



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

**SB 130 SCS makes the following changes:**

1. When a criminal defense attorney or a member of his or her staff, a civil attorney or a member of his or her staff, or any individual a criminal defense or civil attorney seeks to qualify as an expert examines pornographic evidence, the evidence shall remain not only in the custody (per SB 130 as introduced) but also under the supervision of a court, a prosecutor's office, or a law enforcement agency.
2. When a litigant in any criminal or civil litigation examines pornographic evidence, he or she shall do so not only in the presence of his or her attorney (per SB 130 as introduced) but also in the presence of court, prosecutor, or law enforcement personnel.
3. Before conducting a hearing that may result in an order issued under item 4., a court shall notify the prosecutor and the law enforcement agency which conducted the forensic inspection of the motion and hearing.
4. When a court issues an order permitting a party to view or possess pornographic evidence, the order 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.

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

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

KRS Chapter 531 establishes various crimes relating to pornography. SB 130 SCS 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 SB 130 SCS exceptions. Therefore, it is expected that these exceptions will have no impact on crimes and punishments in the Commonwealth.

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

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