

SENATE BILL No. 216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-36-10.

Synopsis: Access to child pornography in criminal discovery. Prohibits, to the extent required by federal law, the reproduction of child pornography in a criminal prosecution if the state provides the defendant with the opportunity to examine the material.

Effective: July 1, 2011.

Bray

January 5, 2011, read first time and referred to Committee on Judiciary.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 216



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 35-36-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]:

4 **Chapter 10. Child Pornography and Discovery**

5 **Sec. 1. This chapter applies only:**

- 6 (1) in a criminal proceeding; and
- 7 (2) to the extent required by federal law.

8 **Sec. 2. As used in this chapter, "child pornography" has the**
9 **meaning set forth in 18 U.S.C. Sec. 2256(8).**

10 **Sec. 3. In any criminal proceeding, material constituting child**
11 **pornography must remain in the custody of the state or the court.**

12 **Sec. 4. A court shall deny any request by the defendant in a**
13 **criminal proceeding to copy, photograph, duplicate, or otherwise**
14 **reproduce any material that constitutes child pornography if the**
15 **state provides ample opportunity for inspection, viewing, and**
16 **examination of the material by:**

- 17 (1) the defendant;



- 1 **(2) the defendant's attorney; and**
- 2 **(3) any individual the defendant seeks to qualify as an expert;**
- 3 **at a state or local facility.**

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