



General Assembly

Substitute Bill No. 6531

January Session, 2003

**AN ACT CONCERNING INTERNET CHILD EXPLOITATION AND
CRIMINAL BACKGROUND CHECKS FOR VOLUNTEERS.**

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

1 Section 1. Section 53a-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The following definitions are applicable to this section, [and]
4 sections 53a-194 to 53a-210, inclusive, and sections 6 to 8, inclusive, of
5 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]
9 sexually explicit conduct, and (C) taken as a whole, it lacks serious
10 literary, artistic, educational, political or scientific value. Predominant
11 appeal shall be judged with reference to ordinary adults unless it
12 appears from the character of the material or performance or the
13 circumstances of its dissemination to be designed for some other
14 specially susceptible audience. Whether a material or performance is
15 obscene shall be judged by ordinary adults applying contemporary
16 community standards. In applying contemporary community
17 standards, the state of Connecticut is deemed to be the community.

18 [(2) Material or a performance is "obscene as to minors" if it depicts
19 a prohibited sexual act and, taken as a whole, it is harmful to minors.

20 For purposes of this subsection: (A) "Minor" means any person less
21 than seventeen years old as used in section 53a-196 and less than
22 sixteen years old as used in sections 53a-196a, 53a-196b and 53a-196c
23 and (B) "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)] (2) "Masturbation" means the real or simulated touching,
49 rubbing or otherwise stimulating a person's own clothed or unclothed
50 genitals, pubic area, buttocks, or, if the person is female, breast, either

51 by 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)] (3) "Material" means anything tangible which is capable of
57 being 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)] (4) "Performance" means any play, motion picture, dance or
64 other exhibition performed before an audience.

65 [(12)] (5) "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)] (6) "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] visual
72 depiction including any photograph, film, video, picture or computer,
73 as defined in subdivision (2) of section 53a-250, or computer-
74 generated, image or picture, whether made or produced by electronic,
75 mechanical or other means, of sexually explicit conduct, where (A) the
76 production of such visual depiction involves the use of a minor
77 engaging in sexually explicit conduct; or (B) such visual depiction is, or
78 is virtually indistinguishable from, a minor engaging in sexually
79 explicit conduct.

80 (7) "Minor" means any person under the age of sixteen years.

81 (8) "Sexually explicit conduct" means actual or simulated (A) sexual
82 intercourse, including genital-genital, oral-genital, anal-genital or oral-
83 anal, whether between persons of the same or opposite sex, or with an
84 artificial genital, (B) bestiality, (C) masturbation, (D) sadistic or
85 masochistic abuse, or (E) lascivious exhibition of the genitals or pubic
86 area of any person.

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

90 (10) "Knowingly" means having general knowledge of or reason to
91 know or a belief or ground for belief that warrants further inspection
92 or inquiry as to (A) the character and content of any material or
93 performance which is reasonably susceptible of examination by such
94 person, and (B) the age of the minor.

95 Sec. 2. Section 53a-196a of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective October 1, 2003*):

97 (a) A person is guilty of [employing a minor in an obscene
98 performance] manufacturing child pornography when (1) [he] such
99 person employs any minor, whether or not such minor receives any
100 consideration, for the purpose of promoting any material or
101 performance which is [obscene as to minors] child pornography,
102 notwithstanding that such material or performance is intended for an
103 adult audience, or (2) [he] such person permits any such minor to be
104 employed, whether or not such minor receives any consideration, in
105 the promotion of any material or performance which is [obscene as to
106 minors] child pornography, notwithstanding that such material or
107 performance is intended for an adult audience, and [he] such person is
108 the parent or guardian of such minor or otherwise responsible for the
109 general supervision of such minor's welfare.

110 (b) [Employing a minor in an obscene performance] Manufacturing
111 child pornography is a class A felony.

112 Sec. 3. Section 53a-196b of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2003*):

114 (a) A person is guilty of [promoting a minor in an obscene
115 performance when he] distributing child pornography when such
116 person knowingly promotes any material or performance in which a
117 minor is employed, whether or not such minor receives any
118 consideration, and such material or performance is [obscene as to
119 minors] child pornography, notwithstanding that such material or
120 performance is intended for an adult audience.

