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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 visual depiction of an individual under 18 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 provide that a person commits the crime of trafficking in child sexual abuse material if he or she knowingly possesses 25 or more items of child sexual abuse material.

This bill would also provide penalties for violations.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-12-192, Code of Alabama 1975, as last amended by Act 2024-98, 2024 Regular Session; to provide for the offense of trafficking in child sexual abuse material; and to provide penalties for violations.



29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 13A-12-192, Code of Alabama 1975, as
31 last amended by Act 2024-98, 2024 Regular Session, is amended
32 to read as follows:

33 "13A-12-192

34 (a) Any person who knowingly possesses with intent to
35 disseminate any child sexual abuse material shall be guilty of
36 a Class B felony. Any transfer of child sexual abuse material
37 from any electronic device to any other device, program,
38 application, or any other place with storage capability that
39 can be made available or is accessible by other users, is
40 prima facie evidence of possession with intent to disseminate.

41 (b) Any person who knowingly possesses any child sexual
42 abuse material shall be guilty of a Class C felony.

43 (c) Any person who knowingly possesses 25 or more items
44 of child sexual abuse material shall be guilty of trafficking
45 in child sexual abuse material. Trafficking in child sexual
46 abuse material is a Class B felony."

47 Section 2. This act shall become effective on October
48 1, 2024.