

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 ANY obscene matter OR ANY VISUAL REPRESENTATION OR PERFORMANCE THAT DEPICTS A CHILD ENGAGED AS A SUBJECT IN SEXUAL CONDUCT AS DEFINED IN § 416A(D) OF THIS ARTICLE, is subject to the penalty provided in subsection [(c)] (D).

(b) Every person who photographs or films a person under 16 years of age engaging in an obscene act OR ENGAGING IN SEXUAL CONDUCT AS DEFINED IN § 416A OF THIS ARTICLE, is subject to the penalty provided in subsection [(c)] (D).

(c) Every person who knowingly promotes, distributes, or possesses with intent to distribute any matter or other visual representation[, which] OR PERFORMANCE THAT 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.

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

(e) (1) ~~in~~ 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 OR IN ANY VISUAL REPRESENTATION OR PERFORMANCE THAT DEPICTS THE CHILD ENGAGED AS A SUBJECT IN SEXUAL CONDUCT AS DEFINED IN § 416A OF THIS ARTICLE.

(2) The court or jury may determine whether a child who is depicted in ANY obscene matter, OR ANY VISUAL REPRESENTATION OR PERFORMANCE AS THE SUBJECT IN SEXUAL CONDUCT AS DEFINED IN § 416A OF THIS ARTICLE, was under the age of 16 years by observation of the [obscene] matter depicting the child, oral testimony by a witness to the production of the [obscene] matter, expert medical testimony, or any other method authorized by an applicable provision of law or rule of evidence.

423.

(A) The prohibitions and penalties imposed in this subtitle shall not extend to persons having bona fide scientific, educational, governmental, ARTISTIC, NEWS, or other similar justification for possessing OR DISTRIBUTING such matter, or to distributions thereof pursuant to such justification.

(B) A JUSTIFICATION IS NOT BONA FIDE UNDER THIS SECTION WITH REGARD TO DEPICTIONS OF CHILDREN ENGAGING IN SEXUAL CONDUCT IF A REASONABLE PERSON WOULD FIND THAT A DOMINANT PURPOSE OF THE