

## **IC 35-36-10**

### **Chapter 10. Child Pornography and Discovery**

#### **IC 35-36-10-1**

##### **Application**

Sec. 1. This chapter applies only in a criminal proceeding.  
*As added by P.L.148-2011, SEC.1.*

#### **IC 35-36-10-2**

##### **"Child pornography"**

Sec. 2. As used in this chapter, "child pornography" includes:  
(1) material described in IC 35-42-4-4(c); and  
(2) material defined in 18 U.S.C. 2256(8).  
*As added by P.L.148-2011, SEC.1. Amended by P.L.6-2012, SEC.223.*

#### **IC 35-36-10-3**

##### **Child pornography must remain in custody of the state or the court**

Sec. 3. In any criminal proceeding, material constituting child pornography must remain in the custody of the state or the court.  
*As added by P.L.148-2011, SEC.1.*

#### **IC 35-36-10-4**

##### **Reproducing child pornography not permitted**

Sec. 4. A court shall deny any request by the defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce any material that constitutes child pornography if the state provides ample opportunity for inspection, viewing, and examination of the material by:  
(1) the defendant;  
(2) the defendant's attorney; and  
(3) any individual the defendant seeks to qualify as an expert; at a state or local court or law enforcement facility as provided in section 5 of this chapter.  
*As added by P.L.148-2011, SEC.1.*

#### **IC 35-36-10-5**

##### **Defendant's examination of child pornography permitted only in court or law enforcement facility**

Sec. 5. (a) A court may permit a defendant to inspect, view, and examine material that constitutes child pornography at a state or local court or law enforcement facility if the defendant demonstrates that inspecting, viewing, and examining the material is necessary to the defendant's defense.  
(b) If a court permits a defendant to inspect, view, and examine material that constitutes child pornography, the court shall issue a protective order under Indiana Trial Rule 26 with respect to the material. The protective order must:  
(1) specifically describe which persons may have access to the material, and prohibit any person not described in the order

from having access to the material;

(2) permit only those persons whose access to the material is necessary for the purposes described in subsection (a) to have access to the material;

(3) prohibit the further dissemination of the material; and

(4) prohibit the defendant from having direct access to the material.

The protective order may include any other provision to safeguard the material.

*As added by P.L.148-2011, SEC.1.*