

NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT A PARENT FROM POSSESSING VISUAL REPRESENTATIONS OF THE PARENT'S OWN CHILD IN THE NUDE UNLESS THE VISUAL REPRESENTATIONS DEPICT THE CHILD ENGAGED:

- (1) AS A SUBJECT OF SADMASOCHISTIC ABUSE; OR
- (2) IN SEXUAL CONDUCT AND IN A STATE OF SEXUAL EXCITEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 419B.

In subsection (b) of this section, the references to a "violation" are substituted for the former references to an "offense" for consistency within this article. See General Revisor's Note to article.

In subsection (b)(2) of this section, the reference to "each" violation is substituted for the former reference to "a second or" subsequent offense for consistency within this article.

Defined terms: "Knowingly" § 11-201

"Person" § 1-101

"Sadomasochistic abuse" § 11-201

"Sexual conduct" § 11-201

"Sexual excitement" § 11-201

11-209. HIRING MINOR FOR PROHIBITED PURPOSE.

(A) PROHIBITED.

A PERSON MAY NOT HIRE, EMPLOY, OR USE AN INDIVIDUAL, IF THE PERSON KNOWS, AND POSSESSES FACTS UNDER WHICH THE PERSON SHOULD REASONABLY KNOW, THAT THE INDIVIDUAL IS A MINOR, TO DO OR ASSIST IN DOING AN ACT DESCRIBED IN § 11-203 OF THIS SUBTITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 420 and 424.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a) of this section, the reference to a person who "knows, and possesses facts under which the person should reasonably know, that the individual is a minor" requires both actual knowledge and a reasonable basis for knowledge that an employee