

PCB CRJS 15-02 – Child Pornography

While repealing s. 827.071, F.S., and moving the provisions relating to sexual performance by a child and child pornography into ch. 847, F.S., this bill also defines a variety of terms to include “morphing,” conforming to those in federal law. This expands the definition of both “sexual conduct,” through “simulated” lewd expression of the genitals, and child pornography, through a visual depiction that has been “created, adapted, or modified.” By including this type of conduct and these types of images for violations such as producing, directing, possession, transmission, etc., there is potential for additional offenders to be prosecuted for the felonies currently in place.

Per DOC, in FY 13-14, there were 336 (adj.) offenders sentenced under both s. 827.071, F.S. and s. 847.0137, F.S. 230 (adj.) of these offenders were sentenced to prison (mean sentence length=74.4 m, incarceration rate: 68.4% adj-68.4% unadj). It is unknown how many more offenders will be included with the addition of “morphing.”

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House