



# House of Representatives

General Assembly

**File No. 632**

January Session, 2017

House Bill No. 6002

*House of Representatives, April 18, 2017*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING "SEXTING" BY A CHILD.**

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

1 Section 1. Section 53a-196h of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) (1) No person who is [thirteen years of age or older but] under  
4 eighteen years of age may knowingly possess any visual depiction of  
5 child pornography that the subject of such visual depiction knowingly  
6 and voluntarily transmitted by means of an electronic communication  
7 device to such person and in which the subject of such visual depiction  
8 is a person [thirteen years of age or older but] under sixteen years of  
9 age.

10 (2) No person who is [thirteen years of age or older but] under  
11 sixteen years of age may knowingly and voluntarily transmit by means  
12 of an electronic communication device a visual depiction of child  
13 pornography in which such person is the subject of such visual  
14 depiction to another person who is [thirteen years of age or older but]

15 under eighteen years of age.

16 (b) As used in this section, "child pornography" and "visual  
17 depiction" have the same meanings as provided in section 53a-193, and  
18 "electronic communication device" means any electronic device that is  
19 capable of transmitting a visual depiction, including a computer,  
20 computer network and computer system, as those terms are defined in  
21 section 53a-250, and a cellular or wireless telephone.

22 (c) Any person who violates the provisions of this section shall be  
23 guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	53a-196h

**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill aligns statute regarding "sexting" by a child with the current practice for the offense and does not result in a fiscal impact to the state or municipalities.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB06002*****AN ACT CONCERNING "SEXTING" BY A CHILD.*****SUMMARY**

This bill removes the lower age limit to the law concerning certain acts of possessing or transmitting child pornography by a minor ("sexting") so that individuals under age 13 who possess or transmit child pornography as prohibited under these provisions are subject to misdemeanor, rather than felony, charges. Under current law, such acts are class A misdemeanors if the sender is the subject of the depiction and between ages 13 and 15 and the recipient is between ages 13 and 17. Individuals who do not fall within these age ranges are subject to felony charges for such acts and, if convicted, may have to register on the sex offender registry.

The bill applies to conduct by a recipient who is under age 17 and sender who is (1) under age 15 and (2) the subject of the depiction. Under the bill, as under current law, such conduct (sexting) is

1. the knowing possession of a visual depiction of child pornography that the subject of the depiction knowingly and voluntarily sent to the recipient by an electronic device capable of transmitting a visual depiction, including a cell phone, computer or computer network or system; and
2. the knowing and voluntary transmission, by means of such an electronic device, of a visual depiction of child pornography.

EFFECTIVE DATE: October 1, 2017

**BACKGROUND*****Definitions***

By law, “child pornography” means any visual depiction, including any photograph, film, videotape, picture, or computer-generated image or picture, produced by electronic, digital, mechanical, or other means, of sexually explicit conduct, where the production involves the use of a person under age 16 engaging in sexually explicit conduct. Whether the subject of the depiction was under age 16 at the time it was created is a question to be decided by the trier of fact.

A “visual depiction” includes undeveloped film and videotape and information of any kind in any form, including computer software, capable of conversion into a visual image, and includes encrypted data (CGS § 53a-193).

***Possession of Child Pornography***

The felony offense of child pornography is divided into three degrees, depending on the number of visual images that the defendant knowingly possesses. The offenses range from a class B to a class D felony.

Judiciary Committee

Joint Favorable

Yea 39    Nay 0    (03/29/2017)