



**Substitute House Bill No. 5525**

**Public Act No. 14-192**

**AN ACT CONCERNING CHILD PORNOGRAPHY AND PROVIDING NOTICE TO THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY UPON THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO SUCH MUNICIPALITY.**

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

Section 1. Section 53a-196d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) A person is guilty of possessing child pornography in the first degree when such person knowingly possesses (1) fifty or more visual depictions of child pornography, or (2) one or more visual depictions of child pornography that depict the infliction or threatened infliction of serious physical injury, or (3) (A) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of two or more frames, or a film or videotape, consisting of two or more frames, that depicts (i) more than one child engaging in sexually explicit conduct, or (ii) more than one act of sexually explicit conduct by one or more children, or (B) any combination of a (i) series of images in electronic, digital or other format, which is intended to be displayed continuously, (ii) film, or (iii) videotape, which series, film or videotape each consists of two or more frames and depicts a single act of sexually explicit conduct by one

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child.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h.

(c) Possessing child pornography in the first degree is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.

Sec. 2. Section 53a-196e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) A person is guilty of possessing child pornography in the second degree when such person knowingly possesses (1) twenty or more but fewer than fifty visual depictions of child pornography, or (2) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of twenty or more frames, or a film or videotape, consisting of twenty or more frames, that depicts a single act of sexually explicit conduct by one child.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h.

(c) Possessing child pornography in the second degree is a class C felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court.

Sec. 3. Section 53a-196f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) A person is guilty of possessing child pornography in the third

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degree when such person knowingly possesses (1) fewer than twenty visual depictions of child pornography, or (2) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of fewer than twenty frames, or a film or videotape, consisting of fewer than twenty frames, that depicts a single act of sexually explicit conduct by one child.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h.

(c) Possessing child pornography in the third degree is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which one year of the sentence imposed may not be suspended or reduced by the court.

Sec. 4. Section 53a-196g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

In any prosecution for a violation of section 53a-196d, as amended by this act, 53a-196e, as amended by this act, 53a-196f, as amended by this act, or 53a-196h it shall be an affirmative defense that (1) the defendant (A) possessed fewer than three visual depictions, other than a series of images in electronic, digital or other format, which is intended to be displayed continuously, or a film or videotape, of child pornography, (B) did not knowingly purchase, procure, solicit or request such visual depictions or knowingly take any other action to cause such visual depictions to come into the defendant's possession, and (C) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof, took reasonable steps to destroy each such visual depiction or reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction, or (2) the defendant possessed a visual depiction of a nude person under

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sixteen years of age for a bona fide artistic, medical, scientific, educational, religious, governmental or judicial purpose.

Sec. 5. Subdivision (13) of section 53a-193 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(13) "Child pornography" means any visual depiction including any photograph, film, videotape, picture or computer-generated image or picture, whether made or produced by electronic, digital, mechanical or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a person under sixteen years of age engaging in sexually explicit conduct, provided whether the subject of a visual depiction was a person under sixteen years of age at the time the visual depiction was created is a question to be decided by the trier of fact.

Sec. 6. Subdivision (2) of subsection (a) of section 54-258 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(2) (A) Any state agency, the Judicial Department, any state police troop or any local police department may, at its discretion, notify any government agency, private organization or individual of registration information when such agency, said department, such troop or such local police department, as the case may be, believes such notification is necessary to protect the public or any individual in any jurisdiction from any person who is subject to registration under section 54-251, 54-252, 54-253 or 54-254.

(B) (1) Whenever a registrant is released into the community, the Department of Emergency Services and Public Protection shall, by electronic mail, notify the superintendent of schools for the school district in which the registrant resides, or plans to reside, of such

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release and provide such superintendent with the same registry information for such registrant that the department makes available to the public through the Internet under subdivision (1) of this subsection.

(2) Whenever a registrant is released into the community, the Department of Emergency Services and Public Protection shall, by electronic mail, notify the chief executive officer of the municipality in which the registrant resides, or plans to reside, of such release and provide such chief executive officer with the same registry information for such registrant that the department makes available to the public through the Internet under subdivision (1) of this subsection.

Approved June 12, 2014