

Governor

Senate Bill No. 491

AN ACT concerning

Crimes and Punishments - Child Pornography

FOR the purpose of prohibiting the promotion, distribution, or possession with intent to distribute any obscene matter, or other visual representation or performance that depicts a person under age 16 years engaged as a subject in sexual conduct; providing that, in an action brought under this Act, the age of a child depicted in obscene matter or depicted engaged in sexual conduct, may be determined by the court or jury in a certain manner; clarifying language; providing exemptions for persons having certain bona fide justifications for possessing or distributing this matter; and generally relating to promotion, distribution, or possession with intent to distribute any matter or performance, that depicts a child engaged in sexual conduct.

BY repealing and reenacting, without amendments,

Article 27 - Crimes and Punishments
Section 416A(d)
Annotated Code of Maryland
(1982 Replacement Volume and 1985 Supplement)

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 419A and 423
Annotated Code of Maryland
(1982 Replacement Volume and 1985 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

416A.

The following words and phrases, as used in this subheading, have the meanings indicated:

(d) Sexual conduct means human masturbation, sexual intercourse, or any touching of or contact with the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.