

~~(5) -- ANY OTHER -- METHOD -- AUTHORIZED -- BY -- AN -- APPLICABLE
PROVISION OF LAW OR RULE OF EVIDENCE.~~

FOR the purpose of providing that a person who takes certain action that depicts a child engaged in sexual conduct is subject to a certain penalty; altering a penalty; providing that in a certain action and under certain circumstances, the State's Attorney is not required to identify or produce testimony from the child who is depicted in obscene matter; providing certain factors that may be used by the court or jury in determining the age of the child; and generally relating to child pornography.

BY repealing and reenacting, with amendments,

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

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

419A.

(a) Every person who solicits, causes, induces, or knowingly permits a person under 16 years of age to engage as a subject in the production of obscene matter is subject to the penalty provided in subsection (c).

(b) Every person who photographs or films a person under 16 years of age engaging in an obscene act is subject to the penalty provided in subsection (c).

(C) EVERY PERSON WHO KNOWINGLY PROMOTES, DISTRIBUTES, OR POSSESSES WITH INTENT TO DISTRIBUTE ANY MATTER OR OTHER VISUAL REPRESENTATION, WHICH DEPICTS A CHILD ENGAGED AS A SUBJECT IN SEXUAL CONDUCT, AS DEFINED IN § 416A OF THIS ARTICLE, IS SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (D) OF THIS SECTION.

(e) (D) Every person who violates the provisions of this section is guilty of a felony and upon conviction shall be fined not more than ~~\$15,000~~ \$25,000 or imprisoned for 10 years, or both in the discretion of the court.

(E) (1) IN ANY ACTION BROUGHT UNDER THIS SECTION, WHERE THE CHILD'S IDENTITY IS UNKNOWN OR WHERE THE CHILD IS OUTSIDE THE JURISDICTION, THE STATE'S ATTORNEY IS NOT REQUIRED TO IDENTIFY OR PRODUCE TESTIMONY FROM THE CHILD WHO IS DEPICTED IN THE OBSCENE MATTER.