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Testimony of Michael Alevy
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Judiciary Committee Public Hearing – March 13, 2013

Raised Bill No. 6570, An Act Concerning Voyeurism

The Office of Chief Public Defender has concerns with *Raised Bill Number 6570, An Act Concerning Voyeurism*. This bill would make significant changes to the current voyeurism statute - *C.G.S. §53a-189a* – and is similar to the changes proposed in sections 3, 4, and 5 of *Raised Bill Number 871, An Act Concerning Revisions to Various Statutes Concerning the Criminal Justice System*. This office has previously submitted written testimony regarding that bill and the issues that are presented.

Section 1 of this bill adds new language that expands the conduct that would expose a person to prosecution for voyeurism. Under this bill, committing the infraction of Simple Trespass, pursuant to *C.G.S. §53a-110a*, with the intent to arouse or satisfy sexual desire by observing another person without their knowledge or consent or while that person has a reasonable expectation of privacy, will now constitute a class D felony.

Section 2 of the bill would make all voyeuristic conduct a class C felony if the intended target of the voyeurism is under the age of sixteen. This office believes that this new language in Section 2 is overbroad because it applies the enhanced penalty to the entire voyeurism statute by including voyeurism with malice, that is voyeurism committed without a sexual intent, in addition to voyeurism committed with a sexual intent. The Office of Chief Public Defender recommends that joint favorable substitute language be included to maintain the current distinction between voyeurism with malice and voyeurism for a sexual purpose. Such language would keep voyeurism with malice as found in subsection (a) (1), a class D felony in all cases.

Section 3 of the bill poses the same issue as discussed with respect to Section 2. Section 3 contains language that would define voyeurism with malice as a “criminal offense against a victim who is a minor”. Currently such offenses are generally limited to crimes involving sex assaults, prostitution, child pornography and kidnapping where the victim is a minor. Our office believes that joint favorable substitute language should be included in Section 3 similar to that suggested for Section 2 to maintain the current distinction between these two types of

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voyeurism. Such a distinction will still achieve the goal of protecting children who are the targets of sex crimes.

Section 4 of the bill properly recognizes and maintains the distinction between the forms of voyeurism previously discussed. Section 4 would create a new “nonviolent sexual offense” for voyeurism by amending *C.G.S. §54-250, Definitions*, but only when such an act is committed with a sexual intent.