

1.1 A bill for an act

1.2 relating to data practices; prohibiting the reproduction of pornographic works
1.3 involving a minor maintained by a government entity or court in connection
1.4 with a criminal proceeding; amending Minnesota Statutes 2008, section 13.871,
1.5 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.6 chapter 617.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 13.871, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 12. **Pornographic works involving minors.** Reproduction of pornographic
1.11 works involving minors is governed by section 617.248.

1.12 Sec. 2. [617.248] PROHIBITION ON REPRODUCTION OF PORNOGRAPHIC
1.13 WORK INVOLVING MINORS.

1.14 Subdivision 1. **Definitions.** For purposes of this section:

1.15 (1) "government entity" has the meaning given in section 13.02; and

1.16 (2) "pornographic work" has the meaning given in section 617.246.

1.17 Subd. 2. **Prohibition.** (a) Government data or a record that is, or is alleged to
1.18 be, a pornographic work involving a minor that is maintained in connection with a
1.19 criminal investigation or proceeding must remain in the care, custody, and control of the
1.20 government entity that maintains the data or the court. Notwithstanding section 13.03,
1.21 subdivision 3, or 13.04, subdivision 3, a government entity or court must not provide
1.22 copies of that data or record to a requesting person.

1.23 (b) Notwithstanding Rule 9 of the Minnesota Rules of Criminal Procedure, a
1.24 government entity or court shall deny any request by a defendant to copy, photograph,

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2.1 duplicate, or otherwise reproduce any data or record described in paragraph (a), provided
2.2 that the government entity that maintains the data or the court makes the data or record
2.3 reasonably available to the defendant. The government entity or court shall provide the
2.4 defendant, the defendant's attorney, and any individual the defendant may seek to qualify
2.5 to furnish expert testimony at trial with a reasonable opportunity for inspection, viewing,
2.6 and examination of the data or record to the extent necessary for the defendant to pursue
2.7 an effective defense in the case.