

1       AN ACT relating to possession or viewing of matter portraying a sexual  
2 performance by a minor.

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

4       ➔Section 1. KRS 531.335 is amended to read as follows:

5       (1) A person is guilty of possession or viewing of matter portraying a sexual  
6 performance by a minor when, having knowledge of its content, character, and that  
7 the sexual performance is by a minor or computer-generated image of a minor, he  
8 or she:

9       (a) Knowingly has in his or her possession or control any matter which visually  
10       depicts ~~a[an actual]~~ sexual performance by a minor person or computer-  
11       generated image of a minor person; or

12       (b) Intentionally views any matter which visually depicts ~~a[an actual]~~ sexual  
13       performance by a minor person or computer-generated image of a minor  
14       person.

15       (2) The provisions of subsection (1)(b) of this section:

16       (a) Shall only apply to the deliberate, purposeful, and voluntary viewing of matter  
17       depicting sexual conduct by a minor person or computer-generated image of a  
18       minor person and not to the accidental or inadvertent viewing of such matter;

19       (b) Shall not apply to persons viewing the matter in the course of a law  
20       enforcement investigation or criminal or civil litigation involving the matter;  
21       and

22       (c) Shall not apply to viewing the matter by a minor or the minor's parents or  
23       guardians, or to school administrators investigating violations of subsection  
24       (1)(b) of this section.

25       (3) Possession or viewing of matter portraying a sexual performance by a minor is:

26       (a) A Class D felony if the person knows that the minor or computer-generated  
27       image of a minor portrayed is less than eighteen (18) years old at the time of

1 the sexual performance; and

2       (b) A Class C felony if the person knows that the minor or computer-generated  
3           image of a minor person portrayed is less than twelve (12) years old at the  
4           time of the sexual performance.

5        (4) Any person convicted under this section shall not be released on probation or  
6        parole until he or she has served at least eighty-five percent (85%) of the sentence  
7        imposed.