121 [(b) For purposes of this section, "knowingly" means having general
122 knowledge of or reason to know or a belief or ground for belief which
123 warrants further inspection or inquiry as to (1) the character and
124 content of any material or performance which is reasonably susceptible
125 of examination by such person and (2) the age of the minor employed.]

126 [(c) Promoting a minor in an obscene performance is a class B
127 felony.]

128 (b) Distributing child pornography is a class B felony.

129 Sec. 4. Section 53a-196c of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2003*):

131 (a) A person is guilty of importing child pornography when [, with
132 intent to promote child pornography, he] such person knowingly
133 imports or causes to be imported into the state [any] three or more
134 visual depictions containing child pornography of known content and
135 character.

136 [(b) Importation of two or more copies of any publication containing
137 child pornography shall be prima facie evidence that such publications
138 were imported with intent to promote child pornography.]

139 [(c)] (b) Importing child pornography is a class C felony.

140 Sec. 5. Section 53a-196d of the general statutes is repealed and the

141 following is substituted in lieu thereof (*Effective October 1, 2003*):

142 (a) A person is guilty of possessing child pornography [when he] in
143 the first degree when such person knowingly possesses (A) one
144 hundred or more visual depictions of child pornography, [as defined
145 in subdivision (13) of section 53a-193. Possession of a photographic or
146 other visual reproduction of a nude minor for a bona fide artistic,
147 medical, scientific, educational, religious, governmental or judicial
148 purpose shall not be a violation of this subsection] or (B) ten or more
149 visual depictions of child pornography depicting clearly prepubescent,
150 sexually undeveloped minors.

151 (b) Possessing child pornography in the first degree is a class [D] B
152 felony.

153 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
154 possessing child pornography in the second degree when such person
155 knowingly possesses more than twenty but less than one hundred
156 visual depictions of child pornography.

157 (b) Possessing child pornography in the second degree is a class C
158 felony.

159 Sec. 7. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
160 possessing child pornography in the third degree when such person
161 knowingly possesses less than twenty visual depictions of child
162 pornography.

163 (b) Possessing child pornography in the third degree is a class D
164 felony.

165 Sec. 8. (NEW) (*Effective October 1, 2003*) In any prosecution for a
166 violation of section 53a-196d of the general statutes, as amended by
167 this act, or section 6 or 7 of this act, it shall be an affirmative defense
168 that (1) the alleged child pornography was produced using a person or
169 persons engaging in sexually explicit conduct, each of whom was an
170 adult at the time the material was produced, (2) the defendant

171 possessed less than three visual depictions of child pornography and
172 promptly and in good faith, and without retaining or allowing any
173 person, other than a law enforcement official, to access any such visual
174 depiction or copy thereof, (A) took reasonable steps to destroy each
175 such visual depiction, or (B) reported the matter to a law enforcement
176 agency and afforded that agency access to each such visual depiction,
177 or (3) the defendant was in possession of a visual depiction of a nude
178 minor for a bona fide artistic, medical, scientific, educational, religious,
179 governmental or judicial purpose.

180 Sec. 9. Section 53a-90a of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective October 1, 2003*):

182 (a) A person is guilty of enticing a minor when such person uses an
183 interactive computer service to knowingly persuade, induce, entice or
184 coerce any person under sixteen years of age to engage in prostitution
185 or sexual activity for which the actor may be charged with a criminal
186 offense. For purposes of this section, "interactive computer service"
187 means any information service, system or access software provider
188 that provides or enables computer access by multiple users to a
189 computer server, including specifically a service or system that
190 provides access to the Internet and such systems operated or services
191 offered by libraries or educational institutions.

192 (b) Enticing a minor is a class [A misdemeanor] D felony for a first
193 offense, a class [D] C felony for a second offense and a class [C] B
194 felony for any subsequent offense.

195 Sec. 10. (NEW) (*Effective October 1, 2003*) (a) For the purposes of
196 sections 10 to 15, inclusive, of this act:

197 (1) "Electronic communication service" and "remote computing
198 service" shall be construed in accordance with 18 USC 2701 et seq.;

199 (2) "Properly served" means that a search warrant has been
200 delivered by hand, or in a manner reasonably allowing for proof of
201 delivery if delivered by United States mail, overnight delivery service

202 or facsimile to a person; and

203 (3) "Person" means any natural person, corporation, limited liability
204 company, trust, partnership, incorporated or unincorporated
205 association or any other legal entity.

