

CHAIRPERSON: Senator Winfield,  
Representative Stafstrom

SENATORS: Winfield, Bergstein,  
Bizzarro, Bradley, Flexer,  
Haskell, Kissel, Lesser,  
McCrorry, Sampson

REPRESENTATIVES: Stafstrom, Blumenthal,  
Carpino, Concepcion,  
Conley, Champagne,  
Cummings, Currey, Dillon,  
DiMassa, Dubitsky,  
Fishbein, Fox, Godfrey,  
Harding, Hill, Horn,  
Labriola, Luxenberg,  
McGorty, Miller, O'Dea,  
O'Neill, Palm, Porter,  
Riley, Smith, Walker,  
Young

REP. STAFSTROM (129TH): Folks, if you'd take the conversations outside. Thank you. In the interest of safety, I'd ask you to note the location of our access to the exits in the hearing room. The two doors through which you entered room are the emergency exits and they're marked with exit signs. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the Capitol Police. Do not delay and do not return unless and until you are advised to do so. In the event of a lockdown, please remain in the hearing

## PUBLIC HEARING

room, stay away from the exits and remain concealed behind desks and chairs until an all-clear announcement is heard.

We have a lengthy agenda and lengthy signup list today. We are going to try to move through it as expeditiously as we can 'cause we know folks want their opportunity to testify and likely don't want to be here at 7:00 p.m. doing so. So, there -- the first hour will be reserved for elected officials. After the first hour, we will alternate between the public list and the elected official list. Everybody including elected officials has three minutes to testify. There is a timer and a bell. When the bell rings, I'd ask you to very briefly, very quickly sum up. And if there's questions from the committee, we'll turn to those.

With that, we'll jump right in. First up is Senator Heather Somers.

SENATOR SOMERS (18TH): Good morning, Senator Kissel, Representative Stafstrom. Thank you for allowing me to testify today on Bill 1100, which is AN ACT CONCERNING "UPSKIRTING". I wanted to thank you for your attention to this very important issue. I want to say that this legislature has done a great job in addressing this issue previously. However, we've discovered a loophole that we feel needs to be closed. And we all know that we live in a society of Facebook and pictures on the internet, etcetera, but we also live in a society where dignity, respect and self-privacy should be protected by the law. And any person, man, woman, child who is violated in this way should be able to allow punishment and prosecution.

## PUBLIC HEARING

And we know now that there's a loophole that exists in the law and it should be fixed legislatively. And not to be cute, but it's time to stop skirting the issue on upskirting. We just read in the paper -- my local paper about two young men that were just, I guess, arrested for upskirting. The issue has to do with the language of what's in plain view and what's not in plain view. And we certainly believe that you should be -- have confidence that plain view does not include a picture or a camera being put underneath your skirt or your clothing. That is not plain view.

So, I brought with me today a young person who is brave to come in front of the legislature, who actually works here, and has personally been the victim of this type of behavior and/or crime. So, I'd like to bring with me, Erika Pocock.

MS. POCOCK: Good morning, members of the Judiciary Committee, Co-Chairman Senator Winfield, Representative Stafstrom, Ranking Members Senator Kissel and Representative Rebimbas. Thank you for your work on this committee bill and the opportunity for a public hearing today.

My name is Erika Pocock. I'm an employee of the Senate Republican Office and I'm using my personal time to be here today. I would like to thank my caucus, especially Senator Somers and Senator Kissel, for being so supportive, as I testify in support of S.B. 1100, AN ACT CONCERNING "UPSKIRTING". I'm from Southington, Connecticut. I was raised by a single father who was also a police officer, who taught me to always be aware of my surroundings. Little did I think I would have to be aware of my surroundings in my place of

## PUBLIC HEARING

employment, let alone, a building built on public trust, honor, integrity and equality.

On November 10th, 2015, I was returning from the Legislative Office Building from my lunch break, back to my fourth floor of the Capitol office. I was on the escalator. I felt something under my dress, under my upper left thigh, in between my legs, and then I saw a reflection of a flash go off in the metal sides of the escalator. I immediately turned around to see what was touching me, and directly on the step behind me there was a man who had just taken a photo under my dress. And I watched him as he pulled his cell phone out from under me in camera mode. I confronted him and he started to factory reset his phone. I then went back to my office in absolute shock and hysterics and proceeded to call Capitol Police.

I can't thank Capitol Police enough for how amazing they were throughout this entire process. Capitol Police then came back and said they had video footage of this person following me from the Capitol to the LOB, back to the Capitol, waiting for an opportunity to strike. And I have the entire arm motion of this person's arm going under my dress and taking a photo. I cannot describe in words how humiliated, disgusted, and objectified I still feel and how embarrassing and mortifying it was for this to happen to me at work, especially where we make laws to protect people. This individual was then charged and arrested. He was initially charged by Capitol Police with voyeurism, disorderly conduct, and making a false statement.

He then went through the judicial process and he was awarded accelerated rehab since it was his first

## PUBLIC HEARING

arrest. I'm a big believe in second chances and the AR program, so I had hoped that this would help him. No less than a year later, I was alerted by a Capitol Police officer that this person had two more instances of sexual disturbances. One was in Marshall's and another in Stop and Shop, where he was caught yet again for putting his cell phone up women's skirts and taking photos. Absolutely disgusting. His accelerated rehab was then revoked. And as I went through this process in court and sat with the victim's advocate and State Attorney Carl Ajello, I learned that the court could not charge him with voyeurism as the statute did not apply. I was shocked, horrified. And as it was explained to me that the current statute is phrased, for, when in public, the only expectation of privacy we have is behind a closed door in a restroom or a dressing room and that there is an unintended loophole in the statute and that the state prosecutors were having issues prosecuting voyeurism cases.

The end charges were interfering with an officer and disorderly conduct. The same charge of disorderly conduct was the only thing suitable for his charge in the second arrest. And clearly, disorderly conduct does not scratch the surface of the seriousness of his crime. It's a little nerve-racking to be here today to testify in people that I work for and with and to feel the utter embarrassment and shame that I'm the one that this happened to. (Sobs) But at the end of the day, the most crushing thing was to stay in court and hear that what he did was not punishable by law. And I cannot sit here idly having the experience of the legislative process that I do and not try my hardest to have this legislation passed.

## PUBLIC HEARING

To me, this bill is a no-brainer and this loophole needs to be closed to protect women so that men like him cannot continue to prey and objective women. Throughout this process, I have spoken to many other victims of cases across Connecticut, across the country, and I'm proud to be here today, even if that means outing myself as the victim in this case, because not everyone has that strength. And this bill is for those women. Thank you for your time today and I urge you to support S.B. 1100 and close this loophole for good to ensure the safety of women in our communities.

REP. STAFSTROM (129TH): Thank you. Great job. And thank you so much for coming forward and sharing your story. I know how difficult this must be. We -- I worked on this legislation, the original legislation, a couple years back and it certainly -- certainly seems like we missed one. So, I appreciate you coming forward and bringing it to our attention. Senator Kissel.

SENATOR KISSEL (7TH): First, I want to thank you, Chairman Stafstrom, for letting Erica go past the bell, because we do have a lot of people today and so he's gonna start clamping down, I think, pretty soon. But, Erika, I know it's really, really hard to come and testify on anything. I mean, I feel very comfortable on this side, but I gotta be honest, when I'm on that side, I get nervous to this day. And it doesn't matter which committee I'm testify in front of or if I'm with a constituent or on my own. And, Senator Somers, I just want to thank you very much for bringing this to our attention. I'm sure that the committee will do all it can to help move this matter along. Certainly, I think that no matter where you are in this building

## PUBLIC HEARING

or in the Capitol or on an escalator, I think people have a feeling that they have some personal space that people can't intrude upon. And it should be criminal because it's a violation of your sense of privacy and dignity. So, thank you for coming and testifying this morning.

REP. STAFSTROM (129TH): Further questions to the committee. If not, thank you both. Next up will be Tanya Hughes and Cheryl Sharp from CHRO.

MS. HUGHES: Representative Stafstrom, Senator Kissel, and members of the committee. I'm Tanya Hughes, executive director of the Commission on Human Right and Opportunities, and with me is deputy director, Cheryl Sharp. We're here to provide testimony in support of S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. We've submitted our written testimony; however, I'll summarize it for you this morning.

This bill takes some important steps towards not only increasing awareness, but towards eliminating sexual harassment and it expands the sexual harassment training requirements that exist under the current law, requiring that it be provided not only to new employ -- new supervisors, but to any new employee. Employees would also be required to provide periodic supplemental training for all employees no less than ten years. While we already provide free training through our Business Training Institute to Connecticut businesses, this bill would amplify our role by providing information and training and in part by calling on us to develop new online training tools which employers can use to provide the required training for their supervisors and employees. We still, however, would need to

## PUBLIC HEARING

designate a live employee to monitor and administer the online program.

We also support the aspects of S.B. 3 that are designed to remove barriers that may inhibit victims of sexual harassment from coming forward and reporting to their employers. For example, the bill prohibits an employer from responding to a sexual harassment complaint by substantively altering the working conditions of the reporting employee without their written consent, such as, you know, transferring that employee or moving that employee to a new location.

Finally, S.B. 3 enhances the avenues available to victims to pursue the remedies available to them and it increases the timeline for filing an employment discrimination complaint within the CHRO from 180 days to 300 days, and that's in line with our EEOC requirement timeframes. And so, we thank you for the opportunity to testify this morning, and we are and available to answer any questions that you may have.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Seeing none, thank you both for being here.

MS. HUGHES: Thank you.

REP. STAFSTROM (129TH): Is Senator Looney here?  
Natasha Pierre.

MS. PIERRE: Good morning. I'm moving along quicker than I thought. Good morning Representatives Winfield, Kissel and -- I mean Senators Winfield, Kisses and Representative Stafstrom and members of the committee. I'm Natasha Pierre, State Victim Advocate. I'm here today to testify on a few bills.



## PUBLIC HEARING

The first is Senate Bill 1113, which will restructure Connecticut's Sex Offender Registry to a risk assessment classification rather than a conviction-based registry.

Section 2 of this bill establishes a Sex Offender Registration Board, composed of members that have substantial professional experience in the assessment, treatment and management of sex offenders, and the provision of victim advocacy services for victims of sexual assault. The board is responsible for assessing the risk of each sexual offender to determine the placement of the offender on either the public or the law enforcement registry. OVA was a member of the Sentencing Commission and we have worked on the committee that worked on this for two years. And I do believe this is the best we can get, as long as this section stays into it to address victim's concerns. Also, some of the language -- we've worked on it for two years, but some pieces kept going back and forth. So, I think this might've been an oversight. But in section 20 of the bill, the current language says that the Registration Board shall seek to expand notification provided to victim or victims through the judicial branch's SAVIN's program. We want that to be unequivocal, as notice to victims is mandatory and we want to avoid any future claims that victims have no standing in this new process.

The second bill we're gonna speak to is House Bill 7401, AN ACT CONCERNING A STUDY OF VICTIM SERVICES. OVA -- we appreciate the intent of this bill; however, we did this in 2014-2015, and developed several recommendations, some legislative, some administrative, and we've been working from that blueprint since then. We've accomplished quite a

bit legislatively from there. If we are to continue with this, I would want more direction that we actually are moving to implement the previously recommended items rather than reviewing the process over again. It took us about two to three years to get to recommendations on this.

And then, of course, I have written testimony in support of several items here, so I'm just gonna list them; Senate Bill 3, House Bill 7341, House Bill 7396 and House Bill 7399. Thank you for the opportunity to testify.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Just quickly, on 7401, what -- what are some of the recommendations that were previously brought forward --

MS. PIERRE: I can actually send you the report. It's -- the entire report. For -- I know, for example, some of the issues we've done about recent changes in the notification system, to beef up that and make sure we have very few situations where people aren't notified once the results are down. So, I can actually go back through it and show you and send it to you, this committee, the recommendations we have.

REP. STAFSTROM (129TH): Okay, great. Okay.

MS. PIERRE: And that board was pretty much everyone that's listed in this, plus it had victim service providers and victims on it.

REP. STAFSTROM (129TH): Okay. Further questions from the committee. Seeing none, thanks for being with us.

MS. PIERRE: Okay. Thank you.

REP. STAFSTROM (129TH): William Hernandez.  
Christine Rاپillo.

MS. RAPILLO: Good morning, members of the Judiciary Committee. I'm Christine Rاپillo. I'm the Chief Public Defender for Connecticut. I've submitted written testimony on a number of bills. I'm only going to speak on a few of them. First, the Office of the Chief Public Defender is in support of Raised Bill 1113, AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION. (Coughs) Again, as this body knows, the Sentencing Commission is a group of really diverse stakeholders in the criminal justice system. These recommendations indicate the consensus of the group, as Ms. Pierre had indicated.

We would -- in particular, the sections that address the changes to the Sex Offender Registry. This was very well-thought-out work. As has been indicated, it was worked on for over two years. It would move the registry from simply having people be put on it based on their convictions, to having people assessed for their risk. It would provide law enforcement with the ability to really watch the people who need to be watched and allow people to reenter into the community and have productive lives, which in the end, keeps everybody safer. There are a number of other recommendations in 1113 that I'll stand on my written testimony for.

We've also submitted testimony in support of Raised Bill 913, AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT. And we've indicated in our testimony that we have concerns over committee bill 3, which eliminates the statute of limitations for most felonies. We have tried to do some work on this

over the -- over the past year, since the last legislative session. We feel that Raised Bill 913 is a very reasonable solution. It's a step towards giving vulnerable populations the ability to bring forward charges and we think it represents a good balance to ensure that we continue to be able to have fair trials for the accused. I'm happy to answer any questions.

REP. STAFSTROM (129TH): Questions from the committee. Just real quick. Christine, if you can, can you just sort of summarize for the committee just what the current state of the law is on statute of limitations in Connecticut and what S.B. 3 would do as opposed to what S.B. 913 would do?

MS. RAPILLO: Sure. So what 913 would do, would be to extend the statute of limitations in cases where it's currently five years to ten years. The current state of the law in Connecticut is that there's actually no statute of limitations for several offenses. So, for violations of sexual assault in the first degree, aggravated sexual assault, if that occurs in a minor, there's no statute of limitations. There's also no statute of limitations if DNA is later found to connect an individual to a sexual assault. So no matter when that happens, if the DNA connects, charged would be able to be brought.

For individuals who are victims of crimes when they are under the age of majority, they are able to have 30 years past the age of majority to raise charges in those situations. There's a five-year statute of limitations applies to adults -- folks who are victims of a sexual assault crime while they were adults, the current status of the law is five years.

So, 913 would double that, would increase it to ten years.

REP. STAFSTROM (129TH): So, for adults, but not for the aggravated sexual assault, not for the felony A or B statutes?

MS. RAPILLO: So, the felony A and B statutes, there's no statute of limitations for victims who are under the age of 16.

REP. STAFSTROM (129TH): Okay. Um -- okay. Um -- there was something else I was gonna ask you, but I can't remember what it was. It was on one of the other bills. That's all right. Further questions from the committee. Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Mr. Chairman. And just to sort of underscore the avenues that Chairman Stafstrom was pursuing. A statute of limitations is valuable in order to muster evidence to -- for a defense. Is that not correct? Is that why you would say ten years is reasonable, and unlimited for adults is unnecessary?

MS. RAPILLO: That's exactly why we've been opposed to an elimination of the statute of limitations. It exists in order to ensure that a fair trial can happen, and trials need to be fair for everyone. So, the longer that you go and there's no statute of limitations, charges that are raised many years down the line are quite difficult to try to gather evidence, I would think, to prosecute and -- but certainly to defend, when witnesses may have died or moved. And there's plenty of research showing that witnesses' recollections get worse over time and not better.

SENATOR KISSEL (7TH): Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions.  
Representative Horn.

REP. HORN (64TH): Thank you, Mr. Chair. Sorry I just stepped in. I'm -- I apologize if I'm asking something that's already been asked. But as to the difficulty of defending a case, particularly -- it seems to me that there's sort of an imbalance between the -- it's also difficult to prove a case, but it's particularly -- the onus is particularly on the defense of the case, because of the emotional component of some this. Do you find that to be?

MS. RAPILLO: Well, we think it would be difficult. I mean, to prosecute, there would be a witness because that would be the victim who would be coming forward. But on the part of the defendant, if it's something that's decades old, the recollection of a defendant to even cooperate with their counsel would be difficult. It would be difficult to find witnesses. And the emotional piece of it, I mean, these are very sensitive, emotional cases, so that weighs into decisions to prosecute, the decisions on how to handle cases, and it makes it very difficult to defend them when we don't -- years and years away, don't really have a good way to find evidence in order to defend the client. As I said, if there's DNA involved, then there's no statute of limitations because that would be scientific evidence. We're really talking about cases where that doesn't exist and where someone is coming forward later with an allegation, and we would need to go try to find witnesses in order to help defend the client.

REP. HORN (64TH): Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions. Seeing none, thanks everyone.

MS. RAPILLO: Thank you.

REP. STAFSTROM (129TH): Senator Henri Martin. Senator James Maroney. No? All right. We will get back to them. All right, we'll get back to them later. Lets' move on to the public list. Andrew Osmun. What's that? We're moving on to the public list. We've exhausted our public official list. We'll work them back in when they get here, but we're gonna move to our public list at this time. So, first up I have Andrew Osmun, followed by Jason Wasserman.

MS. OSMUN: Okay. Thank you very much for the opportunity to testify, Senator Kissel, Senator Winfield, and Representative Stafstrom. I'm testifying about bill 1113, and as a part of One Standard of Justice. The written testimony has been submitted and you have that, and I will not repeat any of it. You have all those points of views, statistics, and recommendations that we have.

We all know what the Pledge of Allegiance is. And at the end of the Pledge of Allegiance, it says, *with liberty and justice for all*. You are charged with the incredibly difficult task of applying that, if you will, to issues that are extraordinarily sensitive, both for the victims as well as for the families and the individuals who've committed those issues. This past Saturday, I was at a conference put on by a group called, *Faith Behind Bars and Beyond*. It's the Episcopal Church's prison ministry. I listened to three different individuals, two women

and one man, who had been given a second chance when they came out of prison and were living successful lives. They had not been restricted. They were able to continue their lives. I was so impressed by them and looked forward to that time when one of my sons, who will be released from federal prison in another five years, will perhaps have the same opportunity to succeed.

On Sunday morning, I preached about the prodigal son, which is a parable presented by Jesus, which talks about a kid who goes off and makes a mess of his life and fails spectacularly. And when he comes home, he is received and, if you will, given a second chance. And I was to some degree brokenhearted because of my own son's history to recognize that I don't know how much with him being on the registry, he will be able to have that second chance here in Connecticut. On Sunday night, I watched the BBC program, *Mrs. Wilson*. And the short story, Mrs. Wilson discovers when her husband dies that he, in fact, had more than one wife. And one story was fighting with another story in her mind and she was trying to figure out what's the truth, who is this person.

I see that as what we are trying to do as we deal with the balance between those who have been offended against and those who have offended, whether we think that people can have a second chance. (Bell) And so I would encourage the Judiciary Committee to work with bill 113, and especially with the recommendations that One Standard of Justice has suggested.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Senator Winfield.



SENATOR WINFIELD (10TH): So, as the bill is currently constructed, because I didn't hear this, are you opposed, supporting or supporting with reservations? I didn't hear.

MS. OSMUN: Supporting with reservations. I truly appreciate moving the Registry from just simply conviction-based to a tier-based and a risk assessment being done for those. My specific reservations are that I really do desire to see the possibility of being removed from the registry applied to anyone not restricted to those following the bill's enactment.

SENATOR WINFIELD (10TH): Yeah. I just wanted to make sure that we clearly, on the record at least, knew what your position was. Thank you.

MS. OSMUN: Thank you.

REP. STAFSTROM (129TH): Further questions, comments from the committee.

MS. OSMUN: Thank you for the opportunity to testify.

REP. STAFSTROM (129TH): Thank you for being with us. Jason Wasserman, followed by Bridget Koestner.

MR. WASSERMAN: Thank you, Senator Kissel, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. And also thank you to the Sentencing Commission. But also, thank you, Senator Kissel and Representative Stafstrom. I'm gonna be speaking about the same, 1113, changes to the Registry. And I know that the two of you were at the UConn conference recently and I appreciate that you were there listening to facts from judges and

from researchers, giving us facts about, rather than just fear and myths that are in our culture today.

So, it's -- you know, it's not easy for people to be rational about this topic. I've personally been impacted by the Registry and it's forced me to take a really deep look at the issue. With regard to this bill, I like that it gives some hope. It gives people a way off the Registry if they prove that they've -- deserve that way off. And it's -- and you're moving some folks to law enforcement only, so it takes away that public shaming stigma that prevents people from actually moving forward with their lives. However, as with Andrew's testimony, I have some reservations. The same with regard to the retroactivity, folks, that just because of the timing of their offense, they're not -- they won't have that hope. And also, with regard to the board composition. And I know that there are other advocacy groups here, One Standard of Justice and another group, that will be talking more about that.

There's no rigorous research that shows that the registries have improved public safety or that they reduce recidivism. In fact, there's studies that show the opposite. There's -- it cost us as taxpayers. It costs us as a community. And it gives us a false sense of security. If we're looking over here, we're not looking over there. So, we all want to improve public safety. That can only happen when people are given a real opportunity to change and lead better lives. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee, comments? Thanks so much for being with us. We have Senator Henri Martin and then Bridget Koestner. Senator Martin.

SENATOR MARTIN (31ST): Good morning, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. I am State Senator Henri Martin and to be -- I originally introduced a bill, which was no. 443. It was AN ACT CONCERNING ALLEGATIONS OF ABUSE THAT ARE MADE IN AN ACTION FOR A DISILLUSION OF MARRIAGE. The bill language is part, now, of 7379, which was pulled from your agenda today. So, I just wanted to clarify that.

I urge you support this legislation. It would require evidence to support serious allegations of abuse when making custody determinations in an action for a disillusion of a marriage. I would -- I'd like to turn this over to my -- one constituent from my district, Christopher Beattie, to discuss the issues that this proposal addresses. Thank you.

MR. BEATTIE: Good morning. And thanks for letting me speak today. On December 27th, 2017, five months into my divorce, the judge ordered that I shall have a minimum of one visit per week with my child for more than two hours as well as one overnight visit. The court had also issued a Family Services evaluation, because up until December 27th, I was only allowed liberal access to my child and one Facetime call per week. January 10th, 2018, two weeks after the judge's visitation order, was the last time I would visit with my son for four months. On January 13th, I received texts and emails from my ex-wife, explaining to me that she would no longer allow visitation between me and our child because she knew I was abusing him and could not allow him to visit alone with me.

I asked her what she was talking about, where is this coming from. I explained there was -- that

this was against two court orders from two weeks prior. She only said that she would be contacting her attorney and that she had complete faith that any judge would understand her actions. In addition to not complying with my visitation, my ex asked Family Services for sole custody of my son and supervised visits. And that point and time, I had 50/50 joint legal custody.

I had no choice but to file a contempt and ask her to comply with the judge's orders. Every time I filed a motion, my ex and her attorney would file another. Three weeks after not seeing my son, she filed a motion claiming that I had demonstrated an inability to competently parent the child and that the minor child is fearful of me and resists phone calls and visitations. This behavior carried on for four months. I was forced to live in isolation without any proof that any act of abuse ever happened. I forced -- I was forced to enter therapy with my child by the court to determine our relationship. And after a couple of sessions, my child had told the therapist that he wanted to visit with me.

After the Family Service evaluation, I was given 50/50 custody of my child. No abuse was ever proven and Family Services couldn't understand why I wasn't allowed with my child to begin with. My ex had never faced any charges, never seen a judge or anything for all these claims.

REP. STAFSTROM (129TH): Senator Kissel.

SENATOR KISSEL (7TH): Senator Martin, thank you for bringing your constituent to testify. So, essentially what you're seeking is something in the law that would say that there needs to be some

## PUBLIC HEARING

demonstrable evidence if there's an allegation of abuse. Is that what you're looking for?

MR. BEATTIE: Yes, sir.

SENATOR KISSEL (7TH): All right. Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee. Seeing none, I appreciate you being here with us today. Thank you, Senator. Bridget Koestner.

MS. KOESTNER: Distinguished members of the Judiciary Committee, my name is Bridget Koestner and I am a post-conviction victim advocate with the Connecticut Alliance to End Sexual Violence out of Derby and Danbury Probation. Thank you for allowing me to speak in support of S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT, and to show my opposition to S.B. 913, AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.

Based on my experience as a victim advocate, there are a variety of reasons why individuals often delay reporting for many years at a time and should not be limited in that reporting. Victims may be isolated by others or may isolate themselves after being sexually assaulted or abused, and may lack the social support that they would need to go through the reporting process. It may not be until they have that support that they will feel ready to move forward in that reporting. Due to the fact that many victims and offenders have mutual friends or family members, or offenders are in positions of power, there are also many situations where others may encourage the victim to keep their experience to

## PUBLIC HEARING

themselves. This lack of support and encouragement of suppression can lead them into keeping the experience to themselves.

Sexual assault myths and victim blaming culture, and/or the dynamics of the offense that the individual experienced may also have a role in this delay. Victim blaming themselves or being blamed by others (clears throat) -- excuse me. Victims being blamed by others is a notable barrier to reporting. In many cases, an offender may manipulate or groom a victim to believe that what happening is okay or that it is the victim's own fault. Societal misconceptions about sexual assault or reporting may also prevent a victim from coming forward, and it may not be until they speak with someone who is well informed that they realize reporting is even an option for them.

Victims may also shut down as a reaction to the trauma they experienced, and refusing to talk about what has happened is a common reaction to a trauma such as sexual assault and abuse. It may take years until someone is prepared to discuss what they went through, even with those they're closest with. They may also be dealing with the psychological impact of what has occurred through experiences of depression, anxiety, PTSD, or suicide attempts, and have their time and energy consumed in addressing this crisis and recovery before they can even consider reporting. Additionally, fear of the offender and of retaliation often prevents people from coming forward, and it may not be until they feel safe enough to report that they do so.

Lastly, but just as importantly, individuals may not be ready to come forward until they recognize

that another person has been victimized or may be victimized by the same person who harmed them. As we commonly see in the media, and I commonly see in the field, they may feel that this validates their experience enough that they are ready to come forward with the support of other victims or they may wish to report in order to work towards this individual's pattern of harmful behavior against others.

In any and all of these situations, it may very well take a victim many years to come forward. Reporting this offense is often a very important part of a victim's healing, and they should have the opportunity to pursue that process, for the wellbeing of themselves and the wellbeing of communities, no matter how long it takes. It should be recognized that even many years down the line, many victims are still substantially impacted by a sexual assault or sexual abuse that they experienced. The impact of sexual violence can last a lifetime, but for victims and survivors, the chance to seek help and justice does not.

With these considerations in mind, I urge you to pass S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT, to give victims time. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Seeing none, appreciate you being with us.

MS. KOESTNER: Thanks.

REP. STAFSTROM (129TH): Is Representative Linehan? Tina Dambowsky.

MS. DAMBOWKY: Good morning, members of the Judiciary Committee. My name is Tina Dambowsky and

## PUBLIC HEARING

I'm representing Jane Doe No More. I am speaking on S.B. 3, AN ACT CONCERNING -- AN ACT COMBATING SEXUAL ASSAULT AND HARASSMENT.

I am a victim of childhood abuse and incest. Although my parents, other family members and friends of our family were told of the abuse of two other relatives when I was seven, it was never reported to the police. I did not disclose until I was 21, when I was finally ready to tell my truth. Instead of being arrested for abusing me, and others, my abuser was able to go on with his life and eventually become a foster parent, a part of the Boys and Girls Club, and a police officer in the juvenile and SVU departments, where I had lived -- where I had to live the past 39 years enduring nightmares, panic attacks, low self-esteem, worthlessness and many other symptoms of PTSD, all because the crime against me. (Crying) And when I was ready to speak, it was too late. (Whispers) Okay. All right.

As an adult, along with two other of my family members that were also abused by my uncle as children, confronted him. And although he admitted to abusing us, we could not have him criminally charged because of the statute of limitations. (Crying) We did, however, get to report him to the States Attorney's Office and all three of us gave our statements. The part that gets me is that at the end of my statement, as I was the last one to speak as I was the youngest, the two states attorneys turned to me and said, if it was up to us, we would leave here and arrest him now. But because of the statute of limitations, they couldn't. They believed that they had enough evidence to arrest him without DNA, but still no arrest could be made.



I would like to see that changed and have no statute of limitations on sexual abuse and leave it up to the States Attorney's Office to make the decision if there is enough evidence to move forward with the case. I am in full support of Senate Bill 3 and encourage you to remove the statute of limitations on sex crimes. Thank you for giving me the opportunity to speak today.

REP. STAFSTROM (129TH): Thank you and thanks for sharing your story. I know how difficult it, especially in this setting. So, thank you for coming forward. Questions from the committee. Seeing none, appreciate you being with us. Thank you. Joseph Dabrow.

MR. DABROW: Good morning and I'd like to thank the committee for the opportunity to speak. My name is Joseph Dabrow. I'm the president of the Center for Rational Justice Studies and I'm appearing today to hopefully lend an insight to certain aspects in respect to the Connecticut Sex Offender Registry. The fact that a more educated society has begun to review some of the panic and fear-driven policies is not only refreshing to see, but also serves as the beginning of an addition of hope and trust in the promise of justice and fairness for all.

We find most portions of this bill regarding the Sex Offender Registry to be a major step in the right direction. But while we support and agree with many of the recommendations, we are reserved to lend our full support due to a couple of issues we find unacceptable. The first piece we take issue with is that changes made had to be prospective and retrospective -- retroactive. This position is inappropriately justified by a claim of failing to

hold to promises made to victims. Nowhere in state statute is any person authorized to make promises to anyone and they should not be allowed to pressure citizens, legislation, legislators or victims into believing they have that authority.

The term of registration and imprisonment, and justifiably so, should be legislated solely by statute and imposed by the court. If we as a society determine that an adjustment should be made to a civil statute, then that correction needs to be available to everyone and not precluded to others so a few individuals can say they kept promises they were never authorized or empowered to make on behalf of the state. The previous and current administrations have dedicated to prison reforms that include adjustments that reduce recidivism of all crimes by facilitating more positive reintegration assistance upon release. This bill is an extremely important and powerful step towards that goal and I commend the committee for considering it. But failure to make these avenues retroactive will only delay for years the benefits the bill offers.

The second issue is the makeup of the Registration Board. We feel that under no circumstances should it be made up of any person currently employed or contracted by the state in the investigation, prosecution, incarceration or supervision of a registrant. A blind person could see it's inadvertently weighted in the extreme against a fair and unbiased assessment. The policies and standards used should be set by licensed, learned professionals in the field, such as Dr. Sgroi, Dr. Greenfield or Dr. Greyson, Mr. Bill Hobson or Ms. Eileen Redden, who is currently the president of

CATSO. Under no circumstances should we be placing any part of law enforcement or corrections into this position if a true and just and fair assessment is to be made.

Two-thirds of the currently recommended positions should be making recommendations to the Assessment Board in order to balance the process, not making the assessments. And the chairperson should be a person who has experience in multiple systems in the state, have worked with both survivors and offenders in a clinical setting, be a clinical expert in problems of sexual behaviors, be a current CATSO member and have at least ten or more years in the field as a credentialed professional.

The third issue, and this is a simple one, is using the offenders conviction date as the benchmark. It's not uncommon for significant time to pass while details of cases are investigated and negotiated. This process can take several years before an actual conviction is entered into the record and potentially open an ex post facto claim later. The offender's effective liability date should be the date of the incident offense, as in the federal system.

REP. STAFSTROM (129TH): Sir, can I -- do we have this in writing?

MR. DABROW: I haven't submitted it in writing. Just two more sentences.

REP. STAFSTROM (129TH): Okay. If you could just wrap up the bill with --

MR. DABROW: This is not hard to be put back in it because it's an intricate piece of the information necessary in applying for the arrest. Okay. In

## PUBLIC HEARING

closing, we ask that you restrain from acquiescing to a morass of misinformation around the topic and make the best decision for society at large.

REP. STAFSTROM (129TH): Appreciate it.

MR. DABROW: Eliminating hopelessness is the most effective way to reduce recidivism.

REP. STAFSTROM (129TH): All right.

MR. DABROW: And that's what this bill does. It helps to eliminate hopelessness everybody feels. Thank you very much.

REP. STAFSTROM (129TH): Thank you. And if folks have submitted testimony in writing, obviously, especially if you have substantive stuff, we do read it. We do take a look at it. So, make sure you've emailed it in so that we have it on the -- available to the full committee on the electronic filing system, so. Questions from the committee. If not, thank you very much. Appreciate it. Dwayne Gray.

MR. GRAY: Good morning. Honorable members of this Chamber, I thank you for the opportunity to speak before you. I do not know any of you personally, yet I am here to reveal my inner most private secret. My name is Duane Michael Gray. I was born February 8, 1962, and I am currently 57 years old. My parents were both Roman Catholic devout parishioners, attending St. Elizabeth's Church in Branford, Connecticut.

At St. Elizabeth's, my young brother, Charles, Jr. and I joined the St. Elizabeth's altar boys and participated in catechism. My family moved to Guilford, Connecticut, where we became members of St. George's Catholic Church in Guilford. My

## PUBLIC HEARING

parents enrolled us in the St. George's youth program, where Reverend Daniel McSheffery was the parish priest. I served as an altar boy under Reverend McSheffery approximately during the years 1973, '74, '75 and a portion of 1976.

In the latter part of '75, Reverend McSheffery began a ritual of committing oral sex on me, which continued for five or six months, usually in a room off the sacristy. One Saturday after mass, in the spring of '76, Reverend McSheffery had me accompany him to a small cottage-type house behind the church. He instructed me to remove my clothing and lie down on a bunch of large pillows and he began to again commit oral sex on me. After a while, Reverend McSheffery informed me he was going to teach me about *warm fuzzies*. He rolled me onto my stomach and I felt something pushing against my buttocks. I glanced back at this huge man as he attempted to force his penis into me. It hurt and I screamed. He then grabbed my hips forcefully and tried to penetrate me. I twisted my body and was able to push away from him, causing him to fall back onto his legs. Reverend McSheffery began to yell at me, cursing, whereas I scurried to my feet, grabbed my clothing and ran out of the cottage and into a patch of bushes outside. After dressing, I walked around for hours trying to comprehend what had just happened. Little did I know what was waiting for me when I arrived home.

I arrived home before dark and as I walked into the kitchen from my garage, I found myself on the floor seeing stars. My parents were screaming at me as I crawled away to hide under the kitchen table, trying to make sense of what they were screaming about. My mother was screaming that the rectory at St.

George's called to inform them that my services were no longer needed as an altar boy because of what I did to Father McSheffery. My father was screaming something to the effect that I cannot hit a priest and that the church referred to me as an evil child.

My parents' rage subsided and I was banished to my room with no dinner. I awoke the next morning to my mother beating me with a belt as I lay in bed. These beatings continued daily. During all of the time I was a parishioner at St. George's, I never heard any announcement or warning to the parishioners that Reverend McSheffery had been accused of sexually abusing a minor child, nor did I ever hear about this from others or read about it in the church bulletin.

I have never spoke of this abuse publicly, perhaps out of shame or guilt, or maybe even the stigma attached to this kind of abuse. The church is too powerful. Who would believe me over them? Because of the abuse I suffered at the hands of Reverend McSheffery and the anger in me it caused, I made a conscious decision later in life not to have children. I could not trust myself in how my anger would manifest itself. I now find myself alone. My entire family has passed on. Through all of the baggage this abuse has created, I have fought to lead a good, honorable life. I became a drug and money laundering agent for the State of Florida, Department of Revenue, for nine years. Upon my return to Connecticut, I became the secretary of VFW Post 7666 Men's Auxiliary and I've owned my own business successfully for twelve years.

