



General Assembly

**Amendment**

February Session, 2024

LCO No. 4122



Offered by:

REP. LINEHAN, 103<sup>rd</sup> Dist.  
REP. HOWARD, 43<sup>rd</sup> Dist.  
SEN. MAHER, 26<sup>th</sup> Dist.  
REP. DAUPHINAIS, 44<sup>th</sup> Dist.  
REP. KEITT, 134<sup>th</sup> Dist.

To: Subst. House Bill No. 5262

File No. 439

Cal. No. 63

**"AN ACT CONCERNING A SEXUAL ABUSE AND ASSAULT SURVEY."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 10-217h of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2024*):

5 (a) For the school year commencing July 1, 2022, and biennially  
6 thereafter, the Department of Public Health shall administer the  
7 Connecticut School Health Survey to students in grades nine to twelve,  
8 inclusive, provided the department receives funding from the federal  
9 Centers for Disease Control and Prevention for such purpose. The  
10 survey shall be based on the Youth Risk Behavior Survey developed by  
11 the federal Centers for Disease Control and Prevention. The department

12 shall provide guidelines to the local or regional board of education  
13 regarding the administration of the survey to those high schools selected  
14 at random by the federal Centers for Disease Control and Prevention.  
15 Such local or regional board of education shall administer the survey to  
16 each high school selected to participate in the survey in accordance with  
17 the guidelines provided by the department, including, but not limited  
18 to, (1) the survey protocol as required by the federal Centers for Disease  
19 Control and Prevention, (2) the requirement to provide parents the  
20 opportunity to exclude their children from the survey by denying  
21 permission in writing, on a form prescribed by the department, (3) the  
22 requirement for the survey to be anonymous and administered in a  
23 manner designed to protect student privacy, (4) the timeframe for  
24 completion of the survey, and (5) the process by which the results of  
25 such survey are to be submitted to the department. On and after July 1,  
26 2026, each administration of the Connecticut School Health Survey shall  
27 include the sexual abuse and assault awareness prevention survey for  
28 administrators that was created as part of the state-wide sexual abuse  
29 and assault awareness and prevention program described in section  
30 17a-101q. Such survey for administrators shall be distributed to and  
31 completed by administrators of the school in which the Connecticut  
32 School Health Survey is being administered and the results of the  
33 administrators' surveys shall be submitted to the department at the  
34 same time as the results of the students' surveys.

35 (b) The department, in consultation with the Department of Mental  
36 Health and Addiction Services, the Department of Children and  
37 Families, the Department of Education and any other agency or public  
38 interest group the department deems necessary, may develop  
39 additional survey questions to be included as part of the Connecticut  
40 School Health Survey that are relevant to the health concerns of high  
41 school students in the state.

42 Sec. 2. Subdivision (13) of section 53a-193 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective October*  
44 *1, 2024*):

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

54 Sec. 3. Section 53a-196c of the general statutes is repealed and the  
55 following is substituted in lieu thereof (*Effective October 1, 2024*):

56 (a) A person is guilty of importing child [pornography] sexual abuse  
57 material when, with intent to promote child [pornography] sexual abuse  
58 material, such person knowingly imports or causes to be imported into  
59 the state three or more visual depictions of child [pornography] sexual  
60 abuse material of known content and character.

61 (b) Importing child [pornography] sexual abuse material is a class B  
62 felony and any person found guilty under this section shall be sentenced  
63 to a term of imprisonment of which five years of the sentence imposed  
64 may not be suspended or reduced by the court.

65 Sec. 4. Section 53a-196d of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective October 1, 2024*):

67 (a) A person is guilty of possessing child [pornography] sexual abuse  
68 material in the first degree when such person knowingly possesses (1)  
69 fifty or more visual depictions of child [pornography] sexual abuse  
70 material, or (2) one or more visual depictions of child [pornography]  
71 sexual abuse material that depict the infliction or threatened infliction  
72 of serious physical injury, or (3) (A) a series of images in electronic,  
73 digital or other format, which is intended to be displayed continuously,  
74 consisting of two or more frames, or a film or videotape, consisting of  
75 two or more frames, that depicts (i) more than one child engaging in  
76 sexually explicit conduct, or (ii) more than one act of sexually explicit

77 conduct by one or more children, or (B) any combination of a (i) series  
78 of images in electronic, digital or other format, which is intended to be  
79 displayed continuously, (ii) film, or (iii) videotape, which series, film or  
80 videotape each consists of two or more frames and depicts a single act  
81 of sexually explicit conduct by one child.

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

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

89 Sec. 5. Section 53a-196e of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective October 1, 2024*):

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

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

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

106 Sec. 6. Section 53a-196f of the general statutes is repealed and the

107 following is substituted in lieu thereof (*Effective October 1, 2024*):

108 (a) A person is guilty of possessing child [pornography] sexual abuse  
109 material in the third degree when such person knowingly possesses (1)  
110 fewer than twenty visual depictions of child [pornography] sexual  
111 abuse material, or (2) a series of images in electronic, digital or other  
112 format, which is intended to be displayed continuously, consisting of  
113 fewer than twenty frames, or a film or videotape, consisting of fewer  
114 than twenty frames, that depicts a single act of sexually explicit conduct  
115 by one child.

