



General Assembly

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**Amendment**

LCO No. 4163

\*HB0572204163HR0\*

Offered by:

REP. DANDROW, 30<sup>th</sup> Dist.

To: Subst. House Bill No. 5722

File No. 566

Cal. No. 255

**"AN ACT CONCERNING SEXUAL ASSAULT BY A COACH OR INSTRUCTOR, CONCERNING MANDATED REPORTING OF ABUSE OR NEGLECT AND CONCERNING EDUCATOR CERTIFICATES."**

1 After line 226, add the following:

2 "Sec. 9. Section 53a-193 of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 The following definitions are applicable to this section and sections  
5 53a-194 to 53a-210, inclusive, as amended by this act:

6 [(1) Any material or performance is "obscene" if, (A) taken as a  
7 whole, it predominantly appeals to the prurient interest, (B) it depicts  
8 or describes in a patently offensive way a prohibited sexual act, and  
9 (C) taken as a whole, it lacks serious literary, artistic, educational,  
10 political or scientific value. Predominant appeal shall be judged with  
11 reference to ordinary adults unless it appears from the character of the  
12 material or performance or the circumstances of its dissemination to be

13 designed for some other specially susceptible audience. Whether a  
14 material or performance is obscene shall be judged by ordinary adults  
15 applying contemporary community standards. In applying  
16 contemporary community standards, the state of Connecticut is  
17 deemed to be the community.

18 (2) Material or a performance is "obscene as to minors" if it depicts a  
19 prohibited sexual act and, taken as a whole, it is harmful to minors. For  
20 purposes of this subsection: (A) "Minor" means any person less than  
21 seventeen years old as used in section 53a-196 and less than sixteen  
22 years old as used in sections 53a-196a, 53a-196b and 53a-196c and (B)  
23 "harmful to minors" means that quality of any description or  
24 representation, in whatever form, of a prohibited sexual act, when (i) it  
25 predominantly appeals to the prurient, shameful or morbid interest of  
26 minors, (ii) it is patently offensive to prevailing standards in the adult  
27 community as a whole with respect to what is suitable material for  
28 minors, and (iii) taken as a whole, it lacks serious literary, artistic,  
29 educational, political or scientific value for minors.

30 (3) "Prohibited sexual act" means erotic fondling, nude performance,  
31 sexual excitement, sado-masochistic abuse, masturbation or sexual  
32 intercourse.

33 (4) "Nude performance" means the showing of the human male or  
34 female genitals, pubic area or buttocks with less than a fully opaque  
35 covering, or the showing of the female breast with less than a fully  
36 opaque covering of any portion thereof below the top of the nipple, or  
37 the depiction of covered male genitals in a discernibly turgid state in  
38 any play, motion picture, dance or other exhibition performed before  
39 an audience.

40 (5) "Erotic fondling" means touching a person's clothed or unclothed  
41 genitals, pubic area, buttocks, or if such person is a female, breast.

42 (6) "Sexual excitement" means the condition of human male or  
43 female genitals when in a state of sexual stimulation or arousal.

44 (7) "Sado-masochistic abuse" means flagellation or torture by or  
45 upon a person clad in undergarments, a mask or bizarre costume, or  
46 the condition of being fettered, bound or otherwise physically  
47 restrained on the part of one so clothed.

48 (8) "Masturbation" means the real or simulated touching, rubbing or  
49 otherwise stimulating a person's own clothed or unclothed genitals,  
50 pubic area, buttocks, or, if the person is female, breast, either by  
51 manual manipulation or with an artificial instrument.

52 (9) "Sexual intercourse" means intercourse, real or simulated,  
53 whether genital-genital, oral-genital, anal-genital or oral-anal, whether  
54 between persons of the same or opposite sex or between a human and  
55 an animal, or with an artificial genital.

56 (10) "Material" means anything tangible which is capable of being  
57 used or adapted to arouse prurient, shameful or morbid interest,  
58 whether through the medium of reading, observation, sound or in any  
59 other manner. Undeveloped photographs, molds, printing plates, and  
60 the like, may be deemed obscene notwithstanding that processing or  
61 other acts may be required to make the obscenity patent or to  
62 disseminate it.

63 (11) "Performance" means any play, motion picture, dance or other  
64 exhibition performed before an audience.

65 (12) "Promote" means to manufacture, issue, sell, give, provide,  
66 lend, mail, deliver, transfer, transmit, publish, distribute, circulate,  
67 disseminate, present, exhibit, advertise, produce, direct or participate  
68 in.

69 (13) "Child pornography" means any material involving a live  
70 performance or photographic or other visual reproduction of a live  
71 performance which depicts a minor in a prohibited sexual act.]

