



State of Connecticut

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Testimony of
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*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.