



Attorney General Bill McCollum

Exploited Children's Rights Act SB 1442 by Sen. Dockery/HB 605 by Rep. Rivera

Problem

According to the National Center for Missing and Exploited Children, there are more than 30 children who have been identified as victims of Florida-based child pornography. These individuals face continued victimization as the images of their sexual abuse are repeatedly downloaded and distributed by collectors of child pornography.

Unfortunately, child pornography is treated as a "victimless crime." Victims are not notified about legal cases involving their images nor do they have a chance to be heard at perpetrators' sentencing. Additionally, these victims do not receive information about their rights as crime victims, which include support and financial assistance, nor are they provided any civil remedy for the possession and distribution of the images of their sexual abuse.

Solution

The Federal Adam Walsh Act has created a provision known as "Masha's Law" which gives child pornography victims the necessary rights in any federally prosecuted case, but there is no similar law in any state.

To allow victims of Florida-based child pornography to have the opportunity to be heard by state courts and to be compensated for the crimes committed against them, Senate Bill 1442 and House Bill 605 would create a law similar to Masha's Law, granting victims their rights in court proceedings and providing civil penalties against those who continue the exploitation and abuse.

Key Provisions

- The *Exploited Children's Rights Act* will allow victims of Florida-based child pornography to seek a civil remedy of no less than \$150,000 per incident against perpetrators who download and distribute images of their sexual abuse.
- The bill will allow the Attorney General's Office to pursue these civil cases on behalf of the victims at the victims' request.
- The bill will provide an electronic notification system to inform victims about pending cases, allowing them to maintain their privacy while still being heard and considered in criminal court cases. This system would be a model for the nation.