

531.335 Possession or viewing of matter portraying a sexual performance by a minor -- Applicability.

- (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, he or she:
 - (a) Knowingly has in his or her possession or control any matter which visually depicts an actual sexual performance by a minor person; or
 - (b) Intentionally views any matter which visually depicts an actual sexual performance by 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 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 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 portrayed is less than twelve (12) years old at the time of the sexual performance.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 87, sec. 1, effective June 29, 2021. -- Amended 2013 Ky. Acts ch. 41, sec. 5, effective June 25, 2013. -- Amended 2006 Ky. Acts ch. 182, sec. 39, effective July 12, 2006. -- Created 1992 Ky. Acts ch. 201, sec. 1, effective July 14, 1992.