



House of Representatives

General Assembly

File No. 224

January Session, 2013

House Bill No. 6500

House of Representatives, March 27, 2013

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROHIBITING THE PUBLICATION OF ADVERTISEMENTS FOR COMMERCIAL SEXUAL ACTS THAT DEPICT A MINOR.

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

1 Section 1. Section 53a-196i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) For the purposes of this section:

4 (1) "Advertisement for a commercial sex act" or "advertisement"
5 means any advertisement or offer in electronic or print media which
6 includes an explicit or implicit offer for a commercial sex act to occur
7 in this state;

8 (2) "Commercial sex act" means any act of sexual contact, as defined
9 in section 53a-65, or sexual intercourse, as defined in section 53a-65, for
10 which something of value is given to or received by any person;

11 (3) "Depiction" means any photograph, film, videotape, visual
12 material or printed material; and

13 (4) "Person" has the meaning provided in section 53a-3, but does not
14 include a government or a governmental instrumentality.

15 (b) A person is guilty of commercial sexual exploitation of a minor
16 when such person knowingly (1) purchases advertising space for an
17 advertisement for a commercial sex act that includes a depiction of a
18 minor, or (2) publishes, disseminates or displays, or directly or
19 indirectly causes to be published, disseminated or displayed, any
20 advertisement for a commercial sex act that includes a depiction of a
21 minor.

22 (c) (1) In any prosecution for an offense under this section, it shall
23 not be a defense that the defendant (A) did not know the age of the
24 person depicted in the advertisement, (B) relied on an oral or written
25 representation of the age of the person depicted in the advertisement,
26 or (C) relied on the apparent age of the person depicted in the
27 advertisement.

28 (2) In any prosecution for an offense under this section, it shall be an
29 affirmative defense that the defendant, prior to purchasing advertising
30 space for the advertisement or publishing, disseminating or
31 displaying, or directly or indirectly causing to be published,
32 disseminated or displayed, the advertisement, made a reasonable bona
33 fide attempt to ascertain the true age of the person depicted in the
34 advertisement by requiring the person depicted in the advertisement
35 to produce a driver's license, marriage license, birth certificate or other
36 government-issued or school-issued identity card that identifies the
37 age of the person, provided the defendant retains and produces a copy
38 or other record of the license, certificate or identity card used to
39 ascertain the age of the person depicted in the advertisement.

40 (d) Commercial sexual exploitation of a minor is a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	53a-196i

KID *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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than 50,000	Less than 50,000
Judicial Dpt (Probation); Correction, Dept.	GF - Potential Cost	Indeterminate	Indeterminate

Municipal Impact: None

Explanation

The bill expands the crime of commercial exploitation of a minor, which may result in a potential revenue gain of less than \$50,000 from violations of this statute. The underlying statute was adopted in 2012 and no offenses have been documented to date.

To the extent that the bill increases the likelihood that offenders would be prosecuted or receive harsher penalties than under current law, potential costs for incarceration or probation supervision in the community would result. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$34,829 to incarcerate the offender.

The Out Years

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

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**HB 6500*****AN ACT PROHIBITING THE PUBLICATION OF ADVERTISEMENTS FOR COMMERCIAL SEXUAL ACTS THAT DEPICT A MINOR.*****SUMMARY:**

This bill expands the crime of commercial exploitation of a minor to include knowingly (1) publishing, disseminating, or displaying any advertisement for a commercial sex act that includes a depiction of a minor, or (2) causing such publication, dissemination, or display directly or indirectly. This crime already punishes knowingly buying space to advertise for a commercial sex act that depicts a minor.

The bill extends the provisions on defenses to this crime to the new conduct covered by the bill as follows:

1. It is not a defense to prosecution that the accused (a) did not know the depicted person's age or (b) relied on his or her apparent age or on oral or written, non-governmental representations of such; and
2. It is a defense if a person made a reasonable, bona fide attempt to ascertain the depicted person's age by requiring him or her to produce a government-issued identity card and keeping and producing a copy.

By law, commercial sexual exploitation of a minor is a class C felony punishable by one to 10 years in prison, a fine of up to \$10,000, or both.

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Children Committee

Joint Favorable

Yea 12 Nay 0 (03/12/2013)