



SENATE MAJORITY OFFICE

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Child pornography bill closes loophole, sets absolute ban on viewing *SB 803 addresses Supreme Court ruling that raised serious concerns*

SALEM – The Oregon Senate approved legislation this morning that modifies the definition of “visual depiction” in crimes relating to child pornography to include accessing photos on the Internet. Senate Bill 803 was introduced in response to an Oregon Supreme Court ruling in January that said it isn’t a crime to look at child pornography on the Internet if the viewer doesn’t purposely download images, print them out, or pay for them.

“This bill corrects an oversight and very clearly outlines that viewing child pornography on the Internet is considered a crime in Oregon,” said Senator Joanne Verger (D-District 5), one of two chief sponsors of the bill. “Offenders need to know that there are serious consequences to their actions. This bill establishes that their behavior will not be tolerated in Oregon.”

In January 2011, the Oregon Supreme Court ruled that under current state law it is not a crime to view child pornography online, as long as the viewer does not purchase or download it. The Court also noted that the Legislature has not passed any legislation explicitly banning the viewing of child pornography, unless the images are paid for by the viewer. SB 803 closes this loophole, clearly stating that viewing child pornography, regardless of whether it’s paid for or not, is in fact a crime in Oregon. The most serious offenders under this law could face up to five years in prison.

“Our children need to be protected,” said Senator Laurie Monnes Anderson (D-Gresham), the other chief co-sponsor of SB 803. “Under no circumstances should the sexual exploitation of innocent children be tolerated. I believe this type of crime is one of the worst imaginable and should be punished to the full extent of the law.”

While federal law currently prohibits knowingly accessing child pornography on the Internet, these crimes are typically prosecuted under states’ laws, not by the federal government. SB 803 modifies Oregon statute on child pornography so that Oregon prosecutors can charge and prosecute such offenders.

"It is vitally important that we have every law enforcement tool available to fight child pornography," said Attorney General John Kroger. "I want to thank Sen. Joanne Verger and Sen. Monnes for their leadership on this important bill. I'd also like to thank House Judiciary Committee Co-Chair Rep. Jeff Barker and Co-Chair Rep. Wayne Krieger for their work on an identical bill in the House."

SB 803 bill now goes to the House for consideration.

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