

(e) "Sexual excitement" means the condition of human male or female genitals, or the breasts of the female, when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

419B.

~~(A) A PERSON MAY NOT KNOWINGLY POSSESS ANY MATTER OR OTHER VISUAL REPRESENTATION DEPICTING A PERSON UNDER 18 YEARS OF AGE ENGAGED IN AN OBSCENE ACT OR AS A SUBJECT OF IN SEXUAL CONDUCT, SADOMASOCHISTIC ABUSE, OR A STATE OF SEXUAL EXCITEMENT AS DEFINED IN § 416A(D) § 416A OF THIS ARTICLE.~~

~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO IS CONVICTED FOR A FIRST OFFENSE UNDER THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE NOT TO EXCEED \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.~~

~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO IS CONVICTED FOR A SECOND OR SUBSEQUENT OFFENSE UNDER THIS SECTION SHALL BE GUILTY OF A FELONY AND SUBJECT TO A FINE NOT TO EXCEED \$25,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.~~

(A) A PERSON MAY NOT KNOWINGLY POSSESS ANY FILM, VIDEOTAPE, PHOTOGRAPH, OR OTHER VISUAL REPRESENTATION DEPICTING AN INDIVIDUAL UNDER THE AGE OF 16 YEARS ENGAGED AS A SUBJECT OF SADOMASOCHISTIC ABUSE OR IN SEXUAL CONDUCT, OR IN A STATE OF SEXUAL EXCITEMENT, AS THOSE TERMS ARE DEFINED UNDER § 416A OF THIS ARTICLE.

(B) 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 AS A SUBJECT OF SADOMASOCHISTIC ABUSE OR IN SEXUAL CONDUCT AND IN A STATE OF SEXUAL EXCITEMENT.

(C) (1) FOR A FIRST OFFENSE A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) FOR A SECOND OR SUBSEQUENT OFFENSE A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

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.