In closing, I implore the honorable members of this body to allow me and others the chance for justice by supporting this bill.

REP. STAFSTROM (129TH): Thank you. I admire your strength and conviction. I understand how tough this must be to reveal this secret, especially in this setting. So, we really appreciate you being here today.

MR. GRAY: Thank you.

REP. STAFSTROM (129TH): Questions from the committee. Seeing none, thanks of much.

MR. GRAY: Thank you.

REP. STAFSTROM (129TH): Amy Eppler-Eppstein. Robert Farr.

MR. FARR: Good morning. For the record, my name is Robert Farr. I'm a former legislator, an attorney, past chairman of the Parole Board, and a member of the Connecticut Sentencing Commission. I'm here to testify in favor of the Sex Offender Registry provisions in sections 1-20 of S.B. 1113. You have my written testimony. I'll try to cover highlights.

In 2015, the legislature required the Sentencing Commission to establish a committee to evaluate our sex offender laws, with a focus on the Sex Offender Registry. I served as co-chairman of that committee. An enormous amount of information was obtained and compiled into a report to the Judiciary Committee. Connecticut has never had such a comprehensive study of these matters. The 204-page report, dated December 2017, can be accessed on the Sentencing Commission website. The study recommended major modifications to the Sex Offender

Registry. This year, S.B. 1113 is virtually the same as last year's except that it located the new Sex Offender Registry Board with the Department of Corrections for administrative purposes.

The current Sex Offender Registry, established in 1998, requires registration for either ten years or life, based upon the offense and not on the risk of re-offending. There's no way to terminate a life registration or to shorten the ten-year registration. S.B. 1113 has three lengths of registration; ten years, twenty years, or life. The length of the registration will be set by a new Sex Offender -- by a new Sex Offender Registry Board and be based on the risk of re-offending and not just on the offense. S.B. 1113 separates the existing registry into a public registry and a law enforcement only registry.

All registrants will be on the law enforcement registry so the police know where sex offenders live in the community. But the public registry will only contain high-risk offenders. When the registry started in 1998, it listed about 600 individuals. It now contains over 6,000 registered sex offenders. The current registry contains too many names to be functional. We could -- we could -- can expect that there may be 7,500 registrants -- registered offenders within the next ten years. Virtually every town in the state has registered sex offenders and the big cities have hundreds. The City of Hartford has over 700 offenders.

In addition, there are over 800 registered sex offenders who are non-compliant for failing to report their address. The current registry has no incentive or -- to encourage appropriate behavior



and no sanctions for inappropriate behavior. I'm running out of time, but I would like to take a moment to describe an offender living in my neighborhood, who was convicted of attempted sexual assault in the first degree, a very serious offense. The conviction, however, was in 1989, 30 years ago, before the registry was even enacted.

When the current registry was created in 1998, it retroactively added 800 registrants (Bell) -- registered offenders because 1988 and '99, without an opportunity for a hearing. The offender in my neighborhood is now 69 years of age and still on the Sex Offender Registry. The registry in -- the registry -- he is required to stay on the registry and verify his address four times a year for the rest of his left. It is important to identify high-risk offenders and use the resources to track them, instead of diverting resources to track 69-year-old men who were convicted 30 years ago, that have served their time and have been in the community as responsible citizens for two years.

I hope you will read the remainder of my statement. Thank you for raising the bill. I urge this committee to pass section 1-20 of S.B. 1113. I'd be happy to take any questions.

REP. STAFSTROM (129TH): Thank you. Mr. Farr, just a quick question. We've received quite a bit of testimony on this bill, commenting on the fact that it doesn't allow somebody who's currently on the registry a way to petition to get off the registry based on the changes that are contemplated under this bill. I'm wondering whether that was a conscious decision by the Sentencing Commission or

whether it was kind of a negotiated compromise, or why -- where that piece came out.

MR. FARR: Well, what happened is that the representatives of the victims made the argument that when they went to court for the sentencing, that at that point they understand the individual was gonna get a sentence that would give them -- place them on this Sex Offender Registry. And that to now to change that, after the fact, is doing a disservice to them because they were satisfied with the sentence and the registry requirements that the individual was gonna get. So they were opposed to doing it for those individuals who have already been sentenced. So what we did is we said for those people who are already sentenced, who are on the registry now, they will have the ability to petition to get onto the law enforcement-only registry. So, it won't be a public registry and so they will get some benefit in terms of this legislation.

But that was the tradeoff with the victims -- the representatives of the victims, because they didn't want to see us changing the statute again after they went to court and were told what -- how the court was going to dispose of this individual.

REP. STAFSTROM (129TH): And certainly I am sympathetic to that. You know, obviously, that's something we do all the time in this building, is try to reach a compromise between various stakeholders and get to a point of consensus on any number of difficult issues and oftentimes, you know, people walk away somewhat -- you know, mildly happy or mildly unhappy, depending on how you look at it based on seeking a middle ground. I'm just curious whether the Sentencing Commission has looked --

there's some suggestion that that compromise that was struck could be vulnerable to a constitutional challenge. And I'm wondering whether -- I know Judge Devlin's gonna be before us later and the like, but whether the Sentencing Commission has considered that possibility or not.

MR. FARR: Well, the irony here is that the constitute -- there were -- there's 800 individuals who were placed on the registry after the fact because there was no registry in place at the time that they were sentenced. This was before 1998. And the Supreme Court had said that that was not a double --

REP. STAFSTROM (129TH): Double jeopardy.

MR. FARR: A double jeopardy situation, because these -- this is not a criminal sentence. This is only a civil requirement that you comply with the registry. So, I think it's highly unlikely that the court would now say that you have -- you can't have two categories of people.

REP. STAFSTROM (129TH): All right. That's interesting and helpful. Thank you. Further questions from the committee. Seeing none. I appreciate you being with us.

MR. FARR: Thank you very much.

REP. STAFSTROM (129TH): Jennifer Aparicio.

MS. APARICIO: Hi. Dear legis -- blah. Sorry. Dear legislators. My name is Jennifer Aparicio. I am here in support for the removal of the statute of limitations for the prosecution of sexual assault cases as proposed in bill S.B. 3. I personally suffered several years of abuse -- sexual abuse at

the hand of my father, for at least six years of my adolescence, and I told no one. When I finally got the guts to come forward, I was in my thirties. What brought this on was my father was about to be reinstated in our church for, you know, just to be a good member in good standing, and I didn't feel like that was a faith thing. So, I went forward to my church and said that this can't happen and expressed why.

(Exhales) Sorry. The church supported him and said that they couldn't hold him accountable to anything because I didn't have a court order or a proof of, you know, of my allegations. So, that's when I tried to prosecute and found out that I was supposed to come forward by the time I was 23, according to the statute of limitations. You had changed the statute of limitations as far as civil cases, but not for being able to criminally prosecute. And it wasn't made retroactive, so I had no recourse. Going to the police, they tried everything to try to make something stick, because, you know, all of my sisters -- we were all too old. So, they tried finding avenues of -- was there a victim, younger, that was possible, like, that would fit, would be in that timeframe, because they had enough evidence.

The removal of the statute of limitations is not gonna take away the burden of proof. That still has to happen. So, I believe there's no reason for having a statute of limitations. I also would like to propose -- and I know that this isn't part of this bill, but something going forward. That mandated reporters, a statute of limitations against them, that that is removed. Because the church, they knew of this and didn't report. Because my sister came forward when she was sixteen and told

the church and we were convinced to -- that they couldn't -- they told us they were mandated reporters, but they used all the grooming tactics and the things to keep us quiet because of the stigma it would bring against the church.

And so, because of our grooming and because of how we were manipulated, we succumbed to that, and we didn't feel like we had recourse. So -- I don't think recourse is the right word. I'm sorry. I'm babbling. So, I believe that (Bell) sorry. The removal of the statute of limitations against, like, mandated reporters, like a church not telling, like, covering up, like, what we saw that happened with Penn State. Like, they knew and they covered up. That needs to be looked in to as well.

REP. STAFSTROM (129TH): All right. Thank you.

MS. APARICIO: (Breathes hard) Okay.

REP. STAFSTROM (129TH): No, you did a great job. Don't -- take a deep breath. You did a great job. Very courageous of you to come forward and we certainly appreciate it. Questions from the committee. Seeing none, appreciate you being here. Gale Howard.

MS. HOWARD: Thank you, Senators and Representatives, for this opportunity to speak. My name is Gale Howard. I'm a survivor and a -- and co-leader of the Connecticut Chapter of the Survivors Network of Those Abused by Priests, known as SNAP. And I'm here to support Senate Bill 3.

People often ask why victims wait decades to come forward. The answer is simpler than you think. When I was about 15, a teen boy assaulted me on the street. He touched me inappropriately and ran off.

I was shook up, frightened, and angry. I ran home and called my mother. She said to call the police, and I did. Two years later, my pastor, a revered monsignor, offered to help me cope with my father's alcoholism. But behind closed doors, instead of counseling me, he lunged out of his chair, shoved me up against a wall, and put his hands all over me. My brain lurched like a muscle through everything I'd ever been taught, but I could find nothing to explain what was happening. When he ejaculated, I was able to push him away. I ran down the stairs, ran down the hall and out the door. But when my feet touched the concrete steps outside, I stopped dead. If anyone saw me running they'd know I was dirt.

I didn't race home. I didn't tell my mother and I didn't call the police. Why? Catholics are told what to think and do every minute of their lives, why they are born, and how God will judge them after they die. They learn that clergy are their direct link to God, thus, a victim of clergy sex abuse is presented with a dire choice. Either denounce this link to God or denounce yourself. It's safer to denounce yourself. If people found out about the horrible thing that you were involved in, they too would denounce you. They would cut you off, set you adrift in deep space. Your secret becomes your lifeline. As you grow older, you are able to think differently, but your belief in your guilt has become an established part of you.

It sits in your head like a tumor with hundreds of blood vessels connecting it to the rest of your brain. (Bell) You might begin to question the belief, but you can't just expunge it. You've build a life around it. Opening your mouth still feels

## PUBLIC HEARING

dangerous. I was able to come forward publicly 50 years after my assault. When the grand jury report in Pennsylvania last fall and the release of names in Connecticut, eighteen people called me to reveal for the first time that they had been abused. Only one of them was within the statute of limitations. Thank you.

REP. STAFSTROM (129TH): Thank you and thanks for being here. Questions from the committee. Seeing none. Appreciate -- appreciate it. Joan Carpenter.

MS. CARPENTER: Dear members of the Judiciary Committee. I write in support of Committee Bill 3, section 19. I currently live in Delaware and I am over the age of 48. My name is Joan Latin Carpenter and I attended Saint Anne's School in the Black Rock section of Bridgeport. I was abused several times as a child by the principal of the school and a close family friend. His name was Father Francis McKenna. He and other priests were at my home often, so, to me, this was normal. I was abused by Father McKenna on the church grounds, in an old barn, after helping him plant a garden. We went to the barn to put the tools away and that's where he started touching me in private parts.

I was very scared. Walking home, I didn't understand why he made me so angry and upset when all I did was help him plant a garden. Another time was at the rectory. He took my hand and rubbing it on his penis. I kept telling him I had to go, but I wasn't strong enough to break the hold he had on me. Another time, I was home by myself and the rest of the family went up the street for something at school and Father McKenna came over. He told me he was tired and told me to come and lay down with him.

## PUBLIC HEARING

I told him I wasn't tired, but he took my hand and took me into my bedroom. There, he raped me with my clothes on and I was used on his body like a sex toy. I tried to get away, but he kept holding me against my will. I just wanted to get away and I couldn't. And at that time I knew nothing about sex or passionate acts.

When I was freed from his grip, I remember running out of the room and standing in the kitchen with my hands in fists. I couldn't look at him when he came out of the bedroom. When he came out, he said he had to go and left fast. I was too young to really know what he was doing and I never said a word. When you are that young, I believe that God creates in each of us the knowledge of good and bad, and I knew what he did was bad, really bad. But I thought I was strong enough to handle it. I always remember tell -- my dad saying, *if you can't say anything nice about someone, don't say it at all*. So, in my child's mind, I think that's one reason why I kept everything secret inside and never said anything.

Another reason was my dad was very protective and loved his family very much and I thought if he knew about it, he'd probably kill him, and I wouldn't want anything to happen to my dad. So, I prayed and prayed that I could keep this secret to myself.

Another reason was I never said anything because I was only a child and Father McKenna was like a god, and it seemed everybody in Black Rock loved him and knew him. And who would believe me? No one. I never reported a claim about this because I was too young and didn't know anything about child abuse. Times were different when I was growing up compared to days now. (Bell) No one ever spoke about abuse



and I never heard about it. And I know that it happened a long time ago and it's now in the open.

My coming here today is to tell you that I wouldn't want anything like this to happen to any little girl or boy. I know that victims -- I know victims who have committed suicide, drugs, alcohol. And I really create the close relationship and love that I've had with my God that carried me through this. This experience has taken a lot of my childhood away and it's affected my life as a child and still does today; traits of anger, temper, trusting people, and a very skeptical view on everything. I still cry about what has happened to me and still have restless nights, especially when I hear more about child abuse. I try hard to be thankful so that I can rise above the horror, mistreatment, and disappointments that I have experienced with McKenna and the total failure of the Catholic Church.

And I can't ask you any more than what I have testified today regarding the cruelty of child abuse and hope, hope you'll believe me, because it isn't easy for me to express what has happened to me as a child and it still haunts me. I ask you to consider extending the statute of limitations to ease the problems of all the victims of abuse. And hopefully this will threaten predators and at least make them realize their addiction and seek help. Thank you.

REP. STAFSTROM (129TH): Thank you, ma'am. And thanks for your strength and traveling up here from Delaware to be here. Have you shared this story before today or have you -- have you told this to -- have you talked to anybody in the Diocese of Bridgeport about this story?

MS. CARPENTER: Yes, I have.

## PUBLIC HEARING

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: Yes. I've talked to Bishop Lori quite a while ago.

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: He's our archbishop in Virginia or West Virginia --

REP. STAFSTROM (129TH): In Baltimore now.

MS. CARPENTER: Yeah. Oh, yeah, he's out of Baltimore, I guess now.

REP. STAFSTROM (129TH): He is, yeah. How about Bishop Caggiano's office? Have you talked to them about this?

MS. CARPENTER: I have sent a letter to them.

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: And when I spoke with Lori, I told him that I didn't want compensation. But after learning more and more about all the abuse that goes on, like, in the, you know, Philadelphia area, Pennsylvania, everything, I wrote the bishop of Bridgeport.

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: And they did offer me a stipend, but it was an insult to me. So, I just said I didn't --

REP. STAFSTROM (129TH): Right. I think -- I think beyond that, I think the bigger -- the reason I asked is I know the Diocese of Bridgeport, in particular, and I think the Diocese -- Archdiocese of Hartford may be doing something similar. But the Diocese in Bridgeport I know is doing a very thorough review and study of all prior sex abuse

## PUBLIC HEARING

cases. And I hadn't heard personally heard of allegations against Father McKenna before today. So, I just wanted to make --

MS. CARPENTER: There has been, though. Yeah.

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: And I have spoken with Erin Neil.

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: And I have also spoken with Ann Cort [phonetic].

REP. STAFSTROM (129TH): Right. I just want to make sure that certainly, and not just you, but anybody here today that is sharing these stories with us, please make sure that you also submit your testimony to the respective diocese, because I know they are all undertaking their own independent reviews and are spending a good deal of money on outside legal fees and investigators to dig into all of these issues and they're setting up victim compensation funds and the likes. I think it's important that, you know, in addition to whatever we do here today that this information also gets back to those folks as well, so.

MS. CARPENTER: And this was a long time ago. I was probably around eight and a half years old.

REP. STAFSTROM (129TH): Right.

MS. CARPENTER: So, you know, maybe that's why you haven't sent too much of McKenna, but I do know other victims of McKenna.

REP. STAFSTROM (129TH): Okay, okay. No. Well, as a parishioner of St. Anne's Parish, it's --

## PUBLIC HEARING

MS. CARPENTER: Oh, you are?

REP. STAFSTROM (129TH): I am. So, it --

MS. CARPENTER: Well, my husband became a deacon in the Catholic Church and has been for 30 years.

REP. STAFSTROM (129TH): Okay.

MS. CARPENTER: But I finally was able to come out.

REP. STAFSTROM (129TH): Thank you. Further questions or comments from the committee. Seeing none. Appreciate you being here.

MS. CARPENTER: Thank you.

REP. STAFSTROM (129TH): Aileen Keays.

MS. KEAYS: Good morning, Judiciary Chairs and honorable members. My name is Aileen Keays. I'm a project manager of the Connecticut Children with Incarcerated Parents Initiative at the Institute for Municipal and Regional Policy. I'm here to testify in support of Senate Bill 1113, specifically the sections 21-24.

In 1997, Congress passed the Adoption and Safe Families Act, which mandates that states file to terminate a parent's rights in the cases of children who have been in foster care for 15 of 22 months, consecutively or not. The intent of ASFA was to prevent children from being in temporary foster placements for several years on end and to increase adoption outcomes. So, it was passed with the best of intentions. The legislation also did create bonuses for states that facilitate adoptions. Since 1998, the federal government has paid more than \$639 million dollars in these rewards.

Despite the stated purpose, ASFA may actually contribute to the permanent severance of parent-child relationships against the best interests of the child. With the average length of incarceration in a state facility being 34 months, the provision can be triggered by parental incarceration alone. Even when the parent has an active role in their child's life, incarcerated parents find their rights being disproportionately terminated in comparison to non-incarcerated parents involved with state welfare cases. And this is a point that I would like to emphasize. In an analysis recently of three million child welfare cases from 2006 to 2016 to identify the ramifications of ASFA on families with an incarcerated parent, they found that mothers and fathers who have a child placed in foster care because they are incarcerated have an -- and have not been accused, even accused, of child abuse, neglect, endangerment or even drug or alcohol use, they were more likely to have their rights terminated than parents who physically and even sexually abused those children.

Nationally, tens of thousands of children have been placed in foster care by child welfare agencies solely because a parent was incarcerated. For about 5,000 of these kids, or one in eight, their parent's rights were permanently terminated. Because of these national trends and negative ramifications, the Connecticut Children of Incarcerated Parents Initiative worked with the Connecticut Sentencing Commission, its Collateral Consequences Subcommittee, to craft language that is included in Sections 21-24 of Senate Bill 1113, which attempts to remedy ASFA's repercussions on children in the

foster care system. Members of this group comprised of various relative state agencies and programs as well as a smaller group which included DCF and the Office of the Child -- oh, excuse me, the Office of the Chief Public Defender.

Due to these collaborative efforts, we drafted the language included in these sections. Specifically, however, in summary, the legislative proposal seeks to require that DCF assess available programs and treatments in the correctional facility within which that parent is housed so that they can have in their reunification plan programs that they actually have access to, where there's not this lengthy waiting list that they can't actually get into it. We want to make sure that parents are held accountable for participating in programs that they have the ability to participate in and not programs that are not actually accessible. (Bell) Also, when a parent has a lengthy -- can I continue?

REP. STAFSTROM (129TH): If you could just summarize real quick.

MS. KEAYS: Okay. I'll just briefly say that as of 2017, ten other states in the country have passed legislation to address these unintended negative consequences and there are more states that are looking at it now. So this is a federal legislation that has caused these unintended consequences for children and families that, nationwide, states are looking to address. And Connecticut has not yet codified anything to remedy this potential consequence.

REP. STAFSTROM (129TH): Great. Questions from the committee. Seeing none. I appreciate you being here with us today.

MS. KEAYS: Thank you.

REP. STAFSTROM (129TH): Colin Christman.

MR. CHRISTMAN: Good morning, Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Rebimbas, and distinguished members of the Joint Committee on the Judiciary. My name is Colin Christman, and I am a resident of West Hartford. I'm a graduate student at UConn School of Social Work. Prior to that, I worked for years for a DMHAS-contract behavioral health care provider, and completed an undergraduate degree in political science at Yale.

I'm testifying today in support of Senate Bill 1113. In particular, I'm testifying in support of the Sentencing Commission's proposed shift to a risk-based Sex Offender Registry. What do we do about acts that disgust us and what do we do about the people whose behavior we rightly view with contempt? To answer questions like theses requires us to balance our desire for justice against our thirst for revenge. It's a delicate balancing act, and one that society has never mastered and may never master. The Sentencing Commission report and bill at least offers us an opportunity to center ourselves on the beam.

The Sex Offender Registry is a study in contrasts. Not designed to be punishment, it assuredly is punishment. Designed to keep the public safe, in its present incantation, it certainly increases recidivism, as demonstrated by many studies. The adjustments proposed are seen as sparing offenders, but in reality their purpose is to spare future victims. The Commission report's findings are consistent with studies by Cornell, Columbia, the

University of Chicago, and the United States Department of Justice. Its recommendations are in line with those of most other states, all other developed countries, Human Rights Watch, the ACLU, and the National Center for Missing and Exploited Children, a victims advocacy organization.

Sex offenders have famously low rates of recidivism, lower than any other category of offender other than murderers. What increases sex offender recidivism is desperation and a system that promulgates homelessness, unemployment, and alienation, and that prevents offenders from moving on with their lives having done their time. And the purpose is assuredly not to help offenders to move on with their lives. That's simply the means. The end is fewer victims of sex crimes and a lower rate of recidivism on the perpetrators of foul acts.

When we encounter in our world awful things, we do well to reflect that those things represent the sickness of others. But when the awfulness we find befools us and causes us to behave vengefully, imprudently, and indeed recklessly at the cost to other members of our society, it's no longer fair to call it the sickness of others. At that point, it has become our own. Thanks.

SENATOR WINFIELD (10TH): Thank you. Questions, comments. Seeing none, thank you very much. We will next hear from Amanda Mendoza.

MS. MENDOZA: (Tearful) I'm okay. So, good evening, Senator Winfield and distinguished members of the Judiciary Committee. My name is Amanda Mendoza and I'm a survivor of childhood sexual abuse.



## PUBLIC HEARING

On March 27th of 2018, a detective from the Hartford Police Department informed me that the application for the arrest warrant against my offender was denied. The detective expressed that he advocated on my behalf at the State Attorney's Office that the statute of limitations passed at the fault of Hartford PF. But this still didn't matter.

At 15 years old, I disclosed to my mother that a family member sexually abused me for over half a decade starting at the age of six. Tears streaming down her face, we get in the car and head to Hartford PD. The detective I was assigned would almost never answer my mother's phone calls on updates to the case and when she would finally pick up, she would state, *I have other cases before Amanda, and I will eventually get to hers.* Months go by, and this detective sets an interview for my perpetrator at Hartford PD. My mother was told by that detective that she could not confirm his identity with the photo they had on file, so she could not continue without confirming his identity. My perpetrator's lawyer made it to the interview. They could have confirmed his identity, but this cycle continued. I learned this yea, that this was really just an excuse made by the detective, who was stalling working on my case.

For the next three years, another three to four interviews would be set and the same excuses arose. Phone call after phone call, my mother was left exhausted, aggravated and broken. And then I turned 18 years old. My mother was told that it was up to her daughter to call now. After this point, I had never received a phone call from my detective and it seemed that she put the obligation of pursuing the case onto me, the victim.

During the summer of 2017, I gathered all the courage I had to call Hartford PD after seven years of no personal contact. It turned out my case was still open with no detective overseeing it. I was assigned a new detective who initially started our meeting saying there was no documentation about what happened with my case. How could a detective be so callous and negligent unless my rape didn't matter to her? Learning that my case was closed due to the statute of limitations, I filed an internal affairs complaint with Hartford PD, citing that my first detective failed to investigate my case. After investigation, the Hartford PD issued a decision that my allegations of both neglect of duty and profane language were sustained.

My first detective neglected her duty, which ripped away any chance of me receiving justice. My case was blatantly ignored and passed onto the next detective, a few years too late. If Connecticut eliminated the statute of limitations, I would have had a chance at seeking justice. Hartford PD admitted they were guilty, and I have not heard back from them on what the next steps are to make sure that this does not happen again. So I'm here.

Please eliminate the criminal statute of limitations for sexual assault offenses against children. I reported my case and I cooperated with the investigation, and yet Hartford PD failed me by not submitting a warrant within the five-year limitation. I urge you to pass S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. There may be other children or adult survivors of childhood sexual abuse who need a chance at receiving justice too. Thank you.

SENATOR WINFIELD (10TH): Thank you. Representative Horn.

REP. HORN (64TH): Thank you, Mr. Chair. I first just want to thank you for your power and strength for being here today, you and all the other many victims who are here to share their stories. It's excruciating. I know that. And -- but we benefit from you being here and being willing to share this excruciating and painful moment with us. So, I first just want to thank you for that and for taking considerable risks to be here to talk to all of us today. So, thank you.

Then, I had a question about the process of the Hartford PD and their admitting error in that case. Do you know what happened in follow up to that?

MS. MENDOZA: So, actually, I forgot to introduce -- I have my attorney, Mary Cate -- Mary Caitlin Harding here. So, if you can assist me in that.

ATTORNEY HARDING: Sure. Okay. So can you ask the question again?

REP. HORN (64TH): Well, mentioned the failure -- essentially the failure to investigate.

ATTORNEY HARDING: Right.

REP. HORN (64TH): And other, profane language or inappropriate behavior of the detective on the case.

ATTORNEY HARDING: Right.

REP. HORN (64TH): And that that allegation was upheld by them, or they admitted a wrongdoing and error.

ATTORNEY HARDING: Correct.

## PUBLIC HEARING

REP. HORN (64TH): And I wondered if you could talk about what happened in -- what the consequences of that were.

ATTORNEY HARDING: Sure. So, I mean, then I submitted the IA complaint after we got the word from the detective that the State's Attorney could not prosecute the case because it was outside the statute of limitations, specifically the part in the statute of limitations that says once police are aware of criminal conduct, they have five years to investigate and get a warrant signed. So, she was outside of that because it had been seven years since the case was opened.

When we filed, the IA Department did an investigation in assisting the allegations; however, the detective that was first assigned to Amanda's case that they upheld the allegations against has since retired. So we were told there was not much that could be done. They would put it, you know, in a record on file, but there wasn't any direct -- nothing against her particularly. They said they would set up a meeting with us to discuss how the department would look at these cases and changes within their own department. But to date, we have -- I've called a few times. I've received one call back and we haven't had that meeting yet. So, I can't answer specifically what they are going to do. But that's where we're at right now.

REP. HORN (64TH): And how long has that process been going on?

ATTORNEY HARDING: We received the initial substantiation in January.

MS. MENDOZA: Yeah and that we -- I submitted the IA complaint in September of 2018. And it took three months for them to investigate and got the letter in January that they sustained it. I know we've tried to set up meetings with the chief of police, but nothing's happened since then. And I want to add, too, the second detective that I received, who did get my file afterwards, said that with just the report alone that I did at 15, he felt there was enough for an arrest warrant then and there. But nothing happened.

REP. HORN (64TH): Thank you. And thank you again for being here and testifying. Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Other questions. Senator Kissel.

SENATOR KISSEL (7TH): Thank you for coming and testifying. I know it's very difficult for everybody. This is for the counselor. The chief public defender had stated earlier this morning that if it's an assault on a minor, that the individual would have 30 years from when they turned 18. And I'm just wondering why that doesn't affect your case.

ATTORNEY HARDING: So that -- our understanding of that is that's sexual assault in the first degree and Amanda's case was sexual assault in the second degree.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from others. Seeing none, thank you for joining us. Next, we'll hear from Win Evarts.

MR. EVARTS: Hello, Co-Chairs Senator Winfield and Representative Stafstrom, Ranking Members Senator

Kissel and Representative Rebimbas and Vice Chairs Bergstein and Blumenthal, and other esteemed committee members. My name is Win Evarts and I'm the parent of a 28-year-old young man with IDD and I live in New Canaan. And I'm also the Executive Director of the Arc Connecticut. And I'm testifying in strong support of Senate Bill 63, AN ACT CONCERNING THE USE OF SUPPORTED DECISION MAKING BY A PERSON WITH A DISABILITY.

Supported decision-making represents a method that a person with a disability, or others that need support making decisions, can use to make life decisions in the same way that people without disabilities do; ask a person who is both trusted and knowledgeable about making life decisions about the positive, negative, and possible unintended consequences of different decision choices and then make a decision based on the information exchanged. It is a less restrictive alternative for a person that needs support in decision-making than guardianship or conservatorship. Supported decision-making recognizes the dignity of risk of being the principal in decision-making while still supplying support, without hindering self-determination to the individual making the decision.

The use of supported decision-making will increase independence and self-responsibility. It will enable deeper and richer social interactions by changing the power and liability dynamics present in guardianship and conservatorship relationships. It will also enable people with disabilities and others using supported decision-making to pursue their dreams with information and advisory resources of their choosing.

Other states have adopted supported decision-making as a less restrictive alternative to guardianship and conservatorship. As an organization dedicated to protecting the rights of people with intellectual and developmental disabilities and promoting their full inclusion in their communities, we are happy to support legislation to make supported decision-making happen in Connecticut. Thank you for the opportunity to participate this morning.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from members of the committee.  
Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. Good morning, sir.

MR. EVARTS: Good morning.

REP. SMITH (108TH): I'm just trying to figure out how this works in practice. So, if you have somebody with a mental disability who is entering into an agreement with a supporter, I guess it is.

MR. EVARTS: Yes.

REP. SMITH (108TH): Who represents the person with the disability in entering into that agreement?

MR. EVARTS: They do themselves.

REP. SMITH (108TH): So, if they have a mental disability, are they not an unfair disadvantage?

MR. EVARTS: No. This is not really -- this may not be for everybody. There's -- I think that as these agreements get constructed, the individual receives a lot of input from various people around them. I don't think that this happens in a vacuum. And it's really -- it's for those people that want to have

this responsibility. I think it is a better process than having a guardian assigned to somebody, if somebody has the capacity to do this. But the mere fact that it's not a choice now in Connecticut means, you know, we don't know what exactly that looks like. In other states, it's been successful and there's a -- the legislation that's proposed is I think an initial step forward and there needs to be more meat put around it. But in my time testifying, I don't think it was appropriate to put all that in there.

REP. SMITH (108TH): So, when we have court situations involving children, the court often looks to the best interest of the child and, especially when you get to a child who may be 15, 16, 17 years old, they're certainly able to give input on where they may want to live and where they may want to go and so forth. My only concern with this legislation as proposed is I'm not sure that we have anybody overlooking the needs of the person with the disability and I'm concerned they may be taken advantage of, although that's certainly not the intent of the legislation. But I'm concerned there may be situations where they are taken advantage of by a supporter, just as people who are given power of attorneys have been taken advantage of by abuse of the power of attorney. So, how do we avoid that?

MR. EVARTS: Thank you. Now I'm more clear on where you're coming from. So, as it's been adopted in other states, there are various mechanisms that are used to help people either self-select into supported decision-making. In the legislation that's proposed now there is a requirement to demonstrate some competence on the part of the individual entering into the agreement. And in



other states there are various mechanisms that are used to warn the supporter about what the outcomes are for them if an abusive relationship occurs. I would particularly take a look at the legislation that was recently passed last week in Indiana for a good mechanism. There, they used, in terms of your -- in terms of your court documents, when you become majority age, they ask for a box to be checked as to whether less restrictive arrangements were sought prior to guardianship or conservatorship, so that people knew that there was something else out there and they could choose to do it or not. And then there's also a significant mention in detail of what the penalties are for being abusive as a supporter.

REP. SMITH (108TH): So the legislation in Indiana, how much are we in line with that with this proposed bill?

MR. EVARTS: Well, I can say that each state's legislation looks highly different from the next state. There's not really a template out there. But there's more to be added to this bill, and I'd be glad to help whoever wanted to work on that.

REP. SMITH (108TH): Well, thank you for that and thank you for testifying. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Others.  
Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, sir, well, it's close to afternoon. Anyway, you know, first of all I want to thank you. I didn't know a lot about Arc until a few years ago. I had a young woman come to have me represent her in a divorce and she was having a lot of -- in fact, she was working at Arc. A lot of services. The

father was also on significant services from Arc and, you know, they had a child and it was a very emotional proceeding. And I really respect how Arc was there at her, you know, her arm's length at all times, helping her through the process and explaining things. And that gives rise to, you know, questions. As you sit here today, I would expect that this is a -- that Arc itself would avail itself of something like this if it was to pass to have a greater level of, not empowerment, but perhaps control over what happens in somebody's life, to be part of that process?

MR. EVARTS: I don't envision that working that way.

REP. FISHBEIN (90TH): Okay.

MR. EVARTS: There are a number of conflicts that direct service providers have with people in terms of the roles that they play in their lives that could come up. This is -- this is -- this is a method of support that's designed to just provide support, rather than being a principal in the end decision being made. It's much more about providing the person a clear explanation of the positives, the negatives, and the possible unintended consequences, you know, what could go wrong and things like that, then it is saying I think you should do this.

REP. FISHBEIN (90TH): But certainly --

MR. EVARTS: And guardians tend to say I think you should do this.

REP. FISHBEIN (90TH): I didn't hear the end part.

MR. EVARTS: And guardians tend to say I think that this should be the outcome.

## PUBLIC HEARING

REP. FISHBEIN (90TH): Yes. And a guardian would've been vetted by a court as far as, you know, the appropriate person and that kind of stuff.

MR. EVARTS: Yeah.

REP. FISHBEIN (90TH): This would take that process away.

MR. EVARTS: It would allow somebody to elect to take the process away.

REP. FISHBEIN (90TH): Yes. And it wouldn't insulate the provider from the claims that there was some sort of coercion or that kind of stuff.

MR. EVARTS: No. Yeah. No, no.

REP. FISHBEIN (90TH): So, that's out there. Which, you know, I look at the end of the language, in section F, it says, *no agency or person shall be subject to criminal or civil liability, nor shall any person be considered to have engaged in a professional misconduct for an act or omission done in good faith in reasonable reliance upon a supported decision-making agreement.* So, that would insulate, you know, perhaps your agency or somebody in the similar situation from a level of liability. You know, with a court, with a guardian, we have, like -- you could bring an action against a guardian for breach of fiduciary duty, something like that. I would think that this would insulate, you know, -- see the good faith in there.

MR. EVARTS: As I said, I don't think that this is fully filled out and I think that it would behoove Connecticut to look at other statutes around to do that.

REP. FISHBEIN (90TH): And you specifically said that your time was limited and that you would be looking for more meat. Can you just give me an example? I know in your exchange with Representative Smith you were sort of going there. What large part of meat would you find to be necessary to be in here?

MR. EVARTS: I think the liability and repercussions that we've just been discussing is part of it. I also think that the structure of the agreement should be filled out a little bit more as it's explained in the current language a little bit more. And I also think that the -- having it inserted into the mechanism when you first approach majority would be a useful thing to happen. And then -- I think that that's a call off of my checklist.

REP. FISHBEIN (90TH): And in the liability issue, entering into this agreement, at least under this language, would not require oversight as to whether or not the person who is opting into the services was doing it of their own free will or something like that. There is no oversight, right?

MR. EVARTS: No. I think when you -- I think as it's implemented in other states, the person that is opting into the agreement, the person needing support, states that they're doing it of their own free will.

REP. FISHBEIN (90TH): Understood. But it's merely -- it's you and I sitting across from the table, signing a document, saying that. It's not a judge, you know, perhaps, taking the person in their chambers and saying, are you sure, do you understand what this means, and all that stuff. Two different kinds of processes.

## PUBLIC HEARING

MR. EVARTS: Yeah. I think that your knowledge of what goes on in probate court might be a lot more significant than mine, to be honest with you. But the goal is to develop a lesser-restrictive way of supporting an individual with a disability and getting out -- allowing people to move, with support, out of the silos of guardianship and conservatorship.

REP. FISHBEIN (90TH): So, I guess the final question. What is the problem with silos?

