
OLR Bill Analysis

sSB 1439

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

SUMMARY

Connecticut law generally criminalizes the importation, possession, or transmission of child sexual abuse material in any manner or through any medium. Under current law, "child sexual abuse material" is any visual depiction (e.g., photograph, film, videotape, picture, or computer-generated image or picture) of sexually explicit conduct involving in its production a person under age 16 engaging in sexually explicit conduct, whether made or produced electronically, digitally, mechanically, or by other means.

This bill expands what constitutes "child sexual abuse material" by specifically including any material where the subject of the visual depiction appears indistinguishable from a person under age 16. In doing so, the bill expands the types of visual depictions that could constitute the specific crimes of 1st, 2nd, and 3rd degree possession of child sexual abuse material; importation of child sexual abuse material; and possession and transmission of child sexual abuse material by a minor (see BACKGROUND).

Under the bill, "indistinguishable" means virtually indistinguishable, in that the visual depiction is such that an ordinary person viewing it would conclude that the subject in it is an actual person under age 16 engaging in sexually explicit conduct. It does not apply to visual depictions that are drawings, cartoons, sculptures, or paintings of a person under age 16.

Under existing law, which applies to the bill's provisions, it is an affirmative defense if the defendant possessed the visual depictions under certain circumstances, such as for a bona fide artistic, medical,

scientific, educational, religious, governmental, or judicial purpose (see BACKGROUND).

EFFECTIVE DATE: October 1, 2025

BACKGROUND

1st, 2nd, and 3rd Degree Possession of Child Sexual Abuse Material

By law, a person is guilty of possessing child sexual abuse material when he or she knowingly possesses visual depictions of, or certain images, film, or videotape depicting, child sexual abuse material in varying degrees depending on the number of depictions or if they depict physical injury.

The penalties range from a class B felony, punishable by a fine up to \$15,000, 1 to 20 years in prison, or both, with a five-year mandatory minimum prison term, to a class D felony, punishable by a fine up to \$5,000, up to 5 years in prison, or both, with a one-year mandatory minimum prison term.

Importing Child Sexual Abuse Material

By law, a person is guilty of importing child sexual abuse material when, with intent to promote child sexual abuse material, he or she knowingly imports or causes to be imported into the state three or more visual depictions of child sexual abuse material of known content and character. This is a class B felony, with a five-year mandatory minimum prison term (CGS § 53a-196c).

Possessing or Transmitting Child Sexual Abuse Material by a Minor

Under the law, it is a crime for a person under age 18 to knowingly possess a visual depiction of child sexual abuse material when the subject of the visual depiction is a child under age 16 who knowingly and voluntarily transmitted the depiction to that person by an electronic communication device. Relatedly, the law prohibits a child under age 16 from knowingly and voluntarily using an electronic communication device to transmit a visual depiction of child sexual abuse material in which he or she is the subject to another person who is under age 18.

By law, possessing or transmitting child sexual abuse material by a minor is a class A misdemeanor, punishable by a fine up to \$2,000, up to 364 days in prison, or both (CGS § 53a-196h).

Affirmative Defense

Under existing law, it is generally an affirmative defense that the defendant (1) possessed less than three visual depictions; (2) did not knowingly take certain actions to possess the depictions; and (3) promptly, in good faith, took reasonable steps to destroy the depictions or reported the matter to law enforcement.

It is also an affirmative defense if the defendant possessed a visual depiction of a nude person under age 16 for a bona fide artistic, medical, scientific, educational, religious, governmental, or judicial purpose or the defendant (CGS § 53a-196g).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/08/2025)