

Favorable IF AMENDED Response to Senate Bill 365
Criminal Law – Child Pornography and Exhibition and Display of
Obscene Items to Minors

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 365 has taken a systematic, comprehensive approach to carving out an exception for young people sexting with other young people which will prevent a one-time offender from ending up with a criminal record and placed on the sexual offense registry.

- Presently, **11-212 C(2)(ii)** states that there will be no “civil disabilities” imposed, such as there would from a criminal conviction. FAIR recommends adding “... such as public registration” to the end of 11-212 C(2)(ii) to make the meaning crystal clear.
- FAIR believes it is unreasonable to expect (in **11-212 D(3)(i)**) that a minor should “know or reasonably should have known” somebody wouldn’t want to see an image, or that an image wasn’t assaultive or without consent. This is an almost impossible standard even for adults, and to expect a teen or pre-teen to know such things is simply not realistic.
- In **11-212 D(9)(iv)** the number two for distribution seems arbitrary and overly restrictive. Example: a girl could share an image with several friends expecting the item to remain within the circle, with no ill intent and no complaints by friends, but due to the number limit she would no longer get the exception. We recommend inserting language that instead focuses on deliberately sharing beyond a small private circle.

In conclusion, FAIR respectfully requests that the committee vote YES on SB 365, **with the changes suggested above.**

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries