



General Assembly

February Session, 2024

Raised Bill No. 5161

LCO No. 1100



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING CHILD SEXUAL ABUSE MATERIAL.

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

1 Section 1. Subdivision (13) of section 53a-193 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2024*):

4 (13) "Child [pornography] sexual abuse material" means any visual
5 depiction including any photograph, film, videotape, picture or
6 computer-generated image or picture, whether made or produced by
7 electronic, digital, mechanical or other means, of sexually explicit
8 conduct, where the production of such visual depiction involves the use
9 of a person under sixteen years of age engaging in sexually explicit
10 conduct, provided whether the subject of a visual depiction was a
11 person under sixteen years of age at the time the visual depiction was
12 created is a question to be decided by the trier of fact.

13 Sec. 2. Section 53a-196c of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2024*):

15 (a) A person is guilty of importing child [pornography] sexual abuse

16 material when, with intent to promote child [pornography] sexual abuse
17 material, such person knowingly imports or causes to be imported into
18 the state three or more visual depictions of child [pornography] sexual
19 abuse material of known content and character.

20 (b) Importing child [pornography] sexual abuse material is a class B
21 felony and any person found guilty under this section shall be sentenced
22 to a term of imprisonment of which five years of the sentence imposed
23 may not be suspended or reduced by the court.

24 Sec. 3. Section 53a-196d of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2024*):

26 (a) A person is guilty of possessing child [pornography] sexual abuse
27 material in the first degree when such person knowingly possesses (1)
28 fifty or more visual depictions of child [pornography] sexual abuse
29 material, or (2) one or more visual depictions of child [pornography]
30 sexual abuse material that depict the infliction or threatened infliction
31 of serious physical injury, or (3) (A) a series of images in electronic,
32 digital or other format, which is intended to be displayed continuously,
33 consisting of two or more frames, or a film or videotape, consisting of
34 two or more frames, that depicts (i) more than one child engaging in
35 sexually explicit conduct, or (ii) more than one act of sexually explicit
36 conduct by one or more children, or (B) any combination of a (i) series
37 of images in electronic, digital or other format, which is intended to be
38 displayed continuously, (ii) film, or (iii) videotape, which series, film or
39 videotape each consists of two or more frames and depicts a single act
40 of sexually explicit conduct by one child.

41 (b) In any prosecution for an offense under this section, it shall be an
42 affirmative defense that the acts of the defendant, if proven, would
43 constitute a violation of section 53a-196h, as amended by this act.

44 (c) Possessing child [pornography] sexual abuse material in the first
45 degree is a class B felony and any person found guilty under this section
46 shall be sentenced to a term of imprisonment of which five years of the
47 sentence imposed may not be suspended or reduced by the court.

48 Sec. 4. Section 53a-196e of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2024*):

50 (a) A person is guilty of possessing child [pornography] sexual abuse
51 material in the second degree when such person knowingly possesses
52 (1) twenty or more but fewer than fifty visual depictions of child
53 [pornography] sexual abuse material, or (2) a series of images in
54 electronic, digital or other format, which is intended to be displayed
55 continuously, consisting of twenty or more frames, or a film or
56 videotape, consisting of twenty or more frames, that depicts a single act
57 of sexually explicit conduct by one child.

58 (b) In any prosecution for an offense under this section, it shall be an
59 affirmative defense that the acts of the defendant, if proven, would
60 constitute a violation of section 53a-196h, as amended by this act.

61 (c) Possessing child [pornography] sexual abuse material in the
62 second degree is a class C felony and any person found guilty under this
63 section shall be sentenced to a term of imprisonment of which two years
64 of the sentence imposed may not be suspended or reduced by the court.

65 Sec. 5. Section 53a-196f of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2024*):

67 (a) A person is guilty of possessing child [pornography] sexual abuse
68 material in the third degree when such person knowingly possesses (1)
69 fewer than twenty visual depictions of child [pornography] sexual
70 abuse material, or (2) a series of images in electronic, digital or other
71 format, which is intended to be displayed continuously, consisting of
72 fewer than twenty frames, or a film or videotape, consisting of fewer
73 than twenty frames, that depicts a single act of sexually explicit conduct
74 by one child.

75 (b) In any prosecution for an offense under this section, it shall be an
76 affirmative defense that the acts of the defendant, if proven, would
77 constitute a violation of section 53a-196h, as amended by this act.

78 (c) Possessing child [pornography] sexual abuse material in the third
79 degree is a class D felony and any person found guilty under this section
80 shall be sentenced to a term of imprisonment of which one year of the
81 sentence imposed may not be suspended or reduced by the court.

82 Sec. 6. Section 53a-196g of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2024*):

84 In any prosecution for a violation of section 53a-196d, as amended by
85 this act, 53a-196e, as amended by this act, 53a-196f, as amended by this
86 act, or 53a-196h, as amended by this act, it shall be an affirmative defense
87 that (1) the defendant (A) possessed fewer than three visual depictions,
88 other than a series of images in electronic, digital or other format, which
89 is intended to be displayed continuously, or a film or videotape, of child
90 [pornography] sexual abuse material, (B) did not knowingly purchase,
91 procure, solicit or request such visual depictions or knowingly take any
92 other action to cause such visual depictions to come into the defendant's
93 possession, and (C) promptly and in good faith, and without retaining
94 or allowing any person, other than a law enforcement agency, to access
95 any visual depiction or copy thereof, took reasonable steps to destroy
96 each such visual depiction or reported the matter to a law enforcement
97 agency and afforded that agency access to each such visual depiction, or
98 (2) the defendant possessed a visual depiction of a nude person under
99 sixteen years of age for a bona fide artistic, medical, scientific,
100 educational, religious, governmental or judicial purpose.

101 Sec. 7. Section 53a-196h of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective October 1, 2024*):

103 (a) (1) No person who is under eighteen years of age may knowingly
104 possess any visual depiction of child [pornography] sexual abuse
105 material that the subject of such visual depiction knowingly and
106 voluntarily transmitted by means of an electronic communication
107 device to such person and in which the subject of such visual depiction
108 is a person under sixteen years of age.

109 (2) No person who is under sixteen years of age may knowingly and

110 voluntarily transmit by means of an electronic communication device a
111 visual depiction of child [pornography] sexual abuse material in which
112 such person is the subject of such visual depiction to another person
113 who is under eighteen years of age.

114 (b) As used in this section, "child [pornography] sexual abuse
115 material" and "visual depiction" have the same meanings as provided in
116 section 53a-193, as amended by this act, and "electronic communication
117 device" means any electronic device that is capable of transmitting a
118 visual depiction, including a computer, computer network and
119 computer system, as those terms are defined in section 53a-250, and a
120 cellular or wireless telephone.

121 (c) Any person who violates the provisions of this section shall be
122 guilty of a class A misdemeanor.

123 Sec. 8. Section 54-86m of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2024*):

125 Notwithstanding the provisions of section 54-86a, in any criminal
126 proceeding, any property or material that constitutes child
127 [pornography] sexual abuse material shall remain in the care, custody
128 and control of the state, and a court shall deny any request by the
129 defendant to copy, photograph, duplicate or otherwise reproduce any
130 property or material that constitutes child [pornography] sexual abuse
131 material provided the attorney for the state makes the property or
132 material reasonably available to the defendant. Such property or
133 material shall be deemed to be reasonably available to the defendant if
134 the attorney for the state provides the defendant, the defendant's
135 attorney or any individual the defendant may seek to qualify to furnish
136 expert testimony at trial, ample opportunity for inspection, viewing and
137 examination of the property or material at a state facility or at another
138 facility agreed upon by the attorney for the state and the defendant. For
139 the purposes of this section, "child [pornography] sexual abuse
140 material" has the same meaning as in section 53a-193, as amended by
141 this act.

142 Sec. 9. Subdivision (2) of subsection (c) of section 19a-343 of the
 143 general statutes is repealed and the following is substituted in lieu
 144 thereof (*Effective October 1, 2024*):

145 (2) Promoting an obscene performance or obscene material under
 146 section 53a-196 or 53a-196b, employing a minor in an obscene
 147 performance under section 53a-196a, importing child [pornography]
 148 sexual abuse material under section 53a-196c, as amended by this act,
 149 possessing child [pornography] sexual abuse material in the first degree
 150 under section 53a-196d, as amended by this act, possessing child
 151 [pornography] sexual abuse material in the second degree under section
 152 53a-196e, as amended by this act, or possessing child [pornography]
 153 sexual abuse material in the third degree under section 53a-196f, as
 154 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	53a-193(13)
Sec. 2	<i>October 1, 2024</i>	53a-196c
Sec. 3	<i>October 1, 2024</i>	53a-196d
Sec. 4	<i>October 1, 2024</i>	53a-196e
Sec. 5	<i>October 1, 2024</i>	53a-196f
Sec. 6	<i>October 1, 2024</i>	53a-196g
Sec. 7	<i>October 1, 2024</i>	53a-196h
Sec. 8	<i>October 1, 2024</i>	54-86m
Sec. 9	<i>October 1, 2024</i>	19a-343(c)(2)

Statement of Purpose:

To change the term "child pornography" to "child sexual abuse material" in the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]