

SB320 INTRODUCED



1 SB320
2 F33WDDD-1
3 By Senator Weaver
4 RFD: Judiciary
5 First Read: 11-Apr-24



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SYNOPSIS:

Under existing law, a person commits the crime of possession of obscene matter if he or she knowingly possesses any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct.

This bill would provide that a person commits the crime of trafficking in obscene matter if he or she possesses 25 or more items of obscene matter that contains a visual depiction of an individual under 17 years of age engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct.

This bill would also provide penalties for violations.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section



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29 13A-12-192, Code of Alabama 1975; to provide for the offense
30 of trafficking in obscene material; and to provide penalties
31 for violations.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Section 13A-12-192, Code of Alabama 1975, is
34 amended to read as follows:

35 "§13A-12-192

36 (a) Any person who knowingly possesses with intent to
37 disseminate any obscene matter that contains a visual
38 depiction of a person under the age of 17 years engaged in any
39 act of sado-masochistic abuse, sexual intercourse, sexual
40 excitement, masturbation, breast nudity, genital nudity, or
41 other sexual conduct shall be guilty of a Class B felony. Any
42 transfer of the visual depiction from any electronic device to
43 any other device, program, application, or any other place
44 with storage capability which can be made available or is
45 accessible by other users, is prima facie evidence of
46 possession with intent to disseminate.

47 (b) Any person who knowingly possesses any obscene
48 matter that contains a visual depiction of a person under the
49 age of 17 years engaged in any act of sado-masochistic abuse,
50 sexual intercourse, sexual excitement, masturbation, breast
51 nudity, genital nudity, or other sexual conduct shall be
52 guilty of a Class C felony.

53 (c) Any person who knowingly possesses 25 or more items
54 of obscene matter that contain a visual depiction of an
55 individual under 17 years of age engaged in any act of
56 sado-masochistic abuse, sexual intercourse, sexual excitement,



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57 masturbation, breast nudity, genital nudity, or other sexual
58 conduct shall be guilty of trafficking in obscene material.
59 Trafficking in obscene material is a Class B felony."

60 Section 2. This act shall become effective on October
61 1, 2024.