

Judiciary Committee JOINT FAVORABLE REPORT

Bill No: SB-292 / [Bill Status](#) / [Public Hearing Testimony](#)

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

Vote Date: 3/30/2026

Vote Action: Joint Favorable

PH Date: 3/2/2026

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

In alignment with the General Assembly's ongoing commitment to prioritizing child safety, the intent of this bill is to meet the rapidly evolving nature of child exploitation in the digital age by updating Connecticut's "child sexual abuse material" definition to better align with the federal definition of child pornography codified in 18 USC § 2256. The proposed language would expand the definition of "child sexual abuse material" to include a person under sixteen years of age "or the subject of such visual depiction appears indistinguishable from a person under sixteen years of age[.]" The bill further proposes that the definition of "indistinguishable" be:

virtually indistinguishable, in that the visual depiction is such that an ordinary person viewing the visual depiction would conclude that the subject of the visual depiction is an actual person under sixteen years of age engaging in sexually explicit conduct. "Indistinguishable" is not applicable to a visual depiction that is a drawing, cartoon, sculpture or painting of a person under sixteen years of age.

By updating the definition of "child sexual abuse material" to better align with the federal definition, it promotes uniformity, strengthens cross jurisdictional enforcement, and most importantly, provides better protections for our children during a time when generative AI technology continues to evolve exponentially.

RESPONSE FROM ADMINISTRATION/AGENCY:

Division of Criminal Justice: The agency testified in support of the bill stating their agreement that the definition of "child sexual abuse material" should be amended to align

with the federal definition. Additionally, the agency proposed substitute language for line 92–94 of the bill.

John R. DelBarba, Assistant Legal Counsel, Division of Public Defender Services: Mr. DelBarba testified in opposition of the bill. He stated that the proposed language is overbroad, vague, and would have a chilling effect on an individual's First Amendment right. Additionally, he stated that the bill would wrongfully create a new criminal offense without any benefit to real victims of child sexual abuse because the images and the people depicted in the images are not real. Mr. DelBarba further requests that there be a creation of a Working Group and/or the reexamination and potential continuation of the work done by the Sentencing Commission in 2018.

NATURE AND SOURCES OF SUPPORT:

Several individuals testified in support of the bill, expressing their desire to strengthen protections against child exploitation and abuse, and pornographic material. Additionally, Mr. Conway provided his personal experience dealing with these materials as a detective with the Watertown Police Department.

- **Anonymous 37**
- **Mark Conway, Detective, Watertown Police Department**
- **Michele May**
- **Mona Cowell**

Two organizations testified in support of the bill stating that Connecticut's definition of "child sexual abuse material" should be updated to align with the federal definition codified in 18 USC § 2256. Additionally, Ms. Rich added that the update would promote clarity for investigators and prosecutors, strengthen cross-jurisdictional enforcement, and reduce ambiguity to ensure that Connecticut law keeps pace with technological changes.

- **Beth Hamilton, Executive Director, Connecticut Alliance to End Sexual Violence**
- **Krystal Rich, Executive Director, Connecticut Children's Alliance**

NATURE AND SOURCES OF OPPOSITION:

Daniel Erwin, President, Connecticut Criminal Defense Lawyers' Association: Mr. Erwin testified in opposition of the bill. He stated that the proposed language criminalizing images of fictional children would raise serious First Amendment concerns as held in *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002). Additionally, he states that the bill would necessitate law offices to expend resources to conduct more complicated and voluminous discovery related to these cases as well as the associated training that is involved. Similar to the Division of Public Defender Services, he requests further examination by a working group.

Jess Zaccagnino, Policy Counsel, ACLU Connecticut: Ms. Zaccagnino testified in opposition of the bill. She stated that the bill goes directly against the ACLU-CT's policy goal of ending mass incarceration because it proposes criminalizing certain uses of artificial intelligence prior to a deep investigation being conducted. Additionally, she states that the proposed language is unacceptably broad and vague that runs afoul of the First Amendment.

Reported by: Tenzin Rabjam

Date: April 6, 2026