

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 548

H.P. 403

House of Representatives, February 3, 2005

An Act To Enhance the Prosecution of Child Pornography Cases

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SYKES of Harrison.

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

4 **Sec. 1. 17-A MRSA §284, sub-§1, ¶A,** as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

6 A. Intentionally or knowingly transports, exhibits,
8 purchases or possesses any book, magazine, newspaper, print,
negative, slide, motion picture, computer data file,
10 videotape or other mechanically, electronically or
chemically reproduced visual image or material that the
12 person knows or should know depicts another person engaging
in sexually explicit conduct, and:

14 (1) The other person has not in fact attained ~~14~~ 16
years of age; or

16 (2) The person knows or has reason to know that the
18 other person has not attained ~~14~~ 16 years of age.

20 Violation of this paragraph is a Class D crime;

22 **Sec. 2. 17-A MRSA §284, sub-§4,** as enacted by PL 2003, c. 711,
Pt. B, §12, is amended to read:

24 **4.** Any material that depicts a person who has not attained
26 ~~14~~ 16 years of age engaging in sexually explicit conduct is
declared to be contraband and may be seized by the State.

28 **Sec. 3. 17-A MRSA §286** is enacted to read:

30 **§286. Affirmative defense**

32 It is an affirmative defense to section 283 or 284 that the
34 alleged minor depicted in the sexually explicit material is not
36 an actual person or is not a minor.

38 **SUMMARY**

40 Under current law, it is illegal to depict a person under 14
42 years of age in sexually explicit material. This bill raises the
age to under 16 years of age. This bill also creates the
44 affirmative defenses to the crimes of dissemination of sexually
explicit material and possession of sexually explicit material
46 that the alleged minor depicted is not an actual person or is not
a minor.