

By: Senator(s) Albritton

To: Judiciary, Division A

SENATE BILL NO. 2721

1 AN ACT TO PROHIBIT REPRODUCTION OF CHILD PORNOGRAPHY DURING
2 DISCOVERY; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** (1) In any criminal proceeding, property or
5 material that constitutes child pornography prohibited under
6 Sections 97-5-31 and 97-5-33, Mississippi Code of 1972, shall
7 remain in the care, custody, and control of either the prosecution
8 or the court.

9 (2) (a) Notwithstanding Rule 9.04 of the Mississippi
10 Uniform Circuit and County Court Rules, a court shall deny any
11 request by the defendant in a criminal proceeding to copy,
12 photograph, duplicate, or otherwise reproduce any property or
13 material that constitutes child pornography; however, the
14 prosecution shall be required to make the property or material
15 reasonably available to the defendant.

16 (b) For the purposes of this section, property or
17 material shall be deemed to be reasonably available to the
18 defendant if the prosecution provides ample opportunity at a
19 government facility for inspection, viewing, and examination of
20 the property or material by the defendant, the defendant's
21 attorney, and any person the defendant may seek to qualify to
22 furnish expert testimony at trial.

23 **SECTION 2.** This act shall take effect and be in force from
24 and after July 1, 2007.