

CHAPTER 109**(HB 366)**

AN ACT relating to possession or viewing of matter portraying a sexual performance by a minor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 531.335 is amended to read as follows:

- (1) A person is guilty of possession or viewing of matter portraying a sexual performance by a minor when, having knowledge of its content, character, and that the sexual performance is by a minor *or computer-generated image of a minor*, he or she:
 - (a) Knowingly has in his or her possession or control any matter which visually depicts ~~a[an actual]~~ sexual performance by a minor person or computer-generated image of a minor person; or
 - (b) Intentionally views any matter which visually depicts ~~a[an actual]~~ sexual performance by a minor person or computer-generated image of a minor person.
- (2) The provisions of subsection (1)(b) of this section:
 - (a) Shall only apply to the deliberate, purposeful, and voluntary viewing of matter depicting sexual conduct by a minor person or computer-generated image of a minor person and not to the accidental or inadvertent viewing of such matter;
 - (b) Shall not apply to persons viewing the matter in the course of a law enforcement investigation or criminal or civil litigation involving the matter; and
 - (c) Shall not apply to viewing the matter by a minor or the minor's parents or guardians, or to school administrators investigating violations of subsection (1)(b) of this section.
- (3) Possession or viewing of matter portraying a sexual performance by a minor is:
 - (a) A Class D felony if the person knows that the minor or computer-generated image of a minor portrayed is less than eighteen (18) years old at the time of the sexual performance; and
 - (b) A Class C felony if the person knows that the minor or computer-generated image of a minor person portrayed is less than twelve (12) years old at the time of the sexual performance.
- (4) *Any person convicted under this section shall not be released on probation or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.*

Signed by Governor April 13, 2026.