MR. EVARTS: Because the person doesn't own their decision-making authority.

REP. FISHBEIN (90TH): Oh, excuse -- this is the middle of the road and I think you said that before.

MR. EVARTS: Yeah, yes, yeah.

REP. FISHBEIN (90TH): Okay. Makes sense. Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from other members of the committee. If not, thank you very much for joining us.

MR. EVARTS: Thank you.

SENATOR WINFIELD (10TH): Next, we'll hear from Kaitlyn Labbie.

MS. LABBIE: Hello Chairs and member of the Judiciary Committee. My name is Kaitlyn Labbie and I'm here in support of S.B. 1113, a proposed language change of the Adopt and Safe Families Act - ASFA - of 1997.

I am currently a senior at Central Connecticut State University, graduating in May with my bachelors in sociology and a minor in political science. I'm

## PUBLIC HEARING

interning at Connecticut's Children with Incarcerated Parents Initiative through the Institute of Municipal and Regional Policy, and I'm a Guardian ad litem for children in placement. My younger brother was adopted and through his time of transition from foster care into adoption is where I developed a passion for advocating on behalf of foster children. My education and professional experience within this community has led me to understand the existing repercussions that ASFA has on children in our state as well as around the country.

ASFA is terminating parental rights of children who have been in foster care for 15 of the previous 22 months. This was passed as a way to promote stability for children in the foster care system; however, unfortunately children are losing their parents and families because of this act. There are parents who should get their rights taken away from them, and DCF does a good job of taking the child out of the home and providing them with what they need. But we also have parents whose rights get temporarily taken, and who aim to rehabilitate with state assistance. These parents are the ones this language change will affect, allowing them to continue to be a mother or father to their child. Parents, who take the time to maintain a meaningful role in their child's life, providing the language change to ASFA will allow parents who made a mistake, fix their situation and continue to live their lives with their children.

The average sentencing length in Connecticut is 34 months. If a parent has only 15 of the 22 to get their child back, how does an incarcerated parent maintain custody of their child? A parent who talks

## PUBLIC HEARING

to their child on the phone daily, or writes him or her letters; a parent who sees their child during visitation. ASFA is not improving the life of a child when an active parent gets their rights taken due to this circumstance. What we need to identify is a compelling reason as to why the parent is losing custody of their child, and at what measures are the parents trying to get their child back when talking about parental custody. If a parent is attempting and maintaining a meaningful role in a child's life, it's important to take that into consideration before terminating their rights.

It's important that the state does everything in their power to provide rehabilitative services to the parent. This includes that the assessment is in reasonable means. The parent's attorney, the child's attorney, DCF, and all other parties need to be on the same page and work for reunification. As an advocate, it is my responsibility to look out for the best interest of the child. There are times when a parent should not be a parent, and the state does take that right away. However, there are parents who should be a mother or father, and ASFA takes that privilege from the.

I'm advocating for them. That small group of parents whose child is what drives them to get their life together, whose child is the reason for their existence, this small population who needs a voice because they desperately need one. The parents who are in prison and make an effort to maintain a relationship with their child is the parents we need to stand up for. People make mistakes, and one parent who tries to rehabilitate should be able to do so without a clock. (Bell) If a parent makes a compelling interest then we should put a timeframe

## PUBLIC HEARING

of 15 to 22 months -- we shouldn't put a timeframe. It's unreasonable in their case.

I hope to bring a voice to those who don't have one. My heart is with the foster children and I only want what's best for them. By looking at these special circumstances, I believe will allow children and families to stay together. Thank you for your time.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Seeing none. Appreciate you being with us.

MS. LABBIE: Thank you.

REP. STAFSTROM (129TH): Kerry Visone.

MS. VISIONE: I'm really nervous. Good morning, Chairmen and members of the Judiciary Committee. My name is Kerry Visone, of Cromwell, Connecticut, and I agree with and support revisions to Senate Bill, No. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

(Tearful) For 22 years, I kept a secret. It was a painful secret, and I was so ashamed of what had happened to me that I did not tell those closest to me, including my husband. I did confide in my best friend the day after the event occurred, but I made her promise never to speak of it again, and she complied. That is, until October of 2017, when I became so anxiety-ridden by the online posts of women under the umbrella of the #MeToo Movement, that I finally shared my secret with my husband. This unburdening began a long and painful road of disclosure to family and friends, along with healing and rebuilding.



## PUBLIC HEARING

As difficult as it is to admit in a room full of strangers, in the summer of 1995, close to my 19th birthday, I was raped. For so many years, I could not process this trauma and so I pushed the memory as far back from the front of my mind as I could. I have come to learn through support of loved ones and therapy that this trauma manifested itself in many ways. For me, I have struggled with issues of extreme anxiety, panic attacks, depression, anger management issues, control issues, to name just a few. The trauma has fundamentally affected who I am as a person. It took a long time to get where I am now, able to speak about this damaging event publicly, and I now see the full effect of the trauma on me and on my family. For 23 years now, the individual who caused all of this pain has lived a life free of accountability. During my healing process, I wrote to the person who is responsible, and the email I received in reply indicated that this person would need to live with what he did for the rest of his life. Whereas there is some consolation in this response, legally, there is nothing I can do to hold this person accountable for causing so much pain. That is; unless you give me the opportunity.

You have the power to give me a chance. That is all I ask, for a chance to hold this person accountable, legally, in a court of law, for raping me and hurting me. In Senate Bill 3, there is a look-back provision that will allow past victims to pursue justice for sexual assault, even if the statute of limitations has expired. This is a welcome concept and will rightly help so many victims who have been silenced for so many years due to both the trauma and the inability of the legal system to intervene.

## PUBLIC HEARING

However, it will not help me as written since I was not a minor in the eyes of the law when I was raped in the summer of my 19th birthday. In spite of what the law says, I was a scared teenager, living at home with my parents, in between my freshman and sophomore years of college. I did not know what to do. I was petrified of what people, including the important adults in my life, would think of me.

So, I survived by repressing and ignoring my pain. In the five short years that followed, the statute of limitations expired on my situation and there was no long any legal recourse for me to pursue. (Bell) I am asking you to extend the age window the look-back period to include young women like I was. So many young women are raped during their college years. I ask that you include me and all of them in this important provision. Consider extending the age to 25 years old or perhaps it could be extended to 30 years old. Whatever the compromise, please give me a chance to hold the person who raped me accountable for all the pain that his selfish actions have caused. Thank you.

REP. STAFSTROM (129TH): Thank you and thank you for being with us and sharing your story today. It's certainly not easy and we appreciate you -- appreciate you coming here. Questions from the committee. Seeing none. Thanks so much.

MS. VISIONE: Thank you.

REP. STAFSTROM (129TH): Tina Courpas.

MS. COURPAS: Senators Winfield and Kissel, and Representative Stafstrom and Rebimbas, and distinguished members of the Judiciary Committee. My name is Tina Courpas and I am the executive

director of the Permanent Commission on the Status of Women in Connecticut. The PCSW is a nonprofit organization formed to carry on the work of the former state agency of the same name. We were formed in 1973 and for 46 years have developed landmark legislation and research to improve the lives of women and girls in Connecticut. We have always been and are a bipartisan organization.

Today, I will speak about the parts of S.B. 3 related to the statute of limitations on sexual assault. As you know, in the state of Connecticut, the crimes of sexual assault are organized into classes A-D felonies, and class A misdemeanors. The aim of S.B. 3 is essentially to address the offenses at the top of the scale. We believe that the current statutes of limitations are inappropriately set, and that S.B. 3 fixes this

I have no personal testimony to offer and our organization does not directly serve these victims, so I will defer to the powerful and compelling testimony of those who do. But we would like to offer three points to this debate. The first is context. The length of the statute of limitations reflects, in part, the seriousness which we ascribe as a state to a crime in question. So, what kinds of crimes fall into the classes B and C felonies that this bill is attempting to address? Here are a few examples. The rape of an adult when force or threat of force is used, class B. Compelling another person to sexual contact by the use of force, class B. Forced sexual intercourse with a person who is mentally impaired and unable to consent or physically helpless, classes B and C.

## PUBLIC HEARING

While it is not a direct comparison, because the punishments are different, here are some other crimes unrelated to sexual assault which in our state also have five-year statute of limitations. Theft of property worth more \$20 thousand dollars, forgery, and certain marijuana and controlled substance tax violations. When viewed in this context, we do not believe that the current five-year statute of limitations on felony-related sexual assault reflects the severity of those crimes on their victims and the time it takes to report.

The second consideration we'd like to offer is that the Connecticut statute of limitations lags well beyond the national norm. We are one of only five states for which the five-year statute of limitations applied to these felony-related crimes. It is true that just because other states have lengthened or eliminated their statute, it doesn't necessarily mean that Connecticut should too. If our state has specific characteristics which make a different solution applicable to us, then we should do that. But we do not see such considerations here.

The federal system allows states to incubate and innovate new ideas. In many cases, Connecticut has led and come up with ideas that others have followed. But in this case, we believe we are lagging behind.

Finally, the purpose of the statute of limitations is to prevent fraudulent or stale claims from being brought. (Bell) Opponents of this bill may say that the older cases brought may have fuzzy, stale or defective evidence. This may be true. The older cases may have less compelling evidence than the

## PUBLIC HEARING

more recent ones. However, each case brought under this bill will still have to be subject to the evidentiary rules of our justice system. Prosecutors still have to decide which cases merit prosecution. Judges and juries still have to decide whether evidence meets the beyond-a-reasonable-doubt standard. The bill does not guarantee that guilty verdicts are reached.

This bill provides the right to bring a case, not the right to win a case.

REP. STAFSTROM (129TH): Thank you.

MS. COURPAS: We recognize that we are a state in fiscal crisis. This bill does not call for a new and expensive program. It may increase the number of cases brought and it may require additional public defenders to try those cases. This cost must be quantified. But even though state resources are scarce --

REP. STAFSTROM (129TH): Ma'am --

MS. COURPAS: -- the ability --

REP. STAFSTROM (129TH): Ma'am, I need you to summarize.

MS. COURPAS: The ability of our citizens -- thank you. The ability of our citizens to have access to the judicial system for violent and violating crimes is, we believe, a fundamental societal value and legislative priority.

REP. STAFSTROM (129TH): Great. Thank you. Questions from the committee. Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. And thanks for your testifying in support of this bill.

You know, every person that's come up here today who has testified, I mean, their stories are just heart-wrenching for all of us here on the committee. I can't even imagine what they've suffered through in their lives having to deal with what they've dealt with. But some of us struggle with this concept of being able to bring a claim that's so far removed that it's also difficult, not only to prosecute, but difficult to defend in terms of evidence being either destroyed or not available, or witnesses no longer around.

So, I understand the desire to prosecute and certainly would hope that these individuals who have committed these acts would get the due justice they deserve and be punished as they should be punished in whatever way is possible. I'm also, though, concerned about claims that are brought, and perhaps wrongly brought, or brought for other reasons, and there's no way to defend that because the evidence is destroyed. How do you deal with that situation?

MS. COURPAS: It's true that as time goes on the memories deteriorate, witnesses die or disappear, evidence becomes fuzzy. That's why there's a distinction made with DNA evidence, which is airtight. What I would say to that, however, is that that situation is diminishing for both sides. And if there are evidentiary rules which should change or be applicable to these cases, that is something that perhaps can be handled in the court system with respect to what evidence is permissible, what evidence is deemed valid, and what evidence can be brought. To our organization, this is a bill about access, not a bill about outcomes. So, the access should be granted and the outcomes, to the extent that those issues are substantiated, which

they are, what you bring up should be dealt with through the court system and the evidentiary rules.

REP. SMITH (108TH): All right. Thank you. It's not an easy answer. It's not an easy situation. Because on the one hand, you hear these compelling stories and life-altering consequences. Listen, many of us -- most of us, I would say, have spouses, daughters, and we see some of the folks who came up here this morning, and could just envision my daughter testifying to something like that. And you can't even imagine it. I mean, seriously, just can't even imagine it.

But on the other hand, I tend to have concerns about fairness and I've always had a concern about fairness and due process. And I understand you're just saying give the folks a chance to bring their case in court. I just want to make sure that it's a fair process for both sides, really. So, thank you for testifying. I know this is not a -- this is a not an easy answer one way or the other and I'm sure the committee deal with that issue as it goes forward.

REP. STAFSTROM (129TH): Further questions.  
Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, good afternoon. Thank you for your testimony on S.B. 3. Do you have an -- obviously, on your -- based on your commission, I would imagine that you would've had an opinion on a variety of different proposals on our agenda today. Do you have an opinion regarding S.B. 1113?

MS. COURPAS: I'm not prepared to testify on that right now.

REP. REBIMBAS (70TH): Is there a reason why of all the times on our agenda that you've prepared only for one or is there somebody else from your commission that's going to be testifying on the other items?

MS. COURPAS: This was the part of the bill that our board has had on our agenda for many years and felt most strongly about.

REP. REBIMBAS (70TH): Did your board review all the other items on the agenda that directly impact women?

MS. COURPAS: I -- I'm sure they have, knowing our board, but we haven't raised them particularly in context of our organization. I don't know how they -- I don't know what -- our organization supports the issue of sexual assault and sexual harassment broadly, but I'm not prepared right now to offer testimony on those parts of the bill.

REP. REBIMBAS (70TH): Okay. If you wouldn't mind, then, just kind of reporting back in that regard. I'm just a little concerned that your commission, who's entrusted, obviously, with all issues regarding women -- our agenda here today has many issues, even directly related to sexual assault and issues regarding women. I'm just surprised that there is not any other testimony regarding that. So, if you wouldn't mind following up with your board and discussing that with them. Thank you.

MS. COURPAS: I'd be happy to.

REP. REBIMBAS (70TH): Thank you. Thank you, Mr. Chair.



REP. STAFSTROM (129TH): Can I ask? On that point, does your board support S.B. 913 that would double the statute of limitations?

MS. COURPAS: It is a step in the right direction. However, based on the research with respect to bringing forward claims and what we believe is the merits of and the level of the biolytic nature of these crimes, we -- there are very few crimes that have no statute of limitations, murder being one of them, and these crimes being another. So, while it is a step in the right direction, its' the removal of the statute that we support.

REP. STAFSTROM (129TH): Further questions, comments. Seeing none. Thank you. Lynn Laperle.

MS. LAPERLE: Good morning. My name is Lynn Laperle and I'm a resident of Brooklyn, Connecticut. I am here today in support of S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT, because I am a survivor of several sexual assaults.

I also have first-hand knowledge in regards to the devastating consequences that the statute of limitations can have on an individual when they are finally able to come forward and speak about the crimes committed against them. I was just a child the first time I was sexually assaulted. My fear of the unknown and what could potentially be done to me was more frightening than my abusers at that time. So I learned to live with the associated shame of what was happening to me and ended up being forced into years of silence.

I didn't come forward until I was 30 years old, when one of my abusers was arrested for molesting a little girl in 1994. It was only then that I

realized I was not the only one that had been sexually assaulted by this person and made the decision to put my fears aside and go to the police. It had taken a lot of courage for me to come forward to help this little girl. I had to tell complete strangers intimate and embarrassing details of what my abuser did to me and I was afraid my life once he found out that I had told on him. So, you can only imagine how disappointed I was and disgusted I was to hear that this abuser would get nothing but a slap on the wrist because of the statute of limitations and the fact that he didn't go far enough with that one little girl.

I had put my life on the line with an extremely violent person. My life would never be the same now that people knew my darkest secrets and he only got probation and mandatory counseling because of a technicality. In my eyes, he was being rewarded by our justice system for successfully intimidating all of his victims. Because we feared him, he was going to get away with it. I lost any faith I had in the justice system on that day, and that is why I am here today. I really wanted you to know what it feels like to be me. I never know what it is like to live without the long-term effects of the traumatic experiences caused by my abusers. The images that I have included in my speech were drawn for me and represent both my past and current daily struggles. Please take a look at them, because this is what I deal with while one of my abusers got let off on a technicality.

As you can see from them, I was given a life sentence, and this was not by my choice. Yet, an abuser can get to live their life without any consequences if enough time passes since the crime

was committed. When someone knowingly commits a crime, they knowingly accept the risks that go along with it, and time should never be used to diminish that crime or that risk. Instead, time should be used for survivors to process the traumatic events, reduce their fears and shame, build up self-esteem and empower themselves so they can come forward, knowing that their bravery will not be diminished due to a technicality of not healing in time.

Please give the victim times. Honestly, if that did not happen in 1994, I probably would not have come forward. So, for me, it was 30 years, but that was only because something happened. So, I please request that you give victims more time. Thank you.

REP. STAFSTROM (129TH): Thank you, ma'am. Thanks for coming forward and sharing your story with us. Questions from the committee. Seeing none. Thanks so much. Representative Linehan.

REP. LINEHAN (103RD): Chairman Stafstrom (audio cuts out)

REP. STAFSTROM (129TH): Sorry about that. I hit the wrong button. Hit -- try it again. There you go.

REP. LINEHAN (103RD): Maybe there's a clue here that they don't want me to speak. Representative Stafstrom, Senator Kissel, Ranking Member Rebimbas, thank you for having me here today. I appreciate that. Before we begin, I would like to say to every person in this room who is a survivor and who is brave enough to come forward, I hear you, I believe you, I care for you, and I will continue fighting for you.

I'm here to testify in strong support on Senate Bill 3, but I'd like to yield my time to Professor Hamilton from the University of Pennsylvania Law School. Please, go ahead.

PROFESSOR HAMILTON: Thanks to the committee for permitting me to testify today. I am a professor at the University of Pennsylvania, but more importantly, I am the CEO and founder of CHILD USA, which is a nonprofit think tank. It's the only think tank to track the statute of limitations reform movement for child sex abuse victims on a daily basis. We have a pandemic of child sex abuse around the world. As you know, it's every organization whether it's religious or not. It's of course most rampant in the family and we have unintentionally shut out the victims from being able to get justice.

And now that we understand that it takes on average, according to the best science, age 52 to come forward about child sex abuse. We know that most states are way behind and that includes Connecticut. Connecticut has not done anything meaningful in this arena for quite a long time. The last time was 1998 and -- for criminal, 2002 for civil. Right now, the state has an age 48 cap civil claims. It is a retroactive cap. So, in some ways, that's a step forward. It's still four years younger than the average for coming forward.

So, the bill that's before you is the model that was created by Delaware in 2007, which created a two-year window and elimination of criminal and civil statutes of limitations going forward. The reason Delaware is so important is because it's the first state we learned about the most prolific pedophile

pediatrician in the country. One-thousand victims came forward of Dr. Earl Bradley. He was very cunning and clever, as most child abusers are. He had a wonderful waiting room where the parents could work on computers, the kids could play games, the dads could do pinball. He would take the kids back by himself and sexually abuse every single one of them.

We now know that we have severe problems nationwide with medical doctors engaging in child sex abuse. Why don't we know about them? We don't know about them because the statute of limitations protects the predators. We've studied every state to do what you're considering right now, to revive the expired statutes of limitations, and there are three things that happened when you do what you're considering. You find out who the hidden predators are that you're hiding right now because of backwards statute of limitations. You shift the cost of the abuse from the victim to the ones who caused it, including the perpetrator and the institutions. You shift the cost away from the state, as many of the victims tend to be on state support. And finally, you educate the public about who predators are and what this state needs to do to protect its own children.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. And thanks for sharing your expertise with us this morning - I guess this afternoon. The Delaware statute that you referred to, how long has that been in place?

PROFESSOR HAMILTON: The window was open from 2007 to 2009.

REP. SMITH (108TH): So what does that mean? I --

PROFESSOR HAMILTON: It means -- you're considering a 27-month window and so -- which is the moment when the child sex abuse victim has no barrier from the statute of limitations. So, whenever the sex abuse occurred, that window opens the opportunity. The only thing it does is let you go to court. You still have to prove up your case. And so, we've tracked every state to do this. Delaware had about 1,175 victims come forward. As I said, 1,000 were for one pediatrician.

REP. SMITH (108TH): Okay. Which is astronomical, obviously, for one person. So, in terms of the other claims, were there any issues with the ability of somebody to raise a defense or to properly prepare for a defense?

PROFESSOR HAMILTON: No. There has not been a false claim in a case in which a window has been opened in the United States ever. No court has received a false claim.

REP. SMITH (108TH): Well --

PROFESSOR HAMILTON: And so, I'm talking about child sex abuse. I am talk -- not talking about adult assault. Those studies have not been done. On child sex abuse, the victims rarely make that up. That's just the science of child traumatology. A child is much more likely to recant than they are to make it up. Children don't make this up. But, additionally, adults cannot make it up. So, we just haven't a problem with false claims in the state -- the states that have done this. Instead, in California, we learned about 300 perpetrators that nobody had known about before. Parents learned

## PUBLIC HEARING

about teachers, priests, and family members and Explorer Scouts that were endangering their children. And it was only because the window opened that people learned about them.

REP. SMITH (108TH): I just want to make sure I understand your testimony. So, are you saying that out of all the claims that have been brought, there has been no exoneration of any individual for a child sexual assault claim?

PROFESSOR HAMILTON: In the -- under the window legislation, when a victim comes forward, under a limited period of time, to file a civil lawsuit of child sex abuse claims, there have been no cases in which the courts have found that the claim was false.

REP. SMITH (108TH): Is that nationwide?

PROFESSOR HAMILTON: That's nationwide.

REP. SMITH (108TH): Okay.

PROFESSOR HAMILTON: There are only -- we're talking ten states. This is a movement that is on the rise. Right now, 35 states are considering this.

REP. SMITH (108TH): In the bill that's before this committee, does it only apply to minors, sexual assault on minors?

PROFESSOR HAMILTON: As I understand it, it is just for minors. That's right.

REP. SMITH (108TH): So, the --

PROFESSOR HAMILTON: Which is what every other window's been about.

## PUBLIC HEARING

REP. SMITH (108TH): So, the sexual assault -- I think, some of the women have testified here this afternoon or today, the sexual assault had to have occurred while they were a minor.

PROFESSOR HAMILTON: That's right.

REP. SMITH (108TH): I see. Okay.

PROFESSOR HAMILTON: That's right.

REP. SMITH (108TH): All right. Thank you.

PROFESSOR HAMILTON: Yeah.

REP. SMITH (108TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions from the committee. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. And thank you for coming in. I just want to clarify some of the answers you gave to Representative Smith. So, in all of the -- so these -- the cases brought under this window that opened, the 27-month window, they were all civil cases?

PROFESSOR HAMILTON: Right. Because you cannot revive a criminal statute of limitations. California, in 2003, tried both, revival of criminal and civil. The United States Supreme Court said that it was unconstitutional to revive a criminal statute of limitations. The only thing that you can do for victims from the past, whose claims have expired, is a civil claim.

REP. DUBITSKY (47TH): Okay. And do you know how many civil claims were brought under that window?

PROFESSOR HAMILTON: In each state?

REP. DUBITSKY (47TH): Overall.



## PUBLIC HEARING

PROFESSOR HAMILTON: Yes. Well, in each state it's been on average about 1,000 to 1,200 total.

REP. DUBITSKY (47TH): And how many states are we talking?

PROFESSOR HAMILTON: We're talking about ten states.

REP. DUBITSKY (47TH): Okay. So, we're talking about 10,000 to 12,000 cases?

PROFESSOR HAMILTON: Right. Against family members, police officers, male delivery people, churches from a wide variety of backgrounds. It runs the gamut, public schools.

REP. DUBITSKY (47TH): Okay. So 12 -- approximately 12,000 civil cases were brought. Were they -- and they were all brought by people who attained majority after they were assaulted as a minor?

PROFESSOR HAMILTON: Right.

REP. DUBITSKY (47TH): Okay. And --

PROFESSOR HAMILTON: Well, it's really not as high as 12,000, because some of these states passed very ineffective windows. So, Michigan, last year, passed a window that was only applicable for Nassar victims. It was open for 90 days and you could only sue if you were sexually assaulted by a doctor who is currently incarcerated.

REP. DUBITSKY (47TH): Okay. So do you know how many cases approximately nationwide during a window of some sort?

PROFESSOR HAMILTON: Maybe close to 10,000. I mean, a good -- we have it broken down on our website, all states, all categories. But with respect to California, in 2003, the first window that was

## PUBLIC HEARING

opened for one year. And by the way, California is getting ready to pass a three-year window to follow up. But during the one-year window, 1,150 victims sued out of a state population of 39 million.

REP. DUBITSKY (47TH): Okay. So approximately 10,000 nationwide.

PROFESSOR HAMILTON: Approximately.

REP. DUBITSKY (47TH): Okay. And were these jury trials?

PROFESSOR HAMILTON: Never.

REP. DUBITSKY (47TH): So, a person was accused of sexual assault and was not -- were they not given a jury trial or were they not -- or did nobody choose to have one?

PROFESSOR HAMILTON: They didn't choose jury trials. They chose to settle at some point. But as someone who's been tracking this for 20 years, false claims don't come in on child sex assault. It just hasn't happened.

REP. DUBITSKY (47TH): Okay. So, out of approximately 10,000 civil cases that were brought, none of them went to trial?

PROFESSOR HAMILTON: In 16 years. There -- I think a couple of them went to trial because there were challenges to constitutionality. There was one case in Delaware. There was a case in Massachusetts. But they didn't go to trial on the actual sex assault. They basically went through all the discovery. So, the value of a window is that right now it's the institutions and the perpetrators that have all the information, as opposed to the victims. What a window does is it shifts the power dynamic so

## PUBLIC HEARING

that the victim now has the power to get the facts about the abuse and about the cover-up. Without the lawsuit, they can't get it. And so what we have had is massive public information about cover-ups and perpetrators. And the only way that has worked has been through these civil lawsuits. They're the only reason we know what we know now.

REP. DUBITSKY (47TH): And how many of those 10,000 involved some type of organization, like, a church or something like that?

PROFESSOR HAMILTON: Probably a large percentage, probably on the order of 80-90 percent. But increasingly -- the family victims are the last frontier for child sex abuse. Those victims tend to be the most quiet, the most under pressure never to say anything. With the rise of the MeToo Movement and the statute of limitations reform movement, we're hearing from more and more family victims. And so we do expect, under the New York window that was just signed into law in February, that there will be quite a few family victims who will then be in lawsuits, suing for what was done to them as children.

REP. DUBITSKY (47TH): Okay. Are you saying that all of these 10,000 are either organizational or family? We're not talking about strangers or the mailman or something like that?

PROFESSOR HAMILTON: Strangers constitute about seven percent of all child sex abuse. It's a tiny number. The vast majority of perpetrators are people the child knows.

REP. DUBITSKY (47TH): Okay. Well, let me talk to you a minute about these strangers. Seven percent

## PUBLIC HEARING

of 10,000 is a considerable number. So, you're saying that none of them went -- none of them went to trial. They all settled? All 700 of them?

PROFESSOR HAMILTON: The trails -- the vast majority, yes. The vast majority did not go to trial. And if they went to trial, they settled long before it got into it.

REP. DUBITSKY (47TH): If they went --

PROFESSOR HAMILTON: Because the facts were not good for the defendants.

REP. DUBITSKY (47TH): Okay. And approximately how long had there -- what time span had there been between the assault and the allegation?

PROFESSOR HAMILTON: It depends. Everywhere from -- in New York, the age had been capped at age 23, so there'll be 25 year olds that have already indicated their intention to sue. In some states you'll see 50s and 60 year olds. You rarely see anybody older than that.

REP. DUBITSKY (47TH): Okay. So, a 50-year-old who was abused when they were ten, we're talking 40 years.

PROFESSOR HAMILTON: Right, right.

REP. DUBITSKY (47TH): When -- if somebody sues 40 years later, what kind of evidence would there be? With the alleged perpetrator, what kind of evidence could they present that they did --

PROFESSOR HAMILTON: Well, perpetrators tend to have on average about 150 victims over the course of their lifetimes and the abuse into their elderly years. And so, once one victim comes forward, you

## PUBLIC HEARING

typically have a line form. So, you have corroborating evidence from other victims. You have the evidence that's in the files of the institution, whether it's the YMCA or it's the perversion files of the Boy Scouts of America, or the secret archives of the Catholic Church. They have the records. They are -- it's uncanny how much information they have that you can't get to because these victims don't have any legal process available to them.

REP. DUBITSKY (47TH): Okay, again, I was only talking about those people who are not the institutional ones. I was talking about the third parties, the non-family, that seven percent that you were talking about. What kind of evidence would they have maintained over 40 years?

PROFESSOR HAMILTON: The stranger-danger cases, which are so rare, have rarely been part of these civil lawsuits.

REP. DUBITSKY (47TH): You just said they were seven percent.

PROFESSOR HAMILTON: I didn't seven percent of the lawsuits. I said seven percent of perpetrators against children are strangers.

REP. DUBITSKY (47TH): Okay.

PROFESSOR HAMILTON: I don't know of a lawsuit that's been perpetrated against someone who was a stranger in the way you're talking about it, completely out of the blue abduction. That's an extremely, extremely rare event. It's much more common that it's the next-door neighbor, that it's Uncle Joe, that it is your priest, your rabbi. Those are the people with the access to the children that sexually abuse children.

REP. DUBITSKY (47TH): Okay. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions.  
Representative Rebinbas.

REP. REBINBAS (70TH): Thank you, Mr. Chairman, good afternoon. Just a quick question. I was intrigued during your testimony. You had indicated that you want to make people aware of these individuals and many of these cases people were unaware of that, and you had indicated the physician, etcetera. Do you have any thoughts and opinions regarding the Sex Offender Registries?

PROFESSOR HAMILTON: The Sex Offender Registries are an important step forward. I do think that the -- that enlightened states need to be careful about child sex offenders as opposed to adult sex offenders. We now know that there is reliable treatment that you can get for someone who is under 18, who is a child sex offender, who can be turned around. Once they get older than that, it's very, very difficult. And so Sex Offender Registries that record offense that happen during childhood, as a childhood perpetrator, are more troubling.

REP. REBINBAS (70TH): Thank you for your testimony. And thank you, Representative, for being here.

REP. STAFSTROM (129TH): Further questions.  
Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Thank you for being here. Given the overwhelming proof that so few victims of sexual violence make up the story and given the difficulty of coming forward, is there anything, in your professional opinion, that explains the widespread skepticism still about this,

## PUBLIC HEARING

that recovered memory is, you know, is a made-up trope and that both young and adult victims lie? Is there anything to explain that, in your opinion?

PROFESSOR HAMILTON: So, we instinctively prefer and protect adults and we also prefer and protect powerful men. And our society is slowly learning to listen to the victims and to the voices of the vulnerable. One of our projects at CHILD USA is to educate the public. If the public learns and understands one in four girls and one in six boys are sexually abused, if they learn that only 30 percent ever come forward during childhood, and that most children, if you question them, will take it back rather than tell you, I think we can go a very long way toward being more protective of children. The false narrative about children and victims making it up is part of a history in the United States of not understanding these issues.

But we now have a highly-developed child traumatology science with the top scientists and the top psychiatrist for children in the country. They have put together the statistics. It just doesn't happen. False claims are extremely rare. It is much more likely that a child is being sexually abused if you suspect it, and they're just not going to tell you. They don't understand it. They can't process it and they really -- it takes being an adult to know that you didn't have a childhood.

REP. PALM (36TH): Do you believe in cases of sexual assault and sexual harassment that people in the chain of command who are complicit, who know about -- for example, famously, the Matt Lauer case, where so many people actually knew from the get go. Do you believe -- how widespread do you believe the

## PUBLIC HEARING

punishment or the repercussions should be for people in that chain of command who do nothing?

PROFESSOR HAMILTON: I think for the people who do nothing, for the survivors, they're the ones who betrayed them the most. The scientific studies show that most survivors are angrier at their parent who didn't protect them than the one who sexually abused them. And there's justifiable anger at the standby, right, the one who just watches it. Where was the priest in the rectory that knew that his neighbor was bringing up a boy every night into his room? So, we have a lot of accountability in our culture. I think we need to hold people responsible. I also think we need to educate people. But the highest priority has to be giving the victims a voice. And unless you revive their expired civil statutes of limitations, they're silenced, because they will be sued for defamation by the perpetrators and the institutions.

REP. PALM (36TH): That's all. Thank you very much, both for your coaching and well-informed testimony. Appreciate it.

REP. STAFSTROM (129TH): Further questions.  
Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. You know, part of the problem, from my perspective, in people sometimes being apprehensive to believe the stories is that people do make it up sometimes. And the problem is is that there's very little penalty for that. And children sometimes do make it up. Because I'll tell you, that I represented a police officer, major crime squad, state police, who had a three-year-old. And the mother convinced the child to tell everyone that Dad was not only orally



## PUBLIC HEARING

gratifying the child, but other parts of his body. And it was totally made up. And through therapy, it finally came out, and it was many years after that it finally came out. And that gentleman was -- lost his job. And unfortunately, our system really doesn't penalize those people. You know, we run into that sometimes with restraining orders also, where people make up claims because they know where they're gonna end up.

And it's unfortunate because it harms actual victims. So, you know, I notice in this legislation, this proposed legislation, that it would, you know, broaden the period of time where, you know, an actual event happened. But there is no repercussion for the individual who, for whatever reason, you know, makes up a claim. Would you be supportive, you know, as -- you know, you're at a law school. I expect you're a lawyer, you know, truth, justice, American way. That's Superman, right? You know, would you be supportive of something that this committee - you know, perhaps if we took this down the road, you know, if it was found that claims were just made up, that there's some sort of heightened penalty for that?

PROFESSOR HAMILTON: Well, there have been states that have considered such legislation. But what I would really ask this committee to do is to consider the facts. And the facts are that for the legislation you're considering, which is this window legislation, false claims have not featured. And I think one of the main reasons is that it cost a lawyer a lot to take one of these contingent cases, \$250 thousand dollars or more on average per victim. They just won't take these cases if they are false. So, are there people out there who are psychotic,

## PUBLIC HEARING

who are mentally disturbed, who simply were not abused and don't know the difference? Yes. Have they filed lawsuits under windows in any state where the state has created this moment for the victims from the past? And the answer is no. So, I think that is a problem that's over here, something to look at in the future, in the event that Connecticut's the first state with a series of false claims. But I hazard a guess that it won't be.

REP. FISHBEIN (90TH): Well, I thank you for that. And I would hope that we didn't go down the road that Connecticut was a state with a bunch of false claims, because it takes a lot to defend these cases. You know, in that particular case with the police officer I was telling you about, it was the mother coerced the child to say it, because she knew that she'd get other benefits, you know, from Dad being perceived as a sexual molester. And that's unfortunate.

PROFESSOR HAMILTON: No, that is unfortunate and unfair. But what I would weigh out here is the extremely rare false claim as you're talking about, that you've had experience with, and the 20-25 percent of the state population in Connecticut right now who are sexual assault victims when they were children. There is tremendous silence in the State of Connecticut because claims have been shut down at age 48. And so, while at one point Connecticut was ahead of the curve, it's now falling farther and farther behind the rest of the country and the result is that you have perpetrators you don't know about because you haven't empowered the victims with a legal claim.

## PUBLIC HEARING

REP. FISHBEIN (90TH): No. And I recognize that. I'm very sympathetic. You know, I did have a gentleman come to me who had been sexually molested and, you know, I analyzed the case and, you know, his credibility and we looked at certain things, and I was able to ascertain that I thought that he had a liability claim. You know, that he -- there was some series of events, you know, it happened to be a family member. And we ran up against the statute.

PROFESSOR HAMILTON: Right.

REP. FISHBEIN (90TH): So, I got it, you know?

PROFESSOR HAMILTON: Yeah.

REP. FISHBEIN (90TH): But the rub is, you know, the evidence thing, you know. We have to have some sort of level of statute and, you know, why is the -- there really isn't a metric as to why that line should be here as opposed to here, you know, tighter, as far as longer or perhaps even longer than what's being proposed, as some would have. So, but I thank you for your testimony.