206 (b) A Connecticut corporation that provides electronic
207 communication service or remote computing service to the general
208 public, when properly served with a warrant, court order or subpoena
209 issued under the laws of another state to produce records that would
210 reveal the identity of the customers using those services, data stored
211 by, or on behalf of, the customer, the customer's usage of those
212 services, the recipient or destination of communications sent to or from
213 those customers or the content of those communications, shall produce
214 those records as if that warrant or order had been issued by a
215 Connecticut court.

216 (c) A foreign corporation providing electronic communication
217 services or remote computing services to residents of the state of
218 Connecticut, when properly served with a warrant or subpoena issued
219 under the laws of this state to produce records that would reveal the
220 identity of the customers using those services, data stored by, or on
221 behalf of, the customer, the customer's usage of those services, the
222 recipient or destination of communications sent to or from those
223 customers or the content of those communications, shall produce those
224 records.

225 (d) This section shall not apply to corporations and government
226 entities that do not provide electronic communication service and
227 remote computing service to the general public.

228 Sec. 11. (NEW) (*Effective October 1, 2003*) A provider of electronic
229 communication service or remote computing service shall disclose to a
230 governmental entity the name, address, local and long distance
231 telephone toll billing records, telephone number or other subscriber
232 number or identity, and length of service of a subscriber to or customer
233 of such service and the types of services the subscriber or customer

234 utilized, when the governmental entity uses an administrative
235 subpoena issued by any state's attorney, the Commissioner of Public
236 Safety or the commissioner's authorized representative or a chief of
237 police or the chief's authorized representative. If any person refuses to
238 obey such subpoena, the superior court for the judicial district of
239 Hartford or, when the court is not in session, any judge thereof shall,
240 upon application of the issuing authority, have jurisdiction to issue an
241 order to the person requiring such person to appear before the issuing
242 authority or to produce the item or items requested. Before issuing
243 such order, the court or judge shall provide adequate opportunity for
244 the parties to be heard.

245 Sec. 12. (NEW) (*Effective October 1, 2003*) (a) Contents of electronic
246 communications in electronic storage may only be provided to a
247 governmental entity by a provider of electronic communication service
248 pursuant to a warrant issued under section 54-33a of the general
249 statutes.

250 (b) The judge or judge trial referee issuing a warrant for contents of
251 electronic communications in electronic storage may order the
252 provider of electronic communications service not to notify the
253 account subscriber of the issuance or existence of the warrant.

254 (c) The judge or judge trial referee issuing a warrant for contents of
255 electronic communications may waive required notice to the account
256 subscriber pursuant to section 54-33c of the general statutes.

257 Sec. 13. (NEW) (*Effective October 1, 2003*) No cause of action shall lie
258 in any court against any provider of electronic communication service,
259 its officers, employees, agents or other specified persons for providing
260 information, facilities or assistance in accordance with the terms of a
261 subpoena issued under section 11 of this act or a warrant issued under
262 section 12 of this act.

263 Sec. 14. (NEW) (*Effective October 1, 2003*) A provider of electronic
264 communication service or remote computing service, upon the request
265 of a governmental entity, shall take all necessary steps to preserve

266 records and other evidence in its possession pending the issuance of a
267 court order or other process. Such records shall be retained for a period
268 of ninety days. Such period shall be extended for an additional ninety-
269 day period upon a renewed request by the governmental entity.

270 Sec. 15. (NEW) (*Effective October 1, 2003*) (a) Within fourteen days
271 after notice by the governmental entity to the subscriber or customer,
272 such subscriber or customer may file a motion to quash a subpoena
273 issued under section 11 of this act, with copies served upon the
274 governmental entity and with written notice of such challenge to the
275 provider of electronic communication service or remote computing
276 service. A motion to quash a subpoena shall be filed with the superior
277 court for the judicial district of Hartford or, when the court is not in
278 session, any judge thereof. Such motion shall contain an affidavit or
279 sworn statement stating (1) that the person making the motion is a
280 subscriber to or customer of the service from which the contents of
281 electronic communications maintained for such person have been
282 sought, and (2) the reasons of the person making the motion for
283 believing that the records sought are not relevant to a legitimate law
284 enforcement inquiry or that there has not been substantial compliance
285 with the provisions of sections 10 to 15, inclusive, of this act in some
286 other respect.

