

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.**