PROFESSOR HAMILTON: Thank you.

REP. LINEHAN (103RD): And may I, just for a moment, Representative Fishbein. In understand that you got into the legalities of things, but as I sit here, I'm also an advocate for those children who have been sexually assaulted. And I just want to point something out so that in the future we can all use words that may not trigger someone, especially if there are people in the audience. But you had said that a child was orally gratified. A child cannot be gratified in that sense. The term you're looking for is oral copulation, and we need to be very careful that we don't use words and terms that

## PUBLIC HEARING

somehow make someone believe that a child will consent or enjoy any sexual abuse. And I thank you for listening to that and I'm sure you'll take that to heart. So, thank you.

REP. FISHBEIN (90TH): I take what you have said to heart. I am quoting what was actually said in the lawsuit. So, that's where the language comes from and I know it was not technically correct. But I'm trying to be as accurate, because I am in the field dealing with these things, as possible. So, thank you.

REP. LINEHAN (103RD): Sensitivity with victims are important. So, thank you for hearing me out. I appreciate that.

REP. STAFSTROM (129TH): Further questions. Seeing none. Thank you both very much.

PROFESSOR HAMILTON: Thank you.

REP. LINEHAN (103RD): Thank you.

PROFESSOR HAMILTON: To track the statute of limitations movement, [childusa.org](http://childusa.org).

REP. STAFSTROM (129TH): Thank you.

PROFESSOR HAMILTON: Thanks.

REP. STAFSTROM (129TH): Inez Pegas. Inez Pegas. Liza Andrews.

MS. ANDREWS: Good afternoon Representative Stafstrom, Senator Kissel, Representative Rebimbas. My name is Liza Andrews. I'm the director of public policy for the Connecticut Coalition against Domestic Violence. We represent that state's 18 domestic violence organizations that serve nearly 40,000 survivors of domestic violence a year. I

## PUBLIC HEARING

have submitted written testimony on several bills. I will just quickly mention two.

Senate Bill 693 was developed in partnership with the Connecticut Alliance to End Sexual Violence and Connecticut Legal Services. It will require landlords to change the locks of individual dwelling units when victims of domestic or sexual violence have valid court orders of protection. Landlords will have two business days to change the locks and be allowed to charge the actual reasonable cost of the lock change back to the tenant. Several states and Washington, D.C. have laws similar to what we have proposed. We believe it gives victims a meaningful measure of safety and peace of mind, while not making the process overly burdensome on landlords. So we urge your support.

House Bill 7396 was developed in partnership with the Connecticut Alliance to End Sexual Violence. It will repeal Connecticut's separate spousal rape statute which was established in the early 80s and likely necessary at the time. However, in creating the separate statute, married individuals were carved out of the state's legal definitions of sexual intercourse and sexual contact. That has resulted in victims who are married to their abuser not being protected under some of the state sexual violence laws such as sexual assault in the third degree.

We have submitted suggested substitute language to ensure that the definitions' section of the sexual violence laws is amended to include married individuals. We urge the committee to support this measure and ensure that all victims of sexual violence are protected under the state -- under

## PUBLIC HEARING

state law regardless of their relationship to their abuser. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions on either of these bills. Sir, anything else? Thanks for being with us.

MS. ANDREWS: Thank you.

REP. STAFSTROM (129TH): I appreciate you bringing these proposals to us. Kathleen Callahan.

MS. CALLAHAN: Good afternoon, Chair, Ranking Members and committees of the Judiciary -- member of the Judiciary Committee. My name is Kathleen Callahan and I live in Stratford, Connecticut. I am here to voice my strong support for S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

I am grateful to be employed by Connecticut Women's Consortium, an organization that is known and respected for expertise in workplace culture change and the promotion of and a commitment to creating environments that are trauma-informed. That is, they are safe, trustworthy, collaborative, empowering, and gender-responsive. A culture of diversity and inclusion is fostered in such environments that by their nature discourage sexual harassment. As we intensify our efforts, it is essential that appropriate policies, workplace training, and support for those who experience sexual harassment are firmly established. This bill will provide that and more.

Allegations of sexual harassment and misconduct by powerful figures were publicly revealed over recent years and initiated a national dialog that continues as employers reevaluate their anti-harassment policies and their training compliance. We are amid

a national reckoning, a collective awareness of systemic abuse of powers as allegations are bolstered by corroboration from multiple sources.

In June 2016, EEOC released findings from their Select Task Force on the study of harassment in the workplace, calling for a reboot of traditional workplace prevention efforts. The report is grounded in key findings that workplace harassment is persistent and often unreported; that businesses also suffer due to decreased productivity, increased turnover, and reputational harm; that leadership endorsement is crucial for accountability and commitment, and that training must change by exploring new and different approaches.

CHRO has reported the number of complaints alleging sexual harassment in the 2018 fiscal year rose by nearly 62 percent over 2017, and there are reasons to believe cases will continue to rise. This is not unexpected and mirrors national trends, where people are empowered to report incidents previously overlooked, as long as the employee feels safe from retribution. Yet, results from an October 2018 report from the National Society for Human Resource Management is disheartening. Over 66 percent of executive respondents have made no or little change to their behavior and of the 33 percent that did report changes; their comments illuminated the need to enhance our prevention and employee support efforts.

Comments include the perception that employees use claims of sexual harassment as an excuse for poor performance and a reason to blame others. That there is no need for prevention training because it doesn't happen within their workplace, and that men

## PUBLIC HEARING

have changed behavior by not talking to women and being scared to have casual conversations.

In closing, there is much work to be done and S.B 3 is necessary for Connecticut's workforce and all of our employers and I urge you to vote in favor of this bill, with respect and gratitude for your service and consideration.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Representative Palm.

REP. PALM (36TH): Hi, Kathleen. Good to see you.

MS. CALLAHAN: Good to see you, Christine.

REP. PALM (36TH): One of the really, truly, deeply unfortunate backlashes to the MeToo Movement and to the prevalence and the greater understanding is that some businesses are now lowering their hiring thresholds of women. In other words, the way to combat sexual harassment in the workplace is simply to get rid of the women and then there's no problem anymore. This is a sort of a wide open question, but is there any -- how would you address that? How would you help those of us who care about this problem prevent the unintended consequence of the -- affecting women's professional advancement. Do you think there's anything we can do to prevent that as well?

MS. CALLAHAN: I hope. I surely hope. I think that as we talk about this and talk about the way we socialize our children, our gender roles in society, and have a safe and trusting environment. You know, as we've heard today, it's not just women who are victims of sexual assault or sexual harassment. But definitely the backlash from this has been keeping women out, because people are afraid to even speak



## PUBLIC HEARING

to them. I think the best thing is -- leadership buy-in is crucial. And to hear that many leaders are not even -- one of the stats was they're not within three feet of a woman and don't have private conversations with them at all, is very disheartening. So, I'm not quite sure, but I think the first thing is, obviously, upping the type of training that we do and then looking at conversations and our own vices and the way we normalize. I mean, I think training needs to be about our expectations in the workforce. Because it really hurts the employers as much as it does the chance for women advancing in jobs.

REP. PALM (36TH): I agree. Thank you for that. And my second question is, in your professional experience, is it harder for men who have experienced work place sexual harassment to come forward?

MS. CALLAHAN: I cannot answer that question because I don't have experience with that. But I can tell you personally that I know that to be true. I'm not saying more numbers, but I know that it's harder for men to come forward that I know personally.

REP. PALM (36TH): Thank you, Mr. Chair. That's it.

REP. STAFSTROM (129TH): Thank you. Further questions. Seeing none. Thanks very much. Is Amy Eppler-Epstein here?

MS. EPPLER-EPSTEIN: Yes, I am. Thank you so much for the opportunity to address. My name is Amy Eppler-Stein. I'm an attorney at New Haven Legal Assistance and I'm here to testify in support of S.B. 1113, and particularly the part -- THE ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT

## PUBLIC HEARING

SENTENCING COMMISSION WITH RESPECT TO SEXUAL  
OFFENDERS.

I have submitted written testimony as well, but I wanted to tell you that the Connecticut Sex Offender Registry, as it currently operates, is very much broken. There are currently over 6000 people on the Sex Offender Registry in Connecticut. And while some of those people are considered to be dangerous, the vast majority of them have been professionally evaluated and found to have a low risk of recidivism for a sex-related crime. Such people are stigmatized and punished for life by their placement on the registry and often that punishment includes homelessness, because federally subsidized housing programs, along with many state programs, categorically prohibit occupancy to people on the life-time Sex Offender Registry.

And so, the registry doesn't just harm the individuals who are on it and their families, it's actually counter-productive to any notion of public safety, because it makes it that much harder for people who have been convicted of sexual offenses and who have completed their sentences to successfully return and reintegrate to civil society.

I'm here today to urge you to adopt S.B. 1113 because the Sentencing Commission spent two years reviewing our current registry system, with input from a broad range of constituents. This included prosecutors, public defenders, people on the registry and their advocates, victims and their advocates, and more. And what -- the proposal that they came up, which is a compromise, it doesn't satisfy everybody. It doesn't -- you know,

## PUBLIC HEARING

everybody's not happy with every aspect of it, but I think on the whole, the proposal really balances the perspectives and needs of victims, people on the registry, and the interest of the public. And what this proposal succeeds in doing is making two enormously significant improvements over Connecticut's current registry system. The first is it creates tiers, registry tiers based on individualized risk assessment so that only persons to be found to be high risk or in some cases moderate risk would be placed on the publicly accessible registry and other people would be placed on the law enforcement registry only.

And the second thing it does that our current system does not do is it actually creates a system to enable people on the registry to petition for their removal altogether or for removal from the public to the law-enforcement only registry, based on demonstrated behavior. And I think that's really important, because if you want people to have incentives and systems to get better, to seek changes in their life and change where they are and be able to do something about it and get off the registry, that's really important. And as it exists right now, that's not a possibility under our current registry system.

In the written testimony I submitted to you I gave three stories of clients who I have worked with in the last few years. (Bell) And you have that in my written testimony. I'd be happy to tell you more about it, but I've run out of time, so I don't need to do that now unless you have questions.

But I do have one final comment. I don't know how many of you knew or worked with Tom Ullmann, who was

the chief public defender in New Haven, Connecticut, who died tragically about a year ago now. Tom was a tireless fighter for low-income people caught up in our criminal justice system and a champion of the underdog. And he was one of the main architects of this compromise that you see before you that was developed by the Sentencing Commission with all his input. He and I had been working on this together for years, as I'm a legal aid housing lawyer, who really came at this because I have a lot of clients who are homeless because they can't find housing because they're on the registry, even though everyone would agree their crimes were committed decades and decades ago. They are not a safety risk to anybody. Sometimes they were retroactively put on the registry because at the time they were convicted the registry didn't even exist. But yet, they are homeless that create problems for their family.

And Tom said to me this is a hard issue to take on. No one wants to talk about this. Reforming the registry is not a popular subject, so it's not gonna happen our first time, our first go around, but we have to keep at it because our current system is so unfair and this is so important. So I urge you, let's make this the year that Connecticut finally reforms its Sex Offender Registry. Thank you so much.

REP. STAFSTROM (129TH): Thank you. And thanks to you and certainly our thanks to all the members of the Sentencing Commission for the work they do on so many issues for us in trying to achieve a level of compromise among some 20 issues. As we often say around this building, sometimes when everybody walks away, mildly unhappy with a legislative proposal,

it's usually the right one as long as all the ranks stay closed in the room, so. Questions or comments. Representative Rebinbas.

REP. REBINBAS (70TH): Thank you, Mr. Chairman, good afternoon. And thank you again for obviously serving on the committee as well as the hard work that you guys have all done. My question is. Is there a requirement for victim notification for anyone who would be petitioning?

MS. EPPLER-EPSTEIN: Yes.

REP. REBINBAS (70TH): And what kind of factors - or I shouldn't say factors. Maybe, weight is provided to a victim's testimony? Did you guys have those discussions?

MS. EPPLER-EPSTEIN: Just so you know, I was not an official member of the commission. I was one - I think there were four subcommittees, and I was one of the volunteers who came to one of the subcommittees, but I wasn't -- I'm not on the Sentencing Commission. I wasn't officially reported. I think there's a list of factors in the bill. I could look for it and try to list it to you. But that's one of a number of factors that's considered. So, I don't think there's -- as my recollection from -- as extracted, there's not some number or weight that's given to that over something else. But there's a list of factors and that is one of them.

REP. REBINBAS (70TH): And I'm familiar with the list of factors. Just curious if you guys had any discussions, and maybe if it's not part of your subcommittee, I'd understand. But as to the weight that would be provided to the victim.

MS. EPPLER-EPSTEIN: I don't -- I was not privy to all of the discussions, so I don't -- I can't really speak for others. At least in the subcommittee I was in, that wasn't -- there was no discussion of weighting, but just that the important -- there were victim advocates present and my understanding is that the victim advocacy community does support this compromise, this reform. And I think really sees it as an important positive step. Because we're not helping victims when people who are on the registry are homeless and can't reintegrate into society and live successful lives. That doesn't -- that doesn't move their agenda either. I think it's in the victims' interest to have people get therapy. It's in victims' interest to have people improve their lives and not reoffend. I think that's what everybody wants. And we're not working -- we're not doing that by making people be homeless, by giving them no incentive and no ability to get off the registry when they've really changed their lives and moved their lives around and improved their lives.

REP. REBIMBAS (70TH): So, I don't think it's anyone agenda to make someone homeless and I believe that it's the survivors' agenda to make sure that themselves and others are protected from, obviously, the experiences that they had to endure.

MS. EPPLER-EPSTEIN: Absolutely.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

MS. EPPLER-EPSTEIN: Thank you.

REP. STAFSTROM (129TH): Further questions. Seeing none. Thanks for being with us.

MS. EPPLER-EPSTEIN: Thank you.

REP. STAFSTROM (129TH): Shelagh McClure.

MS. MCCLURE: Good afternoon. My name is Shelagh McClure and I'm the vice chair of the Connecticut Council on Developmental Disabilities. And I want to thank you for the opportunity to present evidence -- present testimony in support of Senate Bill 63, AN ACT CONCERNING THE USE OF SUPPORTED DECISION-MAKING BY -- A SUPPORTED DECISION-MAKING AGREEMENT BY A PERSON WITH A DISABILITY.

I'm the vice chair of the Council on Developmental Disabilities, which is a public agency whose mission is to promote independence and full inclusion of individuals with developmental disabilities in their community, and to foster capacity building and system change. I'm also the parent of a 28-year-old son with a developmental disability.

Our council supports this bill because we believe supported decision-making is really a little-known option among individuals with disabilities and too often we think consideration is given to the ability of individuals with disabilities to be active participants in decisions that affect every aspect of their life. Instead, guardianship seems to be the default decision that's made. And we believe that self-determination and maximum control over decisions that affect their lives is a better option to take. And I'm not sure if the committee realizes this, but the American Bar Association, in 2017, adopted a resolution urging state legislatures to amend their guardianship statutes, to require that supported decision-making be identified and fully considered as a less restrictive option to guardianship. In doing so, the ABA stated that an

individual's right to make decisions about his or her life is a fundamental value in American law.

The resolution further states that the -- I'm sorry. The resolution furthers the ABA's longstanding interest and commitment to ensuring that guardianship is a last resort after other less restrictive options have been considered. And there is actually a uniform law now on guardianship that includes supported decision-making as the least restrictive option. Now, we support this law, although it is not styled in the manner of that uniform law that has been adopted. But we believe this law is a good first step. The one thing we do want to recommend in terms of a change is that it defines adults with a disability as a person who is 21 years of age or older. The issue of guardianship typically comes up when a person is 18 years old. And as a result, we believe that it has the potential to create either a gap or the possibility that a guardianship might be imposed and put individuals in a position where they might have to be in a position of trying to undo that if, they fact, are individuals who might want a supported decision-making situation because that's really an option that they would prefer as a young person who is able, in fact, to be in a situation of participating in decisions for themselves. (Bell)

We look at it as a continuum, if you will. Some folks are able to be participatory and have supported decision-making. Others might -- guardianship might be appropriate. But we believe it should be something that's considered for folks.

REP. STAFSTROM (129TH): Okay. Thanks. I think you started to address my question, which was sort of --



I know we've received quite a bit of testimony on this and the Bar Association, I think, pointed to the uniform law and, although, they're in support of the concept, they were a little concerned about the language of this bill and, you know.

MS. MCCLURE: Mm-hmm, right.

REP. STAFSTROM (129TH): So, in your opinion, should we be adopting the current language before us or should we be looking to the uniform law?

MS. MCCLURE: Well, our view is we would like this law to pass because we think -- for one thing, having supported decision-making on the books, we think is a great first step. It serves a number of purposes. It's very -- although we believe people can enter into these kinds of agreements right now, there's the lack of education on the issue in the state. We actually have been part of sort of an ad hoc -- our council has been part of kind of an ad hoc group, trying to educate folks about this process. But there's really not a lot of knowledge about it and we had sort of hoped within the next 18 months, maybe we'd come forward to the legislature and talk to you about presenting legislation on this. So, we were kind of happy that the idea was out here actually sooner than we thought. But by having something on the books about it, we feel like that's gonna speed up the education process.

But we would acknowledge there does -- there needs to be more meat on the bones and we think that there are issues that need to be addressed in addition. But I don't -- I guess I feel, in a way, this doesn't do any harm by having this statute on the books. I think it does -- it could stand to have additional language. But I guess our feeling is

that can be done in later years. But having the concept out there, I think is the right move and I think it lets people -- it lets people know we agree that people with disabilities have this -- should have this process available to them.

REP. STAFSTROM (129TH): Thank you. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. So, I would be reticent to pass something with knowledge that, you know, we're gonna pass it. It's gonna be in the books and then we're gonna figure it out afterwards. I just don't think that's the way we should be going about this. And, you know, if we were to perhaps convert this into some sort of a study. Is that something that you find would flesh out that meat that we're looking for, be in that 18th month calendar that you were originally anticipating? Do you think that may be the right way to go with this?

MS. MCCLURE: Well, my only concern about the -- about doing a study is - I mean, my feeling is there's a uniform law that's out there already. I guess I'm -- I'd want to see what was being proposed with respect to the study. There are a number of states that have laws. They all do kind of look different now, different from what's on our books for sure. But my -- as I say, my feeling on this is this is not a law that does harm. So, I'm not -- I don't share your reticence, but on the other hand, I'm not a legislator, so. You know, I believe this law provides a process that individuals can use at this point and if there are additional aspects that could be added to it, that everybody agrees on, then I'm -- I think that's okay.

REP. FISHBEIN (90TH): Well, and that would be the intent of a study, is to do an intake, you know, what are other states doing, you know, how is it being affected, what changes did they make, before we jump into this. Because one of my concerns, quite frankly, is the person with the developmental disability entering into this contract to begin with, when there appears to be under this language, at least, no oversight. You know, perhaps if we put into place that, you know, that the probate court -- a judge reviews it and says, yes, you know, and then the gates open to the utilization of the supporter. You know, that's something that could be done here.

MS. MCCLURE: Well, I mean, again, I'm not familiar with the details of every other state. But I don't believe it is contemplated that a supported decision-making arrangement would be subject to the oversight of the probate court. I think that's the whole point, is that it's not that sort of a supervised arrangement like that.

REP. FISHBEIN (90TH): And that's one of the concerns. Because you know, myself, sitting here, you know, one of the fundamental benefits and jobs of government is to provide for those that are underprivileged. And if I'm taking somebody who is developmentally disabled and, you know, at a coffee table, just signing a document saying now this other individual is to be part of that decision-making process. You know, when you go into the doctor, normally that's a private thing, when you meet with a lawyer, that's a private thing. But now I'm agreeing to have this supporter to be part of all those processes. You know, I just -- I have a level of concern. And also, looking at that provision at the end, you know, that -- having to do with civil

or criminal liability. You know, that's part of the statute. And given -- you were given a choice by the Chair, you know, this language or that model language, and you said this language. And I gotta tell you, I have some fundamental problems with this language, passing it this time, so.

MS. MCCLURE: No, and I understand your reluctance. I guess what I would say to you too. You have to understand that as an advocate for people with developmental disabilities, we would say to you we don't believe every relationship and every decision should be supervised by the probate court or, you know, you named the -- you named the authority. So, I understand where you're coming from maybe, but the pushback from our side will be -- we're saying we believe that when you talk about self-determination and people making decisions for themselves, that this is representing a point of view, that maximum ability to make decisions for themselves. And if you look at it as a continuum, there are gonna be folks who say I don't believe I deserve to be under the supervision of the probate court and, you know. So, that's what we're talking about here. Is there -- there is a continuum and that the pushback I think from our -- from the advocacy community on our side is gonna be that that's -- that isn't really sort of our starting point for supported decision-making.

REP. FISHBEIN (90TH): And I'm not saying because you have the choice of the conservator/guardianship sort of situation or you have this other thing. And I understand. This is that other thing to try and get out of that probate court oversight of a conservatorship and a guardianship. I totally understand that. And, you know, and I - I have a

client right now who has a 32-year-old child who is severely developmentally disabled and, you know, so I'm trying to fit what's going on in that family to what's going on here. I just -- what I was sort of suggesting is the initial gatekeeper, you know, before you enter into this supporting contract, is the probate court. And then after that, all decisions are in the hands of that individual. It's not that you have to keep on reporting back.

MS. MCCLURE: Well, and I -- just to be clear. We are very interested in having supported decision-making be a concept that gets considered by the legislature and moved forward. So, I don't want to -- if this bill doesn't pass muster as far as this committee is concerned and a study is what you think is the better course, we, obviously, are not gonna say, you know, by all means don't do a study. I think our feeling was we like the idea that there is something on the books that reflects that this is an appropriate procedure and move forward next time. If this is not baked enough for everyone's comfort, and a study makes more sense, then we're not gonna say, you know, don't do a study. Because we think this is an important enough concept that it needs to be somehow reflected in moving forward.

REP. FISHBEIN (90TH): And I'm just speaking for myself.

MS. MCCLURE: I understand. I understand.

REP. FISHBEIN (90TH): It's a public hearing and I'm a small fish in a big pond.

MS. MCCLURE: No, no. I totally understand. But I'm just -- and I will say to you. This is just an idea that we think needs to start being reflected in

our, you know, in our statutes. It's an important concept for decision-making. You know, we -- it -- we have all of our young people now going through school being told that they're looking for a life of independence as much as possible and, you know, you can make decisions for yourself as much as possible or whatever. We -- I just feel like we need to get some recognition of that in our laws too.

REP. FISHBEIN (90TH): Okay. Thank you. And I am supportive, so. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Just on that point real quick. Do you know how many other states have adopted the uniform law and how many others have some sort of other supported decision-making statute?

MS. MCCLURE: You know, I don't, but we could find -- we could definitely find that out for you and let you know. I mean, Indiana just adopted some version of something this past week.

REP. STAFSTROM (129TH): Okay.

MS. MCCLURE: And as is often the case, even though there's a uniform law, a lot of times people don't -- that's not what people adopt. You know, they have some version.

REP. STAFSTROM (129TH): Yeah. We're fortunate in this state, in this committee that we've benefitted immensely from, you know, from the Law Commission and certainly the commissioners here in Connecticut work very hard and bring several proposals a year to our attention, you know, often with a Connecticut spin to whatever the uniform law was.

MS. MCCLURE: Right, right, right.

REP. STAFSTROM (129TH): So, that's just why I asked.

MS. MCCLURE: And there's many -- the group that we were working with, there's many, you know, disability rights, Connecticut the Arc Connecticut, Legal -- Connecticut Legal Services, you know, there were a lot of people who were working together. So, I mean, this is -- this is a concept that has a lot of support in the disability rights area. I mean, there's a lot of interest in getting supported decision-making in our laws, so.

REP. STAFSTROM (129TH): Right, yeah. No, I'm not hearing -- I mean, it's very early, but I'm not hearing opposition necessarily to the concept.

MS. MCCLURE: Right.

REP. STAFSTROM (129TH): I think it's -- as usually is the case in this committee, it comes down to the details of what can be very thick proposals.

MS. MCCLURE: Right, sure. No, I understand that.

REP. STAFSTROM (129TH): Okay. Further questions. Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chairman. Hi, Shelagh. It's good to see you.

MS. MCCLURE: How are you? You too.

REP. PALM (36TH): I'm interested in the aspects of this that would affect adults with disabilities after their parents are no longer here. So, I know you and your husband are very involved, obviously, in your son's care. But is part of your desire to see this enacted a concern for the future for people

once their legal guardians or conservators are no longer around?

MS. MCCLURE: Yeah. So, it's funny. There's -- I mean, it's such -- it truly is multidimensional, if you will. I mean, the first time the issue comes up, obviously, is when your child turns 18 and the issue comes up, really, for the first time. But once your son or daughter is older and you're no longer around, if you don't have a guardianship, then you obviously have to be concerned what arrangements such as these are in place. Right? But there's also -- I mean, this is an issue that's important for older adults too. You know, this is something that the AARP is very interested in. In the case of older adults, once there's a diagnosis of dementia or something like that, when that has first gone -- come into effect, and there's questions about how are we gonna make decisions for a parent who's always made decision for themselves. So, you know, you put supported decision-making agreements into place and sometimes these are sort of the first steps prior to conservatorships for folks who are kind of going down the road to maybe some point they're not gonna be able to make decisions for themselves. But this is what you do first.

So, there's just many -- it's not really just for folks with developmental disabilities. It's got a lot of -- you know, there's a lot of points in people's lives where this might come into effect. But yeah, I mean, -- and frankly, you know, it can come up when you least expect it, right?

REP. PALM (36TH): What -- do you think that the supportive person, if that's the correct term, would



be better -- would it be better serving the client to have the person be a family member or not be a family member?

MS. MCCLURE: You know, it depends. Sometimes the relationship is such that it can't be a family member because the family member, you know, sad to say, doesn't really believe in the independence of the sibling, child, whatever. But often the family member is the best person because they really do believe in their family member's abilities. So, you know, I think it's -- you know, you really do have to do it on a case-by-case basis.

REP. PALM (36TH): And my last question is what would happen in a case where the adult person with disabilities wanted to make a decision that was in the opinion of the conservator or the family members in general, whether they had an official role or not, a very poor decision. Who would arbitrate or how would that get resolved?

MS. MCCLURE: Well, if you had a supported decision-making situation, it doesn't give the supporter the right to override their decision. So, I'll just say something that's, I guess, somewhat benign. But, you know, you could understand a situation where somebody wants to just make a terrible dietary decision, let's just say. You can't tell somebody they can't eat, you know, food that's bad for them if they ultimately want to do that. Just as -- I mean, speaking from experience. My son likes to eat food that's not good for him. And it's difficult to really override that. But you, you know -- the supporter doesn't have the ability to do that.

REP. PALM (36TH): Okay. Thank you. Thank you, Mr. Chair.

MS. MCCLURE: Yeah. That's -- I mean, that's the thing. You're not -- if you're a supporter but not a guardian, you can't.

REP. STAFSTROM (129TH): Further questions. Seeing none. Thanks very much. Appreciate it.

MS. MCCLURE: Okay. Thank you. Jacquelyn Rostow.

MS. ROSTOW: Good afternoon. I'm not used to doing this, so. I am in favor of eliminating the statutes of limitation on sexual assault. I am a survivor of sexual assault. I'll get right to the point. Since my own rape case, I became familiar with the current statutes of limitation on sexual assault. I've read them. I've looked at them, because I couldn't believe how my case went. It just baffled me.

These statutes are bazaar, overly complicated, outdated, unfair to victims, and they serve no one, certainly not modern society. As we recently pulled the curtain back with the MeToo movement and other organizations that have sort of, you know, been very busy lately, we now all know where these predators hide, and they really hide behind the victim's trauma. They traumatize us and then they know we're not gonna tell, and that's where they live. And they're everybody. Like, everyone -- all the victims here have said. They're our heroes, they're politicians, they're actors, they're priests, they're uncles, they're brothers, and others, who've been hiding behind our trauma.

Victims have historically been too traumatized to report their violators. Predators have banked on that. There are three facts that I want you to take away today. And that is to remember that survivors of sexual assault suffer long-term, lifetime trauma.

Trauma does not go away over time. It's not time will heal. It's not time heals all. It has nothing -- that's a fantasy. Trauma does not adhere to any deadlines, imposed or not. So the statutes don't really -- to me, they don't mean anything because there's -- the premise of them is wrong. Connecticut needs to take a giant leap forward. And I'm really, I have to tell you, I can't believe how few people I'm talking to.

We need to really either eliminate them or extend them by many, many years, because people -- like they said before, like people before me who have sat up here and talked, people don't come forward fast enough, because they're not ready. With all the irrelevant conditions and excuses built into the statutes, they read, to me, like they were written by predators for predators. And I bet they were. Little by little, it just seems like there's so much protection in there of predators. Not of me. I wonder who wrote them. I wonder how long ago they were wrote, when they were updated, and what were these people thinking who wrote them?

In my case, the Ridgefield Police presented my case to the D.A. (Bell) And my case even included a confession letter from the rapist. But it didn't matter. There was an excuse built into the statute applied to my case which protected my predator.

The D.A. had degraded my rape case from a felony to a misdemeanor and then I only had one year to report, which I didn't know until I went forward to the police, because I wasn't ready. I didn't feel confident enough. So, I was punished for being late and I just felt like, you know, you reported too late, your case doesn't matter, you don't matter.

Go home and get over it. Why didn't I report sooner? Trauma. Trauma. The key takeaway here is that my trauma and all trauma does not operate on any deadline. To be a decision-maker or an influencer on extending or abolishing the statutes, you need to understand and read a lot of books, articles, anything you can get your hands on about trauma.

REP. STAFSTROM (129TH): Thank you, ma'am. Thank you for coming forward and I appreciate your sharing your story with us. Just for the record, so folks know, it's a fairly busy day here. Folks serve on multiple committees. They're in other committee hearings and the like.

MS. ROSTOW: I understand.

REP. STAFSTROM (129TH): It doesn't mean that they don't take this very, very seriously, but they're tied between other committees, so they're paying attention. Questions from the committee. Seeing none. Thank you very much. Lauren Bolstridge.

MS. BOLSTRIDGE: Good afternoon. I'm a little nervous.

REP. STAFSTROM (129TH): Take your time. Take a deep breath.

MS. BOLSTRIDGE: My name is Lauren Bolstridge and I'm a resident of West Harford, Connecticut. Thank you for allowing me to speak in support of S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. I am here today because the five-year statute of limitations has personally and negatively impacted my life. On May 17th, 2013, I was raped in my own home by someone who I had considered to be a friend. At that time, I didn't know how and I

wasn't able to -- I was stable enough to process the rape. Consequently, I was diagnosed with PTSD. My rapist had many of the same friends that I did and I had very little support from those around me at the time. I didn't know how to speak about it and I couldn't even begin to think about seeking justice. It took five years of cognitive behavioral therapy sessions once a week for me to feel even remotely like myself again, let alone ready to speak up.

On April 6, 2018, I reported my rape to the West Hartford Police Station. I had known that the five-year window was ending and I made sure to report my rape within that time frame. However, it took the judicial system 46 days to process my rapist's arrest, which turned out to be four days after the five-year cut-off. My case was dismissed because my rapist wasn't arrested until four days after the five-year statute of limitations had expired.

After five years of panic attacks, depressions, loneliness and shame, I had finally felt stable enough to seek justice, but when I did, the statute of limitations robbed me of that right. I was also robbed of the chance to prevent this crime from happening to other women because, today, my rapist walks free because of the statute of limitations.

Five years is too short of a timeframe. Many survivors struggle under the weight of PTSD and are not mentally and emotionally ready to face their attackers until much later, if at all. I urge you to pass S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. There should be no time limit on justice. Thank you.

REP. STAFSTROM (129TH): Thank you. If I can, can I just ask what any -- did you get any indication from

the West Harford Police Department on why it took them so long to process this?

MS. BOLSTRIDGE: No indication at all, no.

REP. STAFSTROM (129TH): Were -- do you know whether they were aware that the five-year statute of limitations was running? Did you indicate that or -

-

MS. BOLSTRIDGE: I -- yeah. Well, they knew the date of the rape itself. So they knew that it was coming up. And I didn't get an explanation as to why it took so long.

REP. STAFSTROM (129TH): Okay. Further questions? Okay. Thank you very much. Ted Tumicki.

FATHER TUMICKI: Good afternoon, Representative Stafstrom, Ranking Member Kissel, Ranking Member Rebimbas, and member of the Judiciary Committee. I am Father Ted Tumicki. Presently, I am pastor of three parishes in Preston, Voluntown, and Jewett City/Griswold. I am also a son, brother, uncle, theologian, and canon lawyer.

From 2003 until 2010, I oversaw the sexual abuse prevention efforts in the Diocese of Norwich, including educational programs, comprehensive screening, policies, and outreach and provision of counseling services. Before, during, and after that time, I have worked with, and continue to work with, several victims and survivors of child sexual abuse, trying to bring about healing as well as learning from their experiences. Some victims and survivors were abused by clergy; others were abused by public school educators; while still others were abused by family members. Sexual abuse of minors and the destruction it causes knows no boundaries.

One thing I have learned is that while some abuse victims can sue for damages, other abuse victims cannot because of sovereign immunity. In light of the double standard created by sovereign immunity in cases of sexual abuse, I am opposed to the statute of limitations provisions in Senate Bill 3.

In the mid-1990s, probation officer, Richard Straub, was caught molesting youth offenders entrusted to his supervision while he was probation officer in Danielson, a section of the town of Killingly. The case was investigated. Straub was charged with 224 counts of abuse against 15 victims, who were all teenagers or minors at the time of the abuse. Straub was sent to prison, where he died years later. His victims sued him personally but did not get very much of a settlement because of his bankruptcy. But his victims cannot sue his employer, the State of Connecticut, because of sovereign immunity. True, they could try to file a claim with the claims commissioner, but it is uncertain what would come of it.

Why is it that sexual abuse of -- sexual abuse victims of public employee perpetrators are not allowed to sue, but sexual abuse victims of a private employee of perpetrators are allowed to sue? Why is there not one standard for pursuing civil litigation for the same crime? Was the abuse experienced by Richard Straub's victims somehow less than identical abuse perpetrated by a non-state employee? Sovereign immunity also protects municipal workers as well, which include public school teachers, public school coaches, etcetera.

Practical realities mean that a 20-year -- 28-year-old victim of abuse by a private school teacher

could sue the teacher's employer, but a 30-year-old victim of abuse by a public school teacher could not sue the teacher's employer.

Under present law, and even with the proposed bill, the private school could be sued, but the public school cannot be. Again, why the double standard? (Bell) The more I think about this issue, the more I am becoming convinced it is time to remove sovereign immunity in sexual assault and abuse cases. We need one standard for punishing the same crime. In light of the double standard created by sovereign immunity, I oppose Senate Bill as it now stands, and I urge you to vote against the bill. Thank you.

REP. STAFSTROM (129TH): Questions from the committee. Representative Rebimbas.

REP REBIMBAS (70TH): Thank you, Mr. Chairman. I just wanted to take the opportunity, obviously, to thank you for the work that you are doing currently for the survivors as well as victims. And it's interesting, because this at least -- I have been -- I've been watching on CTN earlier this morning that this is the first time I'm hearing of the sovereign immunity and I'm just kind of a little shocked that we haven't heard that from other advocates. Because, you know, somewhere that gets lost in conversations.

FATHER TUMICKI: Yeah.

REP. REBIMBAS (70TH): When we talk about, obviously, sexual assault, sexual rape, you name it, that just never comes up. So thank you for bringing that to light and certainly something that we're gonna be taking seriously by this committee. Thank you, Mr. Chair.



FATHER TUMICKI: Right. Could I add something to -- in response to that?

REP. REBIMBAS (70TH): Certainly, please.

FATHER TUMICKI: In regard to the public school teacher/private school teacher, what can happen there is that some -- a teacher in a public school could abuse a child. They could get caught. There could be a DCF investigation which finds substance. The teacher would resign, but there's no charges brought because nobody wants to put a child on a witness stand, which is understandable. And then -- so there's no criminal arrest, no charges. Then, at the advice of another professional, they say go try teaching at a private high school, which may not check for credentials -- or certification, rather.

So, the private high -- private school does its due diligence. It does a background check, which comes clean because there's no conviction, no arrest. And they ask the former employer, but by state law they can't tell that there was an abuse case going on. So, the private school teacher -- private school could hire the teacher and then abuse would happen. Now, we're stuck. And that could be a Catholic school, a Jewish school, just a private school. And what do we do there? And that's another reason why we're really concerned about this, is we need to have one standard. So that's one of the reasons why I'm also bringing that up.

REP. REBIMBAS (70TH): Thank you again. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Father, just real quick on that point. I just want to make sure I'm clear. You used the term, sovereign immunity, which

obviously has a legal connotation to it. And I'm aware that the state has sovereign immunity for any type of civil claim brought against it. But I was always understanding -- under the understanding that local government did not have sovereign immunity. So, in the example you just gave to Representative Rebimbas, would be a reason a case might not have been brought to verdict without -- but it's not sort of barred from even being filed by sovereign immunity. So, am I correct that local government doesn't have sovereign immunity?

FATHER TUMICKI: It's my understanding local government does have a form of sovereign immunity. And one of the references here -- I haven't had time to check the federal reference. It was 42 USC, section 1983. And the thing is is that, I guess, it's something about a three-year statute of limitations for public employees. So, in which case, you now have a three-year statute versus a 30-year statute past age 18.

REP. STAFSTROM (129TH): All right. Well, I know our --

FATHER TUMICKI: And I'm sure you'll check all of that.

REP. STAFSTROM (129TH): Our legislative research staff happens to be with us here today, so hopefully they'll look into it and let the leadership of the committee know when they have an opportunity to. So, thank you. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. So, I think there is a level. For instance, a slip and fall on town property, you have to go through a notice provision and all of that stuff in order to

## PUBLIC HEARING

sue. So I think there is a level. But with regard to -- you know, in my district we have a -- there's a private school that, you know, this issue came up in, that a former teacher, I guess, pretty much substantiated bad things happened. And then he went on to go teach at another school. And because of employment provisions and disclosure to the subsequent employer, the former school was somewhat shielded in disclosing to the new employer, hey, we had an issue with this guy. You know, which is problematic because you're, you know, subjecting additional children to harm that you knew or should've known of. The same with the town or the state, you know, if that person in the employ of the state is found to have been doing bad things and they go to another employer, I don't think the state is allowed to provide to the new employer, you know, we had problems with this person, you know. So, I think this thing needs to be looked at holistically. I agree and I really appreciate you bringing the difference, you know, public to private, to our attention, at least to my attention. And, you know, I look forward to further discussions along this lines. But, you know, thank you very much, so. Thank you, Mr. Chairman.

FATHER TUMICKI: You're welcome.

REP. STAFSTROM (129TH): Further questions. Seeing none. Thank for being with us, Father. Erin Williamson.

MS. WILLIAMSON: Good morning. My name is Erin Williamson and I have the privilege to serve as the U.S. Programs Director at Love 146. We're an international anti-trafficking agency based here in New Haven, Connecticut, and we work throughout the

state. I have led the development implementation and operation of our survivor care program, which has provided direct services to over 450 youth in this state who are suspected and confirmed victims of child sex trafficking. I would like to testify today in support of H.B. 7399, AN ACT CONCERNING LEGAL PROTECTIONS FOR THE VICTIMS OF HUMAN TRAFFICKING AND THE PROTECTION OF MINORS FROM CYBER EXPLOITATION.

The children we work with have experienced significant trauma and present with complex needs. In order to effectively identify and meet the needs of this population, it is critical for children to be able to speak openly about the facts, memories, thoughts, and feelings associated with their victimization without fear that that information could be subpoenaed and shared publicly. The mere possibility of disclosure has already resulted in children being denied our services.

This bill will help protect the children we work with by supporting children who have been trafficked so they can speak openly to trained service providers without fear that the information they share could be used against them or shared in a court proceeding, clarify that the state can offer immunity to minors in delinquency proceedings, which is critical for trafficked children who may have been involved in criminal conduct, but also have information wanted by the state. And enabling individuals to use their trafficking victimization as a viable defense in court if they are charged with a crime and their involvement in the crime was a result of them being a victim of human trafficking, and by expanding the definition of commercial sexual abuse under the law to include

online exploitation, a form of exploitation regularly experienced by the youth in our care.

I will say that my written testimony, I put in suggested changes to section 2. Without going over them in detail, but please feel free to read. Love 146 hopes that the committee will see the importance of strengthen the legislative protections for victims of human trafficking and the unique dynamics associated with this victimization, and join us in supporting H.B. 7399, with the suggested substitute language. Thank you for your time and consideration.

REP. STAFSTROM (129TH): Thank you and we appreciate you putting those suggestions in writing. I see them on here. Questions from the committee, comments. Thank you very much.

MS. WILLIAMSON: Thank you.

REP. STAFSTROM (129TH): Larry Deutsch.

DR. DEUTSCH: Good afternoon. My name is Dr. Larry Deutsch, someone who's a medical provider, but also sees adolescents. And as you may know, some of you, I've been here before, but now we have more specifics. And I'd like to address Senate Bill 1113 and certain provisions at the end of this long bill in regarding juveniles. But before listening to my own words, I'd really like to give you some words from the U.S. Supreme Court, and particular Justice Kagan, which are far more eloquent and more informed than my own, who also cites many medical experts and other members of the Supreme Court, where many of us feel that we're a little behind the times in Connecticut compared with some other states that have adjusted their policies for juveniles.

Now, Senator Kagan -- I'm sorry. Justice Kagan cites that *youth have intendent characteristics and sometimes a lesser sentence is appropriate and that those meting out punishment need to consider a juvenile's less than culpability and greater capacity for change.* That's key. Many of these court decisions point out the need for proportionate punishment and that individuals should have rights that flow from a basic precept of justice, that punishment for a crime should be graduated and proportioned. They talk about traits of young people that are less fixed and that actions are less likely to be evidence of irretrievable depravity. They talk about common sense, but also science and social science, as you've already this morning, where it's been cited that only a relatively small proportion of adolescents who engage in illegal activity develop entrenched patterns of problem behavior.

They speak about developments in psychology and brain science, in which you've heard something before and there may be people to come and testify on this subject, that emphasize the distinctive attributes of youth diminish the chronological justification for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes. They go on in many ways. And so in recognition of this, one thing that the Hartford City Council did, which I serve on, I didn't mention, is unanimously passed a resolution urging that we, among others, communicate. So, therefore, there is -- this proposal is to amend the very last section of the Raised Bill or Senate Bill 1113, and to amend it in a way that I have written up and put in my testimony, where there are exceptions made for

those committed crimes at the age of under 21. And I'm willing to consider -- some of you may feel it should be under the age of 18, of which we know many cases also.

There should be allowance for them to have a sentence modification hearing without obstruction by the state's attorney. And this point has been made several times. So, I suggest two amendments in my testimony to the last section of bill 1113 so that their access, as all of us should have, for an appeal, a hearing, is unimpeded, because of changing circumstances and medical and scientific understanding, and most of all, the Supreme Court rulings on these situations. I thank you.

REP. STAFSTROM (129TH): Thank you very much and we appreciate you putting those suggestions in writing for us. Questions from the committee. Seeing none. Appreciate you being with us again. Collin Dawkins.

MR. DEUTSCH: He's not here.

REP. STAFSTROM (129TH): Okay.

MR. DEUTSCH: He would've testified about his employment of former incarcerated people.

REP. STAFSTROM (129TH): Okay. We'll let -- thank you. We'll look for his written testimony. Jeremy Visone.

MR. VISIONE: Good afternoon, Chairman and members of the Judiciary Committee. I am Jeremy Visone, of Cromwell, Connecticut, and I agree with and support revisions to Senate Bill 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. Let me state upfront that I am in support of completely eliminating the statute of limitations on first-degree sexual

assault or rape, so as to assist future victims, and I am in favor of enacting a reviver statute or look-back window that will allow victims for whom the statute of limitations has already expired a chance for long overdue justice. I also ask that you consider extending the age limit for this look-back window to those victims who were up to 25 or 30 years old at the time of the crime.

First, let me thank legislators who raised this bill with provisions about the statute of limitations on sexual assault. I have a vested interest in this subject because my beautiful wife, who you met earlier today, shared with me in 2017 that she was raped 22 years before in the summer of her 19th birthday.

Given everything we know now about how most women who are sexually assaulted do not report their victimization to anyone, let alone the police, why would we want to create a system that says there is nothing that can be done when a woman finally gets the courage to come forward? In at least 20 states, according to the National Center for Victims of Crime, these brave victims are greeted by a judicial system that is giving them a safe space to share their traumatic experiences and potentially achieve justice. First, I support what many states have done already; eliminate the statute of limitations for first degree sexual assault. Secondly, I ask that we provide a grace period, via a reviver statute or "look-back window to allow any victims of sexual assault, even those outside the previous statute of limitations, to come forward.

Reviver statutes are not novel. In 2003, California, in the wake of the Catholic Church abuse scandal,



enacted a reviver statute, and you've heard testimony today earlier that ten other states have done the same. As a result, hundreds of victims get justice and countless criminal abusers are finally so justly held accountable.

The present language in the bill provides such a look-back window for victims assaulted as minors. I implore you to raise the age limit for this look-back window to 25 years old or even 30 years old. First, recent research by Professor Peter Jones of Cambridge University confirms what has been studied and argued in the past; that humans are not yet mature adults until into their 30s. In other words, our legal and arbitrary cutoff of 18 years of age for a minor is too young of an age to expect a rape victim to adequately process and deal with her situation.

My wife was turning 19 the summer she was raped. She was a kid. She was a college student, who lived at home with her parents, she was scared and she did not know what to do. So, she did what so many young victims do. She repressed the memory and pain to survive. Further, we know that so many young women are sexually assaulted during their college years. Most of these young women are too old to be considered minors. Why would we want to leave behind these victims when considering this look-back period?

If there must be an age cutoff in the name of compromise, why not 25 years old, or even 30? Let these women, who were young women when they were raped, have a chance at justice, too. One (Bell) -- I'll summarize. I'll remind you what research consistently proves, false reports are rare. A 2010

study by Lisak et al. puts this number likely in single digits. We simply cannot leave all these victims behind for relatively few instances of false reports, which occur across all types of crimes, I might add.

We humbly ask that you give my wife a chance, a chance to hold the individual who raped the teenage version of her accountable. Thank you.

REP STAFSTROM (129TH): Thank you. Questions from the committee. Seeing none. Thank you both for being with us and --

MR. VISIONE: Thanks for having us.

REP. STAFSTROM (129TH): Dylan Figueiredo.

MR. FIGUEIREDO: Good morning. Afternoon, I believe actually, but.

REP. STAFSTROM (129TH): Gradually afternoon.

MR. FIGUEIREDO: So, again, good afternoon, distinguished members of the Judiciary Committee. My name is Dylan Figueiredo, and I'm a post-conviction victim advocate for the Offices of Adult Probation in New Britain and Torrington, working on the Sex Offender Supervision Unit as that victim advocate.

Thank you for allowing me to speak in support of the S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT, and to show my opposition to S.B. 913, AN ACT CONCERNING THE EXTENSION FOR THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT. Obviously, my position is to eliminate the statute of limitations.

For most sexual assault crimes, Connecticut law provides survivors of sexual violence with a five-year statute of limitations to bring their offenders to justice, or to find redress in civil court. Connecticut has the third shortest statute of limitations in the country and the shortest overall in New England. The impacts of sexual violence can last a lifetime, but for survivors of sexual violence, the chance to seek help through our criminal justice system does not last that lifetime. For a survivor of sexual violence, the effects of what they have been through don't end in the five or ten years after the assault. The effects of sexual violence stay with the person for all of their life, no matter when the assaults occur. A survivor doesn't forget, and a survivor doesn't deserve to be forgotten, while also being told they've had long enough to seek justice for what happened to them.

There are many reasons why a survivor wouldn't want to disclose an assault that they have experienced. A survivor isn't always ready to disclose because it's not always safe for them to do so. A survivor may not disclose because they themselves cannot come to terms that this has happened to them. And they may not disclose because they are scared of what is going to happen to them as well as their families when they do so. And even more important, a survivor may not disclose because they don't think anyone will actually believe them. Our society isn't currently built to protect and support survivors, and too often when a survivor does gain the courage to come forward and seek justice, they are ridiculed, discredited, and dehumanized by the systems that were sworn to protect them.

What's most important to remember, however, is that it's none of our business as a society why a victim doesn't disclose or when they will be comfortable disclosing. Because a survivor doesn't owe anyone an explanation on how and when they deal with their trauma. Our job as a society is to support and help a survivor whenever they do come to a place where they feel safe and comfortable enough to seek justice for what has happened to them and give them access to that justice.

At five years, Connecticut's civil and criminal justice statute of limitations has one of the shortest timeframes in the country of many victims of sexual assault. Twenty-eight states have either no statute of limitations for a period of 20 years or more. Connecticut should follow in those footsteps of these states and not limit the time the victims of sexual assault can seek justice. Limiting access means limiting their justice. Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from members of the committee? If not, thank you very much for joining us. Lucy Nolan, followed BY Andrea Michaud.

MS. NOLAN: Hi, members of the Judiciary Committee. My name is Lucy Nolan. I am the director of policy and public relations for the Connecticut Alliance to End Sexual Violence. I have with me someone who wants to testify, but anonymously, so.

MS. JANE DOE: Good afternoon, Senator Winfield, Stafstrom and distinguished members of the Judiciary Committee. I stand before you, a Connecticut resident and concerned citizen, to speak on S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL

HARASSMENT, because as all have fully, definitely discovered in this morning's proceedings, that five years is simply not enough time. Connecticut is behind the times of our New England neighbors which have removed the statute of limitations.

I questioned whether or not I would have the courage to stand here or sit here today before -- I'm here today for myself, but I do feel, not only for myself, but for the countless names and faces of Connecticut women that will never appear on this LOB floor or enter the police station or the ER room. For every unheard story, there is a criminal committing crimes, and we need to act and we need to act much sooner than later. Too many women are living in silence and carrying the burden of this invasive crime to body and psyche, interrupting the natural flow of how people operate and natural safety and wellbeing.

Five years, as we have fully seen, is far insufficient time to process the complexities of a sexual assault committed against them. It is a small time compared to the lifetime a survivor takes and needs on a journey of reclaiming identity and self-worth. And when she is ready, so should the State of Connecticut be.

In 1990, at the time of the crime I endured, along with a long history of other abuse -- but I focused on this one for today. My written testimony has been provided. There were not as many resources available for victims as today. While that case had passed, advancement and fair assessment of this crime is still far from progressive and victim supportive. Acts of sexual assault crimes still go widely unreported. Many victims of this crime are

not fully aware of the proper process and channels to seek the appropriate resources and help to report this crime. And from what I gather from today's -- other brave women and men who have testified before and did go to the courts, they didn't get the due justice that they were entitled to.

The reality of confusing and complex court steps (hell) to seek justice can be downright daunting and one that a survivor may not be equipped to handle within the five years' time or even ten years' time, as proposed in S.B. 913. From personal experience, I have dealt with challenges at varying intervals from a crime committed me -- committed against me in the early 1990s by a person who most likely gave me roofie and did things to my body without my consent. From that past -- that dark night to the present, I think I did not and do not want to know the missing parts of what happened during my time of unconsciousness.

An acquaintance appeared at a club I was at. He sadly convinced me and falsely promised that after one drink and dance, he would leave me alone. Some eight hours later, I awoke in a strange bed without any clothes, in a strange room that was sparse of furniture. My body was racked with pain, my head throbbed, my fears and my shock and my horror grew each passing second. I questioned where was I and I looked out the window to see a wooded yard and a rather large tire swing in the backyard. My mind raced. It was too painful to think of what had happened. I just knew I had to get back to my car, far away from this place, to civilization, and needed this person to drive me there. Imagine if that was your sister, your daughter, someone you knew and loved. (Tearful) Without cell phones, we

didn't have cell phones back then, for goodness sakes. Imagine -- imagine the horror. The speculation of what could've occurred sends chills through my body to this day.

Can you imagine? Going to the police was not an immediate thought. Not having all the facts of what took place that night including not knowing the person's last name made me think I would not be believed. My life at that time was riddled with other difficulties and ordeals. Two years later, as an out-of-state college student, I was again the victim of a sexual assault crime and contending with another crisis at a campus in California, where there was no women's center and no language for these crimes, and a dean who was -- turned a blind eye. Fortunately, four years later, my saving grace was discovered in women studies at the college which opened my mind and understanding to a whole world of issues interwoven and known as violence against women.

For the first time in my entire life I was able to begin to navigate and understand my painful past in relationship to a much larger context and worldwide form of violence, abuse and control. Hence, this bill is important to me because five years is simply not enough time for victims, including myself, to come forward. Changing the statute would not only increase the chances that more reporting occurs, including for myself and other Connecticut residents, but it could also significantly reduce the number of cases and perhaps solve existing cases.

Under current law, even if I made a report, the assailant will never be brought to justice. This is

just not acceptable for the severity of the crimes committed against me and all the other people who have provided testimony, and all the silent people. It is important that victims have time to disclose, process the trauma, report it, perhaps prevent further crimes committed against other individuals. Due to the traumatizing nature of sexual assault, depending on their comfort level, victims should not have to face the accused and should be able to testify in court, in separate rooms, not be subject to re-traumatization.

On behalf of myself and all men and women who have endured such atrocity and hopefully find a road to healing -- and I say a prayer to those who don't find that road. Today, with the opportunity upon you, I strongly encourage each and every one of you to hesitate no further and pass S.B. 3, to give victims more time. I thank all members -- committee members for hearing my testimony.

SENATOR WINFIELD (10TH): Thank you. Other questions or comments? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Good afternoon and thank you so much for sharing your story. Ms. Nolan, if you don't mind, I'm gonna ask a question of you just as an advocate. I don't know if you were in the room when there was discussion regarding the sovereign immunity aspect. I don't know if you have thoughts regarding that or what other states have done to address something like that.

MS. NOLAN: I -- that was really the first I've even thought about it. So, I'd have to -- I actually texted somebody and asked about it, but I don't feel



like I could answer it. But I'm happy to get back to you.

REP. REBIMBAS (70TH): Okay. And we're certainly gonna be doing some research on it. But if there's anything afterwards you want to share with us, please feel free to.

MS. NOLAN: Okay. Thank you very much.

REP. REBIMBAS (70TH): Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Other questions or comments from other members of the committee. Seeing none. Thank you very much for joining us.

MS. NOLAN: Thank you.

SENATOR WINFIELD (10TH): Andrea Michaud, followed by Beth McCabe.

MS. MICHAUD: I'm coming.

SENATOR WINFIELD (10TH): We'll wait.

MS. MICHAUD: Here we come. Hi, folks. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Pull the microphone closer to you.

MS. MICHAUD: Oh, hello. Can you hear me? Thank you, Mr. Chairman and members of the committee. My name is Andrea Michaud. I'm from East Hartford and I am in favor, in part, of S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. I am for the elimination of the statute of limitations for the prosecution of sexual assault. It's a subject matter that is uncomfortable and ugly and nobody

really wants to talk about it. So, I hope I can use words that you can hear.

I want to tell you about a girl I knew that was so smart and funny and loved to show off. But by the time she was 16 years old, she attempted suicide for the first time, one of many. While hospitalized, secrets of incest were exposed inadvertently by her. That was in 1975. Back then, the best psychiatric, therapeutic thinking was to tell and expose the festering secret immediately. So, her entire large family -- I have to breathe. Was called in and she was told to tell. Spurred on by the counselor, she finally whispered her secret. She was not educated, informed nor empowered enough to know what was to follow, nor was the family.

Nothing was ever the same again. No support prior, no support after, no consequences except for the total fracture of the family, of which she had just done. She was never treated the same. She was damaged goods and avoided or treated as fragile. No one talked to her the same. She was deserted on an island of shame. Facts got twisted, minimized and denied. She had already found drugs and alcohol by then, but after that first hospitalization, she began to frequent the local bars and put herself in dangerous situations with men.

She left Connecticut at age 18 and landed in California. After years of drug and alcohol abuse and depression, she was unable to maintain gainful employment. She was unable to stay in a meaningful, loving relationship. She married a very angry and abusive man. She would leave periodically, but always end up going back. Not until her children were born did she finally and successfully have the

needed motivation to leave for good. The kids were worth saving. They are awesome adults today. I know, because they're my kids, and this is my story. I work very hard on believing my life has meaning and worth. It's ongoing. I suffer with PTSD, but it's manageable. I have help. I have a loving family and friends today. I have amazing support, and I have medication.

We've come a long way since the 1970s in regard to the way victims are treated therapeutically. With support and empowerment, victims can control if and when, and how, and to whom they want to disclose. However, there is still a tremendous amount of stigma surrounding sexual assault victims, both male and female. Being stereotyped, not being believed and being judged makes coming forward a very difficult and personal decision. It has to be the victim's call. Great strides have been made in successful therapies that lead to recovery and survival, but there's one more thing we can do and it's landed at your doorstep. The change is now in your hands. And that is to rid the obstacle that is the statute of limitations for the prosecution of sexual assault. (Takes deep breath) Almost done.

Victims need time to come forward, as we know, but still only about ten percent do. So, we have silent victims and active pedophiles everywhere. Predators go where children are and seek jobs and avocations to get their needs met. So, anywhere kids are, you can safely assume that predators are not too far away. We need to identify these guys. Also, predators do not stop abusing as they age. A newly identified 60 or 70-year-old perpetrator is still a pedophile worth stopping. Current law gives the

abusers a pass, carte blanche, to get what they want with little risk.

For example, one of my abusers became a father and subsequently sexually assaulted all three of his daughters, the oldest of which lived with the threat on a daily basis, believing she was protecting her sisters. That would be my niece that you heard from earlier today. She was denied justice when, as an adult, she courageously decided to go to the police to press charges on her father. It was on that day we found out the hard way about the statute of limitations. It's too late for us. Even if you do the right thing and eliminate this limitation, it will only be effective going forward.

This abuser, our abuser, targets nubile pubescents. It's a horrendous, devastating, life-changing crime. He's a criminal and he should be in jail. I'm almost done. I can see your face. And yet, this perverted, pathological predator is out there, right now, as we speak, living, working and yes, even worshipping in our community. Who's in your community? You would never know.

So, the couple of arguments out there, one of which is that over time evidence degrades, memories fade and witnesses die. No doubt. The victim and their counsel will have to weigh those things and still have to prove their case in a court of law. They should be given the chance to do so. Another argument however, is the cost on our state economically, medically and financially, created by the impact of sexual abuse on its victims, of which I can personally attest to, from hospitalizations, inpatient and out, medications, specialized therapies, incarcerations, basic needs, welfare, of

which I have gratefully availed myself to over the years.

Connecticut has led in gun law changes and in immigration policies. We can also become part of the solution now by joining with other states that have already eliminated the statute of limitations for the prosecution of sex crimes. You can get this done for the people of Connecticut. Let's let these predators know that time's up and that the joke is now on them.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from members of the committee. Thank you.

MS. MICHAUD: Thank you.

SENATOR WINFIELD (10TH): We are going to next hear from Beth McCabe. I'm going to remind people I am very much wanting to hear your stories, but we cannot be doing six-minute stories. So, if you hear the bell, I'm not going to cut you off, but I'm going to ask you to make an attempt to figure out how to shorten your story.

MS. MCCABE: I will try to honor your request, sir. Good afternoon and thank you for being here and listening to -- I know it's not an easy thing. My name is Beth McCabe, and I live in Canton. When I was 12 years old, I was sexually abused by a priest. I was raised in an Irish Catholic family on Long Island and the church was always an integral part of our family. I went to Catholic schools for twelve years, as did my two sisters and brothers. The Catholic Church was not just on Sunday morning, but was part of our family life.

There was a priest who came to our parish several times a year, Father Maron (phonetic) -- His name

was Father Maron. When I was 12 years old, he began to sexually abuse me and this continued for over four years, whenever he would visit our parish. He would just appear at our door, and my parents, being good Catholics, would invite him into our home. Sometimes my parents were not home and he came into our house, uninvited, took his collar off, poured himself my father's scotch, and enticed me with his camera, and abused not only me but my sister. I never told anyone. I was so ashamed and believed that he was God or God's messenger. He betrayed our entire family and he hurt me deeply; a tremendous loss of innocence.

In 19 -- in 2002, when the cover-up in the Catholic Church began to receive all the media attention, I became enraged. I was enraged at the abuse not only caused by one priest, but also by a church who preached love and caring for children, who let so many accused priests move from one parish to another. It was incomprehensible and criminal behavior. How could priests, pastors, bishops, continue to allow children to be abused and continue to leave these priests in parishes?

Since 19 -- since 2003, I've been a Connecticut Survivors Network of Those Abused by Priests co-leader, supporting hundreds of survivors who were sexually abused as children. I'm also a member of the New Yorkers Against Hidden Predators, a group that helped pass the New York State Child Victim Act this past January that created a window and exposed predators and allows survivors to have some sense of justice for crimes committed against them as children. The window will allow civil suits to move forward regardless of when the abuse occurred.

I'm here to testify on S.B. 3. I specifically would allow -- would like my voice for the creation of the window to allow victims who previously have been unable to seek justice for damages. I just want to add one thing. This is personal to me. Although it took nearly 15 years to pass the Child Victim's Act in New York, we will finally have our day in court. After decades, I can seek justice. I only wish that my parents were here alive and would have some sense of justice after all the emotional pain and anguish. Thank you.

SENATOR WINFIELD (10TH): Thank you. Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Thank you for sharing your story. Just because you're an advocate, I just wanted again to inquire if you had any thoughts regarding sovereign immunity. And especially if you've worked with several states, are you familiar with that term in your experience?

MS. MCCABE: No, no.

REP. REBIMBAS (70TH): Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Are there other questions or comments from members of the committee? Thank you for joining us. There aren't any. Next we will hear from Scott Rosenberg.

MR. ROSENBERG: Good afternoon. I'd like to thank the committee for the opportunity to speak to all of you today. As noted, my name is Scott Rosenberg. I'm a resident of Meriden and I practice elder law in my own firm in New Haven. I'm speaking today on behalf of the 400-plus members of the elder law

section of the Connecticut Bar Association, to express our deep concern with Committee Bill 63, AN ACT CONCERNING THE USE OF SUPPORTED DECISION-MAKING AGREEMENTS BY A PERSON WITH A DISABILITY.

Most elder law attorneys also work with disabled individuals and their families because substantially similar bodies of law apply. So, for both populations we serve, we take an interest in this bill. And as a general rule, we support the committee's efforts to create further opportunities and vehicles for disabled individuals to further direct their own care. However, as detailed in our written testimony, as I hope to briefly summarize, this bill is severely under-drafted such that it has limited effectiveness towards that goal and creates serious risks of abuse.

By way of background, whenever you create a type of fiduciary appointment, as this committee did with the Uniform Power of Attorney Act recently, you need to create a body of law that makes sure the documents can be verified valid and that they are properly accepted, but that their authority is not exceeded or abused. That is particularly important here because you're dealing with a population at risk of abuse and the specific type of relationship allows somebody to be appointed to render -- to communicate a decision without actually making that decision. The three pages of this bill barely provide a shell of guidance on that.

So, within the confines of this bill, a difficult nursing home resident could have one of the caretakers have her sign something she doesn't know or outright forge it, and then take it to the office and say she wants to voluntarily discharge herself.



There's no requirement of witnesses or a doctor signoff or a notary. There's no requirement that the signer be competent. There's no restriction on conflicts of interest in the person serving and there's no specific authority to refuse to recognize them, even where there are shady factors in play.

Of course, that's an extreme example, but you could simply have a parent to an adult disabled child who thinks they know best and use this document as a vehicle to participate in more read meetings and railroad the decisions that child wants to make. Or a child is excluded as their mom's health care rep, but uses one of these to take her on a tour of her doctors and insinuate herself into the care-making process against the parents' wishes. It could be a nosy neighbor. It could be a home health aide looking to conducting exploitation.

Without this law, nothing prevents disabled adults from involving entrusted others in important meetings. The thrust of this is allowing them to communicate decisions for people who cannot themselves fully speak. To allow that to happen and to provide adequate protections, we feel several additional rounds of drafting are needed, with input from relevant stakeholders, to make sure these agreements are properly executed and used to give greater voice to the judgment of those who cannot speak, rather than to mask their voices. I thank the committee for their time and will take any questions.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the committee. Seeing none. Thank you very much for joining us. Is Mary-Ann Langton here?

MS. LANGTON (KACIE WARE): I'm Kacie Ware. Hello, Co-Chair Winfield, Co-Chair Stafstrom, and members of the Judiciary Committee. My name is Mary-Ann Langton, and I live in West Harford. I asked my personal assistant, Kacie Ware, to read my testimony that I wrote, AN ACT CONCERNING THE USE OF A SUPPORTED DECISION-MAKING AGREEMENT BY A PERSON WITH A DISABILITY. I SUPPORT this bill, S.B. 63, because it shows respect and dignity to people with disabilities.

Many people with disabilities would find this proposed bill extremely beneficial because they lack the confidence with knowing how to make good decisions. Due to societal oppression, people with disabilities might not have had the chances to learn everyday skills. Now with the proposed bill, people with disabilities would have the opportunity to choose someone that they know and trust for guidance over important matters. Without a supported decision-making law, people with disabilities will continue to lose their legal rights because they will need to have a court appointed guardian.

For the last five years, I have had the privilege of visiting my friend weekly in a nursing home. My friend has talked to me on numerous occasions about her goals of living in the community. Unfortunately, she has been conserved by the state, so her thoughts are often ignored. I hope that Connecticut can join the many other states that have adopted supported decision-making Laws. However, I encourage the committee to change the supported decision-making to age 18 rather than age 21. The reason for the age change is that people start making their own decisions at age 18. Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there comments or questions? If not, that you both for coming to join us. Next, we will hear from Michael Casey, followed by Raphi Podolsky. Mr. Podolsky, I think you're up.

MR. PODOLSKY: Thank you very much, Senator Winfield, Senator Kissel, Representative Rebimbas, and members of the committee. My name is Raphael Podolsky. I'm a lawyer with Connecticut Legal Services. This, as you know, I do -- focused to a large extent on housing issues. I'm here to speak in favor of Senate Bill, No. 693, which is the bill that actually comes from the Connecticut Coalition Against Domestic Violence, to allow the victim -- a person who's being protected by a protective order concerning domestic violence to change the locks on an apartment or have the landlord change the locks. Essentially, the bill deals with the fact that there is no right under Connecticut law for a tenant to change locks unilaterally. What the bill provides is that on request from a person who is the beneficiary of a restraining order that the landlord would have to change the locks within two days or permit the tenant to change the locks. If it's not done, the tenant can change the locks, must give the landlord a copy of the keys, responsible for paying for the change of locks, in any case.

That's basically what the bill does. We think that that's very helpful in those kind of circumstances. It's obviously a danger to people, especially when the person who is the respondent has already had -- is already, say was living in the apartment and has access to the apartment otherwise. It only triggers in when the court has issued an order -- a

restraining order that says that the person is not to have access to the apartment.

I also want to just briefly mention something. I didn't submit written testimony on this. But I do want to say that I support the position taken by Attorney Eppler-Epstein on Senate Bill, No. 1113, which is the bill concerning the Sex Registry. I think it's very important that the tiering of the Sex Registry be permitted and it be possible for people to move from one category to another. And I would hope the committee would support that bill as well. I'm happy to answer any questions that I can. Thank you very much.

SENATOR WINFIELD (10TH): Thank you. Questions, comments. Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. And good afternoon. I just want to kind of flush out the timelines on this. So, when a tenant makes a request on the landlord, what type of documentation should the landlord be looking for in order to determine that it's a proper order?

MR. PODOLSKY: Should be looking -- well, they should be looking for a copy of the order. Because I think the tenant -- I believe the bill says that the tenant has to provide -- the ten -- this is in lines 10, 11, and 12 of the bill. *The tenant must provide a copy of such protective order, restraining order, or foreign order of protection to the landlord.* I suppose if the landlord doesn't believe it's real then I guess the landlord could contact the court, contact the clerk's office. But it's not merely the tenant's say so. The tenant has to present, under the bill, a piece of paper.

REP. REBIMBAS (70TH): And when we talk about the restraining order that's drafted in the bill, would that be an ex parte and then a hearing date, or would this only be after a hearing?

MR. PODOLSKY: It could be -- it could be either, I believe. Again, I believe -- my understanding of the bill is that it could be temporary, could be ex parte, it could be after a hearing. It's whatever order the court has issued. If the tenant tries -- applied for an ex parte order and the court doesn't give it, then there's no order to give. But if the court grants the order and if the order provides that the respondent is not to have access to the unit, that's what really triggers this particular statute. So, it's availability to the tenant is controlled by what the court has done. Not by what the tenant merely says.

REP. REBIMBAS (70TH): And would the landlord have the opportunity to hire a locksmith to do the work?

MR. PODOLSKY: Yes, yes.

REP. REBIMBAS (70TH): And would the tenant then be responsible for payment of the work and the locksmith?

MR. PODOLSKY: Yes. I think it says -- if you look at the bill, there's language in there that the locks have to be changed in a -- well, I think -- I'm sorry. The -- let me look at the language exactly. I think it refers to a reasonable and fair cost of the lock and installation. There's language something similar to that in the bill.

REP. REBIMBAS (70TH): And that's what I'm trying to flush out, the purpose of the -- clarify the bill, so that people are aware of it.

MR. PODOLSKY: Right.

REP. REBIMBAS (70TH): Regarding that, would the landlord also be able to request payment in advance? So, if the locksmith comes to the property, or, obviously, when you're making the appointment for the locksmith to come out, and they say that they have to be paid on the spot, is that something that the landlord would then be able to request of the tenant?

MR. PODOLSKY: Well, the landlord can request anything of the tenant. What the bill does -- the bill does not say that the landlord could refuse to do -- to change the lock unless the tenant pays in advance. It does not say that. It says -- so, the landlord is free to request. The tenant is free to front the money. If the tenant doesn't, the land -- first of all, the landlord doesn't have to change the lock at that point. What the bill says is the landlord has two days to change the lock in response to the request or to tell the tenant to do it themselves.

If they do it themselves, then the tenant is gonna have to front the money as a practical matter. If the landlord does not do anything in two days, then it says the tenant can take the initiative, at their expense, and get the lock changed. The point is the importance of getting the lock changed as a safety measure. If the landlord has fronted the money and the tenant does not pay, the bill says the landlord cannot evict them over that issue, but can take it out of the security deposit when the time comes. So, the land -- it becomes a liability to the landlord if the tenant fails to pay. So, in effect, what the bills says is that the cost is gonna be a tenant

responsibility. But as with many other things in landlord-tenant laws, it's the landlord's property, the landlord has to either front the expense or permit the tenant to do something.

REP. REBIMBAS (70TH): Certainly. And this would be one more mandate on the landlord, so we want to make sure that we understand it. So, for a landlord who receives the protective order, relies on the protective order from the tenant, call the locksmith, the locksmith says they can be there tomorrow, all of which is within 48 hours. The locksmith says it's gonna cost \$125 dollars. I need to be paid on the spot once the work is done. The landlord goes back to the tenant and says the locksmith is gonna be here at 1:00, I need payment in advance in order to pay the locksmith or you need to be present when the locksmith is here. If the tenant says I don't have the funds to make the payment, is the landlord in violation if the landlord does not pay him or herself for this work?