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

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

123 Sec. 7. Section 53a-196g of the general statutes is repealed and the  
124 following is substituted in lieu thereof (*Effective October 1, 2024*):

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

139 (2) the defendant possessed a visual depiction of a nude person under  
140 sixteen years of age for a bona fide artistic, medical, scientific,  
141 educational, religious, governmental or judicial purpose.

142 Sec. 8. Section 53a-196h of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2024*):

144 (a) (1) No person who is under eighteen years of age may knowingly  
145 possess any visual depiction of child [pornography] sexual abuse  
146 material that the subject of such visual depiction knowingly and  
147 voluntarily transmitted by means of an electronic communication  
148 device to such person and in which the subject of such visual depiction  
149 is a person under sixteen years of age.

150 (2) No person who is under sixteen years of age may knowingly and  
151 voluntarily transmit by means of an electronic communication device a  
152 visual depiction of child [pornography] sexual abuse material in which  
153 such person is the subject of such visual depiction to another person  
154 who is under eighteen years of age.

155 (b) As used in this section, ["child pornography"] "child sexual abuse  
156 material" and "visual depiction" have the same meanings as provided in  
157 section 53a-193, as amended by this act, and "electronic communication  
158 device" means any electronic device that is capable of transmitting a  
159 visual depiction, including a computer, computer network and  
160 computer system, as those terms are defined in section 53a-250, and a  
161 cellular or wireless telephone.

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

164 Sec. 9. Section 54-86m of the general statutes is repealed and the  
165 following is substituted in lieu thereof (*Effective October 1, 2024*):

166 Notwithstanding the provisions of section 54-86a, in any criminal  
167 proceeding, any property or material that constitutes child  
168 [pornography] sexual abuse material shall remain in the care, custody

169 and control of the state, and a court shall deny any request by the  
170 defendant to copy, photograph, duplicate or otherwise reproduce any  
171 property or material that constitutes child [pornography] sexual abuse  
172 material provided the attorney for the state makes the property or  
173 material reasonably available to the defendant. Such property or  
174 material shall be deemed to be reasonably available to the defendant if  
175 the attorney for the state provides the defendant, the defendant's  
176 attorney or any individual the defendant may seek to qualify to furnish  
177 expert testimony at trial, ample opportunity for inspection, viewing and  
178 examination of the property or material at a state facility or at another  
179 facility agreed upon by the attorney for the state and the defendant. For  
180 the purposes of this section, ["child pornography"] "child sexual abuse  
181 material" has the same meaning as in section 53a-193, as amended by  
182 this act.

183 Sec. 10. Subdivision (2) of subsection (c) of section 19a-343 of the  
184 general statutes is repealed and the following is substituted in lieu  
185 thereof (*Effective October 1, 2024*):

186 (2) Promoting an obscene performance or obscene material under  
187 section 53a-196 or 53a-196b, employing a minor in an obscene  
188 performance under section 53a-196a, importing child [pornography]  
189 sexual abuse material under section 53a-196c, as amended by this act,  
190 possessing child [pornography] sexual abuse material in the first degree  
191 under section 53a-196d, as amended by this act, possessing child  
192 [pornography] sexual abuse material in the second degree under section  
193 53a-196e, as amended by this act, or possessing child [pornography]  
194 sexual abuse material in the third degree under section 53a-196f, as  
195 amended by this act.

196 Sec. 11. (*Effective from passage*) (a) There is established a task force to  
197 study the responsiveness of state agencies and the Judicial Branch to  
198 issues concerning child sexual abuse. The task force shall undertake an  
199 examination of state agency and Judicial Branch policies and practices  
200 relating to and impacting children in order to identify opportunities to  
201 detect, mitigate, prevent and effectively respond to such abuse. For the

202 purposes of this section, "state agency" means the Departments of  
203 Children and Families, Public Health, Developmental Services, Social  
204 Services, Mental Health and Addiction Services, Emergency Services  
205 and Public Protection and Education.

206 (b) The task force shall consist of the following members:

207 (1) One appointed by the speaker of the House of Representatives,  
208 who is a member of the joint standing committee of the General  
209 Assembly having cognizance of matters relating to the judiciary;

210 (2) One appointed by the president pro tempore of the Senate, who is  
211 a psychologist licensed pursuant to chapter 383 of the general statutes  
212 with expertise in the treatment of children who have suffered from child  
213 sexual abuse;

214 (3) One appointed by the majority leader of the House of  
215 Representatives, who is a clinical social worker licensed pursuant to  
216 chapter 383b of the general statutes with expertise in identifying child  
217 sexual abuse;

218 (4) One appointed by the majority leader of the Senate, who is a  
219 physician licensed pursuant to chapter 370 of the general statutes with  
220 expertise in pediatric medicine;

