



## AB 20 – Obscene Material:

## Minors

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### Talking Points

1. Current law prohibits the production and distribution of material depicting minors under the age of 18 engaging in sexual conduct or simulating sexual conduct. Violations of the statutes are crimes resulting in various punishments including imprisonment and fines. This bill will impose an additional fine of \$2,000 for those persons convicted of crimes involving the production, use, distribution or possession of child pornography involving a government-owned computer. This bill includes an additional fine for not only committing the crime on or via a taxpayer-funded computer or network (such as viewing child pornography on a library computer), but also exacts a \$2,000 fine for using such computers to actually produce, use, control, distribute or advertise obscene material depicting children.
2. Society must protect innocent children from harm. Pornography generally objectifies those it portrays and has become increasingly violent and degrading. It has tremendous potential for addiction and wreaks havoc in marriages and relationships. Obscene matter depicting children is particularly offensive and deeply damaging to its victims. Every image involves the abuse of a child, and that child is victimized again and again as the image is viewed and distributed in crime after crime. Further, this underground market creates demand for child sex trafficking, among the most heinous of crimes.
3. According to a Department of Justice (DOJ) report *Child Pornography on the Internet*, “Collectors place a premium on new child pornography material. However, many images circulating on the Internet may be decades old, taken from earlier magazines and films. Images may be produced professionally, and, in these cases, often document the abuse of children in third-world countries. However, more commonly, amateurs make records of their own sexual abuse exploits, particularly now that electronic recording devices such as digital cameras and web cams permit individuals to create high quality, homemade images. With the advent of multimedia messaging (MMR) mobile phones, clandestine photography of children in public areas is becoming an increasing problem.”<sup>1</sup>
4. Child pornography puts other children in danger. Perpetrators of child pornography will often use the material to prime them to offend, deliberately viewing it to create stimulation before their encounters. The DOJ warns, “Pornography is a by-product of pedophilia. Pornography is created in the process of carrying out sexual abuse or is used to groom potential victims and prepare them for abuse.”<sup>2</sup>

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5. The authors of *Child Pornography: The Criminal-Justice-System Response* note that, because child pornography involves child abuse, its victims experience the same types of emotional and physical consequences. Not only do they experience physical injuries, but also emotional issues such as anger, depression, withdrawal and other psychological disorders. They may also have nightmares and experience “feelings of guilt and harbor responsibility for the abuse and betrayal, a sense of powerlessness, and feelings of worthlessness and low self-esteem. These feelings are often expressed through increased fearfulness and changes in sleep patterns including re-occurring memories, flashbacks, dreams, and nightmares associated with post-traumatic stress.”<sup>3</sup>
6. An important facet of AB 20 is the manner in which the fines levied will be distributed:
  - 25 percent will be allocated to sexual assault investigator training
  - 25 percent will be used for high technology crime task forces
  - 25 percent for agencies and organizations that shelter, counsel and provide other services to trafficking victims
  - 25 percent for multidisciplinary programs integrating law enforcement, child protection, medical and mental health, and victim and child advocacy to investigate, manage and prosecute child abuse cases, including child sexual abuse

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<sup>1</sup> Wortley, Richard and Stephen Smallbone. *Child Pornography on the Internet*. Department of Justice Center for Problem-Oriented Policing, Inc, May 2006. Updated May 2012. <<http://www.cops.usdoj.gov/files/ric/Publications/e04062000.pdf>>

<sup>2</sup> *Ibid.*

<sup>3</sup> Klain, JD, Eva J., Heather J. Davies, MS and Molly A. Hicks, MPA. *Child Pornography: The Criminal-Justice-System Response*. National Center for Missing and Exploited Children. March 2001. <<http://www.ccoso.org/library%20articles/Federal%20Report.pdf>>