

A018-0102

10 AN ACT CONCERNING

20 **Crimes and Punishments – Obscene Manner**

30 FOR the purpose of increasing the penalties for harboring child pornography.

40 BY repealing, and re-enacting, with amendments

50 Article – Crimes and Punishments

60 § 419B

70 Annotated Code of Maryland

80 (2001 Replacement Volume)

90 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE: That the  
100 Laws of Maryland read as follows:

110 **Article – Crimes and Punishments**

120 § 419B.

130 Possession of visual representations of persons under age 16 engaged in certain sexual acts

140 (a) Prohibited acts. -- A person may not knowingly possess any film, videotape, photograph,  
150 or other visual representation depicting an individual under the age of 16 years engaged as a  
160 subject of sadomasochistic abuse or in sexual conduct, or in a state of sexual excitement, as those  
170 terms are defined under § 416A of this article.

180 (b) Exceptions. -- Nothing in this section may be construed to prohibit a parent from  
190 possessing visual representations of the parent's own child in the nude unless the visual  
200 representations depict the child engaged as a subject of sadomasochistic abuse or in sexual  
210 conduct and in a state of sexual excitement.

220 (c) Penalties

230 (1) For a first offense a person who violates this section is guilty of a misdemeanor  
240 and on conviction is subject to a fine not exceeding ~~\$2,500~~ \$5,000, AND NOT LESS  
250 THAN \$3,000 ~~or~~ WITH imprisonment not exceeding 1 year ~~or both~~, BUT NO  
260 LESS THAN 4 MONTHS.

270 (2) For a second or subsequent offense a person who violates this section is guilty of  
280 a misdemeanor and on conviction is subject to a fine not exceeding ~~\$5,000~~ \$7,500, AND  
290 NOT LESS THAN \$5,000 ~~or~~ WITH imprisonment not exceeding 2 years, AND NOT  
300 LESS THAN 1 YEAR ~~or both~~.

310 SECTION 2. AND BE IT FURTHER ENACTED, that this act shall take effect on October 1,  
320 2002.

330 MANDATES: Senator Walter Baker  
340 Delegate Vallario  
350 Incoming Chair of Senate Judicial Proceedings Committee  
360 Incoming Chair of House Judiciary Committee

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