the court at the time of sentencing.

Restricting the dissemination of registration information serves primarily to protect the identity of the victim of the sexual offense from being disclosed to the public. It is only right that the victim have the opportunity to be heard, at some future time, as to whether, perhaps due to a change in circumstances, any restriction on dissemination of registration information should be lifted.

In addition, the right to file such a petition works to establish an effective remedy for any violation(s) of the victim's right to attend and to be heard at the sentencing hearing, at least with respect to any imposed restriction the victim does not agree with at the time of sentence. I strongly urge the Committee to support the proposal.

Thank you for considering my testimony.


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