

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, or the prosecutor. Any property or material that portrays child*  
9 *pornography or a sexual performance by a minor shall not be filed with or stored*  
10 *by the court unless introduced as an exhibit for trial. Storage of trial court*  
11 *exhibits portraying child pornography or a sexual performance by a minor shall*  
12 *be in accordance with a court order.*

13 *(2) Notwithstanding any other law or rule of court, a court shall deny, in any*  
14 *proceeding, any request by the defendant to copy, photograph, duplicate, or*  
15 *otherwise reproduce any property or material that portrays a sexual performance*  
16 *by a minor or constitutes child pornography so long as law enforcement, the*  
17 *prosecutor, or the court, if the matter was introduced as an exhibit at trial, makes*  
18 *the property or material reasonably available to the defendant.*

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