

MAINE STATE LEGISLATURE

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L.D. 548

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DATE: 5/31/5

(Filing No. H-571)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to H.P. 403, L.D. 548, Bill, "An Act To Enhance the Prosecution of Child Pornography Cases"

Amend the bill in section 2 by striking out all of the first 2 lines (page 1, lines 22 and 23 in L.D.) and inserting in their place the following:

'Sec. 2. 17-A MRSA §284, sub-§§3 and 4, as enacted by PL 2003, c. 711, Pt. B, §12, are amended to read:

3. The age of the person depicted and that the person depicted is an actual person may be reasonably inferred from the depiction. Competent medical evidence or other expert testimony may be used to establish the age and authenticity of the person depicted.'

Further amend the bill by striking out all of section 3.

SUMMARY

This amendment strikes from the bill the affirmative defense that the alleged minor depicted is not an actual person or is not a minor. The amendment instead amends the permissible inference provision that, subject to Rule 303 of the Maine Rules of Evidence, authorizes one to draw an inference that the person depicted is an actual person.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 05/25/05 *MAC*

122nd MAINE LEGISLATURE

LD 548

LR 1857(04)

An Act To Enhance the Prosecution of Child Pornography Cases

Fiscal Note for Bill as Amended by Committee Amendment **B**

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new Class D crime

The collection of additional fines may also increase General Fund revenue by minor amounts