

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 191

Representative Goodwin

**Cosponsors: Representatives Wachtmann, McGregor, J., Miller, Setzer,
Stebelton, Wagoner**

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A BILL

To enact section 2945.60 of the Revised Code to 1
require that in a criminal proceeding any obscene 2
material involving a minor remain in the custody 3
and control of the prosecuting attorney or court. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2945.60 of the Revised Code be 5
enacted to read as follows: 6

Sec. 2945.60. (A) As used in this section, "obscene," 7
"material," and "minor" have the same meanings as in section 8
2907.01 of the Revised Code. 9

(B) In a criminal proceeding, any obscene material that has a 10
minor as one of its participants or portrayed observers shall 11
remain in the care, custody, and control of either the prosecuting 12
attorney or the court. 13

(C)(1) In a criminal proceeding, the court shall deny a 14
request by the defendant to copy, photograph, duplicate, or 15
otherwise reproduce any obscene material that has a minor as one 16
of its participants or portrayed observers if the prosecuting 17
attorney or court makes the material reasonably available to the 18

<u>defendant for discovery and inspection.</u>	19
<u>(2) Material is reasonably available to the defendant for</u>	20
<u>discovery and inspection if the prosecuting attorney or court</u>	21
<u>provides ample opportunity for the defendant, the defendant's</u>	22
<u>attorney, and any individual the defendant may seek to qualify as</u>	23
<u>an expert witness at trial to inspect, view, and examine the</u>	24
<u>material at the prosecuting attorney's office or another location</u>	25
<u>under the control of a public official.</u>	26