72 (1) "Child pornography" means any visual depiction, including any  
73 photograph, film, video, picture or computer, as defined in subdivision

74 (2) of section 53a-250, or computer-generated image or picture,  
75 whether made or produced by electronic, mechanical or other means,  
76 of sexually explicit conduct, where (A) the production of such visual  
77 depiction involves the use of a minor engaging in sexually explicit  
78 conduct; (B) such visual depiction is, or appears to be, of a minor  
79 engaging in sexually explicit conduct; (C) such visual depiction has  
80 been created, adapted or modified to appear that an identifiable minor  
81 is engaging in sexually explicit conduct; or (D) such visual depiction is  
82 advertised, promoted, presented, described or distributed in such a  
83 manner that conveys the impression that the material is or contains a  
84 visual depiction of a minor engaging in sexually explicit conduct.

85 (2) "Harmful to minors" means that quality of any description or  
86 representation, in whatever form, of sexually explicit conduct, when  
87 (A) it predominantly appeals to the prurient, shameful or morbid  
88 interest of minors, (B) it is patently offensive to prevailing standards in  
89 the adult community as a whole with respect to what is suitable  
90 material for minors, and (C) taken as a whole, it lacks serious literary,  
91 artistic, educational, political or scientific value for minors.

92 (3) "Identifiable minor" means a person (A) (i) who was a minor at  
93 the time the visual depiction was created, adapted or modified, or (ii)  
94 whose image as a minor was used in creating, adapting or modifying  
95 the visual depiction; and (B) who is recognizable as an actual person  
96 by the person's face, likeness or other distinguishing characteristic,  
97 such as a unique birthmark or other recognizable feature. This  
98 subdivision shall not be construed to require proof of the actual  
99 identity of the identifiable minor.

100 (4) "Material" means anything tangible which is capable of being  
101 used or adapted to arouse prurient, shameful or morbid interest,  
102 whether through the medium of reading, observation, sound or in any  
103 other manner. "Material" includes visual depictions, undeveloped  
104 photographs, molds, printing plates, and the like, which may be  
105 deemed obscene or to be child pornography notwithstanding that  
106 processing or other acts may be required to make the obscenity or

107 child pornography patent or to disseminate it.

108 (5) "Minor" means any person under the age of eighteen years.

109 (6) A material or performance is "obscene" if (A) taken as a whole, it  
110 predominantly appeals to the prurient interest, (B) it depicts or  
111 describes in a patently offensive way sexually explicit conduct, and (C)  
112 taken as a whole, it lacks serious literary, artistic, educational, political  
113 or scientific value. Predominant appeal shall be judged with reference  
114 to ordinary adults unless it appears from the character of the material  
115 or performance or the circumstances of its dissemination to be  
116 designed for some other specially susceptible audience. Whether a  
117 material or performance is obscene shall be judged by ordinary adults  
118 applying contemporary community standards. In applying  
119 contemporary community standards, the state of Connecticut is  
120 deemed to be the community.

121 (7) A material or performance is "obscene as to minors" if it depicts  
122 sexually explicit conduct and, taken as a whole, it is harmful to minors.

123 (8) "Performance" means any play, motion picture, dance, visual  
124 depiction or other exhibition performed before an audience or  
125 transmitted via any medium.

126 (9) "Produce" means to produce, direct, manufacture, issue, publish  
127 or advertise.

128 (10) "Promote" means to manufacture, issue, sell, give, provide,  
129 lend, mail, deliver, transfer, transmit, publish, distribute, circulate,  
130 disseminate, present, exhibit, advertise, produce, direct or participate  
131 in and includes to transmit by computer network, as defined in section  
132 53a-250.

133 (11) "Sexually explicit conduct" means actual or simulated (A)  
134 sexual intercourse, including genital-genital, oral-genital, anal-genital  
135 or oral-anal, whether between persons of the same or opposite sex, or  
136 with an artificial genital, (B) bestiality, (C) masturbation, (D) sadistic or

137 masochistic abuse, or (E) lascivious exhibition of the genitals or pubic  
138 area of any person.

139 (12) "Visual depiction" includes undeveloped film and videotape  
140 and data, as defined in subdivision (8) of section 53a-250, that is  
141 capable of conversion into a visual image and includes encrypted data.

142 Sec. 10. Section 53a-196c of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2002*):

144 (a) A person is guilty of importing child pornography when, with  
145 intent to promote child pornography, [he] such person knowingly  
146 imports or causes to be imported into the state any child pornography  
147 of known content and character.

148 (b) Importation of two or more copies of any publication or visual  
149 depiction containing child pornography shall be prima facie evidence  
150 that such publications or visual depictions were imported with intent  
151 to promote child pornography.

152 (c) Importing child pornography is a class C felony."