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simply in possession of this material themselves. Do you see a distinction there in terms of proportionality? My question would be, I suppose bottom line, would it make some sense to reduce this penalty to a Class I misdemeanor so that it was then kind of proportional to the other statutes that are in place on this subject? And I wanted to get your reflection on that.

SPEAKER BROMM: Senator Mossey.

SENATOR MOSSEY: Actually, I'm glad you brought up...that's a good point. That has been addressed and it was addressed Monday by the United States Senate. The problem with, before, with the manufacture and distribution was Free Speech v. Ashcroft, which there was a loophole in the law under child pornography that could be computer generated, so that was creating a loophole in the law in prosecuting people that were manufacturing/distribution because you had to have a victim before you could address that. On Monday, the United States Senate cracked down on that loophole which you just mentioned, which is why it's a Class IV felony. They haven't been able to change it because of the Supreme Court decision. And I have it right here. It passed the Senate 84 to nothing.

SPEAKER BROMM: One minute.

SENATOR MOSSEY: Specifically, the bill prohibits the pandering or solicitation of anything representing to be obscene child pornography, responding to the court ruling. It requires the government to prove beyond a reasonable doubt that a person intended others to believe the material was obscene child pornography, which has been the problem in addressing it before because of the Supreme Court decision from 1996 in Free Speech v. Ashcroft, which I think now that this has been addressed before the Senate you'll see that penalty changed.

SENATOR BEUTLER: Senator, I guess I'm...

SENATOR MOSSEY: But I still think it should be a Class IV felony.

SENATOR BEUTLER: Pardon me?