



Senate

General Assembly

File No. 617

February Session, 2018

Substitute Senate Bill No. 519

Senate, April 19, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING OPEN FILE DISCLOSURE.

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

1 Section 1. Section 54-86a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 [(a) Upon motion of a defendant at any time after the filing of the
4 indictment or information, and upon a showing that the items sought
5 may be material to the preparation of his defense and that the request
6 is reasonable, the court shall order the attorney for the state to permit
7 the defendant to inspect and copy or photograph any relevant (1)
8 written or recorded statements, admissions or confessions made by the
9 defendant; (2) books, papers, documents or tangible objects obtained
10 from or belonging to the defendant or obtained from others by seizure
11 or process; (3) copies of records of any physical or mental
12 examinations of the defendant; and (4) records of prior convictions of
13 the defendant, or copies thereof, within the possession, custody or
14 control of the state, the existence of which is known to the attorney for
15 the state or to the defendant.

16 (b) An order of the court granting relief under subsection (a) of this
17 section shall specify the time, place and manner of making the
18 discovery and inspection permitted and may prescribe such terms and
19 conditions as are just.]

20 (a) As soon as practicable, but not later than thirty days after a
21 defendant enters a plea of not guilty in a criminal case, the prosecuting
22 official shall make available to the attorney for the defendant the
23 following information and material that is within the possession,
24 custody or control of the prosecuting official, the state or any agent of
25 the state, including a person under contract with the state: (1) Police or
26 uniform arrest reports, including statements of all witnesses; (2) books,
27 papers, documents, photographs or other tangible materials held as
28 evidence and material to the case; (3) relevant written or recorded
29 statements, admissions or confessions made by (A) the defendant, or
30 (B) any codefendant, if the defendant and codefendant are to be tried
31 jointly; and (4) exculpatory information and material with respect to
32 the defendant. Upon request from a defendant, the prosecutorial
33 official shall provide such information and material in the same
34 electronic format and file type, if any, in which the state maintains
35 such information and material. If prior to or during trial, the
36 prosecutorial official discovers additional information or material that
37 must be disclosed to the defendant under this subsection, the
38 prosecutorial official shall disclose such information or material to the
39 defendant.

40 (b) As soon as practicable, but not later than thirty-five days before
41 the start of a trial in a criminal case, the prosecutorial official shall
42 make available to the attorney for the defendant the following
43 information and material that is within the possession, custody or
44 control of the prosecutorial official, the state or any agent of the state,
45 including a person under contract with the state: (1) Reports or
46 statements of experts made in connection with the particular case,
47 including results of physical or mental examinations and of scientific
48 tests, experiments or comparisons; (2) tapes and transcripts of any
49 electronic surveillance of conversations involving the defendant, any

50 codefendant or witness in the case; (3) a summary of any unwritten or
51 unrecorded admissions or confessions made by (A) the defendant, or
52 (B) any codefendant, if the defendant and codefendant are to be tried
53 jointly; (4) relevant copies of records of any physical or mental
54 examinations of the defendant; and (5) relevant records or copies of
55 any such records of prior convictions of the defendant and any
56 codefendant. Upon request from the defendant, the prosecutorial
57 official shall provide any such information or material in the same
58 electronic format and file type, if any, in which the state maintains
59 such information or material. If prior to or during trial, the
60 prosecutorial official discovers additional information or material that
61 must be disclosed to the defendant under this subsection, the
62 prosecutorial official shall disclose such information or material
63 promptly.

64 (c) Upon motion of a defendant and upon a showing that the
65 request is reasonable, the court may order the prosecutorial official to
66 disclose to the attorney for the defendant relevant information or
67 material not specified in subsection (a) or (b) of this section. An order
68 of the court granting relief under this subsection shall specify the time,
69 place and manner of making the disclosure permitted and may
70 prescribe such terms and conditions as are just.

