

In Idaho, it's not child pornography if it's art

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By Kathy Hedberg of the Tribune

Case at ALACCA prompts Idaho County prosecutor to criticize 'loophole' in state law

Mark Kennedy and his wife, Angela, run the ALACCA Bible camp at Harpster on the South Fork of the Cl...

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GRANGEVILLE - Idaho County Prosecutor Kirk A. MacGregor wants the Idaho Legislature to make it a crime to possess drawings or artistic renderings of children in sexually explicit situations.

Unlike Washington, where having sexually explicit drawings of children is a crime, Idaho only prosecutes people who possess photographs of child pornography.

That needs to change, MacGregor said. "I think the state Legislature has got to fix the statute because it appears that you're only guilty if it's photographic material," MacGregor said. "It's legal to possess drawings of children in sexually exploitative situations and I think it should be a crime. ... To me, it's a loophole in the law that needs to be fixed."

MacGregor said Idaho law says pornography has to be photographic materials, but there is no explanation in the statute about why artistic renderings do not fall into the same category. Some of the argument, he said, is with photographs there are direct victims, but with drawings there are not.

MacGregor recently decided not to file charges against Roger Dale Kilman, 56, for possession of drawings of children in sexually explicit situations. Kilman, who was a maintenance and kitchen worker for ALACCA Bible Conference at Harpster, was hospitalized for ill health at Clearwater Valley Hospital in Orofino in June when drawings were found in his desk and on his computer. Kilman was previously convicted in Walla Walla County, Wash., on seven counts of possession of child pornography, MacGregor said, but failed to register as a sex offender after moving to Idaho four years ago.

Kilman pleaded guilty Aug. 19 to four counts of failing to register as a sex offender. He is scheduled for sentencing in 2nd District Court here at 10:30 a.m. Nov. 4. He is being represented by Idaho County Public Defender Gregory C. Dickison. An attempt to reach Dickison for comment was unsuccessful.

Crystal Harris, a detective with the Walla Walla County Sheriff's Department, said Kilman spent at least 90 days in jail for possession of more than 150 depictions on the Internet of child pornography in 2005. At the time, the crime was a class C felony, but has since been upgraded to a class B felony, Harris said. Kilman had no previous criminal record, she said.

The drawings at ALACCA were discovered after Kilman asked his employers, Mark and Angela Kennedy, who are the directors of the camp, to log onto his computer to pay a bill for him while he was in the hospital.

While doing so, the Kennedys discovered the drawings and contacted the Idaho County Sheriff's Office. Kilman was arrested, but has remained hospitalized since.

Mark Kennedy, who has been director of the Bible camp for three years, said when he arrived he aggressively pursued background checks on all the volunteer personnel at the camp. Although he met with some resistance from people who believed the checks were an invasion of their privacy, Kilman did not object. Kennedy was told by another person Kilman had already been checked, however, and no further investigation on him was pursued.

Kennedy said he immediately began contacting the churches and other patrons of the Bible camp, located in a wooded area along the South Fork of the Clearwater River to inform them of the situation. Although rumors have been flying since Kilman's arrest, Kennedy said the incident did not cut down on the number of people who attended the nondenominational Bible camp this summer. The camp operates year-round, but the main season is during summer months.

There have been no reports, Kennedy said, that Kilman ever touched a child inappropriately while at the camp. An investigation by the Idaho County Sheriff's Office did not turn up evidence of inappropriate touching. Most of the time, he added, Kilman's health was so poor he was unable to complete his duties when campers were at ALACCA.

"There is no evidence anywhere, that Roger had any physical contact with a kid. His issue seems to have stayed with the pornography," Kennedy said.

"One of the things that God really protected us is with Roger's ill health," Kennedy said. "Because he couldn't function very well. He very seldom made it through a whole retreat. We became almost primary caregivers. In a way, I think that protected us."

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