

(1987 Replacement Volume and 1991 Supplement)

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

Article 27 - Crimes and Punishments

416A.

The following words and phrases, as used in this subheading, have the meanings indicated:

(c) "Sadomasochistic abuse" means flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound, or otherwise physically restrained.

(d) "Sexual conduct" means human masturbation, {sexual intercourse} ~~VAGINAL, ANAL, OR ORAL INTERCOURSE, WHETHER ACTUAL OR SIMULATED, OBSCENE EXHIBITION OF UNCOVERED GENITALS~~, or any touching of or contact with exposed genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

(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 FILM, VIDEOTAPE, PHOTOGRAPH, OR OTHER VISUAL REPRESENTATION DEPICTING AN INDIVIDUAL UNDER THE AGE OF ~~18~~ 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 ~~OR~~ 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.