
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 132 (H.936). Crimes and criminal procedures; sexual exploitation of children

An act relating to sexual exploitation of children

This act amends the chapter on sexual exploitation of children in several small, but substantive ways. The act expands the definition of sexual conduct and sexual performance involving a child under 16 years of age to include conduct “by, with, or on” a child. Promotion of sexual abuse materials is updated to include distribution through file-sharing and peer-to-peer networks. The term “child pornography” is changed to “child sexual abuse materials” and “knowingly accessing” such material “with intent to view” is now prohibited under the statute. Finally, the act requires the Attorney General, in collaboration with the Defender General and the Department of State’s Attorneys and Sheriffs, to examine the issue of simulated sexual conduct by, with, or on a child under 16 years of age as it relates to child sexual abuse material for the purpose of developing a clear, narrowly tailored legislative proposal that prohibits such conduct while ensuring that a substantial amount of constitutionally protected speech is not inadvertently swept into the purview of the statute. The AG must submit a recommendation to Justice Oversight by November 1, 2020.

Effective Date: July 1, 2020