



State of Connecticut

## DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of  
Deborah Del Prete Sullivan  
Legal Counsel/Executive Assistant Public Defender  
Office of Chief Public Defender**

**Raised Bill No. 37  
*An Act Concerning Computer Crimes Against Children***

**Judiciary Committee  
February 25, 2008 - Public Hearing**

The Office of Chief Public Defender has concerns in regard to Section 1 of this bill as drafted. During the 2007 legislative session, the legislature passed P.A. No. 07-143, **An Act Concerning Jessica's Law and Consensual Sexual Activity Between Adolescents Close in Age to Each Other**. Section 1 of P.A. 07-143, which was effective October 1, 2007, amended subdivision (1) of subsection (a) of C.G.S. §53a-71, *Sexual assault in the second degree: Class C or B felony*, and expanded from 2 to 3 years the age difference between a person 13 years or older but under 16 years of age and the actor for prosecution purposes. As a result, P.A. 07-143 eliminated the prosecution and incarceration of adolescents who had consensual sexual activity with other adolescents where there existed an age difference of 3 years or less.

The proposed legislation, as drafted, would prohibit the use of the computer or telephone to engage in certain sexual conduct, even if consensual and even if the age difference between the two participants was 3 years or less. This is in sharp contrast to the current law in Connecticut which allows a person under 16 years of age to have consensual sexual activity with another who is not more than 3 years older.

As a result, the Office of Public Defender suggests that language be added to separate out those adolescents who are within the allowable age difference for this conduct. Currently, section 1 of the proposed legislation provides prosecution of a person in those circumstances in which "the actor may be charged with a criminal offense". It is believed that the insertion of this language would eliminate the concern raised within this testimony.