

HOUSE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Judiciary.

SB25-288 be amended as follows:

- 1 Amend reengrossed bill, page 12, line 12, strike "(2)(j) and (3.5); and **add**  
2 (1.7)," and substitute "(1), (1.5), (2)(j), and (3.5); and **add**".
- 3 Page 12, strike lines 13 through 27.
- 4 Page 13, strike lines 1 through 17 and substitute:

5       **"18-6-403. Sexual exploitation of a child - legislative**  
6 **declaration - definitions.** (1) The general assembly hereby finds and  
7 declares: That the sexual exploitation of children constitutes a wrongful  
8 invasion of the child's right of privacy and results in social,  
9 developmental, and emotional injury to the child; that a child below the  
10 age of eighteen years is incapable of giving informed consent to the use  
11 of ~~his or her~~ THE CHILD'S body for a sexual purpose OR TO THE USE OF ALL  
12 OR PART OF THE CHILD'S IMAGE TO CREATE SEXUALLY EXPLOITATIVE  
13 MATERIAL; and that to protect children from sexual exploitation it is  
14 necessary to prohibit the production of material which involves or is  
15 derived from such exploitation and to exclude all such material from the  
16 channels of trade and commerce.

17       (1.5) The general assembly further finds and declares that the  
18 mere possession or control of any sexually exploitative material results in  
19 continuing victimization of our children by the fact that such material is  
20 a permanent record of an act or acts of sexual abuse of a child; THAT THE  
21 CREATION OR THE MERE POSSESSION OR CONTROL OF  
22 COMPUTER-GENERATED MATERIAL OR DIGITAL DEPICTIONS USING ALL OR  
23 PART OF THE IMAGE OF A CHILD IN SEXUALLY EXPLOITATIVE MATERIAL  
24 RESULTS IN THE VICTIMIZATION OF OUR CHILDREN; that each time such  
25 material is shown or viewed, the child is harmed; that such material is  
26 used to break down the will and resistance of other children to encourage  
27 them to participate in similar acts of sexual abuse; that laws banning the  
28 production and distribution of such material are insufficient to halt this  
29 abuse; that in order to stop the sexual exploitation and abuse of our  
30 children, it is necessary for the state to ban the possession of any sexually  
31 exploitative materials; and that the state has a compelling interest in  
32 outlawing the possession of any sexually exploitative materials in order  
33 to protect society as a whole, and particularly the privacy, health, and  
34 emotional welfare of its children.".

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