287 (b) Service shall be made under this section upon a governmental
288 entity by delivering or mailing by registered or certified mail a copy of
289 the papers to the person, office or department specified in the notice
290 which the subscriber or customer has received pursuant to sections 10
291 to 15, inclusive, of this act.

292 (c) If the court finds that the subscriber or customer has complied
293 with subsections (a) and (b) of this section, the court shall order the
294 governmental entity to file a sworn response, which may be filed in
295 camera if the governmental entity includes in its response the reasons
296 which make in camera review appropriate. If the court is unable to
297 determine the motion on the basis of the parties' initial allegations and
298 response, the court may conduct such additional proceedings as it

299 deems appropriate. All such proceedings shall be completed and the
300 motion decided as soon as practicable after the filing of the
301 governmental entity's response.

302 (d) If the court finds that the person who made the motion is not the
303 subscriber or customer for whom the communications sought by the
304 governmental entity are maintained, or that there is a reason to believe
305 that the law enforcement inquiry is legitimate and that the
306 communications sought are relevant to that inquiry, it shall deny the
307 motion and order such process enforced. If the court finds that the
308 person who made the motion is the subscriber or customer for whom
309 the communications sought by the governmental entity are
310 maintained, and that there is not a reason to believe that the
311 communications sought are relevant to a legitimate law enforcement
312 inquiry, or that there has not been substantial compliance with the
313 provisions of sections 10 to 15, inclusive, of this act, it shall order the
314 process quashed.

315 (e) A court order denying a motion under this section shall not be
316 deemed a final order and no interlocutory appeal may be taken
317 therefrom by the subscriber or customer.

318 Sec. 16. Subsection (e) of section 53a-29 of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective*
320 *October 1, 2003*):

321 (e) The period of probation, unless terminated sooner as provided in
322 section 53a-32, shall be not less than ten years nor more than thirty-five
323 years for conviction of a violation of subdivision (2) of subsection (a) of
324 section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, [or] 53a-
325 72b, 53a-90a, as amended by this act, 53a-196b, as amended by this act,
326 53a-196c, as amended by this act, or 53a-196d, as amended by this act,
327 or section 6 or 7 of this act.

328 Sec. 17. Subsection (m) of section 10-145b of the general statutes is
329 repealed and the following is substituted in lieu thereof (*Effective*
330 *October 1, 2003*):

331 (m) (1) The State Board of Education may revoke any certificate,
332 authorization or permit issued pursuant to sections 10-144o to 10-149,
333 inclusive, for any of the following reasons: (A) The holder of the
334 certificate, authorization or permit obtained such certificate,
335 authorization or permit through fraud or misrepresentation of a
336 material fact; (B) the holder has persistently neglected to perform the
337 duties for which the certificate, authorization or permit was granted;
338 (C) the holder is professionally unfit to perform the duties for which
339 the certificate, authorization or permit was granted; (D) the holder is
340 convicted in a court of law of a crime involving moral turpitude or of
341 any other crime of such nature that in the opinion of the board
342 continued holding of a certificate, authorization or permit by the
343 person would impair the standing of certificates, authorizations or
344 permits issued by the board; or (E) other due and sufficient cause. The
345 State Board of Education shall revoke any certificate, authorization or
346 permit issued pursuant to said sections if the holder is found to have
347 intentionally disclosed specific questions or answers to students or
348 otherwise improperly breached the security of any administration of a
349 state-wide examination pursuant to section 10-14n. In any revocation
350 proceeding pursuant to this section, the State Board of Education shall
351 have the burden of establishing the reason for such revocation by a
352 preponderance of the evidence. Revocation shall be in accordance with
353 procedures established by the State Board of Education pursuant to
354 chapter 54.

