

1 AN ACT relating to child pornography.

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

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

- 5 *(1) In a criminal or civil proceeding, any property or material that portrays child*
6 *pornography or a sexual performance by a minor as defined in this chapter shall*
7 *remain secured or locked in the care, custody, and control of a law enforcement*
8 *agency, the prosecutor, or the court.*
- 9 *(2) Notwithstanding any other law or rule of court, a court shall deny, in any*
10 *proceeding, any request by the defendant to copy, photograph, duplicate, or*
11 *otherwise reproduce any property or material that portrays a sexual performance*
12 *by a minor or constitutes child pornography so long as law enforcement, the*
13 *prosecutor, or the court makes the property or material reasonably available to*
14 *the defendant.*
- 15 *(3) For the purposes of this section, property or material shall be deemed reasonably*
16 *available to the defendant if the prosecutor provides ample opportunity at a*
17 *designated facility for the inspection, viewing, and examination of the property or*
18 *material that portrays a sexual performance by a child or constitutes child*
19 *pornography by the defendant, his or her attorney, or any individual whom the*
20 *defendant uses as an expert during either the discovery process or a court*
21 *proceeding.*