

# SENATE BILL No. 471

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-4.

**Synopsis:** Possession of child pornography. Raises the penalty for child pornography from a Class A misdemeanor to a Class D felony.

**Effective:** July 1, 2000.

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**Ford, Adams K, Skillman, Zakas,  
Mrvan, Craycraft, Blade**

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January 10, 2000, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## SENATE BILL No. 471

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-42-4-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) As used in this  
3 section:  
4 "Disseminate" means to transfer possession for free or for a  
5 consideration.  
6 "Matter" has the same meaning as in IC 35-49-1-3.  
7 "Performance" has the same meaning as in IC 35-49-1-7.  
8 "Sexual conduct" means sexual intercourse, deviate sexual conduct,  
9 exhibition of the uncovered genitals intended to satisfy or arouse the  
10 sexual desires of any person, sado-masochistic abuse, sexual  
11 intercourse or deviate sexual conduct with an animal, or any fondling  
12 or touching of a child by another person or of another person by a child  
13 intended to arouse or satisfy the sexual desires of either the child or the  
14 other person.  
15 (b) A person who knowingly or intentionally:  
16 (1) manages, produces, sponsors, presents, exhibits, photographs,  
17 films, or videotapes any performance or incident that includes

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1 sexual conduct by a child under eighteen (18) years of age; or  
2 (2) disseminates, exhibits to another person, offers to disseminate  
3 or exhibit to another person, or sends or brings into Indiana for  
4 dissemination or exhibition matter that depicts or describes sexual  
5 conduct by a child under eighteen (18) years of age;  
6 commits child exploitation, a Class D felony. However, the offense is  
7 a Class C felony if it is committed by using a computer network (as  
8 defined in IC 35-43-2-3(a)).

9 (c) A person who knowingly or intentionally possesses:

- 10 (1) a picture;  
11 (2) a drawing;  
12 (3) a photograph;  
13 (4) a negative image;  
14 (5) undeveloped film;  
15 (6) a motion picture;  
16 (7) a videotape; or  
17 (8) any pictorial representation;

18 that depicts or describes sexual conduct by a child who is less than  
19 sixteen (16) years of age, or appears to be less than sixteen (16) years  
20 of age, and that lacks serious literary, artistic, political, or scientific  
21 value commits possession of child pornography, a ~~Class A~~  
22 **misdemeanor: Class D felony.**

23 (d) Subsections (b) and (c) do not apply to a bona fide school,  
24 museum, or public library that qualifies for certain property tax  
25 exemptions under IC 6-1.1-10, or to an employee of such a school,  
26 museum, or public library acting within the scope of the employee's  
27 employment when the possession of the listed materials are for  
28 legitimate scientific or educational purposes.

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