

Unfavorable Response to Senate Bill 45
Criminal Law – Child Pornography – Distribution, Creation, or Possession
by Minor Subject

Families Advocating Intelligent Registries (FAIR) has a special concern for persons accused and convicted of sexual offenses, and seeks rational, constitutional sexual offense laws and policies. Senate Bill 45 claims to be excluding minors from criminal liability for sexting with other minors, but the bill's language falls short of that goal.

The bill simply changes our existing child pornography law, which says "A person may not... [commit various pornographic crimes involving] a minor" to say instead "A person may not... [commit those crimes involving] another who is a minor." This does not correct the problem, and in fact could make things worse. The language can be read in more than one way.

It could be read that "another who is" is referring back to "person," which generally means an adult, and thus nothing changes at all. Or it could be read to mean the "other who is" is a different child from the child who is sharing the item. This would then create another problem because the statute would no longer cover any adults who are committing crimes related to child pornography. And if we do interpret to mean a minor sharing with some other minor, the language has not been changed to address any exception; therefore ONLY the minors would be punished, rather than minors being exempted in any way, and adults would no longer be charged at all.

In sum, SB 45 presents a vague and ineffective attempt to fix a problem, and FAIR respectfully requests that the committee vote NO on this bill.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries