

# SENATE BILL 329

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By: **Senators Jacobs, Colburn, DeGrange, Forehand, Haines, Harris, Hooper, Kittleman, Mooney, Munson, Muse, and Stone**

Introduced and read first time: January 31, 2007

Assigned to: Judicial Proceedings

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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 terms of imprisonment and fines for possessing  
4 certain visual representations of individuals under a certain age; changing the  
5 offense of possessing certain visual representations of individuals under a  
6 certain age from a misdemeanor to a felony; and generally relating to the  
7 possession of child pornography.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Law  
10 Section 11-208  
11 Annotated Code of Maryland  
12 (2002 Volume and 2006 Supplement)

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

15 **Article - Criminal Law**

16 11-208.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)    engaged in sexual conduct; or

2           (3)    in a state of sexual excitement.

3           (b)    A person who violates this section is guilty of a [~~misdemeanor~~]**FELONY**  
4 and on conviction is subject to:

5           (1)    for a first violation, imprisonment not exceeding [1 year] **2 YEARS**  
6 or a fine not exceeding [~~\$2,500~~] **\$5,000** or both; and

7           (2)    for each subsequent violation, imprisonment not exceeding [2]  
8 **4** years or a fine not exceeding [~~\$5,000~~] **\$10,000** or both.

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

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

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

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2007.