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February 22, 2011

Joint Committee on General Law

Testimony in support of HB-5866

An Act Concerning Internet Dating Sites

Representative Taborsak, Senator Doyle and members of the General Law Committee, thank you for the opportunity to testify in support of House Bill 5866, An Act Concerning Internet Dating Sites.

In recent years, reports of predators using the internet to find potential victims have been appearing in the media with alarming regularity. All too often the crimes resulting from this predatory behavior are of a sexual nature. According to the Connecticut Sexual Assault Crisis Service nearly one in five Connecticut residents (19%) has experienced a sexual assault in their lifetime. This statistic is troubling enough in and of itself, but when one takes into account the fact that offenders have a new tool at their disposal for accessing information about possible future victims while remaining in complete anonymity, the problem becomes even more dire.

Technological developments have changed the way that people communicate and develop personal relationships with one another. Millions of Americans have utilized the matchmaking services offered by internet dating websites. While more often than not the individuals who use these resources do so in an earnest search for meaningful personal relationships, a dangerous minority of users exist that must be addressed. People like Jeffrey Marsalis, accused of ten rapes in the Philadelphia area, and currently incarcerated in Idaho for the same charge, met seven of his Philadelphia victims through an online dating site. The former nursing student filled his profile with fabrications tailored to make him seem like the perfect dating candidate. However, once face-to-face with his victims, he would drug them, bring them to his apartment and take advantage of them while unconscious. Jeffrey Marsalis' case is hardly isolated – online dating websites are peppered with sexual offenders. Evin Nieradka, of New Jersey, may be found on dating websites despite his 2001 conviction for assaulting two girls, aged 12 and 16. Dr. Robert Wells, of California, has (or has had) profiles on Match.com, Eharmony.com and Yahoo! Personals, but on these sites is not listed his conviction for lewd and lascivious acts with a child under 14. Since users pay a fee for online matchmaking services it is common for them to believe that the information they find about other users has been verified in one way or another, giving them a false

sense of security – in actuality it virtually never is.

States around the nation are beginning to recognize and address this problem; I believe it is time for Connecticut to take a proactive stance and do so as well. New York state's new law, the Internet Dating Safety Act could serve as an excellent model for our state. It requires internet matchmaking sites to provide their customers with a set of basic advice designed to make their dating experience, both on- and offline, safer.

The act requires that internet dating services list and describe in a clear and conspicuous manner safety measures designed to increase awareness of safer dating practices. These include:

- Act with caution when communicating with any stranger who wants to meet you.
- Never include your last name, e-mail address, home address, phone number, place of work, or any other identifying information in your internet profile or initial e-mail messages.
- Stop communicating with anyone who pressures you for personal or financial information or attempts in any way to trick you into revealing it.
- If you choose to have a face to face meeting with another member, always tell someone in your family or a friend where you are going and when you will return.
- Never agree to be picked up at your home. Always provide your own transportation to and from your date and meet in a public place with many people around.

This legislation makes no demands of the commercial entities involved that are unfair or unreasonable. All this legislation would do is require online dating companies to ensure that Connecticut citizens are well informed of the risks, and the means of mitigating them, that are involved in the business services they offer. I have attached a copy of the New York law to my testimony.

Once more, thank you Representative Taborsak, Senator Doyle and members of the General Law Committee for allowing me the opportunity to testify in support of House Bill 5866.

STATE OF NEW YORK

5180--A

2009-2010 Regular Sessions

IN ASSEMBLY

February 10, 2009

Introduced by M. of A. PHEFFER, CAMARA, N. RIVERA -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to enacting the "internet dating safety act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "internet dating safety act".

3 § 2. Legislative findings and declarations. The legislature finds and
4 declares that residents of this state need to be informed of the poten-
5 tial risks of participating in internet dating services. The legisla-
6 ture further finds and declares that the offer of internet dating
7 services to residents of this state, and the acceptance of membership
8 fees from residents of this state means that an internet dating service
9 is conducting business in this state and is subject to regulation by
10 this state and the jurisdiction of the state's courts.

11 § 3. The general business law is amended by adding a new section 394-
12 cc to read as follows:

13 § 394-cc. Internet dating safety. 1. As used in this section, the
14 following terms shall have the following meanings:

15 (a) "internet dating service" means a person or entity directly or
16 indirectly in the business, for profit, of offering, promoting or
17 providing access to dating, relationship, compatibility, matrimonial or
18 social referral services principally on or through the internet.

19 (b) "internet service provider" means any person, business or organ-
20 ization qualified to do business in this state that provides individ-
21 uals, corporations, or other entities with the ability to connect to the

22 internet through equipment that is located in this state.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (c) "member" means a customer, client or participant who submits to an
2 internet dating service information required to access the service for
3 the purpose of engaging in dating, relationship, compatibility, matrimo-
4 nial or social referral.

5 (d) "New York member" means a member who provides an in-state billing
6 address or zip code when registering with the service.

7 2. An internet dating service offering services to New York members
8 shall provide safety awareness notification that includes, at minimum, a
9 list and description of safety measures reasonably designed to increase
10 awareness of safer dating practices in a clear and conspicuous manner.
11 Such notification shall include, but not be limited to, the following
12 statements or substantially similar statements:

13 (a) "There is no substitute for acting with caution when communicating
14 with any stranger who wants to meet you."

15 (b) "Never include your last name, e-mail address, home address, phone
16 number, place of work, or any other identifying information in your
17 internet profile or initial e-mail messages. Stop communicating with
18 anyone who pressures you for personal or financial information or
19 attempts in any way to trick you into revealing it."

20 (c) "If you choose to have a face-to-face meeting with another member,
21 always tell someone in your family or a friend where you are going and
22 when you will return. Never agree to be picked up at your home. Always
23 provide your own transportation to and from your date and meet in a
24 public place with many people around."

25 Such notification shall be given at the time a New York member regis-
26 ters with the service and by way of a link on the main website, or the
27 first entry point, of the service.

28 3. (a) The attorney general may bring an action against an internet
29 dating service that violates the provisions of this section:

30 (i) to enjoin further violation of the provisions of this section; and

31 (ii) to recover up to two hundred fifty dollars for each New York
32 member registered with the internet dating service during the time peri-
33 od that the internet dating service was in violation of this section.

34 (b) In an action under subparagraph (ii) of paragraph (a) of this
35 subdivision, a court may increase the damages up to three times the
36 damages allowed by such paragraph where the defendant has been found to
37 have engaged in a pattern and practice of violating the provisions of
38 this section.

39 (c) No internet dating service shall be deemed to have violated the
40 provisions of this section if such internet dating service shows, by a
41 preponderance of the evidence, that the violation was not intentional
42 and resulted from a bona fide error made notwithstanding the maintenance
43 of procedures reasonably adopted to avoid such error.

44 (d) Nothing in this section shall be construed to restrict any right
45 which any person may have under any other statute or common law.

46 4. An internet service provider does not violate this section solely
47 as a result of serving as an intermediary for the transmission of elec-
48 tronic messages between members of an internet dating service.

49 § 4. This act shall take effect on the one hundred twentieth day after
50 it shall have become a law; provided, however, that effective immediate-
51 ly, the addition, amendment and/or repeal of any rule or regulation
52 necessary for the implementation of this act on its effective date is
53 authorized and directed to be made and completed on or before such
54 effective date.