71 (d) The prosecutorial official may request an ex parte in camera
72 hearing before a judge, who shall not be the same judge who presides
73 at the hearing of the criminal case if the case is tried to the court, to
74 determine whether any information or material subject to disclosure
75 under subsection (c) of this section is relevant and material to the
76 defendant's case. If the judge determines such information or material
77 is not relevant and material to the defendant's case, the prosecutorial
78 official may withhold such information or material from disclosure.

79 (e) Any information or material subject to disclosure under this
80 section shall be made available for such disclosure, but the
81 prosecutorial official may redact or withhold any portion of
82 information or material, that the prosecutorial official is not required to

83 produce. Upon motion of the defendant, the court may order any such
84 redacted or withheld information or material subject to disclosure and
85 inspection.

86 (f) No defendant, attorney for the defendant or agent of the
87 defendant or attorney for the defendant shall further disclose such
88 information or material disclosed by the state, except to persons
89 employed by the attorney for the defendant in connection with the
90 investigation or defense of the case or any successor attorney for the
91 defendant, without the prior approval of the prosecutorial official or
92 the court finding good cause to so disclose or that such information or
93 material is already available to the public.

94 (g) The prosecutorial official shall make a record of any information
95 or material provided to the attorney for the defendant pursuant to this
96 section.

97 (h) Before the court accepts a plea of guilty or nolo contendere, or
98 before trial, the defendant and the prosecutorial official shall
99 acknowledge, in writing or on the record in open court, the disclosure
100 of all information or material provided to the defendant under this
101 section.

102 (i) A court may order the defendant to pay costs for tangible
103 materials related to discovery under this section.

104 [(c)] (j) A motion under subsection [(a)] (c) of this section may be
105 made only in a criminal case and shall include all relief sought under
106 said subsection [(a) of this section] (c). A subsequent motion may be
107 made only upon a showing of cause why such motion would be in the
108 interest of justice.

109 [(d)] (k) Prior to the arraignment of any arrested person before the
110 court to determine the existence of probable cause to believe such
111 person committed the offense charged or to determine the conditions
112 of such person's release pursuant to section 54-64a, the [attorney for
113 the state] prosecutorial official shall provide the arrested person or his

114 or her counsel with a copy of any affidavit or report submitted to the
115 court for the purpose of making such determination; except that the
116 court may, upon motion of the [attorney for the state] prosecutorial
117 official and for good cause shown, limit the disclosure of any such
118 affidavit or report, or portion thereof.

119 Sec. 2. Section 54-86b of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective October 1, 2018*):

121 (a) In any criminal prosecution, after a witness called by the
122 [prosecution] prosecutorial official has testified on direct examination,
123 the court shall on motion of the defendant or the attorney for the
124 defendant order the [prosecution] prosecutorial official to produce any
125 statement oral or written of the witness in the possession of the
126 [prosecution] prosecutorial official which relates to the subject matter
127 as to which the witness has testified, and the court shall order said
128 statement to be delivered directly to the defendant for his or her
129 examination and use.

130 (b) Except as provided in sections 54-86d and 54-86e, upon the
131 request of a defendant or the attorney for the defendant or
132 prosecutorial official, not later than the thirtieth day before the date
133 that jury selection is scheduled to begin or in the case of a trial without
134 a jury, or not later than the thirtieth day before the date that
135 presentation of evidence is scheduled to begin, a party may request
136 that the other party disclose the name and address of each person the
137 party receiving such request may use as a witness at trial to present
138 evidence. Such disclosure shall be made in writing in paper form or
139 electronically not later than the tenth day after receiving such request.
140 On motion of a party and after notice to the other parties, the court
141 may order an earlier date on which one or more of the other parties
142 must disclose such requested information.

143 [(b)] (c) If the [prosecution] prosecutorial official fails to comply
144 with the order of the court, the court shall strike from the record the
145 testimony of the witness and the trial shall proceed unless the court in
146 its discretion shall determine that the interests of justice require that a

147 mistrial be declared.

