

(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

(3) In any criminal proceeding, a victim, as defined under section 2259(c)(4), shall have reasonable access to any property or material that constitutes child pornography, as defined under section 2256(8), depicting the victim, for inspection, viewing, and examination at a Government facility or court, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony, but under no circumstances may such child pornography be copied, photographed, duplicated, or otherwise reproduced. Such property or material may be redacted to protect the privacy of third parties.

(Added Pub. L. 101-647, title II, §225(a), Nov. 29, 1990, 104 Stat. 4798; amended Pub. L. 103-322, title XXXIII, §§33001(6), (7), 330011(e), 330018(b), Sept. 13, 1994, 108 Stat. 2143, 2145, 2149; Pub. L. 104-294, title VI, §605(h), Oct. 11, 1996, 110 Stat. 3510; Pub. L. 109-248, title V, §§504, 507, July 27, 2006, 120 Stat. 629, 631; Pub. L. 111-16, §3(11), May 7, 2009, 123 Stat. 1608; Pub. L. 115-299, §6, Dec. 7, 2018, 132 Stat. 4388.)

REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in subsec. (c)(1), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Federal Rules of Criminal Procedure, referred to in subssecs. (f) and (m)(2)(A), are set out in the Appendix to this title.

AMENDMENTS

2018—Subsec. (m)(3). Pub. L. 115-299 added par. (3).
2009—Subsec. (b)(1)(A). Pub. L. 111-16 substituted “7 days” for “5 days”.

2006—Subsec. (h)(1). Pub. L. 109-248, §507, inserted “, and provide reasonable compensation and payment of expenses for,” after “The court may appoint”.

Subsec. (m). Pub. L. 109-248, §504, added subsec. (m).
1996—Subsec. (e). Pub. L. 104-294, §605(h)(1), substituted “serve the Government’s” for “serve the government’s”.

Subsec. (h)(3). Pub. L. 104-294, §605(h)(2), substituted “in paragraph (2)” for “in subpart (2)”.

1994—Pub. L. 103-322, §330011(e), made technical amendment to directory language of Pub. L. 101-647, §225(a), which enacted this section.

Pub. L. 103-322, §330010(7)(B), substituted “Government” for “government” in subssecs. (b)(1)(A), (D), (2)(A), and (c)(5)(B), in subsec. (d)(1)(B)(i) after “hired by the”, and in subsec. (g)(1).

Pub. L. 103-322, §330010(7)(A), substituted “sub-section” for “subdivision” in subssecs. (b)(1)(A), (D)(i), (2)(A), (B)(iii)(III), (c)(1), (d)(4), and (f).

Subsec. (a)(11) to (13). Pub. L. 103-322, §330010(6), redesignated pars. (12) and (13) as (11) and (12), respectively, and struck out former par. (11) which read as follows: “the term ‘exploitation’ means child pornography or child prostitution.”

Subsec. (k). Pub. L. 103-322, §330018(b), substituted heading for one which read “Extension of Child Statute of Limitations” and struck out first sentence which read as follows: “No statute of limitation that would otherwise preclude prosecution for an offense involving the sexual or physical abuse of a child under the age of 18 years shall preclude such prosecution before the child reaches the age of 25 years.”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-16 effective Dec. 1, 2009, see section 7 of Pub. L. 111-16, set out as a note under section 109 of Title 11, Bankruptcy.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-322, title XXXIII, §330011(e), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of the date on which section 225(a) of Pub. L. 101-647 took effect.

§ 3510. Rights of victims to attend and observe trial

(a) NON-CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, make a statement or present any information in relation to the sentence.

(b) CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as to the effect of the offense on the victim and the victim’s family or as to any other factor for which notice is required under section 3593(a).

(c) DEFINITION.—As used in this section, the term “victim” includes all persons defined as victims in section 503(e)(2) of the Victims’ Rights and Restitution Act of 1990.

(Added Pub. L. 105-6, §2(a), Mar. 19, 1997, 111 Stat. 12.)

REFERENCES IN TEXT

Section 503(e)(2) of the Victims’ Rights and Restitution Act of 1990, referred to in subsec. (c), is classified to section 20141(e)(2) of Title 34, Crime Control and Law Enforcement.

EFFECTIVE DATE

Pub. L. 105-6, §2(d), Mar. 19, 1997, 111 Stat. 13, provided that: “The amendments made by this section [enacting this section and amending section 3593 of this title] shall apply in cases pending on the date of the enactment of this Act [Mar. 19, 1997].”

§ 3511. Judicial review of requests for information

(a) The recipient of a request for records, a report, or other information under section 2709(b)