

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7009

BILL NUMBER: SB 216

NOTE PREPARED: Feb 3, 2011

BILL AMENDED: Jan 27, 2011

SUBJECT: Access to Child Pornography in Criminal Discovery.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR: Rep. Foley

BILL STATUS: As Passed Senate

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) The bill prohibits the reproduction or removal of child pornography as part of discovery in a criminal prosecution if the state provides the defendant with the opportunity to examine the material in a state or local facility, unless the defendant demonstrates a need to reproduce or remove the material. It requires a court to impose certain restrictions on the use of removed or reproduced material.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Under the bill, the court may allow reproduction of child pornography in certain circumstances, but must issue a protective order for the material. If a protective order is violated, the court may punish the indirect contempt of court with a fine, imprisonment, or both a fine and imprisonment. Fine revenue is deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) If a protective order is violated, the court may punish the indirect contempt of court with a fine, imprisonment, or both a fine and imprisonment. The average daily cost for an inmate of a county jail is \$44 per day.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Counties.

Information Sources:

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