148 Sec. 3. Section 54-86c of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective October 1, 2018*):

150 [(a) Not later than thirty days after any defendant enters a plea of
151 not guilty in a criminal case, the state's attorney, assistant state's
152 attorney or deputy assistant state's attorney in charge of the case shall
153 disclose any exculpatory information or material which he may have
154 with respect to the defendant whether or not a request has been made
155 therefor. If prior to or during the trial of the case, the prosecutorial
156 official discovers additional information or material which is
157 exculpatory, he shall promptly disclose the information or material to
158 the defendant.

159 (b) Any state's attorney, assistant state's attorney or deputy assistant
160 state's attorney may request an ex parte in camera hearing before a
161 judge, who shall not be the same judge who presides at the hearing of
162 the criminal case if the case is tried to the court, to determine whether
163 any material or information is exculpatory.]

164 [(c)] Each peace officer, as defined in subdivision (9) of section 53a-
165 3, shall disclose in writing any exculpatory information or material
166 which [he] such peace officer may have with respect to any criminal
167 investigation to the prosecutorial official in charge of [such case] any
168 criminal case for which such investigation is relevant.

169 Sec. 4. (NEW) (*Effective October 1, 2018*) (a) Notwithstanding any
170 provision of chapter 961 of the general statutes, if the state intends to
171 use at a defendant's trial testimony of a witness to whom the
172 defendant made a statement against the defendant's interest while the
173 intended witness was imprisoned or confined in the same correctional
174 facility as the defendant, the state shall disclose to the defendant any
175 information or material in the possession, custody or control of the
176 state that is relevant to the witness's credibility, including:

177 (1) The witness's complete criminal history, including any charges

178 that were dismissed or reduced as part of a plea bargain;

179 (2) Any grant, promise or offer of immunity from prosecution,
180 reduction of sentence, or other leniency or special treatment given by
181 the state in exchange for the witness's testimony; and

182 (3) Any information or material concerning other criminal cases in
183 which the witness has testified or offered to testify against a defendant
184 with whom the witness was imprisoned or confined, including any
185 grant, promise or offer, as described in subdivision (2) of this
186 subsection, given by the state in exchange for the testimony.

187 (b) If at any time before, during or after trial the prosecutorial
188 official discovers any additional information or material required to be
189 disclosed under subsection (a) of this section, the prosecutorial official
190 shall promptly disclose the existence of the information or material to
191 the defendant.

192 Sec. 5. (NEW) (*Effective October 1, 2018*) (a) The court shall allow
193 discovery under sections 54-86a to 54-86c, inclusive, of the general
194 statutes, as amended by this act, by the defendant in a criminal case of
195 property or material:

196 (1) That constitutes child pornography, as defined in section 53a-193
197 of the general statutes; or

198 (2) The promotion or possession of which is prohibited under
199 sections 53a-196 to 53a-196i, inclusive, of the general statutes.

200 (b) Property or material described in subsection (a) of this section
201 shall remain in the care, custody or control of the state during all
202 periods of disclosure.

203 (c) A court shall deny any request by a defendant to copy,
204 photograph, duplicate or otherwise reproduce any property or
205 material described in subsection (a) of this section, provided the
206 prosecutorial official makes the property or material reasonably
207 available to the defendant.

208 (d) For the purposes of subsection (c) of this section, property or
 209 material is considered to be reasonably available to the defendant if, at
 210 a facility under the control of the state, the state provides ample
 211 opportunity for the inspection, viewing and examination of the
 212 property or material by the defendant, the defendant's attorney and
 213 any individual the defendant seeks to qualify to provide expert
 214 testimony at trial.

215 Sec. 6. Subsection (b) of section 54-86k of the general statutes is
 216 repealed and the following is substituted in lieu thereof (*Effective*
 217 *October 1, 2018*):

218 (b) If the results of the DNA analysis tend to exculpate the accused,
 219 the prosecuting authority shall disclose such exculpatory information
 220 or material to the accused in accordance with section [54-86c] 54-86a,
 221 as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	54-86a
Sec. 2	<i>October 1, 2018</i>	54-86b
Sec. 3	<i>October 1, 2018</i>	54-86c
Sec. 4	<i>October 1, 2018</i>	New section
Sec. 5	<i>October 1, 2018</i>	New section
Sec. 6	<i>October 1, 2018</i>	54-86k(b)

Statement of Legislative Commissioners:

Throughout Sections 1, 2 and 4, references to "material or information" and "material and information" were changed to "information or material" and "information and material" for consistency with existing statutes. Throughout Sections 1 and 2, references to "the defense" were changed to "attorney for the defendant" for accuracy. In Section 1(g), "prosecuting official" was changed to "prosecutorial official" for consistency. In Section 2(a) and (c), "prosecution" was changed to "prosecutorial official" for consistency and in Section 2(b), a grammar error was corrected.

