

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session**

Part I: Measure Information

Bill Request #: 1712

Bill #: HB 408 GA

Bill Subject/Title: AN ACT relating to child pornography.

Sponsor: Representative Addia K. Wuchner

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Local Law Enforcement

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 408 creates a new section of KRS Chapter 531 and provides for the following:

In a criminal or civil proceeding, any material portraying child pornography or a sexual performance by a minor shall remain secured or locked in the care, custody, and control of a law enforcement agency, the prosecutor, or the court.

A court shall deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material portraying child pornography or a sexual performance by a minor as long as law enforcement agency, the prosecutor, or the court makes the property or material *reasonably available* to the defendant.

For purposes of this section, material is deemed to be *reasonably available* to the defendant if the prosecutor provides ample opportunity at a designated facility for the inspection, viewing, and examination of the property or material that portrays child pornography or a sexual performance by a minor by the defendant, his or her attorney, or a person whom the defendant uses as an expert witness during the discovery process or a court proceeding.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 408 to local governments is minimal.

The procedures, personnel, and facilities to implement this proposal are already in place. Minimal learning curve for local law enforcement or whoever acts as custodian of the property and materials regarding any new procedures dealing directly with this proposal.

Data Source(s): LRC Staff

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/6/17