

CHAPTER 596

(House Bill 285)

AN ACT concerning

Criminal Law - Possession of Child Pornography - Penalty

FOR the purpose of ~~altering the age of an individual relating to a provision of law to make the offense of knowingly possessing a film, videotape, photograph, or other visual representation showing a certain depiction of an individual under a certain age; altering the penalty for the offense of knowingly possessing a film, videotape, photograph, or other visual representation showing~~ apply only to a certain depiction of an individual actual child under a certain age; providing for a certain affirmative defense to a charge under this Act; altering a certain criminal penalty; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article - Criminal Law
Section 11-208
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Article - Criminal Law

11-208.

(a) A person may not knowingly possess AND INTENTIONALLY RETAIN a film, videotape, photograph, or other visual representation ~~depicting~~ SHOWING an ~~individual~~ ACTUAL CHILD under the age of ~~[16]~~ 17 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: