



General Assembly

Amendment

February Session, 2014

LCO No. 5598

HB0552505598HDO

Offered by:

REP. FOX, 146th Dist.

REP. KLARIDES, 114th Dist.

REP. O'NEILL, 69th Dist.

To: Subst. House Bill No. 5525

File No. 550

Cal. No. 361

"AN ACT CONCERNING CHILD PORNOGRAPHY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53a-196d of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2014*):

5 (a) A person is guilty of possessing child pornography in the first
6 degree when such person knowingly possesses (1) fifty or more visual
7 depictions of child pornography, or (2) one or more visual depictions
8 of child pornography that depict the infliction or threatened infliction
9 of serious physical injury, or (3) (A) a series of images in electronic,
10 digital or other format, which is intended to be displayed
11 continuously, consisting of two or more frames, or a film or videotape,
12 consisting of two or more frames, that depicts (i) more than one child
13 engaging in sexually explicit conduct, or (ii) more than one act of
14 sexually explicit conduct by one or more children, or (B) any

15 combination of a (i) series of images in electronic, digital or other
16 format, which is intended to be displayed continuously, (ii) film, or (iii)
17 videotape, which series, film or videotape each consists of two or more
18 frames and depicts a single act of sexually explicit conduct by one
19 child.

20 (b) In any prosecution for an offense under this section, it shall be an
21 affirmative defense that the acts of the defendant, if proven, would
22 constitute a violation of section 53a-196h.

23 (c) Possessing child pornography in the first degree is a class B
24 felony and any person found guilty under this section shall be
25 sentenced to a term of imprisonment of which five years of the
26 sentence imposed may not be suspended or reduced by the court.

27 Sec. 2. Section 53a-196e of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2014*):

29 (a) A person is guilty of possessing child pornography in the second
30 degree when such person knowingly possesses (1) twenty or more but
31 fewer than fifty visual depictions of child pornography, or (2) a series
32 of images in electronic, digital or other format, which is intended to be
33 displayed continuously, consisting of twenty or more frames, or a film
34 or videotape, consisting of twenty or more frames, that depicts a single
35 act of sexually explicit conduct by one child.

36 (b) In any prosecution for an offense under this section, it shall be an
37 affirmative defense that the acts of the defendant, if proven, would
38 constitute a violation of section 53a-196h.

39 (c) Possessing child pornography in the second degree is a class C
40 felony and any person found guilty under this section shall be
41 sentenced to a term of imprisonment of which two years of the
42 sentence imposed may not be suspended or reduced by the court.

43 Sec. 3. Section 53a-196f of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2014*):

45 (a) A person is guilty of possessing child pornography in the third
46 degree when such person knowingly possesses (1) fewer than twenty
47 visual depictions of child pornography, or (2) a series of images in
48 electronic, digital or other format, which is intended to be displayed
49 continuously, consisting of fewer than twenty frames, or a film or
50 videotape, consisting of fewer than twenty frames, that depicts a single
51 act of sexually explicit conduct by one child.

52 (b) In any prosecution for an offense under this section, it shall be an
53 affirmative defense that the acts of the defendant, if proven, would
54 constitute a violation of section 53a-196h.

55 (c) Possessing child pornography in the third degree is a class D
56 felony and any person found guilty under this section shall be
57 sentenced to a term of imprisonment of which one year of the sentence
58 imposed may not be suspended or reduced by the court.

59 Sec. 4. Section 53a-196g of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2014*):

61 In any prosecution for a violation of section 53a-196d, as amended
62 by this act, 53a-196e, as amended by this act, 53a-196f, as amended by
63 this act, or 53a-196h it shall be an affirmative defense that (1) the
64 defendant (A) possessed fewer than three visual depictions, other than
65 a series of images in electronic, digital or other format, which is
66 intended to be displayed continuously, or a film or videotape, of child
67 pornography, (B) did not knowingly purchase, procure, solicit or
68 request such visual depictions or knowingly take any other action to
69 cause such visual depictions to come into the defendant's possession,
70 and (C) promptly and in good faith, and without retaining or allowing
71 any person, other than a law enforcement agency, to access any visual
72 depiction or copy thereof, took reasonable steps to destroy each such
73 visual depiction or reported the matter to a law enforcement agency
74 and afforded that agency access to each such visual depiction, or (2)
75 the defendant possessed a visual depiction of a nude person under
76 sixteen years of age for a bona fide artistic, medical, scientific,

77 educational, religious, governmental or judicial purpose.

78 Sec. 5. Subdivision (13) of section 53a-193 of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2014*):

81 (13) "Child pornography" means any visual depiction including any
82 photograph, film, videotape, picture or computer-generated image or
83 picture, whether made or produced by electronic, digital, mechanical
84 or other means, of sexually explicit conduct, where the production of
85 such visual depiction involves the use of a person under sixteen years
86 of age engaging in sexually explicit conduct, provided whether the
87 subject of a visual depiction was a person under sixteen years of age at
88 the time the visual depiction was created is a question to be decided by
89 the trier of fact.

90 Sec. 6. Subdivision (2) of subsection (a) of section 54-258 of the
91 general statutes is repealed and the following is substituted in lieu
92 thereof (*Effective July 1, 2014*):

93 (2) (A) Any state agency, the Judicial Department, any state police
94 troop or any local police department may, at its discretion, notify any
95 government agency, private organization or individual of registration
96 information when such agency, said department, such troop or such
97 local police department, as the case may be, believes such notification
98 is necessary to protect the public or any individual in any jurisdiction
99 from any person who is subject to registration under section 54-251,
100 54-252, 54-253 or 54-254.

101 (B) (1) Whenever a registrant is released into the community, the
102 Department of Emergency Services and Public Protection shall, by
103 electronic mail, notify the superintendent of schools for the school
104 district in which the registrant resides, or plans to reside, of such
105 release and provide such superintendent with the same registry
106 information for such registrant that the department makes available to
107 the public through the Internet under subdivision (1) of this

108 subsection.

109 (2) Whenever a registrant is released into the community, the
 110 Department of Emergency Services and Public Protection shall, by
 111 electronic mail, notify the chief executive officer of the municipality in
 112 which the registrant resides, or plans to reside, of such release and
 113 provide such chief executive officer with the same registry information
 114 for such registrant that the department makes available to the public
 115 through the Internet under subdivision (1) of this subsection."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	53a-196d
Sec. 2	<i>October 1, 2014</i>	53a-196e
Sec. 3	<i>October 1, 2014</i>	53a-196f
Sec. 4	<i>October 1, 2014</i>	53a-196g
Sec. 5	<i>October 1, 2014</i>	53a-193(13)
Sec. 6	<i>July 1, 2014</i>	54-258(a)(2)