221 (5) One appointed by the minority leader of the House of  
222 Representatives, who is an attorney admitted to the bar of this state with  
223 expertise in child welfare;

224 (6) One appointed by the minority leader of the Senate, who is a  
225 representative of a state-wide organization dedicated to the prevention  
226 of sexual violence;

227 (7) The Commissioner of Children and Families, or the  
228 commissioner's designee;

229 (8) The Commissioner of Public Health, or the commissioner's  
230 designee;



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- 231 (9) The Commissioner of Developmental Services, or the  
232 commissioner's designee;
- 233 (10) The Commissioner of Social Services, or the commissioner's  
234 designee;
- 235 (11) The Commissioner of Mental Health and Addiction Services, or  
236 the commissioner's designee;
- 237 (12) The Commissioner of Emergency Services and Public Protection,  
238 or the commissioner's designee;
- 239 (13) The Commissioner of Education, or the commissioner's designee;
- 240 (14) The Chief Court Administrator, or the administrator's designee;
- 241 (15) The Probate Court Administrator, or the administrator's  
242 designee;
- 243 (16) The Chief State's Attorney, or the Chief State's Attorney's  
244 designee;
- 245 (17) The Chief Public Defender, or the Chief Public Defender's  
246 designee;
- 247 (18) The Child Advocate, or the Child Advocate's designee;
- 248 (19) The executive director of the Commission on Women, Children,  
249 Seniors, Equity and Opportunity, or the executive director's designee;
- 250 (20) A member of the Trafficking in Persons Council, designated by  
251 the chairperson of the council;
- 252 (21) A member of the Governor's Task Force on Justice for Abused  
253 Children, established in accordance with the Child Abuse Prevention  
254 and Treatment Act, 42 USC 5106c et seq., jointly designated by the  
255 cochairpersons of the task force; and
- 256 (22) One appointed by the Governor, who is a representative of a

257 children's advocacy center, as defined in section 17a-106a of the general  
258 statutes.

259 (c) Any member of the task force appointed under subdivision (1),  
260 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member  
261 of the General Assembly.

262 (d) All initial appointments to the task force shall be made not later  
263 than thirty days after the effective date of this section. Any vacancy shall  
264 be filled by the appointing authority.

265 (e) The speaker of the House of Representatives and the president pro  
266 tempore of the Senate shall select the chairpersons of the task force from  
267 among the members of the task force. Such chairpersons shall schedule  
268 the first meeting of the task force, which shall be held not later than sixty  
269 days after the effective date of this section.

270 (f) The administrative staff of the joint standing committee of the  
271 General Assembly having cognizance of matters relating to children  
272 shall serve as administrative staff of the task force.

273 (g) Not later than July 1, 2025, the task force shall submit a report on  
274 its findings and recommendations to the joint standing committees of  
275 the General Assembly having cognizance of matters relating to children  
276 and the judiciary, in accordance with the provisions of section 11-4a of  
277 the general statutes. Such recommendations shall include, but need not  
278 be limited to, any legislative recommendations and recommendations  
279 for changes to the policies or procedures of any state agency or the  
280 Judicial Branch that would aid such agency or said branch in the  
281 detection, mitigation, prevention and effective response to child sexual  
282 abuse. The task force shall terminate on the date that it submits such  
283 report or July 1, 2025, whichever is later.

284 Sec. 12. (*Effective from passage*) Not later than January 1, 2025, the  
285 Office of the Child Advocate shall review state agency practices and  
286 procedures for ensuring the care and protection of minors in Probate  
287 Court guardianship proceedings, and submit a report, in accordance

288 with the provisions of section 11-4a of the general statutes, to the joint  
 289 standing committees of the General Assembly having cognizance of  
 290 matters relating to children and the judiciary concerning the adequacy  
 291 of such practices and procedures. Such report shall include, but not be  
 292 limited to, an analysis of the (1) statutory requirements applicable to  
 293 such proceedings, (2) applicable court rules and policies and quality  
 294 assurance measures, (3) practices, procedures and quality assurance  
 295 framework applicable to the work of the Department of Children and  
 296 Families in Probate Court matters, (4) training and contractual  
 297 expectations for counsel assigned to minors and guardians ad litem in  
 298 Probate Court guardianship matters, and (5) practices and procedures  
 299 for providing guardianship subsidies to eligible recipients by the  
 300 Department of Social Services and the quality assurance framework  
 301 applicable to the administration of such benefits."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	10-217h
Sec. 2	<i>October 1, 2024</i>	53a-193(13)
Sec. 3	<i>October 1, 2024</i>	53a-196c
Sec. 4	<i>October 1, 2024</i>	53a-196d
Sec. 5	<i>October 1, 2024</i>	53a-196e
Sec. 6	<i>October 1, 2024</i>	53a-196f
Sec. 7	<i>October 1, 2024</i>	53a-196g
Sec. 8	<i>October 1, 2024</i>	53a-196h
Sec. 9	<i>October 1, 2024</i>	54-86m
Sec. 10	<i>October 1, 2024</i>	19a-343(c)(2)
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section