MR. PODOLSKY: As I read the bill, my understanding would be that that's -- I don't think that's a violation because it says the land -- as long as the landlord says to the tenant that -- for example, the tenant says I can't be there at 1:00. The landlord says, well, then either -- the locksmith isn't gonna come if you're not gonna be there and I'm not -- it's not gonna get done in two days, and therefore, you're gonna need to do it yourself. Then I think the landlord is probably -- I think the landlord is in compliance with the bill.

REP. REBIMBAS (70TH): In my hypothetical, there was no option that the landlord would tell the tenant you have to do it yourself. It was the locksmith is

coming at 1:00 and requests a payment. But I think you had indicated that you don't believe that that's in violation. Correct? Because the landlord has done everything reasonable under the circumstances.

MR. PODOLSKY: I don't think -- yeah, I don't -- I don't think it's -- I don't want to be conclusive on this, but I don't think that's a landlord violation. Because the way the bill is written -- again, as I understand it, the way the bill is written, is that -- is it that if landlord fails to do this, then the tenant can do it themselves. That's my understanding.

REP. REBIMBAS (70TH): So, okay. So, as we move forward, we just want to make sure that the language is clear.

MR. PODOLSKY: I think that's what it says.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Hi, Raphi, it's good to see you. Isn't it a landlord's job to protect tenants? I mean, isn't that why they have to do -- have sprinklers and fire doors and. Doesn't it -- isn't it generally accepted that a landlord must do everything possible to protect the safety of tenants?

MR. PODOLSKY: The landlord is -- the landlord is required to maintain the building and maintain the building properly. In terms of -- if you -- in terms of safety issues that are not sort of -- so, in terms of physical issues, like, the physical safety of the building, I think the answer is yes.



If there were an issue of, let's say, the landlord didn't -- let's say there was no functioning lock in the apartment. I think most codes -- and I think that would violate the state statute that says you have to maintain the property in proper --

REP. PALM (36TH): I'm only asking because this -- the requirement that the tenant reimburse the landlord is interesting to me because that -- I guess that presupposes that one person's needs are different from anybody else in the building. Because why wouldn't the landlord just have to do that to protect the safety of the tenant?

MR. PODOLSKY: Well, I mean, I certainly wouldn't object if the bill said that this is simply a landlord responsibility period, under these very specific circumstances. But the general rule is that tenants are not allowed to do repairs by themselves. It's the landlord's building. So, for example, in the landlord-tenant act generally, everything is the responsibility of the landlord to do. For certain things, the landlord can get -- the tenant may be liable. The tenant -- if a repair is caused by the tenant's negligence, that's not an excuse for the landlord not to make the repair, but the tenant may be liable to the landlord for the cost of the repair because it was caused by negligence. This sort of -- this is not quite the same and it -- I mean, if you were to put the bill under that context, that it's like any other building repair, the landlord has to make it, cannot choose not to make it because the tenant doesn't have money to pay. Again, I would say I certainly wouldn't object to that.

REP. PALM (36TH): Okay. Thank you. And I know you have a very long and distinguished career in tenants advocacy work. I'm just wondering if you have ever experienced a situation where somebody you know of has been in this position. Do you have any real-world -- I mean --

MR. PODOLSKY: Well, I mean, I don't -- I mean, I don't handle cases. So I don't have any personal experience. And I've been told by other legal services lawyers that they have dealt with cases where a tenant with a protective order asked the landlord to install -- to change the locks, and the landlord said no. I don't know, in that case, if the landlord did or did not say it's okay with me if you want to go ahead and change the locks yourselves. I don't know the answer to that question.

REP. PALM (36TH): I'm just saying it's probably not as theoretical as it may sound, because there probably are many people who've already experienced this.

MR. PODOLSKY: Oh, I'm sure there are many people. It's -- I'm sorry. I thought you were asking kind of about my direct contact.

REP. PALM (36TH): No, just anecdotally, have you ever heard. So the answer is, yes, you have. Yeah.

MR. PODOLSKY: Oh, yes, of course.

REP. PALM (36TH): Okay. Thanks, Raphi. That's all Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from other members of the committee. Seeing none. Thank you much.

MR. PODOLSKY: Thank you.

SENATOR WINFIELD (10TH): Next, we'll hear from Cary Silverman. Is Cary here? If not -- oh, nope, there's Cary.

MR. SILVERMAN: Good afternoon, Mr. Chairman and members of the committee.

SENATOR WINFIELD (10TH): The mic that you're speaking.

MR. SILVERMAN: There we go. Thank you, Mr. Chairman. Thank you for the opportunity to speak with you today. My name is Cary Silverman. I'm here today on behalf of the American Tort Reform Association, which is a national organization that represents businesses, associations, municipalities, and others that are concerned with the fairness and balance and predictability of the civil justice system.

Child sexual abuse is horrible and needs to be addressed both criminally and through civil claims. Our concern with S.B. 3 is that it takes an approach that is very different from how we address other types of causes of action. Tort law, by its nature, addresses really horrible situations quite often. And that's not to say that the many victims who are testifying before you today have suffered something that I cannot fathom. But for any type of civil claim, Connecticut and other states typically have a finite statute of limitations, and when changes are made, they're usually made prospectively.

And whether it's, you know, a lawsuit for a worker who has developed mesothelioma from asbestos exposure over years, that person will have generally two years to file a lawsuit from discovery of the

cancer. Whether it's a family whose child was killed by reckless conduct by a drunk driver, that person will have only two years of the death or five years of discovery of the cause of the death. The same with defective products. Defective products -- maybe a child is born with birth defects and twenty years later it's attributed to some sort of pharmaceutical or exposure to something. And, you know, our laws here in Connecticut say that lawsuit must be brought within three years of the injury or ten years of when the manufacturer sold the product. And those periods typically run from when a person reaches adulthood, giving extra time for children.

Now, in the case of childhood sexual abuse, Connecticut, as many other states have done, have struck the balance much more toward making sure the victim has time to sue. Now, those statutes of limitations in any kind of case seem arbitrary. They seem unfair. Everyone should have their ability to have their day in court, right. Of course they should. But we have -- we have statutes of limitations to make sure those courts, judges and juries are able to make decisions about liability. And just to clarify. I'm speaking only today about the civil statute of limitations. They need to have the ability, the judges and juries, to decide liability based on the best evidence available, based on when the witnesses are available, based on when the records are available, based on what is possible for the jurors to determine what was -- in a negligence claim, what was expected of folks at the time in terms of, say, screenings.

So, that's why we have them and they're important for any kind of action. And for childhood sexual abuse claims here in civil cases, we have a statute

of limitations that's 30 years from a person reaching adulthood, which is much longer already than most other states. What you're considering today is rather extreme. It's something that's unprecedented in Connecticut law and most other states, completely eliminating a statute of limitations. (Bell) ATRA believes that a statute of limitations needs to be finite and it ought to be changed prospectively only for any type of civil claim. And I welcome your questions.

REP. STAFSTROM (129TH): Thank you. I'm just curious. Your last statement on -- sort of unprecedented. You know, we heard testimony earlier that a number of other states have opened windows. I think there was testimony earlier that there was ten states that have kind of opened windows for victims to file claims within a certain period of time, a year or two years, whatever it is. Is -- when you say, unprecedented, do you -- is there something unique in S.B. 3 that didn't happen in those other states or?

MR. SILVERMAN: To clarify, unprecedented in Connecticut law. There is no -- to my knowledge, there's no other civil claim where there's no statute of limitations at all. And taking this step sets a new precedent for other types of civil claims. Yes, there are -- I'm aware of eleven states that have retroactively, including Connecticut before, not with a window, but retroactively extended the statute of limitations, that have taken that approach. But forty states have enacted significant extensions of the statute of limitations for childhood sexual abuse, only eleven of them have taken this type of retroactive approach and not all -- and some of those have very

significant constraints on the types of claims that are revived.

REP. STAFSTROM (129TH): Okay. Questions from the committee. Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Good afternoon. Are you aware of any states that may have addressed this issue of sovereign immunity when it comes to this area of law?

MR. SILVERMAN: I know a number of them have. This has been an issue in most states. It's come up and the discrepancy between how do you deal with public institutions versus private institutions. Some states have permitted claims against state entities and explicitly provided that in their laws. Others have not. I don't -- I have the information here. If you'd like, I can send that to you, as to how specific states dealt with that issue. But I don't have that right in front of me here.

REP. REBIMBAS (70TH): Okay. So, typically, in Connecticut -- and again, I would appreciate any information you have. So, certainly, for all the -- extend it to the Chairs of the committee and the Ranking Members and we'll certainly be able to circulate it. We currently have the ability to sue the state. It's just there's a process, obviously, that a claim has to be filed, etcetera. And again, I don't want to put you on the spot, because you probably didn't look into this specifically for your testimony. But when it comes to a period of time for claims in the sovereign immunity kind of situation, are you familiar with any other states that have a larger period of time or that have essentially eliminated it for this kind of circumstances?

MR. SILVERMAN: For state entities?

REP. REBIMBAS (70TH): Correct.

MR. SILVERMAN: Yes, there are some states that have an enacting reviver provision specific including state entities. Now, they may still be subject to, as you have here in Connecticut, some procedures or significant limitations on damages under their Torts Claims Act. But there are at least some states that have at least applied the reviver, or the retroactive period to the state entities. And - yeah.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions from the committee. Seeing none. Appreciate you being with us. Next up, Angela Schlingheyde. Angela, hold on one second. We're gonna get Senator Looney up here and then you're after Senator Looney. Sorry about that, Senator. I didn't see you walk in.

SENATOR LOONEY (11TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): He is stealthy.

SENATOR LOONEY (11TH): Good afternoon, Representative Stafstrom, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. I'm Martin Looney, State Senator for the 11th District, representing New Haven, Hamden, and North Haven, and here to testify on three bills on the committee's agenda today - Senate Bill, No. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT; Senate Bill, No. 63, AN ACT CONCERNING THE USE OF A SUPPORTED DECISION-MAKING AGREEMENT BY A PERSON WITH A DISABILITY; and Senate

Bill, No. 689, AN ACT CONCERNING THE ISSUANCE OF EX PARTE RESTRAINING ORDERS.

First of all, Senate Bill 3, which we refer to as the times up back. I've submitted some more detailed testimony on it, but will summarize comments. After testifying on this bill last March, the importance of it has really not declined. We are constantly reminded of the need not to wait another year to act. Harvey Weinstein, a resident of Connecticut for many years, was arrested last June in New York for the sexual assault of their women. And had he committed those crimes in Connecticut, he would be beyond the reach of the law because those charges came after our five-year statute of limitation.

Last August, a report was released documenting over 30 years of sexual abuse of students at the Hotchkiss School in Salisbury. An October report identified three former staff members at the Choate School in Wallingford who sexually abused students. A significant goal of Senate Bill 3 is to give victims of sexual violence the time they need to cope before coming forward. Each individual's experience as a victim of sexual harassment or assault will be unique to him or to her. But there are common ways that victims respond.

Rape and other forms of sexual assault have been the most underreported crimes and most victims will never talk to the police. Seventy to eighty percent of people who experience workplace harassment do not report it. The victims need time to admit that they are victims, to not blame themselves, to overcome the fear that they will not be believed. And that's why we have addressed multiple issues in a single



piece of legislation, because prejudice is in stereotypes that have kept women silent that touch all aspects of society. The MeToo and Time's Up Movement should inspire each of us to ask what we can do to be supportive of these brave individuals who come forward. Because when they speak out, justice can prevail, and our communities will be stronger.

Although we began this process last year with a review of our sexual harassment laws, I'm pleased it gave us the opportunity to consider changes to workplace discrimination as a whole, and in addition to sexual harassment, many provisions in the bill will help employees discriminated on the basis of race, religion, disability, veteran status and other protected classes by strengthening CHRO's authority to issue fines and enforce compliance, extending deadlines to victims to file complaints and allowing victims to seek punitive damages. Senate Bill 3 will protect all employees facing workplace discrimination.

On Senate Bill 63, AN ACT CONCERNING THE USE OF A SUPPORTED DECISION-MAKING AGREEMENT BY A PERSON WITH A DISABILITY, this would be a process -- the process of supported decision-making would be an effort to assist and accommodate an adult with a disability, (bell) to help enable the adult to make life decisions, including decisions related to where that person wants to live or services, supports and medical care the person wants to receive, whom the person wants to live with, where the person wants to work, without impeding the self-determination of the adult to an extent greater than necessary.

It's an alternative to appointing a guardian or a conservator, and may, in some cases, be an intermediate measure taken prior to the appointment of a guardian or conservator, should the person's condition worsen to the point where such an appointment is in the person's best interest. And that is often a problem now, where we have -- we see people that have some level of disability, but not so much -- it's sort of in a limbo area where they are not fully able to be fully autonomous and do everything for themselves, but they are not really at the point where they need a conservator or a guardian to take over everything for them. And this would be in effect in a sort of intermediate step. Navigating the world with a disability can often be extraordinarily challenging, both for the person with the disability and for that person's relatives. However, our state's law and policies must be focused on allowing a disabled person to retain as much agency as possible over as many life decisions as possible.

While often a person with diminished mental capacity, whether it be due to advancing age, an injury, or a congenital condition, is placed into a guardianship relationship in which the disabled is prevented from making important life decisions, regardless of the person's actual competency to make appropriate choices. Supported decision-making would allow people with disabilities to keep their rights and the decision-making capacity and demonstrates a respect for the remaining potential of a disabled person. And rather than having a guardian make choices for them, people with disabilities would have supporters who help them make their own choices while they remain able to do

## PUBLIC HEARING

so. A person using supported decision-making appoints trusted advisors, often including friends, family or professional, and these supporters would help the person with a disability understand, make and communicate his or her own choices.

The fact that a person has a disability must not be used as an excuse to deprive that person of her or his basic civil rights, and allowing shared decision-making is a step toward recognizing the independence, autonomy and rights of the disabled. Thank you for hearing this important bill. To some extent, what would be allowed in this bill is in some ways parallel to what we do with powers of attorney documents, where you have a checklist of powers that may or may not be granted to the person who is gonna be given the power of attorney, so that the person who is granting the power can limit the grant of that power in certain cases or make it as broad as possible by not eliminating any of those items in -- on the checklist.

And the third bill I just wanted to mention briefly. Senate Bill 689, AN ACT CONCERNING THE ISSUANCE OF EX PARTE RESTRAINING ORDERS. This is one that would permit the court to issue ex parte restraining orders when the respondent could pose a physical danger to the applicant prior to the opportunity for a hearing. This, I think deals with a -- deals with a situation in which there may be a threat that is not adequately addressed under current law.

So, thank you very much to the committee for hearing all of the important legislation that you are dealing with in the course of this session. Thank you so much.

REP. STAFSTROM (129TH): Appreciate it, Senator. Questions. Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Good afternoon, Senator. It's an honor to have you here. Thank you very much for your advocacy and all the work that you've done on preventing sexual harassment and assault. Can you help me understand how the ex parte bill is different from the one that we did some years ago when I was at the Permanent Commission of the Status of Women, where we were able to get the removal -- a judge's discretion to remove firearms in the case of an ex parte restraining order? I'm not sure I understand. Don't we already do what is in this bill? You just mentioned additional potential harms. Can you explain that a little bit, please?

SENATOR LOONEY (11TH): (Coughing) Excuse me. Under the -- the original bill said that the statutes be amended to require that any period of incarceration for the respondent, a temporary restraining order be excluded from any calculation determining the period of time for which the order is in effect. So, the concern was that providing time for which a temporary restraining order is in effect doesn't toll during any period for which the respondent is held in custody. And that was a concern about the order perhaps expiring while someone was in custody and then not being subject to it when they -- when that person came out.

The Committee Bill deals with the application process, but has -- the new operative language is in lines -- after line 43, *such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to,*

*an order enjoining the responder from injuring or threatening to injure such animal. If the applicant alleges an immediate and present physical danger to the applicant or that the respondent could pose a physical danger to the application prior to the opportunity for a hearing, the court may issue an ex parte order granting such relief as is deems appropriate. So, the concern in the Committee Bill is one that wants to make sure that there is not, again, not a time gap in the opportunity to seek relief.*

REP. PALM (36TH): Thank you, Senator, very much.

SENATOR LOONEY (11TH): Thank you.

REP. PALM (36TH): Thank you, Mr. --

REP. STAFSTROM (129TH): Further questions from the committee. Seeing none. Senator Looney, thanks for being with us. Appreciate it.

SENATOR LOONEY (11TH): Thank you so much, Mr. Chairman, and again, to the Chairs, Ranking Members. Again, this committee is always the most interesting committee in the General Assembly because of the nature of the debates that go on here that deal with values that go beyond partisanship. So, thank you so much.

REP. STAFSTROM (129TH): Right. And we appreciate you being with us several times this session. So, appreciate it.

SENATOR LOONEY (11TH): Thank you.

REP. STAFSTROM (129TH): Okay. Angela.

MS. SCHLINGHEYDE: Good afternoon, Representative Stafstrom, Senator Kissel, Representative Rebimbas,

and distinguished members of the Judiciary Committee. My name is Angela Schlingheyde, and I am the director of Legal and Court Advocacy services at The Center for Family Justice in Bridgeport, Connecticut. We provide comprehensive services to victims and survivors of sexual violence, domestic violence and child abuse, and we serve the towns in the greater -- six towns in the greater Bridgeport area. I'm here today to testify in support of Senate Bill 3, and to show my opposition to Senate Bill 913.

I have worked with sexual violence victims and survivors for over twenty years, both as a prosecutor and in an advocacy capacity. I can tell you from having worked with hundreds of survivors that the very nature of sexual assault, the inherent violation of this crime affects victims unlike any other type of crime. The five-year statute of limitations that we currently having in Connecticut for most sexual offenses has usually closed before a sexual violence victim has even had time to come to terms with their victimization.

One such victim, who we'll call, Michael, was raped by his neighbor and suffered extreme trauma. After nine years of struggling with this trauma alone, Michael finally found the courage to come forward and report his sexual assault. The police investigated and the perpetrator confessed to the allegations. However, due to the fact that the statute of limitations had expired, the case could not move forward, the perpetrator was never held accountable, and he continued to be a threat to public safety. Michael was devastated and blamed himself for not coming forward sooner.

Another victim could not face her husband and her young children after being sexually assaulted by a colleague. She suffered in silence, dealing with multiple mental health issues, until 23 years later, she finally felt she could share her pain, but with no legal recourse. The experiences are as varied as the victims themselves. As a former prosecutor, I have the utmost respect for our criminal justice system and this proposed legislation does nothing to change the burden of proof. The notion that so many victims create false allegations of sexual assault is simply not true. The reality is that two out of every three sexual assaults goes unreported.

Currently, there is no statute of limitations on rape with a weapon or when DNA evidence is collected at the time of the crime. However, this exclusion covers only a small percentage of the sexual assault crimes. Connecticut's statute of limitations must be eliminated for all B and C felony sexual assault crimes and extended to twenty-five years for D felony sexual assault crimes to fully acknowledge the impact of trauma on survivors of sexual violence and the barriers they face when reporting as well as hold the persons who commit these acts of sexual violence accountable.

Additionally, the statute of limitations should be completely eliminated in all sexual assault crimes involving minor victims. There are crimes so horrible that there should never be a statute of limitations. (Bell) Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Angela, just real quick. You mentioned, sort of, as a former prosecutor, and I know the Division of Criminal Justice has submitted

testimony and raised some concerns sort of with how the language in how this bill is currently drafted. Have you had an opportunity to look at any of that?

MS. SCHLINGHEYDE: I have not seen their testimony yet, no.

REP. STAFSTROM (129TH): Okay. Okay. All right, thanks. Any other questions? All right, thank you.

MS. SCHLINGHEYDE: Thank you so much.

REP. STAFSTROM (129TH): Jennifer Zito.

MS. ZITO: Senator Kissel, Representative Stafstrom, Representative Rebimbas, and distinguished members of the committee, my name is Jennifer Zito. I am a private criminal defense lawyer of over thirty years in the State of Connecticut. I am the past president of the Connecticut Criminal Defense Lawyers Association and currently its representative on the Sentencing Commission. I am here testifying on various bills on behalf of the Connecticut Criminal Defense Lawyers Association.

First of all, I'm going to testify in favor of all the recommendations of the Sentencing Commission set forth in Senate Bill 1113. And as Senator Kissel may remember, I used to testify regularly here with the late Tom Ullmann, so I am particularly honored to be here today to testify. I feel that he's with us in spirit and support of the Sex Offender Registry bill, which I know was very near and dear to his heart, as it is to mine and our organizations.

We just want to point out quickly, as there are various bills I need to testify on, that this bill protects the public. It is not soft on sex



offenders. This bill is a fix to our current registry system that is failing the citizens of Connecticut. And it's doing so because there are 6,000 people on the public registry. We cannot identify which ones are a high-risk, which ones pose an actual risk to Connecticut's citizens and it makes it too difficult to monitor everyone, instead of the intended few, which we figure are about 250 to 300 people. It dilutes our knowledge of who is a danger and who is not. This bill will incentivize offenders to comply with their treatment and to comply with their registration requirements of telling us where they are, where they're living, because it will allow them to petition at some point in time to get off of the public registry and then perhaps be removed from the registry entirely, depending on their risk categorization.

It also reduces barriers to offenders who come back out, who can get reintegrated into the community. And that is good for everyone. Because with support, these offenders have been shown to rehabilitate and not re-offend, as proven by OPM's recidivism study back in 2011 and 2012, showing that it is a very small percentage of sex offenders who actually recidivate. I would ask this committee to please recognize that this bill is an attempt to protect the citizens of Connecticut. It has been vetted thoroughly and is with two years of input of experts. And all of the stakeholders, victims, state's attorneys, Department of Correction, Parole, defense lawyers, all came to a consensus. And while CCDLA would like this to apply retroactively, in the spirit of compromise and in an effort to move Connecticut forward to protect its citizens, we feel

that the bill is (bell) -- should be passed as a consensus of the commission.

I will just wrap up. We are opposing the Committee Bill 3, and I have a great deal to say about that, without any time, unfortunately. We have submitted testimony and we are favoring the five-year to ten-year. Under Senate Bill 913, we are favoring that as a compromise. We feel that it is fundamentally important to balance the constitutional protections of the accused with the rights of the victims and that we should increase the statute of limitations. We should double it, as proposed in 913. But by eliminating it, we are posing too many problems both in proving cases and in the defense's ability to defend themselves under the law.

And lastly, we would oppose Raised Bill 7342, adding the thirty-day mandatory minimum for risk of injury to a minor. And as well as supporting the sentence modification bill to allow more incarcerated defendant access to courts to show good cause why their sentences should be modified.

REP. STAFSTROM (129TH): Okay, great. Questions from the committee. Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. If -- I'm interested in the fact that you're supporting the extension of the five years opposed to the complete elimination of the statute of limitations. Can you highlight some of the difficulties that you would find, I would assume in your specific profession, in the defense?

MS. ZITO: Yes, I would be happy to. For instance, take an alibi defense. So, often times defendants will put a notice of an alibi of where they were,

either in a different state or in a different location at the time the offense was committed. If you have no statute of limitations at all, can you imagine the difficulty forty years later of trying to determine where you were forty years earlier, basically eliminating an alibi defense for most practical purposes. Additionally, if you have -- often times in these cases, when they're not DNA cases, for which there is no statute of limitations in Connecticut already, when you have witnesses who have died over the course of that period of time or witnesses you can no longer locate.

It becomes more and more problematic not only for the state to prove its case, but for the defense to adequately defend themselves. The fundamental fairness doctrine is really turned upside down, as well as due process concerns when you're not able to produce evidence, produce witnesses. These are very, very difficult cases. And we're only speaking now in the Committee Bill of the criminal statute of limitations. I'm not addressing the civil limitations that were set forth there. But from a criminal perspective, we feel that defendants are at a tremendous disadvantage in these cases, usually because they're a he said-she said, or, you know, it's one person's word against another's, and oftentimes these are very, very difficult cases to defend from the get go.

I have had a gentleman acquitted of a case where a child brought a criminal case against him. And the jury told me afterwards that they felt he was fundamentally innocent. So, unlike some of these civil cases that they've been discussing, there are false accusations that are made and people are arrested and they do need to be able to have their

day in court and to be able to produce evidence in a timely enough fashion to be acquitted. So, as Mr. Silverman was stating, when he was discussing how the civil statute of limitations in tort cases makes it difficult for civil defendants to defend themselves, it's even more true in a criminal case, where somebody's liberty is at stake.

And we feel that there has to be some balance here between the two competing interests and I think that constitutionally, we need to protect the due process rights of a defendant and we also need to give victims access in a time -- in a window that is reasonable. And we feel that doubling the current statute of limitations for adults is reasonable. It should be known that in Connecticut, already, for class A felonies, we have sexual felonies for children under 16; there is no statute of limitations. And for all other sexual assault felonies involving minors, including the class A misdemeanor or sexual assault in the fourth degree, there is a 30-year past majority statute of limitations. So, we have carved out exceptions to sort of address the specific issue of the psychological and sociological problems associated with victims, particularly minors, coming forward after the fact.

When we're talking about the adult population, right now there is a five-year statute for these felonies, and we agree that under -- and favor proposed Senate Bill 913, which will double that statute of limitations, because we can agree and see that five years may not be enough time. But to eliminate the statute entirely, I think will wreak havoc in a courtroom. I don't think the state -- the State Attorneys' Office doesn't favor that either. I've

read their testimony. I've heard Kevin Kane speak to the issue. And I think it's very difficult for law enforcement to prosecute cases that old. It's very difficult, obviously, for them to meet their burden, and it's also very difficult for the defense to adequately defend somebody accused so many years later. So, we're asking the legislature to strike a balance here and find something that accommodates both interests.

REP. REBIMBAS (70TH): Thank you for your testimony. And one of the other things that occurred to me as I've been hearing testimony is sometimes individuals may, or perpetrators, however you want to address them, may have admitted to the crime, knowing that the statute of limitations was something that barred them from being prosecuted. How would you handle a matter like that?

MS. ZITO: Well, I don't know of any such case myself, so I don't have any, you know, personal experience with that. But certainly there are civil remedies with much longer statute of limitations that I think provide some vehicle of redress. But I think there should be a distinction between criminal statutes and civil statute of limitations due to the liberty interest at stake. And I hope that there are adequate remedies at law civilly for victims of sexual violence. But I think that we still need -- and I don't know of a case where somebody would inculcate themselves like that.

I think there are very many ways that you can be prosecuted for sexual assault. And if they can -- under our broad definitions now of sexual assault in the first degree, if the victim is under 13, there's no statute of limitations. If you're under 16; I'm

sorry, there's no statute of limitations, and certain offenses fall into categories where there are no statute of limitations if they're egregious enough and involve minors. But I'm hoping that there is adequate redress civilly and that as far as the criminal statutes are concerned, we need to be really be cautious to balance the constitutional protections of a trial.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

REP STAFSTROM (129TH): Thank you. Further questions from the committee. Seeing none. Thanks for being with us.

MS. ZITO: Thank you.

REP. STAFSTROM (129TH): Judge Devlin.

JUDGE DEVLIN: Good afternoon, Senator Winfield, Representative Stafstrom, Senator Kissel and Representative Rebimbas. My name is Robert Devlin. I'm a superior court judge and I'm here today as chair of the Connecticut Sentencing Commission to speak in favor of Senate Bill 1113, which contains four unrelated proposals that the commission is putting forward for this committee's consideration. The Sentencing Commission, as you know, is a statutorily formed commission. We started operation in 2011. It has 23 members that consist of members of judges, a chief state's attorney, chief public defender. We have members of the Chief of Police Association, a wide spectrum of stakeholders in the criminal justice system. We try to operate on a consensus basis with respect to the recommendations that we're making.

So, this particular Senate Bill has four proposals. One -- I'll speak briefly on three and maybe reserve most of my time for the fourth one. The adoption of the Safe Families Act is a federal statute that is concerned with persons, young children, being in foster care excessively and has applications for persons who are incarcerated. What this proposal would do would be to give the judge some criteria to evaluate whether or not an incarcerated person was maintaining a meaningful role with their child that should be taken into consideration in the decision of whether or not parental rights should be terminated and whether it really was in the best interest of that child to terminate the parental rights of an incarcerated parent. And we have testimony that we've submitted on that.

The second proposal concerns our Sentence Review Division. We have a statutorily formed Sentence Review Division of the Superior Court which reviews sentences to see if they're overly harsh and allows them to be adjusted. The statute forbids review of sentences that are the product of a plea bargain. But maybe fifteen or so years ago, there was a court case that said that so-called, cap, sentences, where the negotiation is not to a specific number, but to a range of sentencing options that the court can consider. Those sentences were eligible for sentence review. This proposal would change that.

Because the Review Division over and over and over again has seen these so-called cap sentences where someone says, okay, the agreement is you can't get more than five years, you could get probation. We'll let the judge decide what that -- within that range, what's appropriate. We have a lot of sentences like that. And as a practical matter,

those people do not get relief from the Sentence Review Division. They consider them to be a form of negotiated disposition and we think it -- it would focus the division on people that really do get very long sentences and those sentences should be carefully looked at. The problem is, the docket is populated with lots and lots of cases where people really have negotiated some agreement and are disappointed in the range -- the point within the range where the judge decided to impose a sentence.

The third is -- concerns sentence modification. Right now, a person who has a sentence of three years or less (bell) can go to the judge and ask for a modification. This would ensure that that three-year time period was the incarcerated portion of the sentence.

And finally, on the Sex Offender Registry. Public Act 15-2 asks the Sentencing Commission to do a study about sex offender management in Connecticut. We embarked upon a two-year study. We formed subcommittees. We talked to experts. We heard from every stakeholder under the sun on sex offender management, sex offender recidivism, sex offender evaluations and we came to the conclusion that the better approach in Connecticut would be a risk-based system. But that risk would be evaluated by credentialed experts so that the fundamental thing on this proposal is to move -- your conviction will be a portal onto the registry. But where you stood on the registry, whether it was life or a period of twenty years on a law enforcement registry, or a period of ten years on a law enforcement registry, would be determined by this board, who would evaluate each individual and then make an assessment. There would be an ability to move from



one category to another and there would be the ability to get off the registry under appropriate circumstances.

Connecticut is one of a minority of states; I think the only one in the New England region that has no way off the registry at all. This would provide for a meritorious case, it to be appropriate. And finally, the proposals that we make, particularly with respect to the ability to get off the registry, would be prospective only and would not apply retroactively. That was a grave concern that the victim's rights people had on the commission and who spoke with us, and so that was an agreement that we reached in trying to reach a consensus proposal for the legislature. So, thank you very much for your attention.

REP. STAFSTROM (129TH): Thank you. And that was gonna be my question. I think you just answered it. So -- we -- because we did receive some testimony from folks who wanted an ability for somebody who's been on the registry to have an ability to petition off based on the possible changes in the law here. So the reason that's not included in the draft language before us is because of the compromise struck at the Sentencing Commission level?

JUDGE DEVLIN: Yes. I mean, there -- we heard a lot of testimony from victim's groups, who said when the case went through the court system, one of the things that the victim was very, very interested in was whether or not this person would be on the Sex Offender Registry. And that was as important to some victims as the length of incarceration or other aspects of the punishment. And so, these victims were very much invested in that. They had an

expectation of that. It was reasonable because both the court and the prosecutor told them that through the process, and so it was decided that a better approach, to reach consensus and get the victims groups to support this, which they do, to make it prospective.

Now, the 800 people that were sort of grandfathered onto the registry, whose cases went through the courts before there was a Sex Offender Registry, and so there was no representations made to victims, they would have a chance to make a petition to the court to see if it would be proper and in the interest of public safety to allow them off the registry. But the bulk of people would not.

REP. STAFSTROM (129TH): Okay. So, just to be clear. So, as a -- the fact that certain folks cannot petition off, that wasn't a concern for public safety for those folks. You know, because moving forward, we're going to a risk-based registry. So, it -- I mean, I guess it just strikes as a little odd that we have a -- we're going to a risk-based registry from a certain date and time forward, but we're not looking at risk-based analysis for a certain date of time backwards to another date and time.

JUDGE DEVLIN: So, 1998 to 2019 would be offense-based and then --

REP. STAFSTROM (129TH): So we're still keeping sort of an offense-based or punitive-based registry for a certain segment of time, but not before a certain period of time and not after a certain period of time.

JUDGE DEVLIN: Well, that is our proposal, right. I mean, obviously, the -- this could be adjusted, but that is our proposal that we've made. But I don't think it's completely unsupported. When the -- the registry has gone through various iterations as it sort of worked its way through our society and there have been situation where people had their case adjudicated in court, where there was no Sex offender Registry, and then after the fact they were required to register as a sex offender. There was a lot of litigation about that. Ultimately, the courts ruled that the registry was regulatory and not penal, and because it was regulatory it was legal for it to be applied retroactively. And it seems to me that same argument could be made to support this sort of scheme, where the registry would be prospective only and not have a retroactive effect.

REP. STAFSTROM (129TH): Okay. Further questions from the committee. Seeing none. Judge, I want to thank you and thank the work of the Sentencing Commission that you guys do. And I apologize I wasn't able to make your meeting last week, but I did watch it, and I appreciate you recognizing that. Obviously, there was a lot of proposals put in by the Sentencing Commission this year. And at your request, we prioritized some over the others. And we certainly appreciate the work you guys are doing.

JUDGE DEVLIN: Thank you very much.

REP. STAFSTROM (129TH): Next up is Steve Kennedy.

REP. MCCARTHY-VAHEY (133RD): Good afternoon, Representative Stafstrom, Senator Winfield, Senator Kissel, and Representative Rebimbas. I am actually Cristin McCarthy-Vahey from the 133rd, and I am here

with Steve to provide support to him as he presents testimony to you today.

MR. KENNEDY: Thank you. My name is Steve Kennedy. I live in Fairfield. I'm here today in support of S.B. 3. I know many of you through my work on veterans' issues, but I have to say, I have never been so terrified before a committee in this building, because this is so personal.

I am a survivor of sexual assault by a priest, when I was six years old, attending a Catholic school in Milford. Under the cover of punishing me for misbehavior, this priest removed me from recess and said he was taking me to the principal's office. I never made it to the principal's office. Instead, he took me to the basement. He told me that I had everyone believing that I was a good kid and everyone else may be fooled, but he could see me for who I was, and he needed to teach me a lesson. He told me to pull my pants down, and when I started to cry, he pushed me back against the wall and told me to stop. I did, and he grabbed my penis and scrotum and he squeezed, not hard enough to hurt, but just enough to let me know that he was in charge and I was not going anywhere. I can still feel the burning heat that I felt in my chest as I tried to hold all of that in.

That priest made me kill a part of myself at that moment. I couldn't be that six-year-old with my body on fire and just full of fear and shame. I went up into my head, and I never came back out. With my little fists balled at my sides, I strangled the part of me that was feeling that pain and it never came back out of that basement. And without realizing it, I've been too afraid to let anyone

close since then. I so completely internalized this that my only experience of it was the certainty that there was something with me, and that I couldn't let anyone see me for who I was, without them being horrified.

I believed that I deserved it. I thought that if I could be good enough, or do enough, I could make up for it. I did everything that I was supposed to. I -- and I got good grades. I did everything my parents told me. But that feeling never went away.

I'm 32 years old now, and I am only just at the point where I can confront this, that I can acknowledge it to myself, let alone to anybody else. This is the first time I've shared this publicly. I mean, think about when you were 23; all due respect to Senator Haskell, do you really believe that you could have confronted an existential crisis like this when you were 23 years old? When what you felt like kept you alive that entire time and what kept you sane was to keep it in. Because of that completely natural response, the perpetrator is still out there. Three other people accused him after the criminal statute of limitations had passed. He was removed from the priesthood decades later. But he's still out living his life. He's living in New Haven, just doing -- doing whatever. I can't imagine how many more of us there are. I mean, I didn't want to see myself as a kid whose life has been destroyed or -- I just wanted to live my life.