355 (2) When the Commissioner of Education is notified, pursuant to
356 section 10-149a or 17a-101i that a person holding a certificate,
357 authorization or permit issued by the State Board of Education under
358 the provisions of sections 10-144o to 10-149, inclusive, has been
359 convicted of (A) a capital felony, pursuant to section 53a-54b, (B) arson
360 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B
361 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a
362 crime involving an act of child abuse or neglect as described in section
363 46b-120, or (F) a violation of section 53-21, 53-37a, 53a-60b, 53a-60c,
364 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-181c,

365 53a-191, [53a-196,] 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection
366 (a) of section 21a-277, any certificate, permit or authorization issued by
367 the State Board of Education and held by such person shall be deemed
368 revoked and the commissioner shall notify such person of such
369 revocation, provided such person may request reconsideration
370 pursuant to regulations adopted by the State Board of Education, in
371 accordance with the provisions of chapter 54.

372 (3) The State Board of Education may deny an application for a
373 certificate, authorization or permit for any of the following reasons: (A)
374 The applicant seeks to obtain a certificate, authorization or permit
375 through fraud or misrepresentation of a material fact; (B) the applicant
376 has been convicted in a court of law of a crime involving moral
377 turpitude or of any other crime of such nature that in the opinion of
378 the board issuance of a certificate, authorization or permit would
379 impair the standing of certificates, authorizations or permits issued by
380 the board; or (C) other due and sufficient cause. Any applicant denied
381 a certificate, authorization or permit shall be notified in writing of the
382 reasons for denial. Any applicant denied a certificate, authorization or
383 permit may request a review of such denial by the State Board of
384 Education.

385 Sec. 18. Section 10-145i of the general statutes is repealed and the
386 following is substituted in lieu thereof (*Effective October 1, 2003*):

387 Notwithstanding the provisions of sections 10-144o to 10-146b,
388 inclusive, and 10-149, the State Board of Education shall not issue or
389 reissue any certificate pursuant to said sections if (1) the applicant for
390 such certificate has been convicted of any of the following: (A) A
391 capital felony, as defined in section 53a-54b; (B) arson murder, as
392 defined in section 53a-54d; (C) any Class A felony; (D) any Class B
393 felony except a violation of section 53a-122, 53a-252 or 53a-291; (E) a
394 crime involving an act of child abuse or neglect as described in section
395 46b-120; or (F) a violation of section 53-21, 53-37a, 53a-60b, 53a-60c,
396 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-181c,
397 53a-191, [53a-196,] 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation

398 of subsection (a) of section 21a-277, and (2) the applicant completed
399 serving the sentence for such conviction within the five years
400 immediately preceding the date of the application.

401 Sec. 19. Subsection (c) of section 19a-343 of the general statutes is
402 repealed and the following is substituted in lieu thereof (*Effective*
403 *October 1, 2003*):

404 (c) Three or more arrests, or the issuance of three or more arrest
405 warrants indicating a pattern of criminal activity and not isolated
406 incidents, for the following offenses shall constitute the basis for
407 bringing an action to abate a public nuisance:

408 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88
409 or 53a-89.

410 [(2) Promoting an obscene performance or obscene material under
411 section 53a-196 or 53a-196b, employing a minor in an obscene
412 performance under section 53a-196a or importing or possessing child
413 pornography under section 53a-196c or 53a-196d.]

414 (2) Manufacturing child pornography under section 53a-196a, as
415 amended by this act, distributing child pornography under section
416 53a-196b, as amended by this act, importing child pornography under
417 section 53a-196c, as amended by this act, possessing child
418 pornography in the first degree under section 53a-196d, as amended
419 by this act, possessing child pornography in the second degree under
420 section 6 of this act and possessing child pornography in the third
421 degree under section 7 of this act.

422 (3) Transmission of gambling information under section 53-278b or
423 53-278d or maintaining of a gambling premises under section 53-278e.

424 (4) Offenses for the sale of controlled substances, possession of
425 controlled substances with intent to sell, or maintaining a drug factory
426 under section 21a-277, 21a-278 or 21a-278a or use of the property by
427 persons possessing controlled substances under section 21a-279.

428 Nothing in this section shall prevent the state from also proceeding
429 against property under section 21a-259 or 54-36h.

430 (5) Unauthorized sale of alcoholic liquor under section 30-74 or
431 disposing of liquor without a permit under section 30-77.

432 (6) Violations of the inciting injury to persons or property law under
433 section 53a-179a.

