

**HB 2593 STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Prepared By:** Josh Nasbe, Counsel

**Meeting Dates:** 4/3

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**WHAT THE MEASURE DOES:**

Requires that child pornography in criminal cases remain in custody of law enforcement agency or court. Allows expert for district attorney or defendant to conduct forensic analysis based on demonstrated need and, if court determines a forensic backup must be released for expert to conduct analysis, requires court to enter protective order.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

**BACKGROUND:**

Ordinarily, any books, papers, documents, photographs or tangible objects that the district attorney intends to introduce at trial must be disclosed to a criminal defendant as a part of the discovery process. House Bill 2593 creates a different process for cases involving child pornography. Under the bill, the general rule is that child pornography must remain in the custody of law enforcement or the court. House Bill 2593 authorizes the court to order the production of a forensic backup that may be analyzed by an expert for the prosecution or the defense. If a party demonstrates that the analysis cannot be conducted while the material remains in the custody of a law enforcement agency or the court, the court may enter a protective order authorizing the off-site analysis of the material for a defined period of time.