



General Assembly

Substitute Bill No. 1439

January Session, 2025



AN ACT CONCERNING THE DEFINITION OF "CHILD SEXUAL ABUSE MATERIAL".

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

1 Section 1. Section 53a-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 The following definitions are applicable to this section and sections
4 53a-194 to 53a-210, inclusive:

5 (1) Any material or performance is "obscene" if, (A) taken as a whole,
6 it predominantly appeals to the prurient interest, (B) it depicts or
7 describes in a patently offensive way a prohibited sexual act, and (C)
8 taken as a whole, it lacks serious literary, artistic, educational, political
9 or scientific value. Predominant appeal shall be judged with reference
10 to ordinary adults unless it appears from the character of the material or
11 performance or the circumstances of its dissemination to be designed
12 for some other specially susceptible audience. Whether a material or
13 performance is obscene shall be judged by ordinary adults applying
14 contemporary community standards. In applying contemporary
15 community standards, the state of Connecticut is deemed to be the
16 community.

17 (2) Material or a performance is "obscene as to minors" if it depicts a

18 prohibited sexual act and, taken as a whole, it is harmful to minors. For
19 purposes of this subdivision: (A) "Minor" means any person less than
20 seventeen years old as used in section 53a-196 and less than sixteen
21 years old as used in sections 53a-196a and 53a-196b, and (B) "harmful to
22 minors" means that quality of any description or representation, in
23 whatever form, of a prohibited sexual act, when (i) it predominantly
24 appeals to the prurient, shameful or morbid interest of minors, (ii) it is
25 patently offensive to prevailing standards in the adult community as a
26 whole with respect to what is suitable material for minors, and (iii) taken
27 as a whole, it lacks serious literary, artistic, educational, political or
28 scientific value for minors.

29 (3) "Prohibited sexual act" means erotic fondling, nude performance,
30 sexual excitement, sado-masochistic abuse, masturbation or sexual
31 intercourse.

32 (4) "Nude performance" means the showing of the human male or
33 female genitals, pubic area or buttocks with less than a fully opaque
34 covering, or the showing of the female breast with less than a fully
35 opaque covering of any portion thereof below the top of the nipple, or
36 the depiction of covered male genitals in a discernibly turgid state in
37 any play, motion picture, dance or other exhibition performed before an
38 audience.

39 (5) "Erotic fondling" means touching a person's clothed or unclothed
40 genitals, pubic area, buttocks, or if such person is a female, breast.

41 (6) "Sexual excitement" means the condition of human male or female
42 genitals when in a state of sexual stimulation or arousal.

43 (7) "Sado-masochistic abuse" means flagellation or torture by or upon
44 a person clad in undergarments, a mask or bizarre costume, or the
45 condition of being fettered, bound or otherwise physically restrained on
46 the part of one so clothed.

47 (8) "Masturbation" means the real or simulated touching, rubbing or
48 otherwise stimulating a person's own clothed or unclothed genitals,

49 pubic area, buttocks, or, if the person is female, breast, either by manual
50 manipulation or with an artificial instrument.

51 (9) "Sexual intercourse" means intercourse, real or simulated,
52 whether genital-genital, oral-genital, anal-genital or oral-anal, whether
53 between persons of the same or opposite sex or between a human and
54 an animal, or with an artificial genital.

55 (10) "Material" means anything tangible which is capable of being
56 used or adapted to arouse prurient, shameful or morbid interest,
57 whether through the medium of reading, observation, sound or in any
58 other manner. Undeveloped photographs, molds, printing plates, and
59 the like, may be deemed obscene notwithstanding that processing or
60 other acts may be required to make the obscenity patent or to
61 disseminate it.

62 (11) "Performance" means any play, motion picture, dance or other
63 exhibition performed before an audience.

64 (12) "Promote" means to manufacture, issue, sell, give, provide, lend,
65 mail, deliver, transfer, transmit, publish, distribute, circulate,
66 disseminate, present, exhibit, advertise, produce, direct or participate in.

67 (13) "Child sexual abuse material" means any visual depiction
68 including any photograph, film, videotape, picture or computer-
69 generated image or picture, whether made or produced by electronic,
70 digital, mechanical or other means, of sexually explicit conduct, where
71 the production of such visual depiction involves the use of a person
72 under sixteen years of age, or the subject of such visual depiction
73 appears indistinguishable from a person under sixteen years of age,
74 engaging in sexually explicit conduct, provided whether the subject of
75 a visual depiction was a person under sixteen years of age at the time
76 the visual depiction was created is a question to be decided by the trier
77 of fact.

78 (14) "Sexually explicit conduct" means actual or simulated (A) sexual
79 intercourse, including genital-genital, oral-genital, anal-genital or oral-

80 anal physical contact, whether between persons of the same or opposite
81 sex, or with an artificial genital, (B) bestiality, (C) masturbation, (D)
82 sadistic or masochistic abuse, or (E) lascivious exhibition of the genitals
83 or pubic area of any person.

84 (15) "Visual depiction" includes undeveloped film and videotape and
85 data, as defined in subdivision (8) of section 53a-250, that is capable of
86 conversion into a visual image and includes encrypted data.

87 (16) A visual depiction of a subject when described as
88 "indistinguishable" means virtually indistinguishable, in that the visual
89 depiction is such that an ordinary person viewing the visual depiction
90 would conclude that the subject of the visual depiction is an actual
91 person under sixteen years of age engaging in sexually explicit conduct.
92 "Indistinguishable" is not applicable to a visual depiction that is a
93 drawing, cartoon, sculpture or painting of a person under sixteen years
94 of age.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2025	53a-193
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JUD *Joint Favorable Subst.*