The burden of his crime fell completely on me. And there have been questions today about false accusations. I mean, I don't want to be here today. I don't want any money. I want this man to see

justice. I could sue him. I mean, I'm still in my statute of limitations for a civil case. But I want him to face justice and I don't want any more kids to be hurt. My own oldest daughter is about to six years old herself. So, to, you know, the opponents worrying about fairness for this small number of people who are falsely accused, I mean, I'm not here to give you a perfect system for how to balance that. But there is gonna be a balance. Some people will be falsely accused. Right now, many more people are going without justice. So, just because we don't have a perfect system before you today, doesn't mean that we default back to a broken system that is stacked in favor of perpetrators.

So, again, I'd ask you to support S.B. 3 and eliminate or extend as far as you can the statute of limitations for victims of sexual assault. Thank you.

REP. STAFSTROM (129TH): Thank you, Steve, and thank you for sharing your story. And I know it's not easy and I commend your strength and passion for being here to do this. You mentioned -- this is the first time you've shared this publicly?

MR. KENNEDY: Yes.

REP. STAFSTROM (129TH): Okay. I would just -- I don't know if you were here earlier with a previous person. But I would make sure you document this with the diocese as well. And, you know, certainly, the diocese around the state are undertaking, you know, a comprehensive reviews under new leadership and new bishops and the like. And it's important that you make a report with them as well. Does -- have you -- maybe I'm misunderstanding some of the

statute. But if you're 32, don't -- under the 30-plus-21, wouldn't you still have a right to seek?

MR. KENNEDY: For a civil suit, right. I mean, I'm not a lawyer. My understanding is that for a civil suit I could. And I'm not really -- I really just -  
-

REP. STAFSTROM (129TH): No, I think for criminal. I think for criminal you have 30 -- I think you have 30 -- I think you have 30 years after the age of 21.

MR. KENNEDY: Well, that's good to know.

REP. STAFSTROM (129TH): Depending on what the -- what offense they can charge with.

MR. KENNEDY: Yeah, I mean, my understanding of it it didn't rise to that level of felony to hit 30, but I -- you know, again, I'm not a lawyer.

REP. STAFSTROM (129TH): Yeah. I would just -- I would encourage --

MR. KENNEDY: Yeah, I will certainly look into it. I mean, I think that either way, there are -- I am really blessed that I've been able to be at this point today. I think we've heard from so many survivors already who grew up in a different time than I did. I mean, it's still -- it's still difficult, but at least when I was younger, I mean, abuse by priests was a thing. It was acknowledged. I didn't want to identify as that and it was difficult to get to that point. But I can't imagine somebody, who, you know, this happened in the '60 or '70s or something like that. So, I think that that experience that I had, I'm really -- I've benefitted from their own experience and their own work on this. And, I mean, yeah, maybe I am able to do

that. I'm glad for that. But I still think that even if my personal case doesn't fall under this, this is absolutely something that should be done and could've just as easily gone another way.

REP. STAFSTROM (129TH): Certainly understand your testimony and certainly I understand your position on that. I think, you know, my -- beyond that, the other interest is just making sure that, you know, you avail yourselves of whatever resources and whatever services, and whatever recourse may be out there for you, so.

MR. KENNEDY: I appreciate it.

REP. STAFSTROM (129TH): Appreciate it. Further questions or comments from the committee.  
Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. I just want to thank you very, very much for your bravery. An earlier person who was testifying, I asked her if it was harder for men to come forward than women, generally speaking. And in her professional opinion it was. So, thank you for being such a really articulate advocate for all people, and I realize you're not just here representing men or the victims of priests. But you are a very eloquent example of why this mythology that people lie about this to get self-aggrandizement is just so ludicrous. And some of us are just so tired of hearing that. So, thank you very, very much for your bravery, for being here. And thank you, Representative McCarthy-Vahey for welcoming him. Thank you.

REP. STAFSTROM (129TH): Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And I just wanted to thank you, Steve, for coming in and



having the courage to share your story. I'd echo Representative Palm. You're a tremendously powerful advocate on this issue and also on a host of other issues. And I wanted to thank you for all the work you do for IAVA as well. So, thank you.

MR. KENNEDY: Thank you.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Senator Winfield.

SENATOR WINFIELD (10TH): Thank you, Mr. Chair. And I want to thank you and all of the people testifying today. But I particularly chose to thank you right now because it is your first time. And the first time I ever said anything was in this room as well. So, I have a similar experience. And it was interesting, because, for me, it was really not because I sat on your side, but I sat here, listening to testimony and I listened to people who basically were mocking other people who were testifying. And it was about power, right? I sit here in a position of power and many of the people who were sitting in the audience were powerless to really do anything about it. And I know what it took to say something in that moment. I was a little bit older than you currently are, but not much at that time. And it -- you know, something, that for various reasons I had not said. And in that moment it took a lot. It really did. So, I'm very appreciative of the fact that you chose to come here today to testify in the way that you did. Thank you.

REP. STAFSTROM (129TH): Further questions or comments from the committee. Seeing none. Thanks again, both of you.

MR. KENNEDY: Thank you.

REP. MCCARTHY-VAHEY (133RD): I'd like to thank you all very much for your attentiveness and care today. Thank you.

REP. STAFSTROM (129TH): Thanks, Representative. Ashlei Flemming.

MS. FLEMMING: Good afternoon, Senator Kissel, Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee. My name is Ashlei Flemming, and I am a post-conviction victim's advocate at the Connecticut Alliance to End Sexual Violence. I have served as an advocate for victims in our community in a professional capacity for over a decade and even longer in a personal capacity. I strive to honor the needs of each individual survivor that I come into contact with. Thank you for allowing me to speak in support of Senate Bill 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

There is very often a wide variation of experiences for survivors following the trauma of sexual violence. These can include self-blame, shame, scrutinization, and loss of social supports upon disclosing or reporting the abuse. Many victims require extended amounts of time and information in order to understand that they are not to blame for someone else's actions. Coming to the realization that they are not at fault for being sexually assaulted can be emotional on its own for a victim because it requires acknowledging vulnerability. Victims can take years to come to that level of awareness about the assault in even the most supportive conditions. Unfortunately, some victims

are preyed upon specifically because of their lack of support or dependence otherwise on an offender.

If a victim comes to terms with their loss of autonomy, they are then confronted with the decision of disclosing to someone that they feel they can trust. If the person that they disclose to is unsupportive or seems to question the victim's judgment even slightly, it can halt any further reporting for years. In the best case scenario, a victim rapidly comes to terms with what has happened to them and they disclose to someone who is supportive and who can encourage them when doubt or nervousness crops up. But this does not account for the additional level of hesitance that can come with reporting to law enforcement, which can be very intimidating, particularly when the victim is all too often acquainted with the offender in professional or social circles.

Victims can feel the weight of an offender's physical, social, or financial power when they are deciding whether or not to proceed through the legal system. In my works, I have seen these influences have -- these influences have very real, comprehensive impacts on the lives of victims and should be very seriously considered when there are any conversations around the statute of limitations for sexual crimes. I would also urge you to consider how uncomfortable many people here today have found it to discuss with strangers, in a professional setting, the sexual engagements that they have been forced to comply with. It is not hard to imagine that in our justice -- that our justice system should exhibit more patience for this process.

I personally carry with me the survival stories of upward of fourteen people that have been sexually assaulted and have yet to proceed with legal action in the public scrutiny it unfortunately still entails. For some of these victims, not reporting around the time of the offense (bell) is literally or perceptually how they survived the abuse. As you are all well aware, innocent until proven guilty in a court of law means that the state is required to prove that a crime has indeed occurred. The difficulties with regards to the passing of time, that are present for any defendant, are the same difficulties that a prosecution would be meeting with. And that should also not bar a case from being heard.

The victims that I know have so much to worry about. The saying is that time heals, but with regards to the current statute of limitations, time is just another contender. Let's give victims one less thing to battle, by providing them with more legal time. I urge you to pass Senate Bill 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT, to give victims more time. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee. Seeing none. Thanks for being with us. I appreciate it. Tara Flynn. Tara Flynn? Amber Vlangas.

MS. VLANGAS: Thank you very much to the committee for having me here today. I'm very sorry. I'm just gonna state. I'm someone who gets very emotional, so, and this is a very difficult place to be, telling stories and how things affect your life. My name is Amber. I am a complex individual in that I

understand this issue from very different perspectives.

As a young United States Marine, I was sexually assaulted and at that time did not come forward for a variety of different reasons. I have worked with abused and neglected children throughout my career and have spent time understanding abuse, neglect and trauma. And lastly, I am a wife to a person who is required to register. I have four children who are affected on a daily basis by our current broken system that does not heal trauma for survivors. It does not make our communities safer. So, I am here in support of S.B. 1113, with some reservations.

I would like to call everybody's attention to the word -- the definition of the word, "collateral." Collateral means additional, but subordinate, something secondary. It seems like an afterthought. Something that doesn't really matter. I'm here to tell you today that I matter. (Crying) My six-year-old son matters. My fourteen-year-old daughter matters. My twenty-one-year-old son, who drives the vehicle that is registered because of this registry, and my nineteen-year-old daughter is also affected by these laws, that again, do not focus where they should focus, on primary prevention services for victims, to help them through the process, to help them heal. This is where we should be focusing our efforts.

I would like to call concern to the idea of retroactivity. We've heard multiple people bring this up as an issue. I believe in a fair system that takes into account the idea that registration requirements are for -- it's a civil management scheme. It is to protect the public. So what is

right that we decide and we look at is not a punishment. So, it's either a punishment or it's not. When we look at retroactivity and the thousands of not just people who are required to register, but thousands of family members, mothers, brothers, sisters, children, we have to look at that as well when we're moving forward. (Bell) I'm sorry.

I would also like to call attention, just because I think it's very important. If you'll just give me a few more moments. The relief mechanisms and the legal remedies, the idea to petition off of the registry is very important. I would like to commend the Sentencing Commission for all of their wonderful work. But it does disproportionately affect people who have no ability to pay for legal counsel, to petition off of the registry. So, while the mechanism is there, is it really going to be available to all individuals who are affected?

REP. STAFSTROM (129TH): Okay. Thank you. So, I just want to make sure I understand your testimony. You did a great job holding it together, so you're -  
-

MS. VLANGAS: I'm sorry.

REP. STAFSTROM (129TH): No, no, no, that's -- I understand. This is -- as you mentioned, this is not the least intimidating place in the world to come and share your story and talk about your personally and the focus today is it's been a very, you know, obviously a tough day for a lot of folks. And we appreciate everybody for coming forward today, but. So, you're in favor of S.B. 1113, but generally speaking, you don't -- you think there should be a way for everyone to petition off the

registry if we're gonna go to truly a risk-basis as opposed to a sentence-based system.

MS. VLANGAS: That's correct.

REP. STAFSTROM (129TH): Okay. Okay.

MS. VLANGAS: And during -- and if I could just add one more comment in regard to that?

REP. STAFSTROM (129TH): Sure.

MS. VLANGAS: When it comes to input about risk, it's very important that, unlike our neighboring New York, we use validated actuarial tools, which is what is being proposed. But we must not conflate victim trauma with actual risk. I could not be impartial if I were asked whether I felt that the person who harmed me was a risk to the public. Of course I think that. But when we are looking at science and the actual risk factors, we must look at that if we're going to a risk-based system. So, the -- while victims need to be heard and as a survivor myself, I would want to be heard, we just have to be careful with how that weighs out.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee. Representative Rebinbas.

REP. REBINBAS (70TH): Thank you, Mr. Chairman. I just wanted to take the opportunity to thank you for sharing your story; it's a very unique one, and also for your courage being here and for your service to our country. Thank you. Thank you, Mr. Chairman.

MS. VLANGAS: Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions. If not --

REP. BLUMENTHAL (147TH): Thank you very much, ma'am. Next is Anthony Luther, followed by Eileen Redden.

MR. LUTHER: Thank you very much for the opportunity to speak and your endurance to go through this day. My name is Anthony Luther. Today, first of all, I come to you, I am a surviving victim as a child, but I'm very fortunate that it has not affected my life to the degree it has others. But the reason I'm here today is about the registry and how it's being weaponized, especially against children, children that find themselves on the Sex Offender Registry. In the State of Connecticut, we don't put them on the registry until after they're age 18 or out of prison.

I've been close to this situation and what I would like to bring to your attention is the Supreme Court ruling that says you shouldn't give a life sentence or a severe sentence to a child and it should be reconsidered. However, in the State of Connecticut, we do give a lifetime registry to children. That once they serve their time and they come out, they'll be on the registry for life. Also, in Connecticut, what we do is we give the children - that are adults at this point; we give them a parole hearing as opposed to resentencing. At the parole hearing, they're usually denied if they're a sex offender. What makes this even worse is that we deny them access to halfway houses.

As a sex offender, when it comes up time for your release, you apply for a halfway house and it's denied. This is routine. And if you look at the person that's been in prison since they fifteen years old, fourteen, whatever the age is, they don't



have any life skills. They serve their sentence, they come out, and they're released to the street. They probably don't -- well, they don't have a driver's license, may never have taken a public bus. They may not even have purchased food with money, nevertheless dial some of the new telephones. I can't even figure mine out. There are reentry counselors that are supposed to be effectively working with these individuals when they come out. However, due to budget cuts, there are very few of them available to help with reentry as they come out.

So, you've got these sex offenders that were children, they may in their 30s now, that are coming out onto the street and there's nobody that'll give them a job. If they did have money, nobody is gonna allow them to rent a facility. And then they're at the mercy of an appointed board, as far as their future, consisting of people on this board that some of which may actually hate sex offenders. (Bell) So, my recommendation is that we look at the board and -- or this panel, and see to it that it's staffed with people that are certified to make these decisions. I would also suggest that you grandfather this. You grandfathered people in. You should grandfather them off. It's only gonna lead to lawsuits. And I guess I'm gonna leave it at that thing because my time's up, and I wrote too much. But thank you very much.

REP. BLUMENTHAL (147TH): Thank you. Any questions or comments from the committee? Representative Fishbein. You have a question. You gotta sit back down. We're not done with you yet. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, sir. I'm just trying to -- if you could bring me through the process. So, we have somebody who's been convicted of, let's say, armed robbery, and has been incarcerated, and we have somebody who had a serious sex crime. The armed robbery individual, convict, when they're released, would normally go to a halfway house.

MR. LUTHER: That's right.

REP. FISHBEIN (90TH): What happens with the other individual? What is the process?

MR. LUTHER: They apply -- they apply for a halfway house and they're denied. If you had murdered your victim, you would get a halfway house. But since it's a sex crime, you're not. You're a level three; therefore, you can't go to a halfway house. It's denied.

REP. FISHBEIN (90TH): So, a halfway house has some rehabilitative structure, you know, to have somebody who's been incarcerated to assimilate back into society.

MR. LUTHER: That's right.

REP. FISHBEIN (90TH): Am I to understand that the one who's convicted of a sex crime, when they're released, is just released out into the public, doesn't have that transitional period at all? Is that what happens?

MR. LUTHER: That's right. And particularly the youth, that has no life experience. That's what I'm bringing to your attention. But that is true with - to my knowledge, with all sex offenders.

REP. FISHBEIN (90TH): And I would think that somebody who doesn't have those life skills, especially a youth, once they get out, the only thing that they can possibly rely upon is less than lawful activity, which may lead to some level of recidivism.

MR. LUTHER: That's correct. And it's -- they call it recidivism and there's re-offense rate. The re-offense rate for sexual crimes is extremely low, especially with a minor that's convicted. With an adult, the recidivism is generally crimes, a violation of parole or probation, or crimes simply to survive.

REP. FISHBEIN (90TH): Yeah, recidivism wouldn't be that the youth commits another sex crime.

MR. LUTHER: That's right.

REP. FISHBEIN (90TH): It's some -- it's a re-offense. It's some other crime because they have no skills that the other individual would be getting perhaps through a halfway house.

MR. LUTHER: Right. Vagrancy, stealing food, that sort of thing.

REP. FISHBEIN (90TH): Yeah. Okay. It makes sense. Thank you. Thank you for your testimony.

MR. LUTHER: You're welcome.

REP. BLUMENTHAL (147TH): Any further questions from the committee? Seeing none. Eileen Redden, you're up.

MS. REDDEN: Is that on? There we go. Actually -- (audio cuts out) asking a few minutes ago about the

Department of Correction and rehabilitation services is my area.

REP. BLUMENTHAL (147TH): Ms. Redden, I'm sorry to interrupt. Would you mind just stating your name for the record?

MS. REDDEN: Oh, sure. My name is Eileen Redden, and I am here to support the Sentencing Commission bill, 1113. And just before I begin what I was planning to say, I spent twenty years working in the Department of Correction. My area of expertise is working with men who have committed a crime with a sexual component, otherwise known as sex offending. I was the manager of the program for twelve years. So, if you have any questions about the DoC, I'd be happy to enlighten you to what happens to men with this categorization upon their release from prison.

But what I would like to say today is Alex Tsarkov and I, of the Sentencing Commission, we had a symposium in December and we had a panel of experts; Judge Kay Huffman, Professor Janus and Robin Wilson, and they spoke at length about their expertise and their research. And what they all unilaterally said was that the Sex Offender Registry is a failed public policy. It's a public policy that does not work. And there's been testimony today including from Jennifer Zito and other people, that it has a deleterious effect on not only people who are on the registry, but also their family members, including their children.

So, if you can imagine taking 6,000 people and categorizing them all the same, saying that they're all the same. They're the same type of person. They're the same profile and they have the same risk factors. The fact is is that's inherently flawed,

because each individual person who commits a sexual offense is an individual person and their circumstances are unique to them. And I would like to say to the men and women who have spoken about their personal suffering today, that I really appreciate their courage, coming up today, and they illustrate the reason we do need a registry. Because many of the men that harmed them are the very people who should be on a registry, because they engage predation and they are protected by institutional protections and institutional silence. And that certainly is the case with the Catholic Church, and a situation I'm very familiar with.

So, they illustrate why we need the registry, but there's thousands of people who are living their lives or trying to live their lives in the community and they are not a risk. But the registry forces disenfranchisement, social isolation, and hopelessness. (Bell) So, I encourage you to support the bill and I look forward to those changes. Thank you.

REP. BLUMENTHAL (147TH): Thank you for your testimony. Questions or comments from the committee. Seeing none. Thank you very much for your testimony. Next is Alexa Villafane, Viafin (phonetic). John McGuire. Donna Palomba. Oh, is that John? Sorry, sorry. John, followed by Donna. Good afternoon. Just make sure the microphone is on.

MR. MCGUIRE: It looks on. I'm gonna try to get through this. Mr. Chairman and members of the committee, my name is John McGuire. I'm here to offer testimony in support of S.B. 3. I don't want to get into all the details of everything. I was

groomed and teased and molested -- I mean tempted into finally showing up to be an altar boy, and that's when I was abused a number of times, getting worse each time it happened, until I finally said something to put an end to it and was kicked out of the church at age eight.

I'm trying to get you, maybe, to understand what the reason for getting rid of the statute of limitations on the civil end of it is -- I think I could've dealt with the physical end of things, but they separated me from God and any faith and anything it would've taken to get through this. They took that from me at age eight. (Crying) And things spiraled out of control. I was scared of God and scared of going to hell. My anger would get me in trouble and then I would have to apologize, and then get angry and get in trouble, and apologize. I spent most of my life either trying to talk myself out of killing myself or just trying to come to grips with the fact that, you know what? It's probably today. God's gonna come strike you down today and send you to hell and just get it over with.

But that was -- that's where I lived. I wasn't gonna be a fireman and I wasn't gonna be a professional baseball player. I was just gonna make it 'til tomorrow, was all I was trying to do. It was just make it and not go to hell. That's what they did to me. Again, I think I could've dealt with the physical part of it. I mean, it doesn't matter what hole they stick it in you. (Continues crying) When you're violated, you've been violated. Bu they took from me what it would've taken to heal. I'm sixty years old right now. I showed up at the lawyer's office when I was forty-eight years old and three weeks. I just got a no and a sorry. It took

## PUBLIC HEARING

me forty-eight years just to figure it out by myself and I got there too late. I've got all sorts of stuff in here.

But those are the reasons probably that you shouldn't have a statute of limitations on the civil end of -- for God's sakes, I was almost fifty before I could even speak of it. I had to come clean with God first. I don't care about the statute of limitations. I was worried about God. I had to come clean with him and straighten things out before I could even speak of it.

They put my life on a trajectory I didn't choose. And to think that anybody wants to defend -- or, not defend. Just leave people like me behind. You're gonna leave me behind? The church, they know they did this to people. They know there were other people. They never looked to see if there were any more altar boys from this one priest. Nothing. They're gonna come in here and defend the fact that the statute of limitations should be up for me. I think it's disgusting. I drove here a long way to get here. I saw here all day long. I hear people defending these kinds of actions and it makes me sick to my stomach. I've been punched in the gut at least forty times today. I'm speaking my mind now and I'm gonna leave because I can't hear it anymore.

I just need you to know that's why I think that there should be no statute of limitations on the civil end of things. They've damned near destroyed people and I -- with the mindset of -- stuck in an eight-year-old, scared to death of God, I'm supposed to go up against the Roman Catholic Church? I would go hide in a hole. And I did, I hid. I didn't tell anybody. And I didn't say anything until I saw an

article in the paper about that priest who molested a girl in the rectory while her mother was cleaning the church, for eight years straight, the guy who did that to me. And now I've gotta live with the fact that because I didn't say anything. He went up the street and did that to her and another girl too. I've gotta live with that guilt too. What did I do? I was eight. I was just being eight and I just wanted to be an altar boy. This is what they do to people. They don't deserve any break in this whatsoever.

I think time should favor the victim, considering the fact that it takes people well into adulthood most of the times to say something. But I don't think they need a break. Their tactics and their vicious ways of dragging this out for five to seven years is enough of abuse on top of the abuse already, that you don't need to hear that somebody got away just because you showed up three weeks late. They've got enough going for them to defend themselves. I think the victims need a leg up here. I'll stop there and answer any questions you have. But otherwise, thank you for the opportunity to speak today.

REP. BLUMENTHAL: Thank you, sir, for your testimony. Do we have questions or comments from the committee? Seeing none. I'll just say thank you for having the courage to come up and share your story with us. Did you enter a written testimony already, sir?

MR. MCGUIRE: Not this one.

REP. BLUMENTHAL (147TH): If you would like to, you can give your testimony that you prepared to the clerk and we'll enter it into the record.



MR. MCGUIRE: I did send one into judicialtestimony.gov, just not what I said just now. I don't know how I would submit what I just said right now.

REP. BLUMENTHAL (147TH): You can just give to the clerk right there if you'd like and we'll enter that as well.

MR. MCGUIRE: Okay. Thank you.

REP. BLUMENTHAL (147TH): Oh -- excuse me, sorry. Representative Miller has a question.

REP. MILLER (145TH): Hi. Good afternoon. I'm sitting here trying to contain myself. I want to say thank you. I want to say thank you for having the courage to sit before this committee and the people of Connecticut to tell your story. Because you know what? There's someone else who's out there, who has not shared what they've gone through. And there is a freedom when you don't hide behind the secret anymore, when you let someone else know. And so, I know -- I know you said that you're sixty and you were holding that for, like, forty years. And so, I'm so sorry that this person, the predator, took your youth away from you, took your life. Not even your youth, took your life away from you. And so, I want to thank you for coming before us and the courage that you've shown us, that, you know, it may be difficult, but you have to tell someone. And so, you released some people today just by your story. So, thank you very, very much.

MR. MCGUIRE: You're welcome. Thanks for having me.

REP. BLUMENTHAL (147TH): Thank you very much. Any further questions or comments from the committee? All right. Thank you very much, sir.

MR. MCGUIRE: Thank you all.

REP. BLUMENTHAL (147TH): Donna Palomba.

MS. PALOMBA: Good afternoon, distinguished members of the Judiciary Committee. My name is Donna Palomba, and I am the founder and president of Jane Doe No More, a nonprofit 501c3 charity that I started twelve years ago. I am here in support of Senate Bill 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

In 1993, I was tied, bound and raped in my home in the middle of the night by a masked intruder while my young children slept down the hall. After the crime, I was severely re-victimized at the hands of law enforcement and other professionals. My perpetrator was eventually caught eleven years after the crime based on DNA evidence, but not before he attacked again and again, ultimately leading to the attempted kidnapping of a seventeen-year-old girl in Saratoga Springs, New York.

In 2007, my case garnered national attention and was the impetus for the removal of the statute of limitations on sexual assault cases involving DNA evidence in the State of Connecticut. For a dozen years, Jane Doe No More has helped educate audiences of all kinds about sexual crimes. And at the core of our work is our Survivors Speak program. We are empowering survivors to find their voice, advance their healing, and educate others. To date, there are fifty-five women and men who have gone through our program. The vast majority, thirty-seven of them, are victims of child sexual abuse and their perpetrator, in most cases, was someone they loved and trusted.

Perpetrators groom their victims. When the abuse begins at a young age, as you can imagine, the child doesn't know it's wrong or understand what's happening to them. We now understand more about the neuroscience of rape trauma and that victims of sexual assault, particularly child victims, may suppress these memories for years, sometimes decades. No one can predict when a triggering event may cause a victim to recall the abuse. For Deb, one of our child abuse survivors, it didn't happen until she was in her forties, married with her own children.

You have all heard gut-wrenching testimony this afternoon. You just heard some horrific details. No one asks to be a victim, and we owe every victim of sexual crimes an opportunity to heal and a path forward. Often the best path is pursuing charges against their perpetrator, to hold them accountable so they could do no further harm. That is a right I believe every victim is owed, and it should be their choice. These horrific crimes affects our lives in ways that most will never understand, in many ways, it is a life sentence. I support House Bill 3 -- or, Senate Bill 3. I'm sorry. And implore you to eliminate the statute of limitations on the prosecution of sexual assault crimes entirely, keeping in mind that this does not eliminate the burden of proof. It is the right thing to do. Thank you for your time and consideration.

REP. BLUMENTHAL (147TH): Thank you very much for your testimony. Questions or comments from the committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Vice Chairman. Good afternoon. I just wanted to take this

opportunity to again just thank you for your amazing educational work, training and self-defense, I mean, everything you have done. You've changed one of the most horrific stories that have touched many lives nationwide and really turned it around in the sense of helping others. So, thank you for, obviously, being the strong survivor with courage and allowing others to, you know, to fill their lives with your strength and hopefully then become survivors themselves. So, thank you for all the work that you have done.

MS. PALOMBA: Thank you, Representative Rebimbas.

REP. BLUMENTHAL (147TH): Thank you, Representative Rebimbas. Further questions or comments from the committee. Seeing none. I just wanted to thank you myself for sharing your story and also for all the terrific and really important work you do through Jane Doe No More. Thank you very much.

MS. PALOMBA: Thank you.

REP. BLUMENTHAL (147TH): Next, we will have Steve Hernandez.

MR. HERNANDEZ: Good afternoon, Co-Chairs, Ranking and other distinguished members of the Judiciary Committee. My name is Steven Hernandez, executive director of the Commission on Equity and Opportunity and the Commission on Women, Children and Seniors. I thank you for the opportunity to testify today on behalf of several of these bills, the first and not the least of which is Senate Bill, No. 3.

We testify in support of eliminating the statute of limitations for most sexual assault crimes and extending others beyond the five years current availability. We have also testified in favor of

eliminating the civil statute of limitations for sexual assault crimes, which is currently three years. You know, as you've heard from so much of the testimony today, this is a very difficult, life-altering, and some ways life-destroying events that really lead to people who live in silence for most of their lives. And the least that we can do as a state is really catch up to when they're ready to seek justice and catch our system up.

You know, there are several other bills here. I don't want to belabor too much on them. Concerning parity between sexual assault in cases of spousal or cohabitating relationships and other crimes of sexual assault, the crimes of the abuse of power in a cohabitation relationship are no different than any other sexual assault crimes. It is the same crime and it should have the same penalties.

Finally, the housing protections for victims of family violence or sexual assault. You know, I'll just share with you anecdotally. Over the weekend, I was helping a member of the Board of Habitat for Humanity and we were helping build a house for a woman who many, many years ago, not only had to leave her home, but had to leave the State of Connecticut because she was not safe in her home. And it took her ten years to be able to come back and finally avail herself of this -- this is a state employee of Connecticut, by the way. And finally able to -- be able to avail herself of finding safe and secure housing through Habitat for Humanity. And it was because of the very situation where she could not make herself safe where she was. She had to leave. She lived in Florida for a long time. Housing security for people who have experienced domestic and interfamily violence is critical and

it's important that we do everything that we can to support them.

Finally, I did want to -- I just wanted to respond on your sovereign immunity question, Representative Rebimbas. I didn't hear the earlier testimony, but I did want to say that, you know, sovereign immunity, and forgive me if I'm picking on the wrong part of the law here. But sovereign immunity generally extends to the state in cases where -- or at least the state is held harmless for most claims except where the state gives permission to be sued. Unless -- in the State of Connecticut there is liability for wanton, reckless or malicious acts. So, I would think that certain acts would not be covered by sovereign immunity if they were committed wantonly, recklessly or maliciously. So, I think that might clarify some of the questions of whether sovereign immunity would apply. Specifically, I'm thinking of the cases of -- in other case -- in other states, where the issue has come up on liability of universities, for instance, in sexual assault cases, courts have cleared the way for liability, depending on a case-by-case basis, whether the actors acted wantonly, recklessly or maliciously.

So, I just wanted to put that on the record. We would be happy to do further research for you. I just didn't hear the testimony that prompted your questions, but I did want to put this particular element of this on the question. There's also a report from the Office of Legislative Research dated February 4th, 2011, which may be a little outdated at this point, but I think some of the principal legal arguments are still sound. And with that, I thank you for your attention.

REP. BLUMENTHAL (147TH): Thank you, Mr. Hernandez. Questions from the committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Vice Chairman. I just wanted to take the opportunity to thank you for those responses. And I know, again, it's stuff that we're still gonna be looking into as well, just based on the testimony that's been coming up. But do you know whether or not those exclusions you just highlighted still requires a one-year filing of a claim with the state?

MR. HERNANDEZ: That I don't know, but that's a very good question.

REP. REBIMBAS (70TH): And would you be in support of extending that one-year filing with the claim for these same circumstances?

MR. HERNANDEZ: One-hundred percent, yes.

REP. REBIMBAS (70TH): Thank you for your testimony.

MR. HERNANDEZ: You're welcome.

REP. BLUMENTHAL (147TH): Thank you. Further questions or comments from the committee. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Just along that sovereign immunity, you know, I just did a search and there is an OLR of work. It's 2011, R0076, from 2011, that deals with the state and municipal immunity. It does indicate that municipalities have no sovereign immunity from suit, but there's limitations on that. So, that might be something that we want to look at when we're delving into that. And where it came from was the claim that a private school, you know, the administration

## PUBLIC HEARING

of a private school could be sued for bad activity, but a public school could not, and the thought process that it should be a level playing field, which I attend to agree with.

MR. HERNANDEZ: That's right, yeah.

REP. FISHBEIN (90TH): So, that's where that came from. So, thank you. Thank you, Mr. Chairman.

MR. HERNANDEZ: Great. Thank you. We agree.

REP. BLUMENTHAL (147TH): Thank you. Further questions or comments from the committee. So, thank you very much, Mr. Hernandez.

MR. HERNANDEZ: Thank you, sir.

REP. BLUMENTHAL (147TH): Is Alexa Villafane (phonetic) or Viafane (phonetic) back? Then next is Lew Chimes.

MR. CHIMES: Members of the committee, good morning -- good afternoon. My name is Lewis Chimes, and I'm here on behalf of the Connecticut Trial Lawyers Association. I am the co-chair of the Connecticut Trial Lawyers Employment Section. I'm going to be addressing two sections of Senate Bill 3, on areas I don't -- haven't heard about yet. I'm gonna talk about section 18, which deals with the adding the -- applying the civil rape shield law to the criminal rape shield law, to civil cases in section 13, which deals with the authorizing punitive damages in discrimination cases. It's primarily about section 18.

I'm gonna go a little off script for a minute. There is a study that I had occasion to review recently by a professor at Boston University, a Professor Lizak, and he did -- went through all the



studies over the last thirty years about false reporting of sexual assault cases. And the range in those studies was that the percentage of false reports was between about four percent and eleven percent. But public polling continues to show that the public believes that when people come forward and report sexual assault, things like that, that they believe the incidence of reporting is at about forty percent. And it's -- I have that site for that if anyone has any interest.

And it seems to be that discrepancy between what is probably the factual truth about false reporting and the perception is I think behind a lot of what this legislation and the hearings today are really derived from. Women who come forward on sexual harassment and sexual assault are going to be plagued by that stereotype and they will be attacked in ways that other victims of torts or crimes will never be. And what happens, and I've been a trial lawyer, doing these cases for about twenty-five years, is that when my client comes to me and I'm bringing the case, I have to tell them that they are gonna go after you about your prior relationships, your prior sexual history, anything you've put on social media, any emails that can go, anything mildly provocative, even though it has nothing to do with the harasser or the accused.

The bill that's before you is to apply the rape shield law that currently is affecting Connecticut only for criminal cases to civil cases. Now, that's already in effect in the federal courts. They've already applied, under their rule 412, the rape shield law to civil cases. So, we now have today, as we sit here, my case goes to federal court. They have greater protections about being -- questions

about embarrassing, private facts. Because at the state court, we don't have protection. So, I'm asking the legislator to change that.

The way the rape shield statute would work in civil cases is that there would be a presumption that inquiry about outside relationships, inquiry in harassment cases about relationships outside the workplace (bell) would be presumed to be inadmissible. If the defendant wants to bring it in, he has the right to ask the court for permission to do so, but he has to provide the plaintiff with notice and there's a hearing before it goes in. This serves two -- three purposes. It prevents unfair surprise where a woman is gonna go on the stand and is gonna get sandbagged. It, again, makes a victim feel more confident that when they come forward that they're not gonna be humiliated or assaulted a second time. And it balances that, because it does give the defendant the right to ask it to be considered.

REP. BLUMENTHAL (147TH): Attorney Chimes, I'm sorry to interrupt. If you could just summarize.

MR. CHIMES: Yeah, sure. Is to encourage women to come forward and protect them, give them some sense of protection that they're not gonna get violated a second time in court. And sexual harassment cases are almost exclusively litigated as part of the civil justice system and a lot of acquaintance sexual assaults are never criminally prosecuted and they're also -- if they're pursued at all, pursued in the civil justice system. So, this will -- again, there's no reason to not apply the protections that we already give in criminal cases to civil cases.

One last line on the other section. I just -- the Connecticut Supreme Court, about two years ago, held, and I think improperly, in a 4-2 decision that Connecticut Fair Employment Practices Act does not authorize punitive damages. I -- as somebody who has been in this area for a long time, I believe that was wrongly decided and ultimately will be reversed. But it is inconsistent with the policies and discrimination laws which are remedial and are designed to encourage employers not to discriminate and to have -- most federal laws dealing with discrimination and most other state laws either have some sort of punitive or liquidated damages to address it. And it's not right that we don't have the same thing. It'll encourage people. It will put more pressure on employers to comply. I can get a lot of low-income people who don't -- may not have big damages to pursue their cases. So, these are the two sections I'd ask you to consider and I appreciate your time.

REP. BLUMENTHAL (147TH): Thank you very much, Attorney Chimes. Do we have questions or comments from the committee? Seeing none. Thank you very much for your testimony.

MR. CHIMES: Thank you.

REP. BLUMENTHAL (147TH): Next is Jeanne Fusco. Jeanne Fusco? No? She gone for the day or? Okay. Thank you. Oh, man, I'm gonna mess this up. Eric Gjede. Yeah, say it again for me and I'll get it right next time.

