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STATE REPRESENTATIVE
DISTRICT 15
HOUSE OF REPRESENTATIVES

HB 3048 – Sexually Explicit Material Involving Children

April 1, 2013

Chair Jeff Barker
House Committee on Judiciary
900 Court Street N
Salem, OR 97310

Chair Barker and Committee Members,

In our criminal justice system, through grand jury, pretrial discovery and trial, excruciatingly private facts about a victim can be exposed. In some cases, images or recordings of a victim in his or her most vulnerable and private moments have to be revealed. The purpose of HB 3048 is to protect child sexual abuse victims from unnecessary duplication and dissemination of recordings of their abuse. HB 3048 recognizes that, while we cannot always fully protect a victim's privacy, we can take reasonable, common sense steps in our discovery laws to limit the invasion to their privacy and ultimately, their dignity.

Congress has already made the choice to do it what it can to protect the privacy of our child victims. In 2005, Congress passed the Adam Walsh Act. The Adam Walsh Act requires that in all federal prosecutions sexually explicit recordings of children must remain in the possession of the government or courts, so long as the recordings are made reasonably available to the defense. The goal of HB 3048 is to do for our Oregon children what Congress did for the nation's children eight years ago.

In its eight years of implementation in the federal system, the Adam Walsh Act has worked. The constitutional challenges to the Adam Walsh Act have been rejected by the courts. And there are several government locations in Oregon that are well-equipped to meet the defense's needs when it comes to examining the evidence. Those locations include the Northwest Regional Computer Forensics Lab in Portland and the Oregon Department of Justice Internet Crimes Against Children Task Force in Salem. These facilities have been used by defense attorneys and defense experts in state prosecutions for years.

To be clear, the Adam Walsh Act does not balance the due process rights of the defendant against the privacy of rights of child victims. As the courts have repeatedly held, the due process rights of a defendant are fully protected under the Adam Walsh Act, just as they would be under HB 3048. The purpose of the Adam Walsh Act and HB 3048 is simply to recognize and protect the privacy of those most vulnerable among us, our child victims.

The question for this committee is a straightforward one. Shall the state of Oregon join Congress in protecting the privacy rights of child sex abuse victims, or shall we sanction the copying and dissemination of sexually explicit recordings of children as a matter of course simply because it is more convenient to do so? I hope you will join me in choosing to protect our children.



Andy Olson