
By: **Chairman, Judiciary Committee (Departmental - State Police, Dept. of)**
Introduced and read first time: January 22, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Possession of Child Pornography - Penalties**

3 FOR the purpose of changing the crime of possession of child pornography from a
4 misdemeanor to a felony; altering the penalty for possessing child pornography;
5 and generally relating to possession of child pornography.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 419B
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1998 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 27 - Crimes and Punishments**

14 419B.

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

19 (b) Nothing in this section may be construed to prohibit a parent from
20 possessing visual representations of the parent's own child in the nude unless the
21 visual representations depict the child engaged as a subject of sadomasochistic abuse
22 or in sexual conduct and in a state of sexual excitement.

23 (c) (1) For a first offense a person who violates this section is guilty of a
24 [misdemeanor] FELONY and on conviction is subject to a fine not exceeding [\$2,500]
25 \$5,000 or imprisonment not exceeding [1 year] 2 YEARS or both.

26 (2) For a second or subsequent offense a person who violates this section
27 is guilty of a [misdemeanor] FELONY and on conviction is subject to a fine not
28 exceeding [\$5,000] \$10,000 or imprisonment not exceeding [2] 5 years or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999.