MR. GJEDE: Good evening. My name is Eric Gjede, here on behalf of the Connecticut Business and Industry Association. I'm here today to comment on

Senate Bill 3, specifically limited to just sections 1-17.

Sexual harassment in the workplace is obviously a very serious issue and, you know, businesses are under pressure to provide safe workplaces, despite the fact that more and more limitations are put in every year on tools that we use screen employees. CBIA and many other business organizations are very vocal on this particular issue year after year because it is critical that we get this right because thousands of businesses across the state will have to administer the changes you make to these important laws. And we want to -- certainly want to commend this committee because it is clear that many of the constructive suggestions that we and other organizations have been making over the years have been incorporated into Senate Bill 3.

So, for example, under current law, businesses with 50 or more employees have to provide sexual harassment prevention training to all employees that have achieved the title of supervisor or manager. Both this year's bill and last year's bill would've required the businesses with three or more employees to train all employees every ten years. Last year, I testified that businesses were willing to do more harassment prevention training, but what had been -- what was being proposed for many businesses was prohibitively expensive. However, this year's bill requires that CHRO put a video training program online that would help mitigate much of the direct expense for this training. So this is certainly a welcome change. We would just add the suggestion that it be noted within the statute that this training should be offered free of charge, otherwise

it defeats the purpose of having this additional training.

We also appreciate section 14 that, if enacted, will finally allow businesses to suspend without pay salaried exempt employees for violations of company harassment or violent policies. Businesses have been highlighting this omission in the law that treats people differently simply because of the way they are paid. And this proposed change both is necessary for equity and helping employers enforce their workplace safety rules.

And while there's a lot to like in this piece of legislation, I would like to just highlight one significant issue in section 4, specifically lines 207 to 215, that prohibit an employer from taking any corrective action that would change the working conditions of an employee that complains about sexual harassment. And I truly understand the impetus behind this section because you want to make sure that the person making the claim doesn't have their job duties changed because of someone else's actions. So, we completely understand that. However, this is problematic for many employers trying to balance the safety of the complainant with the due process rights of the accused. The first instinct of most business owners is to get that person who has made the complaint out of the situation while an investigation occurs, just to make sure that there is no further harm done to that individual.

So, in closing, you know, sexual harassment in the workplace is an incredibly important issue for both employers and employees. And the business community supports many aspects of Senate Bill 3, and we are

here and continue to offer our commitment to work with this committee (bell) on this bill, and we hope you will take us up on that offer.

REP. BLUMENTHAL (147TH): Thank you very much, Attorney Gjede. And do we have questions? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, Eric. Nice to see you. The change from the fifty to three, I'm just looking at -- it says three or more employees. And in the present language, it defines, and that's 46a54 -- it has the term, employer having fifty or more employees, and defines that. And then it defines employee as something different. I don't see any description in this language as to what constitutes an employee for the three or more. Is there a different section that you'd like to send me to or --

MR. GJEDE: Well, as I said -- so, this would be a significant expansion of the training requirements on businesses. There's no question about that. Because right now, it applies to businesses with fifty or more employees and only the employees that have achieved the title of supervisor or manager will be required to receive sexual harassment prevention training. Now, most employers -- maybe not most employers, but a lot of employers provide many more employees than that with sexual harassment prevention training. In fact, CBIA has consistently encouraged that best practices say, you know, train as many people as possible.

So, this would not require that businesses with as few as three employees train every employee, not just those who have achieved the rank of supervisor or manager. And while that is a significant

expansion of the law, if that training is made available free online, we believe that, you know, much of the expense related to that training is mitigated, provided that training, again, if it's online and it's free. A lot of that expense concern goes away. So we are able to provide more employees with this type of training, which, hopefully, will help create a safer workplace.

REP. FISHBEIN (90TH): So, I'm going back to the root language and its definition of employee that I don't find in the new language. It appears to, under the existing language, mean any person employed by an employer, but shall not include any individual employed by his parents, spouse or child, or in domestic service of any person. Are you of the understanding that that language is incorporated into this new proposed language?

MR. GJEDE: Yeah, I -- you know, I suppose it is. Again, I don't have the line -- or I had the bill in front of me, but I didn't focus on that aspect. I suppose it, you know, makes some sense that if you're employed directly by a parent, maybe you have less risk of being exposed to sexual harassment. Maybe that's not true. So, you know, I don't know. I wasn't involved in the drafting of the legislation or any of the exemptions. I'm just simply here to point out what's in front of me.

REP. FISHBEIN (90TH): Yeah. I know in the Labor Committee there was testimony about domestic workers and, you know, sexual harassment and that kind of stuff. And, you know, if we're incorporating through this language a notion of employer, but we're exempting the domestic workers, I don't know that we're actually doing anything good here.

Because the question that would follow is if somebody had, let's say, three domestic workers that they dealt with on a regular basis, why you wouldn't have them post on the refrigerator, you know, these are the sexual harassment policies of the State of Connecticut, you know, these are the, you know. If we really intend on doing something here. So, I don't know. We -- I'm just thinking this outside the box. And I thank you for your testimony.

MR. GJEDE: I -- absolutely.

REP. BLUMENTHAL (147TH): Thank you. Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Good afternoon, Eric. How are you?

MR. GJEDE: I'm well.

REP. PORTER (94TH): That's good. Just a quick question. You referenced lines 207 through 215, and I just wanted to know did you have any suggestions on how that should be handled? Because usually -- you know, it's in the bill because it's customary that it's usually the person has alleged being victimized or sexually harassed that gets moved. So, just any thoughts on how that could be done.

MR. GJEDE: Yeah. I think it's tough because I think it's a -- it's one of those case-by-case scenarios. You know, you want to -- employers are really concerned at the end of the day to make sure that the person is not continuing to be harassed, you know. We don't want that to continue to happen. But it becomes problematic in any number of scenarios. So, let's say the person who is being accused, regardless of whether or not -- maybe they're the only person who can do a particular



function in a workplace. It's very tough to move them from that job. I totally get that that's very unfair to the victim and there's -- I'm not denying that. Or maybe you have a situation where you have a whole department and one -- the per -- the individual, the victim, is -- believes that everyone in that department is sexually harassing them. So, how do you move all of those individuals to a different place, especially if it's, you know, a particularly small company. So, I'm just saying that it's not quite as cut and dry as this. In a perfect world, this would be the best case scenario, and it probably is the solution in many circumstances, but not in every circumstance.

REP. PORTER (94TH): Okay. Well, I was glad to hear you say that. Because what you're describing is actually exception and not rule. Like, it would be the exception to the rule, the cases that you just stated. And usually it is this way and that's why it's in the bill. So, I think when we look at crafting legislation around issues like this that the thing that should be taken into consideration is the majority of the people that are impacted and what that looks like, and what the translation of that is. Because even if, you know, you've been only assaulted once and it's not happening again, there's still trauma that has been done.

MR. GJEDE: Well, it is -- it's just to -- back up a second. This has nothing to do with any of the sexual assault aspects of this. This is just sexual harassment. I just wanted to clarify that. It doesn't take away from the point you're trying to make. But this is just for individuals who have been harassed and not anything to do with the sexual

assault, which is sections 18 and beyond in this bill.

REP. PORTER (94TH): Okay. And point duly noted. But like I said, when you've been impacted, whether it's harassment, sexual assault, verbal, physical, emotional, whatever it is, there's a cost that comes with that and it's an impediment to someone when they do their job. So that's why I was asking what would you suggest in so far as addressing the issue. And when you responded, you know, what you stated really were exceptions to the rule. So I'm just saying that I think that this is good, the way it's worded, and the way that we've addressed it in the legislation, because it really does cover the majority of the people that are being impacted. And that was the only point that I was trying to make.

MR. GJEDE: Yeah. And again, this -- I think that this is one of the problems with, you know, when a lot of pieces of legislation that are drafted so broadly, to apply to all types of businesses, is that inevitably there are issues along the way. And while this may work in a lot of circumstances, this becomes a bigger problem, particularly based, you know, on the size of businesses. So, it would be the small businesses most impacted by this, this type of restriction on the ability to take corrective action. So, again, I don't have a perfect solution for you and all I can say is that I ask you to consider all the circumstances, particularly for Connecticut's smallest businesses, when making final decisions regarding the contents of this bill.

REP. PORTER (94TH): You got it. Thank you, Mr. Chair.

## PUBLIC HEARING

REP. BLUMENTHAL (147TH): Thank you, Representative Porter. Further questions or comments from the committee. Seeing none. Thank you very much.

MR. GJEDE: Thank you.

REP. BLUMENTHAL (147TH): Next is Jennifer Marvin, followed by Maria Laskowski.

SENATOR WINFIELD (10TH): You have to hit the red button.

MS. MARVIN: Okay. I want to thank you for allowing us this opportunity to come and speak to you. I am coming forward as a survivor of sexual abuse. For a long time, I've lived with this in secret. What was the very worst parts of my life was actually what I defined myself on. And as I grew into an adult, what had been done to me was the very thing that defined my behavior and what I thought of myself. I'm here in support, though, of bill 1113, with some reservations.

I'd like to go off my statement for a moment and say that you all witnessed some of the collateral damage that happens to families who have a member on the registry. There is -- was the larger coalition of victim support people who were standing whenever someone came forward to say that they were a victim. And I think that that was really fantastic. Regardless of whether they knew that person or not, they were standing in solidarity with them. And then we had a Marine come forward who admitted in front of everyone here that she was raped while serving our country. And yet, she was also here to support bill 1113, which deals with the registry of sexual offenders. As soon as she said that, the supporters all sat down. That's a minor, a minor bit

of collateral that comes along with being part of a family who has someone who is a registered citizen.

My support for this is with reservations. This bill uses evidence-based and empirical data rather than continuing to promote and legislate based on erroneous and deeply ingrained into our society, information which causes moral panic and sensationalized fear. I support this bill's use of empirical evidence and scientific research. However, data does show that registries in general do not make children or anyone else in society safer. However, House Bill 1113 does offer hope to offenders, a path forward, a path to renewal. It offers them (bell) the same hope that I had and able to being to see myself as a survivor rather than a victim.

I no longer feel shame and humiliation to say that I am a survivor of sexual abuse. I hope that the same chance to reflect, repent, learn, grow and become a productive, engaged citizen will be given to those who are affected by bill 1113. Thank you so much.

SENATOR WINFIELD (10TH): Thank you. Representative Rebinbas.

REP. REBINBAS (70TH): Thank you, Mr. Chairman. And thank you for your testimony, and I also want to thank you for pointing out what you did earlier. Because many a times we -- actually, I would say all the time, we listen to each and every person who comes before us. But we also watch and we observe. And I want to thank you for taking the time to stand up when those individuals chose to sit down on another fellow survivor.

MS. MARVIN: Thank you.

## PUBLIC HEARING

REP. REBIMBAS (70TH): That was not missed by the members of this committee that was in that room.

MS. MARVIN: I can't tell you how much that means to me. Thank you so very much.

REP. REBIMBAS (70TH): And it's further not missed that there was an individual who stood up when you first spoke and was encouraged to sit down.

MS. MARVIN: I'm sorry to hear that.

REP. REBIMBAS (70TH): It's unfortunate.

MS. MARVIN: It is unfortunate.

REP. REBIMBAS (70TH): Because a survivor is a survivor no matter what the circumstances are, no matter what the differing opinions are. As we sit on this committee, we always have differing opinions, but we respect each other. And I would hope that advocacy on behalf of survivors would respect all survivors. With that said, I again want to thank you for having stood up and please consider that -- as a member of this committee, we can't demonstrate, but I stand with all survivors.

MS. MARVIN: Thank you. And I'd like just to add to that, what you're saying is I'm human and I believe that they are also human, and there's redemption there. Thank you so much. (Scattered applause)

REP. REBIMBAS (70TH): Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Next, we will hear from Maria Laskowski, followed by Cindy Prizione (phonetic).

## PUBLIC HEARING

MS. LASKOWSKI: Thank you for putting -- thank you for putting tissues here because I probably will have to use it. Oh, okay. Hi. My name is Maria.

SENATOR WINFIELD (10TH): Check to make sure your microphone is on.

MS. LASKOWSKI: Oh, okay. Hi. My name is Maria. And first, I want to thank this committee for giving me the opportunity to speak today about the R.S.B. 1113, which is the recommendations by the Connecticut Sentencing Commission with respect to the Sex Offender Registry. I -- okay, here. Okay. These recommendations to improve sex offender laws, public safety, and reduce the public registry by removing low sex offenders does not go far enough. However, the recommendations do not remove -- because it will not remove all. It will only remove some offenders, while leaving the majority on for the duration of their time.

However, future offenders can be removed or changed sooner. With these recommendations, the registry continues to punish the majority of the low-risk group, without allowing them relief from these punitive injustices. After three years of this process, this group has had little advocacy representation. (Shuffling papers) Okay. The ultimate objective of public safety is prevent -- is to prevent sexual abuse through education and prevention programs, because no one deserves to be victimized. But what should also be as important are treatment programs for potential future offenders before they offend, that would reduce many future victims, so all can lead healthy, productive lives. This is what we should all be striving for.

## PUBLIC HEARING

Instead, failed policies continue to create new victims and offenders every day.

(Shuffling papers) Sorry. Okay. Since the registry became public in the last twenty years, it has created over a million victims and registered almost a million offenders. So these laws do not deter sexual abuse, but actually create new victims and offenders every day. The original Connecticut registry had about nine offenses for high risk, but today, there's about twenty-five or more (bell) and there are several proposals to be added today, and registering as many as three times as many offenders, with the majority being low risk. What the registry accomplish -- what has the registry accomplished in Connecticut besides creating new victims and making pariahs out of over 5,400 offenders, our loved ones, who are excluded from any resources for improvement.

Okay. I guess I'm at the end. Okay. What I want to say is I'd like to give you two scenarios. First, is what kind of a nation would we have today if decades ago, instead of creating a registry as a punishment tool, have treatment programs be implemented? Where would we be today? With many healthier, happier children, spared of this horrific trauma and prevented abusers from offending, allowing both to lead healthy, productive lives. But that is not the case. Instead, the registry has become an instrument of failure plus a weapon of destruction, destroying thousands of Connecticut lives, victims, offenders, and their families, and it continues every day.

SENATOR WINFIELD (10TH): Are you finished?

## PUBLIC HEARING

MS. LASKOWSKI: I did have -- I'm sorry, I'm a little confused.

SENATOR WINFIELD (10TH): It's okay. The bell did ring and if you want to just kind of tell us how you end up, that's fine.

MS. LASKOWSKI: Okay. Yeah. The registry is punitive. It destroys lives, a lot of lives. But it just doesn't destroy the individual. It destroys families, relatives, friends, it encompasses everybody. And to what end?

SENATOR WINFIELD (10TH): Okay.

MS. LASKOWSKI: The more -- as we keep on going, there will be more and more people, you know, that are added. And, you know, you all have loved ones. Hopefully, one day one of your loved ones won't be standing -- sitting in this chair, talking to another Judiciary Committee, telling them that their loved one, who used poor judgment and made a bad choice, and is now suffering. (Crying) Thank you.

SENATOR WINFIELD (10TH): Okay. Thank you. Are there questions or comments from members of the committee? If not, thank you for spending your time and coming to offer your perspective.

MS. LASKOWSKI: Thank you, Senator Winfield.

SENATOR WINFIELD (10TH): Next, we will hear from Senator Maroney, followed by Cindy Prizio (phonetic).

SENATOR MARONEY: Chairman Winfield, Chairman Stafstrom, Ranking Members, Vice-Chairs, and distinguished members of the Judiciary Committee, my name is James Maroney and I represent the 14th State Senate district, and I'm here to testify in strong



## PUBLIC HEARING

support of S.B. 3, AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT. I know it's been a long and very emotional day for you. I have submitted written testimony, so I won't read from that. Instead, I'll just summarize.

In the last year, I found out someone very close to me had come forth and told us that he had been sexually assaulted as a child and it was someone else that we had all known. And he -- finally -- they finally came forward to let us know because they're afraid for all of our children and they wanted to make sure that they were protected. And after he was able to go to the police and deliver a statement and in many ways be re-traumatized, as revealing his deepest secrets and one of the worst experiences, a series of bad experiences to the police, he found out that there was nothing that they could do because when the crime had been committed, the statute of limitations at that time has expired. And so, that's why I'm in strong support of removing all of the statute of limitations on crimes against children, sexual assault crimes against children.

In addition, my other cousin was also a victim of assault from Larry Nassar. And while I've never spoken with her directly about her experience, I had spoken often with my uncle, and I know how it not only traumatized her and still does, but it traumatized the entire family. And that's one thing why I would like to make an additional suggestion for the bill. In that part of bill we talk about education in the workplace against sexual harassment, I would also recommend that we follow along the lines of the concussion protocol, in terms of educating parents to look for signs of sexual

abuse in children and trying to recognize those warning signs.

And so, I would recommend that similar to that, that when the schools distribute the handbooks online that parents have to sign off that they've read, we would also distribute -- there are videos of warnings, you know, from the CDC or other readymade materials that we could have the parents also watch again so that they're educated for what warning signs to look for or signs of, unfortunately, if abuse has started. I do believe that it is, you know, imperative on us that we protect our children, and then when we can't protect our children, we need to give them justice. So, thank you for your time. I'd be happy to answer any questions, but I know it has been a long day for you. So, thank you for sitting here, and for the compassion that you've shown to the people who have come before.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the committee.  
Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. No questions. I just wanted to thank you for your testimony and thank you for sharing that, and for also making the point how important education is around. You know, making sure that parents know what the warning signs are, what the signals are, and how that shows up in a child that is being, you know, sexually assaulted.

SENATOR MARONEY: Thank you.

REP. PORTER (94TH): So, thank you for that.

SENATOR MARONEY: I know from my uncle, he always felt it. He, unfortunately, passed away a few

## PUBLIC HEARING

months ago, but felt that something was wrong and he should've seen the signs. So, I think if we can educate people and give them the tools, it's important.

REP. PORTER (94TH): Absolutely. Empowerment is everything. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Other comments or questions from other members. If not, thank you, Senator Maroney, for joining us.

SENATOR MARONEY: Okay. Thank you.

SENATOR WINFIELD (10TH): Next is Cindy Prizio, followed by Lucinda Midland (phonetic). Is Lucinda in the room? Eugene - it looks like Serow (phonetic)? Is Eugene here? Marissa Hammond (phonetic). Cheryl Martone, you're up. Cheryl, your microphone needs to be on.

MS. MARTONE: Oh, it shut off on me. Good afternoon, late afternoon. I'm Cheryl Martone, U.S. Concerned Parents Support Group and Movement for Parents' and Children's Rights, and I can be reached at ctparents@gmail.com. I'm an activist, advocate, court watcher and I help people advocate for themselves and when they're being accosted by, and I'm saying that lightly, by DCF and family court. I'm here to talk about -- well, I was originally here to talk about 7393, but that got scrapped. And I heavily advocate for people in family court and when their kids are being taken away illegally by DCF.

So, but I'm here to also speak about the rights of people with disabilities and help them advocate for themselves, on H.B. 63, and I've been also listening to -- what bill was that - 913. Because I feel that

## PUBLIC HEARING

there should be no limitations for the prosecution of sexual abuse because I hear every day -- I speak with parents and I speak with victims of abuse in foster care and by DCF, and many of you know who I am. I've spoken -- been speaking here for ten years about this matter and basically nothing gets -- they don't follow the rules. DCF doesn't follow their own policies.

Recently, the U.S. Attorney's Office investigation into DCF's ADA noncompliance has been confirmed. So, there's -- I'm glad we got a new commissioner and I hope she does a better job than the last one, because, you know, we didn't really hear about much from her or any support from her as far as any wrongdoings by DCF. Some of my colleagues, in bill no. 63, I'm speaking about; they said why would we want to enter into an agreement with somebody who is advocating for them, because if they're able to speak for themselves when they have a disability, they should be able to speak for themselves and not enter into an agreement or a contract.

How do they know if they need advocacy until it's too late, until five minutes beforehand or until somebody identifies that they're being discriminated against? They are trying to put your needs that they believe into contracting with somebody who has liability insurance. They don't need to advocate for people with disabilities unless they are not following the rules and causing the litigant stress. It's support of information and guidance of technical information and it was never in their policy as far as DCF is concerned. The judge is not following the rules and they try to silence a person with disabilities. And I listen to people every single day. I get numerous phone calls. Because

## PUBLIC HEARING

I'm a nonprofit group and I am out there in the public and I do go to court with people. (Bell) Not taking judicial notice as far as juvenile court will not let them have an advocate. But they will force a GAL on them in family court. Thank you, Judiciary Committee.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the committee. If not, thank you for joining us again, Cheryl.

MS. MARTONE: Thank you, Senator Winfield. Thank you for being here.

SENATOR WINFIELD (10TH): All right.

MS. MARTONE: I appreciate that you're on the committee.

SENATOR WINFIELD (10TH): We have reached the end of the list that I have before me. So, is there anyone who was signed up who did not get to testify? (Background talking) I'm gonna let you go. And then after that, the question will be is anyone who wasn't signed up. Okay. So, it'll be Lucy Nolan first.

MS. NOLAN: Thank you very much, members of the Judiciary Committee. My name is Lucy Nolan and I'm the director of Policy and Public Relations for the Connecticut Alliant to End Sexual Violence. And I just wanted to put on the record. I have extensive testimony that's online. We are fully supportive of S.B. 3. We are also very supportive of S.B. 113. We realize we helped pull that language together and we realize that it's not perfect the way it is now. The registry, having a public registry, we like the law enforcement-only registry. And I also want to be clear that people now who are on the public

registry will be able to petition to get on the law enforcement registry. So, there is some ability for retrospective, but it's not -- it's not everybody's gonna be taken off. But it's mostly prospective and we support that because we work with many, many victims who -- that was one of the things they really wanted, was the offender to be on the registry.

We also support S.B. 693, housing protections for victims of family violence or sexual assault. H.B. 7396, AN ACT CONCERNING SPOUSAL RAPE. We worked with the Connecticut Coalition Against Domestic Violence on both of those bills. And then, House Bill 7399, human trafficking, we just ask that one of the sections be placed -- in section two be placed in its own section. And I have that all in my testimony. And then finally, the other thing I just want to say on S.B. 3, is that if we -- or S.B. 913, which we oppose. If we extend the statute of limitations for ten years, we -- there will still be thirty-five other states that have ten or more years for the statute of limitations for crimes of sexual assault.

And the ones that we have five years right now is rape without a weapon, let's say. But rape by force is still a five-year statute of limitations and that really can't stand. It really -- I hope that you can change it. And finally, I would just like to say that we have come with a number of survivors today and we appreciate how kind and open you were to them. And they had asked us to stand with them and we did stand with them. We didn't -- and with S.B. 3. And it was clear that the other bill was standing on 113 and we felt that we shouldn't do

that if we had already -- we had worked with other people. So, if that was offensive, we apologize.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from members of the committee.  
Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon. The list, I just wanted to, you know, work around the list. Because presently, if, let's say, my child is gonna go on a play date with another child down the street, I would have the ability to look on the website to see if the parent was perhaps on the list, you know, doing my due diligence. Under this concept, would I be able to do that? Because my understanding is that law enforcement would have their own list and I wouldn't have access to that.

MS. NOLAN: Correct. There's going to be -- there will be three tiers; low, moderate and high-risk tiers. And they will be decided by people who are, according to the legislation, who are -- understand and work with this population and know -- know what could happen. And so, low to mod -- some low -- all low and some moderate may be on the list for the law enforcement-only. And then high -- some moderate and some high will be on the public registry. So, if there's somebody who has been a child molester and would likely be on the high risk, depending on where they did it and what happened. But some of the things we heard today, those people would be on the high risk.

REP. FISHBEIN (90TH): Yeah. No, I totally --

MS. NOLAN: And so they'd be public. Excuse me.

REP. FISHBEIN (90TH): But who determines? Is it based upon the actual characteristics of the perpetrator or is it based upon the crime that they have committed?

MS. NOLAN: I think it's both. It'll be looking at the perpetrator and at the crimes that they've committed. So, that's -- there are so many risk -- dynamic risk factors and things with sexual assault offenders that we don't see in other offenses. That's why it needs a specialized group of people to look -- to look at this. But on the other hand, there's some people who are on the registry who really can't go forward in their life because it's on the public registry, and the law enforcement registry would keep an eye out and -- but -- and make sure that they're sort of seen, but not -- so they could get housing so that they could get a job and things like that. Because right now, it's really difficult.

REP. FISHBEIN (90TH): No. I totally read and it's the balancing --

MS. NOLAN: Right.

REP. FISHBEIN (90TH): So, I'm just -- I'm looking at, like, you know, we learned that children, who -- a perpetrator of a sex crime, you know, through therapy, can change, change dramatically.

MS. NOLAN: Right.

REP. FISHBEIN (90TH): But who makes the determination as to, under this bill, what level of registry the individual? Is that the court or is it somebody, some other group?



MS. NOLAN: It's a board that's gonna be housed in the Department of Correction. And it's in the legislation and there are nine members, and they're very specialized people to work with sexual offenders.

REP. FISHBEIN (90TH): Yeah, and I got that. And then is it through them interviewing? Because I didn't see that in there, that there's an intake with the convicted individual or it will be a pre-sentencing, some sort of proceeding, because the registry would be part of the sentencing by the court. Is there a procedure that they would actually talk to the individual about what happened, why, and all of that? Is that part of that? It sounds like it's very paper driven.

MS. NOLAN: So -- excuse me. It's not in the legislation. What is in the legislation at the end, and I'm sorry, I don't know what section it is, but it does say that the Sentencing Commission with the Connecticut Alliance to End Sexual Violence and with DESPP will build the program. And so that -- so, it isn't anything -- they didn't legislate -- the legislation doesn't say exactly what the program is. It just says how it will be built, and it will be built with the Sentencing Commission, with our group, and with DESPP.

REP. FISHBEIN (90TH): Okay. I'm just concerned, because of that balance on both sides.

MS. NOLAN: Yeah.

REP. FISHBEIN (90TH): Because, you know, recidivism and protecting others from potentially being harmed is on one side, and then precluding somebody from having an active life is on the other side. So, you

know, I'm a little hesitant to where, you know, everything is driven by paper as opposed to actual input. But thank you. Thank you for your testimony.

MS. NOLAN: You're welcome.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from others. Seeing none. Thank you very much.

MS. NOLAN: Thank you. Thank you very much for allowing me to come up.

SENATOR WINFIELD (10TH): Perhaps, finally, Brian -- is it Cunningham or Corri?

MR. CORRINGHAM: Corringham.

SENATOR WINFIELD (10TH): Corringham. Thank you.

MR. CORRINGHAM: Thank you for allowing me to join the testimony. I came in somewhat late from work. That explains my dress code. A little about myself. I know I only have three minutes, so I feel like I could talk for an hour on this subject at least. I am a registered citizen and as difficult as it may be to come before you as a victim, it is equally difficult to come before you as an offender.

So, perhaps some of my comments may not be as evenhanded as you've been previously, but I've had plenty of experience in the system in Connecticut and can speak to you knowingly about it. I am now presently, since 2014, out of prison and have gone forward with my life. I'm now an operations manager in a company, with 58 people under me. I came out and started working my first job and there were restricted opportunities, believe me. And I could talk about that for an hour. My first job was as a

flagger, standing in the street, directing traffic, and now I run a company, where we do that. And I go out of my way, fall all over myself, to hire offenders, particularly offenders who are classified as boogeymen by many people in society today.

Frankly, in my unhesitating opinion, and actually it's quoting a legislator that's still in the legislature, *you folks have created a monster, a boogeyman, and now you don't know how to un-create it.* The history of the Sex Offender Registry came about as the result of Jacob Wetterling's mother, who wanted a law enforcement registry as a law enforcement tool. And now it has developed into this industry in which there are logarithms, where if you go for housing, they'll pick you right out and say forget about this person - undesirable. If you have something in your employment that says that, corporations won't touch you because, after all, they have to have a safe place to work.

Well, I'm here to tell you that there are no boogeymen. There are some bad people and they usually find their way back into where they belong. That is if the probation department doesn't put them there for having the wrong shoelace or the wrong phone or not checking in on time. But that's because they are in the boogeyman category, so it's very easy to send them back. The -- and I testified before the Sentencing Commission Special Committee, pointed out that all the research that's been presented to you over and over again is that registries are a punitive tool, an item -- a method to sideline people and place them out of society, which if you think about it for a moment, is not really what you want as a result of somebody's criminal conviction. (Bell)

The Sentencing Commission has presented to you, under the guise of reform, a proposal, the registry proposal, amongst which it says (audio cuts out), this is just one item, will have an opportunity to petition to shorten their registration period or apply for removal from the public registry, which sounds very good. After all, people can make themselves better people. Unfortunately, it's not true. Because in the proposal, and this is just one item -- in the proposal that they've submitted to you, at long last, anybody that was convicted before 1999 cannot petition to get off the Sex Offender Registry. And I've been told that it may be that as -- they may not be able to get off the registry until the passage of the law and that date, whatever that is. I'm not certain if that's true or not.

SENATOR WINFIELD (10TH): So, uh --

MR. CORRINGHAM: Yes, please. I know I ran out of time.

SENATOR WINFIELD (10TH): Yeah. So, let me ask you, just for clarity, because I'm not sure you actually -- maybe you did and I didn't hear it. So, you testified on bill 1113.

MR. CORRINGHAM: Yes. I'm sorry.

SENATOR WINFIELD (10TH): And your position was for or against?

MR. CORRINGHAM: I think it's a nice start, but it does not -- it is not what it masquerades as. It is not sufficient. It is not well considered. And is a result of orchestrating with victim advocates.

SENATOR WINFIELD (10TH): Okay. So, questions or comments from other members of the committee. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. I actually had that same question because you didn't mention what bill you were testifying about.

MR. CORRINGHAM: I'm sorry.

REP. DUBITSKY (47TH): If -- you're saying that 1113 is a good start. Have you submitted any written testimony with any type of suggestion as to how it would be made better?

MR. CORRINGHAM: I believe, sir, that One Standard of Justice, an organization that I was previously affiliated with has submitted many, many, many pages and proposals. I'm looking at one right -- a summary of one right in front of me. And I wanted to address Representative Fishbein, who asked how is this board, because you're creating another network, a spider web of analysis. You're going to have a Sexual Offender Registration Board. The bill as proposed to you asks for eight members. No technical expertise required, and that includes two victim advocates.

The proposal that the One Standard of Justice put forward to you is for six members, no victim advocates, for some reasons, including mandatory five years in assessment of sexual offenders, including use of validated actuarial agree -- instruments, rather. So, yes, to answer your question in brief, there have been proposals put forward to fix the bill, improve the bill, reconsider the bill.

## PUBLIC HEARING

REP DUBITSKY (47TH): What's the name of the organization?

MR. CORRINGHAM: One Standard of Justice.

REP. DUBITSKY (47TH): Okay.

MR. CORRINGHAM: They are a defendant -- they were -- I beg your pardon. They were a plaintiff in the recent action in Windsor Locks, by which the town was sued for its proximity requirements. And by a meeting of its -- of the town members, they withdrew the law.

REP. DUBITSKY (47TH): What was the result of that?

MR. CORRINGHAM: The town withdrew the law. They repealed the law.

REP. DUBITSKY (47TH): Okay. Last week, we discussed on a couple of bills, one of which -- we had a public hearing. One of which would have allowed for an automatic erasure of criminal records after a certain period of time, after the convicted person was released from prison or once they served their time, and there was some discussion during that day about whether or not people on the Sex Offender Registry should be included in that. Perhaps you could comment about -- I know you don't have that bill in front of you, but my guess is that you've been paying attention to that issue as well. What kind of comments would you give us with regard to that?

MR. CORRINGHAM: I think -- if you'll forgive me, by being perfectly candid. I think that it's about time we realized in this state and in this country -- and we are starting to have it pointed out to us in judiciary by various findings which are reversing

actions of legislatures all over the country. It's about time that we realized that creating a boogeyman and always using them as the exclusion. The Department of Corrections does the same thing. You heard testimony here prior. And it's absolutely true. I know it to be a fact. You will not get out of prison. You will not get time off for good behavior. You will not get X, X, X, because you're in the boogeyman category.

So, I would suggest to you, sir, that making a law to affect everybody that has a criminal conviction from shoplifting to murder, but saying, sex offenders, now, wait a minute, we have to leave them out, is more like the practice of the Nazis about certain racial groups. It is a strong feeling that I have that this is a boogeyman that's been created by legislatures and is just serving the purpose of giving people someone to hate.

I listen and I cringe when I hear the victims' stories. I have plenty of feelings when a fellow testifies that he was eight and was sodomized by this way and that. It tears all of us apart. Not you and them and not us, but all of us. All of us are affected by that kind of abuse of the system. I think what you would find if you took a look and developed some information is that people that are on the registry, nine times out of ten, are not there for a violent act, even if the legislature has crafted it to be a violent act by their age or whatever exclusion is created. That was used against me.

I was made to be a lifetime registrant simply because the person was below the age of sixteen. It was declared, well, that's a violent act. Well,

there was no violence involved. There was no -- I won't bore you with details. It was the opposite of anything violent. It was wrong. It was wrong and shameful on my part. But now I'm on the registry for life because of the law that's been created in Connecticut. And the prosecutors will use every tool, every negotiating tool, everything they can get their hands on to play chess better than the defender. That's the way the system works.

REP. DUBITSKY (47TH): There was also discussion of if there was a tiered system, that where the lower level offenses were the lower tiers and the very extreme offenses were at the higher tiers, of having the erasure of criminal records for the lower tiers and not for the higher tiers. I guess, kind of attributing higher tiers more towards more violent, more serious, like, murder or kidnapping, you know, the other list of offenses were excluded specifically in that bill. Does that sound more reasonable?

MR. CORRINGHAM: Yes, it certainly sounds reasonable. I see here that the bill proposed to you by the Connecticut Sentencing Commission is that the risk determination input, and again, this goes to Representative Fishbein's question, the input comes from prosecutors, probation and parole officers, and victim advocates. And once again, there is -- there are a lot of people there whose jobs depend on certain things happening. But there are not a lot of people there with real insight by talking to the offender themselves, like Eileen Redden, who testified.



REP. DUBITSKY (47TH): So, you don't have a problem with the system, just with the population and how that commission would be staffed.

MR. CORRINGHAM: I have a serious problem with it as it is laid out in the so-called reform bill. I think that there's a lot more study needed on -- or reform needed than that. I think that registrations are going to be found unconstitutional. They're already being found to be punishment, and in some states, therefore, unconstitutional.

REP. DUBITSKY (47TH): Okay. But you're straying considerably far from what my scenario was.

MR. CORRINGHAM: I'm sorry.

REP. DUBITSKY (47TH): Okay. So, my scenario was the tiered system with the lower tiers being participating in the erasure and the higher offenses not. That has nothing -- that has little to do with what you've just said. It does not --

MR. CORRINGHAM: I'm sorry about going off on the unconstitutional argument. I believe that placing in tiers based on the offense, the violence and so forth, is a sensible approach, as long as it's not done by people with prejudice. I believe you ought to be very careful. By way of answering your question, I attended a presentation in Massachusetts where they already have a three-tiered system, as does New York, from the beginning, and I think that Connecticut is trying to play catch up now. The problem, at least in Massachusetts, from listening to the testimony there, is that it's become a circus about who decides what and where you're placed, and you can never get out of there, and they know better and so forth. So, there are all sorts of problems

inherent in creating that system, and especially inherent in who you put on the boards that classify. Other than that, to answer your question more directly, I think that a tiered approach is much smarter than just saying everybody is the same.

REP. DUBITSKY (47TH): Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Others? Seeing none. Thank you very much for joining us.

MR. CORRINGHAM: Thank you all, ladies and gentlemen.

SENATOR WINFIELD (10TH): Is there anyone else present who would like to testify? Seeing no responses, I will call this public hearing to a close. Thank you.