434 (7) Maintaining a motor vehicle chop shop under section 14-149a.

435 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,
436 53a-56 or 53a-56a.

437 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of
438 subsection (a) of section 53a-60 or section 53a-60a.

439 (10) Sexual assault under section 53a-70 or 53a-70a.

440 Sec. 20. Section 29-117 of the general statutes is repealed and the
441 following is substituted in lieu thereof (*Effective October 1, 2003*):

442 No person shall exhibit, show or use any moving picture film, reel
443 or view in any place to which an admission fee is charged, except in a
444 church, parish house, school or other building of a religious,
445 ecclesiastical or educational organization in furtherance of its
446 purposes, without a license for such purpose issued by the
447 Commissioner of Public Safety. The commissioner, after investigation,
448 shall issue the license required herein to any person found by him to
449 be a suitable person, provided he shall have received a written
450 application therefor, which application shall describe the location of
451 the place and shall give its seating capacity and such other information
452 as the commissioner requires. Such license shall be effective until
453 September first next following its issuance, unless suspended or
454 revoked for cause, and the applicant shall pay for the same and for
455 each renewal thereof the sum of thirty-five dollars. When any person
456 so licensed exhibits, shows or uses or permits to be exhibited, shown or
457 used in any place described in such license any moving picture film,

458 title, subtitle or part thereof, reel or view of an immoral, degrading or
459 criminal character, or which is unlawful under the provisions of
460 section 53a-194, [or 53a-196,] the commissioner may, upon complaint
461 or upon [his] the commissioner's own motion, suspend or revoke the
462 license of such person. No license shall be granted to any person to
463 whom two of the licenses issued have been either suspended or
464 revoked. Any person, or the officer of any corporation, violating any
465 provision of this section shall be fined not more than one thousand
466 dollars or imprisoned not more than one year or both.

467 Sec. 21. Subdivision (2) of section 54-250 of the general statutes is
468 repealed and the following is substituted in lieu thereof (*Effective*
469 *October 1, 2003*):

470 (2) "Criminal offense against a victim who is a minor" means (A) a
471 violation of subdivision (2) of section 53-21 of the general statutes in
472 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
473 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
474 subdivision (1), (4) or (8) of subsection (a) of section 53a-71,
475 subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of
476 subsection (a) of section 53a-86, subdivision (2) of subsection (a) of
477 section 53a-87, section 53a-196a, as amended by this act, 53a-196b, as
478 amended by this act, 53a-196c, as amended by this act, [or] 53a-196d, as
479 amended by this act, or section 6 or 7 of this act, (B) a violation of
480 section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186,
481 provided the court makes a finding that, at the time of the offense, the
482 victim was under eighteen years of age, (C) a violation of any of the
483 offenses specified in subparagraph (A) or (B) of this subdivision for
484 which a person is criminally liable under section 53a-8, 53a-48 or
485 53a-49, or (D) a violation of any predecessor statute to any offense
486 specified in subparagraph (A), (B) or (C) of this subdivision the
487 essential elements of which are substantially the same as said offense.

488 Sec. 22. Section 29-11 of the general statutes is amended by adding
489 subsection (d) as follows (*Effective October 1, 2003*):

490 (NEW) (d) The Commissioner of Public Safety may adopt
 491 regulations, in accordance with the provisions of chapter 54, to
 492 implement the provisions of the National Child Protection Act of 1993
 493 and the Violent Crime Control and Law Enforcement Act of 1994 and
 494 the Volunteers for Children Act of 1998 concerning authorization of
 495 criminal history records checks for determination of the suitability and
 496 fitness of an employee or volunteer to care for the safety and well-
 497 being of children, the elderly and individuals with disabilities.

498 Sec. 23. (*Effective October 1, 2003*) Sections 53a-196, 53a-197 and 53a-
 499 198 of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>
Sec. 18	<i>October 1, 2003</i>
Sec. 19	<i>October 1, 2003</i>
Sec. 20	<i>October 1, 2003</i>
Sec. 21	<i>October 1, 2003</i>
Sec. 22	<i>October 1, 2003</i>
Sec. 23	<i>October 1, 2003</i>

PS

Joint Favorable Subst. C/R

JUD

