



General Assembly

February Session, 2012

**Raised Bill No. 5504**

LCO No. 2234

\*02234\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING COMMERCIAL SEXUAL EXPLOITATION OF A MINOR.**

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

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) For the purposes of  
2 this section:

3 (1) "Advertisement for a commercial sex act" or "advertisement"  
4 means any advertisement or offer in electronic or print media which  
5 includes an explicit or implicit offer for a commercial sex act to occur  
6 in this state;

7 (2) "Agent" means a director, officer, employee or other person  
8 authorized to act on behalf of a corporation, a manager of a limited  
9 liability company, a member of an unincorporated association or a  
10 partner in a partnership;

11 (3) "Commercial sex act" means any act of sexual contact, as defined  
12 in section 53a-65 of the general statutes, or sexual intercourse, as  
13 defined in section 53a-65 of the general statutes, for which something  
14 of value is given to or received by any person;

15 (4) "Depiction" means any photograph, film, videotape, visual  
16 material or printed material;

17 (5) "High managerial agent" means an agent of a corporation,  
18 limited liability company, unincorporated association or partnership  
19 having duties of such responsibility that the agent's conduct may fairly  
20 be assumed to represent the policy of the corporation, limited liability  
21 company, unincorporated association or partnership; and

22 (6) "Person" has the meaning provided in section 53a-3 of the  
23 general statutes, but does not include a government or a governmental  
24 instrumentality.

25 (b) A person is guilty of commercial sexual exploitation of a minor  
26 when such person knowingly publishes, disseminates or displays, or  
27 causes directly or indirectly to be published, disseminated or  
28 displayed, any advertisement for a commercial sex act which includes  
29 a depiction of a minor.

30 (c) A public or private corporation, a limited liability company, an  
31 unincorporated association or a partnership may be convicted of  
32 commercial sexual exploitation of a minor under subsection (b) of this  
33 section if the conduct constitutes a violation of subsection (b) of this  
34 section and: (1) Consists of an omission to discharge a specific duty of  
35 performance imposed by law on a public or private corporation, a  
36 limited liability company, an unincorporated association or a  
37 partnership; (2) is engaged in, authorized, solicited, requested,  
38 commanded or tolerated by a high managerial agent acting within the  
39 scope of the high managerial agent's office or employment; or (3) is  
40 engaged in by an agent acting within the scope of the agent's office or  
41 employment.

42 (d) (1) In any prosecution for an offense under this section, it shall  
43 not be a defense that the defendant (A) did not know the age of the  
44 person depicted in the advertisement, (B) relied on an oral or written  
45 representation of the age of the person depicted in the advertisement,

46 or (C) relied on the apparent age of the person depicted in the  
47 advertisement.

48 (2) In any prosecution for an offense under this section, it shall be an  
49 affirmative defense that the defendant, prior to publication,  
50 dissemination or display of the advertisement, made a reasonable bona  
51 fide attempt to ascertain the true age of the person depicted in the  
52 advertisement by requiring the person depicted in the advertisement  
53 to produce a driver's license, marriage license, birth certificate or other  
54 government-issued or school-issued identity card that identifies the  
55 age of the person, provided the defendant retains and produces a copy  
56 or other record of the license, certificate or identity card used to  
57 ascertain the age of the person depicted in the advertisement.

58 (e) Commercial sexual exploitation of a minor is a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	New section

**Statement of Purpose:**

To establish a crime of commercial sexual exploitation of a minor under which a person may be guilty if such person knowingly publishes, disseminates or displays an advertisement for a commercial sex act which is to take place in this state and includes a depiction of a minor without first ascertaining the true age of the person depicted in the advertisement.

*[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.]*