



House of Representatives

File No. 846

General Assembly

January Session, 2023

(Reprint of File No. 583)

House Bill No. 6737
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 1, 2023

***AN ACT ESTABLISHING THE CRIME OF HARMFUL
COMMUNICATION WITH A MINOR.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this section:

2 (1) "Minor" means any person under eighteen years of age, or who
3 the actor reasonably believes to be under eighteen years of age;

4 (2) "Interactive computer service" has the same meaning as provided
5 in section 53a-90a of the general statutes;

6 (3) "Inappropriate relationship" means a relationship that is patently
7 offensive to prevailing standards in the adult community as a whole
8 with respect to what is a suitable relationship between an adult and a
9 minor; and

10 (4) "Harmful to the minor" means communication with a minor that
11 is patently offensive to prevailing standards in the adult community as

12 a whole with respect to what is a suitable form of communication
13 between an adult and a minor.

14 (b) A person, who is twenty-five years of age or older, is guilty of
15 harmful communication with a minor when such person uses an
16 interactive computer service or text message to knowingly persuade,
17 induce, entice or coerce a minor, to: (1) Share a photographic or other
18 recorded image of the minor for the purpose of providing sexual
19 gratification to the person who requests that the image be shared, (2)
20 share a photographic or other recorded image of the minor, which the
21 person who requests the image then disseminates to one or more third
22 persons for the purpose of providing sexual gratification to such third
23 persons, (3) engage in any communication that is part of a pattern of
24 communication or behavior designed to form or maintain an
25 inappropriate relationship, or (4) engage in any communication that is
26 harmful to the minor.

27 (c) For the purposes of this section, a violation may be deemed to have
28 been committed either at the place where the communication originated
29 or at the place where it was received.

30 (d) Harmful communication with a minor is a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill creates a new class A misdemeanor charge for harmful communication with a minor which results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500¹ while the average marginal cost for supervision in the community is less than \$800² each year.

House "A" changes the age of a person who may be charged with harmful communication with a minor from twenty-one to twenty-five and does not alter the fiscal impact described above.

The Out Years

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of offenses.

OLR Bill Analysis**HB 6737 (as amended by House "A")******AN ACT ESTABLISHING THE CRIME OF HARMFUL COMMUNICATION WITH A MINOR.*****SUMMARY**

This bill establishes a new crime of harmful communication with a minor as a class A misdemeanor (punishable by up to 364 days imprisonment, up to a \$2,000 fine, or both).

Anyone who is age 25 or older is guilty of this crime when the person uses an interactive computer service or text message to knowingly persuade, induce, entice, or coerce a "minor" (i.e., anyone under age 18 or whom the actor reasonably believes to be under age 18) to do the following:

1. share a photographic or recorded image of the minor (a) for sexual gratification of the person who requests the image or (b) which the requestor then disseminates to one or more third persons for their sexual gratification or
2. engage in any communication that is (a) part of a pattern of communication or behavior designed to form or maintain an inappropriate relationship with the minor or (b) "harmful to the minor" (i.e., patently offensive to prevailing standards in the adult community as a whole regarding what is a suitable form of communication between an adult and a minor).

Under the bill, a violation may be deemed to have been committed either at the place where the communication originated or where it was received.

The bill defines an “inappropriate relationship” as a relationship that is patently offensive to prevailing standards in the adult community as a whole regarding what is a suitable relationship between an adult and a minor. Additionally, an “interactive computer service” is any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and those systems operated or services offered by libraries or educational institutions (CGS § 53a-90a).

*House Amendment “A” increases the minimum age a person must be to commit the crime, from age 21 to 25.

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 0 (03/27/2023)