

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2017 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **HB 408**

Delete lines 3 through 21, and insert in lieu thereof:

"➔SECTION 1. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ  
AS FOLLOWS:

**(1) In a criminal or civil proceeding, any matter that portrays child pornography or a sexual performance by a minor as defined in this chapter shall remain secured or locked in the care, custody, and control of a law enforcement agency, the prosecutor, or the court.**

**(2) Notwithstanding any other law or rule of court, a court shall deny, in any proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any matter that portrays a sexual performance by a minor or constitutes child pornography so long as law enforcement, the prosecutor, or the court makes the matter reasonably available to the defendant.**

**(3) For the purposes of this section, matter shall be deemed reasonably available to the defendant if the prosecutor provides ample opportunity at a designated facility for the inspection, viewing, and examination of the matter that portrays a sexual performance by a child or constitutes child pornography by the defendant, his or her attorney, or any individual whom the defendant uses as an expert during either the discovery process or a court proceeding.**

**(4) Notwithstanding this section, a court may order production of a copy of the matter in**

Amendment No. HFA 2

Rep. Rep. Chad McCoy

Committee Amendment

Signed:

Floor Amendment

LRC Drafter:

Nardy, Dale

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

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**Filing**

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*question to be given to the defendant's attorney or expert witness, if the defendant can produce evidence to show good cause that the production is necessary to make the matter reasonably available to the attorney or expert witness. Any matter shall not be shared or disclosed to any individual other than the attorney or expert witness. Upon completion of prosecution, any matter shall be returned to the care, custody and control of the investigating law enforcement agency."*