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By: **Delegates Shank, Kelly, McComas, McMillan, and O'Donnell**
Introduced and read first time: February 10, 2006
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2   **Criminal Law - Possession of Child Pornography - Penalty**

3 FOR the purpose of altering the penalty for the offense of knowingly possessing a
4   film, videotape, photograph, or other visual representation showing a certain
5   depiction of an individual under a certain age; and generally relating to child
6   pornography.

7 BY repealing and reenacting, with amendments,
8   Article - Criminal Law
9   Section 11-208
10   Annotated Code of Maryland
11   (2002 Volume and 2005 Supplement)

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

14   **Article - Criminal Law**

15 11-208.

16   (a)   A person may not knowingly possess a film, videotape, photograph, or
17 other visual representation depicting an individual under the age of 16 years:

18   (1)   engaged as a subject of sadomasochistic abuse;

19   (2)   engaged in sexual conduct; or

20   (3)   in a state of sexual excitement.

21   (b)   A person who violates this section is guilty of a misdemeanor and on
22 conviction is subject to[:

23   (1)   for a first violation, imprisonment not exceeding 1 year or a fine not
24 exceeding $2,500 or both; and

1   (2)   for each subsequent violation, imprisonment not exceeding 2 years or
2 a fine not exceeding $5,000 or both] IMPRISONMENT NOT EXCEEDING 10 YEARS OR A
3 FINE NOT EXCEEDING $10,000 OR BOTH.

4   (c)   Nothing in this section may be construed to prohibit a parent from
5 possessing visual representations of the parent's own child in the nude unless the
6 visual representations depict the child engaged:

7   (1)   as a subject of sadomasochistic abuse; or

8   (2)   in sexual conduct and in a state of sexual excitement.

9   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2006.