CHAPTER 494

(Senate Bill 554)

AN ACT concerning

Crimes and Punishments - Child Pornography

FOR--the--purpose--of--preventing-the-exploitation-of-children-by
     prohibiting-the-promotion,-distribution,-or-possession--with
     intent--to--distribute--any--matter,--sexual-performance,-or
     other-visual-representation-which-depicts-a-person-under-age
     18-years-engaged-as-a-subject-in-sexual-conduct;-providing-a
     penalty;-providing-that-in-an-action-brought-under-this--Act
     the-age-of-a-child-depicted-engaged-in-sexual-conduct-may-be
     determined--in--a--certain-manner;-defining-terms,-providing
     certain-penalties;--and--generally--relating--to--promotion,
     distribution,--or--possession--with-intent-to-distribute-any
     matter-or-sexual-performance,-whether-obscene-or-not,--which
     depicts-a-child-engaged-in-sexual-conduct.

BY-repealing-and-reenacting,-with-amendments,

     Article-27---Crimes-and-Punishments
     Section---419A---to--be--under--the--new--subheading--"Child
          Pornography"
     Annotated-Code-of-Maryland
     (1982-Replacement-Volume-and-1984-Supplement)


BY-adding-to

     Article-27---Crimes-and-Punishments
     Section-419B
     Annotated-Code-of-Maryland
     (1982-Replacement-Volume-and-1984-Supplement)


                         Preamble

     WHEREAS,-The-General-Assembly-of-Maryland-hereby--finds--and
declares-that-there-has-been-a-proliferation-of-child-pornography
and-sexual-performances-involving-children;-and

     WHEREAS,--The--use--of--children--as--subjects--of--sexually
explicit-materials-or--sexual--performances--is--harmful--to--the
physiological,-emotional,-and-mental-health-of-children;-and

     WHEREAS,--Sexual--molestation--or--sexual-abuse-by-adults-is
often-involved-in-the-production-of--child--pornography--and--the
State---is---responsible---for---safeguarding--the--physical--and
psychological-well-being-of-children;-and

     WHEREAS,--The--laws--currently--in--force--have---not---been
sufficiently--effective--in--curbing--the--sexual-exploitation-or