

**PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**  
NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY 2016

**SENATE BILL NO. 169**

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**AN ACT TO REVISE PROVISIONS RELATED TO CHILD PORNOGRAPHY AND TO  
REVISE THE PENALTY THEREFOR.**

A prison or jail impact has been requested for Senate Bill 169 due to an increased penalty for any person who sells child pornography, and adds “or other electronic means” to the manners of publishing or transmitting the personally identifiable information of minors for purposes of soliciting a minor for sexual acts.

Currently, it is a Class 6 felony to sell child pornography. The bill would increase the penalty to a Class 4 felony. There were no arrests and no convictions for sale of pornography from January 1, 2010 to December 31, 2015. Therefore, even with the increase in penalty, it is the opinion of the LRC that the change in the law will not create any additional prison or jail costs.

The bill also amends § 22-24A-5, which, among other things, prohibits solicitation of a minor. This bill would add “by any other electronic” means to the part of the statute that prohibits the transmission of the personally identifiable information of a minor for purposes of solicitation of a minor. There were 188 arrests and 39 convictions under this statute between January 1, 2010 and December 31, 2015, making for an approximate conviction rate of 20%. Because this statute also prohibits the solicitation of a minor for sexual acts, in addition to the transmission of the minor’s personal information, it is impossible for the LRC to distinguish how many defendants are actually arrested and convicted for the transmission of the minor’s information, and not solely or additionally for soliciting a minor. It is the belief of the LRC that the change to the statute is for purposes of clarification, to add electronic devices such as cell phones, cell phone applications, and other newer technology to the law, to update and ensure against misinterpretation. Due to this minor change, and the relatively low number of convictions each year, it is not likely the change will bring a significant prison impact.

Therefore, the prison or jail impact of Senate Bill 169 is negligible.

Approved: /S/ Jason Hancock  
Director, Legislative Research Council

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