

- (ii) oral testimony by a witness to the production of the matter, representation, or performance;
- (iii) expert medical testimony; or
- (iv) any other method authorized by an applicable provision of law or rule of evidence.

11-208.

(a) A person may not knowingly possess a film, videotape, photograph, or other visual representation depicting an individual under the age of 16 years:

- (1) engaged as a subject of sadomasochistic abuse;
- (2) engaged in sexual conduct; or
- (3) in a state of sexual excitement.

(b) 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 \$2,500 or both; and
- (2) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.

(c) 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 sadomasochistic abuse; or
- (2) in sexual conduct and in a state of sexual excitement.

11-208.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CHILD PORNOGRAPHY" MEANS ANY ELECTRONIC IMAGE OR VISUAL DEPICTION THAT IS UNLAWFUL UNDER § 11-207 OR § 11-208 OF THIS SUBTITLE.

(3) "CONTROLLED OR OWNED", WITH RESPECT TO A SERVER OR OTHER STORAGE DEVICE, MEANS TO BE ENTIRELY OWNED BY AN INTERACTIVE COMPUTER SERVICE PROVIDER OR TO BE SUBJECT TO EXCLUSIVE MANAGEMENT BY AN INTERACTIVE COMPUTER SERVICE PROVIDER BY AGREEMENT OR OTHERWISE.

(4) "INTERACTIVE COMPUTER SERVICE PROVIDER" MEANS AN ENTITY THAT PROVIDES A SERVICE THAT PROVIDES OR ENABLES COMPUTER ACCESS VIA THE INTERNET BY MULTIPLE USERS TO A COMPUTER SERVER OR SIMILAR DEVICE USED FOR THE STORAGE OF GRAPHICS, VIDEO, OR IMAGES.