

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1056)

HOUSE AMENDMENT "C" to H.P. 2106, L.D. 2141, Bill, "AN ACT
to Prohibit Child Pornography."

Amend the Bill by striking out all of the first
2 underlined lines of subsection 5 of that part designated
"§2921." of section 1 and inserting in their place the
following: (first line in L.D. of subsection 5)

'5. Sexually explicit conduct. "Sexually explicit
conduct" means any of the following acts:'

Further amend the bill in section 1, in that part
designated "§2922." subsection 1, paragraph A, by striking out
in the last line the following: "sexual" and inserting in its
place the following: 'sexually explicit'

Further amend the bill in section 1, in that part
designated "§2922." subsection 1, paragraph B, by striking out
in the 4th line (3rd line in LD) the following: "sexual"
and inserting in its place the following: 'sexually explicit'

Further amend the bill in section 1 in that part designated "§2922." by striking out all of subsection 2, and inserting in its place the following:

2. Penalty. The penalty for sexual exploitation of a minor shall be as follows.

A. If the State pleads and proves that at the time the offense was committed the person had been previously convicted of a violation of this section, then sexual exploitation of a minor is a Class A crime; provided that the court shall impose a term of imprisonment of not less than 10 years.

B. Otherwise, sexual exploitation of a minor is a Class B crime; provided that the court shall impose a term of imprisonment of not less than 5 years.

C. A minimum term of imprisonment imposed under paragraph A or paragraph B shall not be suspended and probation shall not be granted unless the court sets forth in detail the reasons for suspending the sentence. The court shall consider the nature and circumstances of the crime, the physical and mental well-being of the minor, the history and character of the defendant, and shall only suspend the minimum term if it is of the opinion that the exceptional features of the case justify the imposition of another sentence.

Further amend the Bill by striking out all of the first line of that part designated "§2923." and inserting in its place the following:

'§2923. Dissemination of sexually explicit materials'

Further amend the Bill by striking out all of the first underlined paragraph of subsection 1 of that part designated "§2923." of section 1 and inserting in its place the following:

'A person is guilty of dissemination of sexually explicit materials if he intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material which:'

Further amend the bill in section 1, in that part designated "§2923." subsection 1, paragraph A, last line, (same in L.D.) by striking out the following: "sexual" and inserting in its place the following: 'sexually explicit'

Further amend the bill in section 1 in that part designated "§2923." by striking out all of subsection 3 and inserting in its place the following:

'3. Penalty. The penalty for dissemination of sexually explicit materials of a minor shall be as follows.

A. If the State pleads and proves that at the time the offense was committed the person had been previously convicted of a violation of this section, then dissemination of sexually explicit materials is a Class B crime; provided that the court shall impose a term of imprisonment of not less than 5 years.

B. Otherwise, dissemination of sexually explicit materials is a Class C crime; provided that the court shall impose a term of imprisonment of not less than 2 years.

C. A minimum term of imprisonment imposed under paragraph A or paragraph B shall not be suspended and probation shall not be granted unless the court sets forth in detail the reasons for suspending the sentence. The court shall consider the nature and circumstances of the crime, the physical and mental well-being of the minor, the history and character of the defendant, and shall only suspend the minimum term if it is of the opinion that the exceptional features of the case justify the imposition of another sentence.'

Statement of Fact

This amendment changes the term "sexually exploitive materials" to "sexually explicit materials," and provides an increase in the penalty and mandatory sentence for a 2nd conviction.

Filed by Mr. Wyman of Pittsfield.

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the House.
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