



General Assembly

February Session, 2010

**Raised Bill No. 5533**

LCO No. 2540

\*02540\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING SEXTING.**

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) No person who is  
2 thirteen years of age or older but under eighteen years of age may (1)  
3 knowingly possess any visual depiction of child pornography that the  
4 subject of such visual depiction knowingly and voluntarily transmitted  
5 by means of an electronic communication device to such person and in  
6 which the subject of such visual depiction is a person thirteen years of  
7 age or older but under eighteen years of age, or (2) knowingly and  
8 voluntarily transmit by means of an electronic communication device a  
9 visual depiction of child pornography in which such person is the  
10 subject of such visual depiction to another person who is thirteen years  
11 of age or older but under eighteen years of age.

12 (b) The provisions of section 53a-194 and sections 53a-196 to 53a-  
13 196f, inclusive, of the general statutes shall not apply to any person to  
14 whom the provisions of subsection (a) of this section apply.

15 (c) As used in this section, "child pornography" and "visual  
16 depiction" have the same meanings as provided in section 53a-193 of

17 the general statutes.

18 (d) Any person who violates the provisions of this section shall be  
19 guilty of a class A misdemeanor.

20 Sec. 2. Section 53a-196g of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective October 1, 2010*):

22 In any prosecution for a violation of section 53a-196d, 53a-196e or  
23 53a-196f, or section 1 of this act, it shall be an affirmative defense that  
24 (1) the defendant (A) possessed fewer than three visual depictions of  
25 child pornography, (B) did not knowingly purchase, procure, solicit or  
26 request such visual depictions or knowingly take any other action to  
27 cause such visual depictions to come into the defendant's possession,  
28 and (C) promptly and in good faith, and without retaining or allowing  
29 any person, other than a law enforcement agency, to access any visual  
30 depiction or copy thereof, took reasonable steps to destroy each such  
31 visual depiction or reported the matter to a law enforcement agency  
32 and afforded that agency access to each such visual depiction, or (2)  
33 the defendant possessed a visual depiction of a nude person under  
34 sixteen years of age for a bona fide artistic, medical, scientific,  
35 educational, religious, governmental or judicial purpose.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	53a-196g

**Statement of Purpose:**

To protect children from the dangers and consequences of inappropriate use of technology.

*[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.]*