



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

Testimony in Support of Senate Bill 73
Presented to the Senate Judiciary Committee
by Attorney General Derek Schmidt
February 14, 2011

Mr. Chairman, members of the Committee, thank you for conducting this hearing today on Senate Bill 73.

This legislation is one of four bills I have proposed this year intended to strengthen our state's ability to combat sexual exploitation of children. Senate Bill 73 would contribute to that purpose by altering the procedure by which pornographic images of children are handled during discovery in criminal cases.

The basic policy proposed by Senate Bill 73 is to prohibit the reproduction of pornographic images of children during criminal discovery. Each time such an image is reproduced, the child is victimized once again. The public policy of Kansas should be to oppose the reproduction of such images at every opportunity.

Last year, this committee recommended legislation that applies a similar non-reproduction policy in civil discovery. Federal law, through the Adam Walsh Act, provides a similar non-reproduction rule in federal criminal cases. Adoption of Senate Bill 73 would bring put a similar policy in place within our state criminal system.

As the federal government has demonstrated, there are other procedures, short of reproducing these images, by which a defendant charged with a crime where such images are evidence may obtain access to these images without reproducing them. A defendant's rights can be protected without further victimizing the child victim.

Thank you for your consideration. I would be happy to stand for questions.

Senate Judiciary
2-14-11
Attachment 3