

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 665

H.P. 507

House of Representatives, February 25, 1993

An Act to Amend the Laws Governing Sexual Exploitation of Minors.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DiPIETRO of South Portland.
Cosponsored by Senator AMERO of Cumberland and
Representatives: BRUNO of Raymond, DUTREMBLE of Biddeford, GRAY of Sedgwick,
MARSH of West Gardiner, PENDEXTER of Scarborough, PLOURDE of Biddeford, TARDY
of Palmyra, VIGUE of Winslow, Senators: BUTLAND of Cumberland, SUMMERS of
Cumberland.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17 MRSA §2924 is enacted to read:

§2924. Possession of sexually explicit materials

1. Offense. A person is guilty of possession of sexually explicit material if that person intentionally or knowingly transports, exhibits, receives, purchases or possesses any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material that depicts any minor, who the person knows or has reason to know is a minor, engaging in sexually explicit conduct.

2. Penalty. Possession of sexually explicit materials is a Class C crime, except that, notwithstanding Title 17-A, section 1252, any person convicted of this crime must be sentenced to imprisonment for not less than 2 years. If the State pleads and proves a prior conviction under this section, the crime is a Class B crime, except that, notwithstanding Title 17-A, section 1252, any person convicted of this 2nd crime must be sentenced to imprisonment for not less than 5 years. The court may not suspend either minimum term of imprisonment unless the court sets forth in detail, in writing, the reasons for suspending the sentence. The court may consider the nature and circumstances of the crime, the physical and mental well-being of the minor and the history and character of the defendant and may suspend the minimum term only if the court is of the opinion that the exceptional features of the case justify the imposition of a lesser sentence.

STATEMENT OF FACT

The purpose of this bill is to deal with the growing problem of child pornography by making crimes of activities that exploit minors by producing and distributing child pornography. The bill also makes it a crime to possess sexually explicit materials and increases the penalty and mandatory sentence for a 2nd conviction.