



General Assembly

February Session, 2008

Bill No. 37

LCO No. 181

00181_____

Referred to Committee on Judiciary

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING COMPUTER CRIMES AGAINST CHILDREN.

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

1 Section 1. Section 53a-90a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) A person is guilty of enticing a minor when such person (1) uses
5 an interactive computer service to knowingly persuade, induce, entice
6 or coerce any person under sixteen years of age to engage in
7 prostitution or sexual activity for which the actor may be charged with
8 a criminal offense, or (2) uses an interactive computer service to
9 knowingly persuade, induce, entice or coerce any person under sixteen
10 years of age to display their intimate parts either through the use of a
11 webcam, still image or other available technology or to engage in a
12 sexual act through the Internet or by telephone. For purposes of this
13 section, "interactive computer service" means any information service,
14 system or access software provider that provides or enables computer
15 access by multiple users to a computer server, including specifically a

16 service or system that provides access to the Internet and such systems
17 operated or services offered by libraries or educational institutions.

18 (b) (1) Except as provided in subdivision (2) of this subsection,
19 enticing a minor is a class D felony for a first offense, a class C felony
20 for a second offense and a class B felony for any subsequent offense.

21 (2) Enticing a minor is a class B felony if the victim of the offense is
22 under thirteen years of age and any person found guilty of such class B
23 felony shall, for a first offense, be sentenced to a term of imprisonment
24 of which five years of the sentence imposed may not be suspended or
25 reduced by the court and, for any subsequent offense, be sentenced to
26 a term of imprisonment of which ten years of the sentence imposed
27 may not be suspended or reduced by the court.

28 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) A person is guilty of
29 viewing child pornography when such person knowingly views fifty
30 or more images of child pornography through the Internet within any
31 forty-eight-hour period.

32 (b) Viewing child pornography is a class D felony.

33 Sec. 3. Section 54-47aa of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2008*):

35 (a) For the purposes of this section:

36 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)
37 local and long distance telephone connection records or records of
38 session times and durations, (D) length of service, including start date,
39 and types of services utilized, (E) telephone or instrument number or
40 other subscriber number or identity, including any assigned Internet
41 protocol address, and (F) means and source of payment for such
42 service, including any credit card or bank account number;

43 (2) "Call-identifying information" means dialing or signaling
44 information that identifies the origin, direction, destination or

45 termination of each communication generated or received by a
46 subscriber or customer by means of any equipment, facility or service
47 of a telecommunications carrier;

48 (3) "Electronic communication service" means "electronic
49 communication service" as defined in 18 USC 2510, as amended from
50 time to time;

51 (4) "Law enforcement official" means the Chief State's Attorney, a
52 state's attorney, an inspector with the Division of Criminal Justice, a
53 sworn member of the Division of State Police within the Department of
54 Public Safety or a sworn member of an organized local police
55 department;

56 (5) "Remote computing service" means "remote computing service"
57 as defined in section 18 USC 2711, as amended from time to time; and

58 (6) "Telecommunications carrier" means "telecommunications
59 carrier" as defined in 47 USC 1001, as amended from time to time.

60 (b) A law enforcement official may request an ex parte order from a
61 judge of the Superior Court to compel (1) a telecommunications carrier
62 to disclose call-identifying information pertaining to a subscriber or
63 customer, or (2) a provider of electronic communication service or
64 remote computing service to disclose basic subscriber information
65 pertaining to a subscriber or customer. The judge shall grant such
66 order if the law enforcement official states a reasonable and articulable
67 suspicion that a crime has been or is being committed or that exigent
68 circumstances exist and such call-identifying or basic subscriber
69 information is relevant and material to an ongoing criminal
70 investigation. The order shall state upon its face the case number
71 assigned to such investigation, the date and time of issuance and the
72 name of the judge authorizing the order. The law enforcement official
73 shall have any ex parte order issued pursuant to this subsection signed
74 by the authorizing judge within forty-eight hours or not later than the
75 next business day, whichever is earlier.

76 (c) A telecommunications carrier shall disclose call-identifying
77 information and a provider of electronic communication service or
78 remote computing service shall disclose basic subscriber information
79 to a law enforcement official when an order is issued pursuant to
80 subsection (b) of this section.

81 (d) Not later than forty-eight hours after the issuance of an order
82 pursuant to subsection (b) of this section, the law enforcement official
83 shall hand deliver or mail notice of the issuance of such order to the
84 subscriber or customer whose call-identifying information or basic
85 subscriber information is the subject of such order, except that such
86 notification may be delayed for a period of up to ninety days upon the
87 execution of a written certification of such official to the judge who
88 authorized the order that there is reason to believe that notification of
89 the existence of the order may result in (1) endangering the life or
90 physical safety of an individual, (2) flight from prosecution, (3)
91 destruction of or tampering with evidence, (4) intimidation of potential
92 witnesses, or (5) otherwise seriously jeopardizing the investigation.
93 The law enforcement official shall maintain a true copy of such
94 certification. During such ninety-day period, the law enforcement
95 official may request the court to extend such period of delayed
96 notification. Such period may be extended beyond ninety days only
97 upon approval of the court.

98 (e) A telecommunications carrier or provider of electronic
99 communication service or remote computing service that provides
100 information pursuant to an order issued pursuant to subsection (b) of
101 this section shall be compensated for the reasonable expenses incurred
102 in providing such information.

103 (f) Any telecommunications carrier or provider of electronic
104 communication service or remote computing service that provides
105 information in good faith pursuant to an order issued pursuant to
106 subsection (b) of this section shall be afforded the legal protections
107 provided under 18 USC 3124, as amended from time to time, with

108 regard to such actions.

109 (g) Not later than January fifteenth of each year, each law
 110 enforcement official shall report to the Chief State's Attorney the
 111 information required by this subsection with respect to each order
 112 issued pursuant to subsection (b) of this section in the preceding
 113 calendar year. The Chief State's Attorney shall, based upon the reports
 114 filed by each law enforcement official and not later than January thirty-
 115 first of each year, submit a report, in accordance with the provisions of
 116 section 11-4a, to the joint standing committee of the General Assembly
 117 having cognizance of matters relating to criminal law and procedure
 118 concerning orders issued pursuant to subsection (b) of this section in
 119 the preceding calendar year. The report shall include the following
 120 information: (1) The number of orders issued, (2) whether the order
 121 was directed to a telecommunications carrier, provider of electronic
 122 communication service or provider of remote computing service, (3)
 123 whether the information sought was call-identifying information or
 124 basic subscriber information, (4) the statutory offense or offenses that
 125 were the subject of the investigation, (5) the number of notifications
 126 that were delayed pursuant to subsection (d) of this section, and the
 127 reason for such delayed notification, (6) the number of motions to
 128 vacate an order that were filed, and the number of motions granted or
 129 denied, (7) the number of investigations concluded and the final result
 130 of such investigations, and (8) the status of any criminal prosecution
 131 resulting from the investigation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	53a-90a
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	54-47aa

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]