

S.19

An act relating to prohibiting intentionally accessing child pornography through the Internet

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 2827 is amended to read:

§ 2827. POSSESSION OF CHILD PORNOGRAPHY

(a) No person shall, with knowledge of the character and content, knowingly possess with intent to view or access with intent to view any photograph, film, or visual depiction, including any depiction which is stored electronically, of sexual conduct by a child or of a clearly lewd exhibition of a child's genitals or anus.

\* \* \*

(c) In any prosecution arising under this section, the defendant may raise any of the following affirmative defenses, which shall be proven by a preponderance of the evidence:

(1) ~~that~~ That the defendant in good faith had a reasonable basis to conclude that the child in fact had attained the age of 16 when the depiction was made;

(2) ~~that~~ That the defendant possessed or accessed depictions of child pornography and promptly and in good faith;

(A) took reasonable steps, whether successful or not, to destroy or eliminate the ~~depiction~~ depictions; or

(B) reported the matter to a law enforcement agency and afforded the agency access to the depictions.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.