JUD *Joint Favorable Subst. -LCO*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Criminal Justice, Div.	GF - Cost	842,225	917,070
State Comptroller - Fringe Benefits ¹	GF - Cost	277,643	333,172

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the types of evidence that must be disclosed to defense counsel automatically and within 30 days and results in a cost of \$1,119,868 in FY 19 (partial year costs) and \$1,343,842 in FY 20 associated with new personnel, equipment, and related fringe benefits. It is anticipated that this bill will significantly increase the workload of each of the judicial districts (JD) and that each JD will require one (two in the JDs with the highest traffic - Hartford and New Haven) additional paralegal (\$61,138) and one high speed scanner (\$7,200) to fulfill the requirements of the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

OLR Bill Analysis**sSB 519*****AN ACT CONCERNING OPEN-FILE DISCLOSURE.*****SUMMARY**

Current law requires a prosecutor to permit a defendant (and his or her attorney), upon the defendant's motion and certain court findings, to inspect and copy or photograph certain information and materials in the prosecutor's possession, custody, or control. It also requires a prosecutor, within 30 days of a defendant entering a not guilty plea in a criminal case, to automatically disclose any exculpatory information or material that he or she may have regarding the defendant.

This bill instead requires criminal prosecutors to (1) automatically make available to the defendant's attorney certain information and material (hereinafter "information"), including exculpatory information, within certain timeframes the bill specifies. (Several of the bill's provisions incorporate similar Connecticut Practice Book requirements applicable to discovery, see BACKGROUND.)

Among the types of information the bill specifically requires prosecutors to make available automatically, are: information about a "prison informant" who will testify at trial; transcripts of certain electronic surveillance recordings; and summaries of the defendant's unwritten or unrecorded confessions.

Several of the bill's provisions apply broadly to information that must be automatically made available under the bill, except prison informant information. For example, the bill:

1. requires prosecutors to make a record of any information that they share with defendants;

2. requires prosecutors, upon request, to provide information in the same electronic format and file type in which the state maintains it;
3. requires the defendant and prosecutor, before the court accepts a guilty or nolo contendere plea, to acknowledge, in writing or on the record in court, all information provided to the defendant;
4. permits the prosecutor to redact or withhold any portion of information that he or she is not required to produce, provided that the court may order that information to be subject to disclosure or inspection upon the defendant's motion;
5. authorizes the court to order a defendant to pay the costs for tangible materials related to the discovery; and
6. prohibits criminal defendants, defense attorneys, and their agents from sharing any state-disclosed evidence without approval from the prosecutor or the court upon finding good cause or that the information is already publically available, unless a defense attorney is sharing information with (a) their employees in connection with defense work or a case-related investigation or (b) a successor counsel.

The bill also (1) requires prosecutors and defendants to share with each other, upon request, information about trial witnesses and (2) expands the types of materials subject to existing limitations on disclosure of child pornography.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2018

EXCULPATORY EVIDENCE (§§ 1 & 3)

Timeframe for Disclosure

Under current law, prosecutors must provide exculpatory information to the defendant within 30 days after the defendant enters a not guilty plea, whether or not the defendant requests it. The bill

instead requires the prosecutor to make the information available as soon as practicable, but no later than that deadline. Under both existing law and the bill, if any exculpatory evidence is discovered after the initial deadline for providing it, the prosecutor must disclose it to the defendant, even if trial has begun.

