



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. No. 6921 (RAISED) AN ACT CONCERNING INVASIONS OF PRIVACY

JOINT COMMITTEE ON JUDICIARY

March 6, 2015

The Division of Criminal Justice respectfully recommends the Committee's **Joint Favorable Report** for H.B. No. 6921, An Act Concerning Invasions of Privacy. The Division supports this bill most components of which were among our 2015 Legislative Recommendations to the General Assembly.

Sections 1 through 4 of the bill strengthen the laws dealing with the crime of voyeurism. The present voyeurism statute prohibits only the photographing or video recording of another person. It does not prohibit merely watching, such as a "peeping tom" might do. This bill would expand the crime of voyeurism by covering such conduct as intentionally observing private conduct while trespassing (i.e. going into someone's backyard to watch someone in his or her bathroom or bedroom). Additionally, and this is an addition from the language proposed in past versions of this legislation, the bill addresses what the media has referred to as "upskirting." The inadequacy of our current statutes was identified following a recent ruling by the Massachusetts Supreme Judicial Court that found "upskirting" was not prohibited by that state's laws. The Massachusetts legislature has passed corrective legislation, and H.B. No. 6921 proposes the same course of action for Connecticut.

In addition to addressing the "peeping tom" and "upskirting" issues, Sections 1 through 4 provide stronger, more appropriate penalties for repeat voyeurism offenders and for incidents of voyeurism where the victim is under age sixteen. Additionally, the bill revises the statute of limitations in voyeurism cases to allow for prosecution for incidents where the photographing, filming, video or other recording is not discovered until more than five years after the actual act occurred. The Division is aware of specific incidents where victims did not learn that they had been recorded until the five year statute of limitations had expired. The bill still requires prosecution within five years of the discovery that the incident had occurred.

Sections 5 through 7 of the bill represent concepts the Division strongly supports which were originally submitted by the Office of the Victim Advocate last year. As we stated in our testimony last year, these provisions provide for a logical and appropriate extension of existing

statutes that seek to protect the identity of innocent victims of sexual assault and other sex crimes.

The name and address of a victim of sexual assault or injury or risk of injury, or impairing the morals is already exempt from public disclosure pursuant to Section 1-210 of the General Statutes (i.e., the Freedom of Information Act). H.B. No. 6921 would extend the same confidentiality and protection to victims of the crime of voyeurism as defined in Section 53a-189a of the General Statutes. The bill provides for similar protections against the disclosure of a victim's name and address in the course of court proceedings.

Extending confidentiality to victims of voyeurism also is consistent with the sexual offender registration statutes, which classify certain acts of voyeurism as a "non-violent sexual offense" for which the perpetrator can be required to register.

The crime of voyeurism represents an invasion of privacy that occurs under circumstances where the victim has expectations of privacy. The disclosure of identifying information such as the name and address of the victim only compounds the wrong that has been committed, subjecting the person to the threat of public embarrassment. There is no valid public purpose to be achieved by publicly identifying the innocent victim of such a violation of privacy. We would note that the same statute in question exempts disclosure of the arrest records of juveniles. Should not the victim of a crime be afforded at least the same consideration as one who commits a crime?

The final section of the bill, Section 8, is the same concept that was proposed last year as S.B. No. 489, An Act Concerning the Unlawful Dissemination of an Intimate Image of Another Person. Again, to reiterate the testimony offered in support of that bill, H.B. No. 6921 addresses what has become known as "revenge porn," or the dissemination, most commonly via the Internet, of intimate photographs or video files of a former spouse or intimate acquaintance. This issue is not unique to Connecticut; it is our understanding that several other states, including California, are considering legislation in this area.

It has become apparent that the existing voyeurism laws do not specifically address the conduct involved in "revenge porn." The opportunity for those who would engage in this conduct also increases as technology and the Internet make instant and virtually unlimited communication and dissemination of images possible. Section 8 of H.B. No. 6921 represents a reasonable and appropriate response to yet another example of the negative side of what technology can produce.

In conclusion, the Division of Criminal Justice respectfully requests and recommends the Committee's **JOINT FAVORABLE REPORT** for H.B. No. 6921. The Division wishes to express its appreciation to the Committee for its consideration of this legislation, and we would be happy to provide any additional information the Committee might require or answer any questions you might have.