

**531.080 Special verdict.**

- (1) The jury, or the court, if a jury trial is waived, shall render a general verdict, and shall also render a special verdict as to whether the matter named in the charge is obscene. The special verdict or findings on the issue of obscenity may be: "We find the .... (title or description of matter) to be obscene," or, "We find the .... (title or description of matter) not to be obscene," as they may find each item is or is not obscene.
- (2) Whenever a person is tried for distribution of matter portraying a sexual performance by a minor, the jury, or the court, if a jury trial is waived, shall render a special verdict as to whether the matter named in the charge portrays a sexual performance by a minor. The special verdict or findings on the issue of whether or not the matter portrays a sexual performance by a minor may be: "We find the . . . . (title or description of matter) to portray a sexual performance by a minor," or, "We find the . . . . (title or description of matter) not to portray a sexual performance by a minor," as they may find each item to portray or not to portray a sexual performance by a minor.
- (3) Upon the conviction of the accused, the court may, when the conviction becomes final, order any matter or advertisement, in respect whereof the accused stands convicted, and which remains in the possession or under the control of the Attorney General, Commonwealth's attorney, county attorney, city attorney or their authorized assistants, or any law enforcement agency, to be destroyed, and the court may cause to be destroyed any such material in its possession or under its control.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 219, sec. 8, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 406, sec. 272, effective January 1, 1975.