



6. A litigant, counsel, or expert witness in any criminal or civil litigation to which the matter relates possessing or viewing the matter pursuant to a court order. Before conducting a hearing that may result in the issuance of an order, a court shall notify the prosecutor and the law enforcement agency which conducted the forensic inspection of the motion and hearing. An order permitting a party to view or possess pornographic evidence shall direct the government agency that conducted the forensic inspection of the matter to produce a read-only forensic image of the original medium which contains the matter the party seeks to examine.

Some individuals may possess pornographic evidence without a court order. Others must obtain a court order before possessing pornographic evidence.

**Section 1 of the HCS changes the court procedure set forth in item 6 above.**

**Section 2 of the HCS grants the Attorney General concurrent jurisdiction with Commonwealth's attorneys and county attorneys in the investigation and prosecution of offenses under KRS 506.120(3)(b), 529.100, and 529.110.**

### **Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**SB 130 HCS does not change the LM.**

**SB 130 HCS is expected to have no fiscal impact on local governments.**

KRS Chapter 531 establishes various crimes relating to pornography. Section 1 of the HCS carves out exceptions to KRS Chapter 531. The Kentucky Association of Chiefs of Police, Kentucky Commonwealth's Attorneys Association, and Kentucky Association of Criminal Defense Lawyers are unaware of any person ever having been charged with a crime that would come within one of the HCS exceptions. Therefore, it is expected that these exceptions will have no impact on crimes and punishments in the Commonwealth.

Section 2 of the HCS is not relevant to the LM.

**Data Source(s):** Kentucky Association of Chiefs of Police; Kentucky Commonwealth's Attorneys Association; Kentucky Association of Criminal Defense Lawyers

**Preparer:** Scott Varland      **Reviewer:** JWN      **Date:** 3/24/16