

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

—  
S.P. 172 - L.D. 580

**An Act To Protect Children from Sexual Predators**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** immediate action by the Legislature is necessary to close a loophole in the current statute regarding sexual exploitation of a minor in order to ensure prosecutors have the necessary tools to prosecute these cases and to better protect children; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 17-A MRSA §284, sub-§1, ¶A,** as amended by PL 2005, c. 345, §1, is further amended to read:

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

- (1) The other person has not in fact attained 16 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 16 years of age.

Violation of this paragraph is a Class D crime;

**Sec. 2. 17-A MRSA §284, sub-§1, ¶C,** as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

C. Intentionally or knowingly transports, exhibits, purchases ~~or~~, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or

chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 12 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 12 years of age.

Violation of this paragraph is a Class C crime; or

**Sec. 3. 17-A MRSA §284, sub-§5**, as enacted by PL 2009, c. 608, §4, is amended to read:

**5.** For purposes of this section, any element of age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination ~~or~~ possession or accessing of the sexually explicit visual image or material.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor