

are undressing, why that becomes a 25-year felony. Now there was considerable sentiment in the committee for bringing the age down to 14, maybe even 12, because remember this is called the Nebraska Child Pornography Prevention Act. When I think of child pornography and all of the evils that this sort of legislation is intended to respond to, I think of young girls, 6, 7, 8 or 9 years old, maybe 10, 11, or 12, at the most. I don't think of a child as a fully developed teenager 16 or 17 years old. Current law is 16. Current law is under 16. Current law, of course, is much looser, however, by incorporating language such as "contemporary community standards", or taken as a whole, "predominantly appeals to the prurient interest". Those are part of the definition of obscene under current law. So something cannot be obscene under current law if the average person applying contemporary community standards is not offended by the work. This significantly changes that again because the United States Supreme Court, in New York v. Farber, allowed such a change to make a single photograph of a woman, naked from the waist up, child pornography depending on the age limit we set in here.

SPEAKER NICHOL: One minute.

SENATOR HOAGLAND: Now in order to keep it more in keeping with the intent of the act, and the name of the act, the committee reduced this to under 16. As I indicated, there were at least three members of the committee that would have brought it down to under 14. Now I hope you recognize the significant problems this is going to present. What is it going to...think of the exposure that somebody is going to undergo from buying a Playboy Magazine that has, in the center fold, someone that...a female, naked from the waist up that appears to be 16 or 17. We all know that while the law treats very differently, if this amendment isn't adopted, a 17-year old from an 18-year old, how is the average person, selling pornography, manufacturing pornography and purchasing pornography, going to be able to distinguish from looking at a photograph as to whether the portrayed observer, the girl, the woman in the photograph is 17 or 18?

SPEAKER NICHOL: Time is up. Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I support the committee amendment and do not support this