Information Sources Expanded

Under current law, only exculpatory information in the prosecutor's possession must be disclosed. The bill instead requires the prosecutor to make available information in his or her possession, custody, or control or that of the state or an agent of the state (including a state contractor). (The bill does not require these entities to notify the prosecutor that they have this information. Current law, unchanged by the bill, requires peace officers to provide this information to prosecutors.)

Ex Parte Hearing

The bill eliminates a provision in current law that explicitly allows a prosecutor to request a private, in chambers hearing to determine whether information is exculpatory.

INFORMATION ABOUT PRISON INFORMANTS (§ 4)

Under the bill, notwithstanding statutes on discovery, trials, and post-conviction proceedings, if the state (i.e., prosecutor) intends to use the testimony of a witness to whom the defendant made a statement against the defendant's interest while they were confined in the same correctional facility, the state must automatically disclose certain information to the defendant. (The bill does not specify a deadline for doing so.) Specifically, the state must disclose information in its possession, custody, or control that is relevant to the witness's credibility, including:

1. his or her complete criminal history, including any charges dismissed or reduced as part of a plea bargain;
2. any grant, promise, or offer of immunity from the prosecution; sentence reduction; or other leniency or special treatment the

state gave in exchange for the witness's testimony; and

3. any information concerning other criminal cases in which the witness testified or offered to testify against a defendant with whom the witness was imprisoned or confined, including information about grants, promises, or offers the state made in exchange for the testimony.

The bill specifies that if, before, during, or after the trial, the prosecutor discovers additional information after the initial disclosure, he or she must promptly disclose its existence to the defendant.

OTHER AUTOMATICALLY AVAILABLE INFORMATION (§ 1)

Expanded Responsibility for Providing Required Information

Under current law, the information the prosecutors must, upon a motion from the defendant as described above, allow the defendant to inspect and copy or photograph includes:

1. written or recorded statements, admissions, or confessions the defendant made;
2. books, papers, documents, or tangible objects obtained from, or belonging to, the defendant or obtained from others by seizure or process; and
3. copies of records of the defendant's prior convictions and any mental or physical examinations.

Currently, the defendant must be granted access to this information if (1) the prosecutor or the defendant knows it exists and (2) it is in the state's possession, custody, or control. The bill instead requires the prosecutor to make (1) certain information available no later than 30 days after the defendant enters a not guilty plea and (2) certain other information available no later than 35 days before the trial starts. For any of this evidence, the prosecutor, upon the defendant's request, must provide the information in the same electronic format and file type, if any, that the state maintains the information.

Information Made Available Within 30 Days of a Not Guilty Plea

Under the bill, a prosecutor must automatically make available to the defendant's attorney specified information, as soon as practicable but no later than 30 days after the defendant enters a not guilty plea, if it is in the prosecutor's possession, custody, or control or that of the state or an agent of the state (including a state contractor). (But the bill does not require these entities to notify the prosecutor that they have the specified information.) This information includes:

1. police or uniform arrest reports, including witness statements;
2. books, papers, documents, photographs, or other tangible objects held as evidence and material to the case;
3. relevant written or recorded statements, admissions, or confessions made by a defendant or a jointly tried co-defendant; and
4. exculpatory information (as described above).

The bill specifies that if a prosecutor discovers additional information after the initial deadline for providing it, the prosecutor must disclose it to the defendant, even if trial has begun.

Information Made Available At Least 35 Days Before the Trial Starts

The bill additionally requires the prosecutor to make available to the defendant's attorney, as soon as practicable but no later than 35 days before the trial starts, the following information if it is in his or her possession, custody, or control or that of the state or an agent of the state (including a state contractor):

1. expert reports or statements made in connection with a particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons;
2. tapes and transcripts of any electronic surveillance of

conversations involving the defendant, any codefendant, or witness in the case;

3. summaries of the defendant or codefendant's unwritten or unrecorded admissions or confessions, if the codefendant will be jointly tried; and
4. relevant records of the defendant's and any codefendant's prior convictions.

The bill specifies that if a prosecutor discovers any of this information after that deadline, he or she must disclose it promptly.

INFORMATION DISCOVERABLE UNDER A COURT ORDER (§ 1)

Under the bill, upon a defendant's request, the court may order a prosecutor to disclose any relevant information that the official is not automatically required to disclose. When ordering such disclosure, the court must specify when, where, and how it must be disclosed and may subject the disclosure to terms and conditions it deems just.

Under the bill, a prosecutor may request a private, in chambers hearing to determine whether the requested information is relevant and material to the defendant's case. If the judge determines that the information is not relevant or material, it need not be disclosed. If there will be a bench trial, the hearing judge cannot be the same as the trial judge.

WITNESS INFORMATION DISCOVERABLE UPON REQUEST (§ 2)

The bill generally authorizes prosecutors and defendants to request certain witness information from each another, if the request is made at least 30 days before (1) jury selection is scheduled to begin or (2) the presentation of evidence in a bench trial is scheduled to begin, as applicable.

Within 10 days after receiving a request, the party must disclose, in writing or electronically, the name and address of each person who may be asked to testify at trial. Upon a motion, if proper notice has

been given, the court can order parties to disclose this information earlier. Under the bill, if the prosecutor fails to comply with the court order, (1) the court must strike from the record the witness's testimony and (2) the trial must proceed unless the court determines that the interests of justice require a mistrial be declared.

Under existing law and the bill, information about certain victims can be withheld (see CGS §§ 54-86d & -86e).

CHILD PORNOGRAPHY (§ 5)

The bill subjects the following materials to existing law's requirements related to the disclosure of child pornography:

1. materials that are obscene as to minors or in which a minor is employed in an obscene performance (see BACKGROUND) and
2. advertisements for a commercial sex act that include a depiction of a minor.

The bill requires the court to allow discovery subject to (1) the bill's and existing law's open discovery rules and (2) certain additional limitations currently in place regarding disclosure of child pornography. (Presumably, the bill is not making these materials automatically available.)

Procedure for Disclosing Child Pornography

The law limits the type of access defendants in criminal proceedings can have to child pornography material in the state's custody (see CGS § 54-86m, much of which is incorporated into § 5). The bill extends these rules to materials that are obscene as to minors or in which a minor is employed in an obscene performance and commercial sex advertisements that depict a minor.

Under the bill, as under existing law for child pornography, the materials and advertisements must remain in the state's care, custody, and control. The court must deny a request by a defendant to copy, photograph, duplicate, or otherwise reproduce the material. The

prosecutor must make the material reasonably available to the defendant by providing the defendant or defendant's attorney or anyone the defendant seeks to qualify as an expert witness ample opportunity to inspect, view, and examine the material at a state facility or other facility the prosecutor and defendant agree on.

BACKGROUND

Discovery

Discovery is the process by which opposing parties in a lawsuit obtain documents, information, and other evidence from each other prior to trial. Court rules (specifically, the Practice Book), constitutional requirements, and statutes govern the discovery process.

Connecticut Practice Book

Chapter 40 establishes rules for discovery and depositions. Among other things, the chapter specifies the information that is subject to disclosure and imposes deadlines for disclosing it, imposes a continuing obligation on parties to disclose information subject to discovery, and establishes a procedure through which a court can order information to be withheld.

Materials Obscene As to Minors

Materials or performances are “obscene as to minors” if they depict a prohibited sexual act and, taken as a whole, are harmful to minors (CGS § 53a-193).

“Prohibited sexual acts” are erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation, or sexual intercourse. Materials are “harmful to minors” if they (1) predominantly appeal to minors’ prurient, shameful, or morbid interests; (2) are patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and (3) taken as a whole, lack serious literary, artistic, educational, political, or scientific value for minors.

Obscene Performance

An obscene performance is a play, motion picture, dance, or other exhibition performed before an audience that:

1. taken as a whole, (a) predominantly appeals to prurient interests and (b) lacks serious literary, artistic, educational, political, or scientific value and
2. depicts or describes a prohibited sexual act (see above) in a patently offensive way (CGS § 53a-193).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (04/02/2018)