STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2020

A N A C T
RELATING TO CRIMINAL OFFENSES -- CHILDREN

Introduced By: Senator Frank S. Lombardi

Date Introduced: February 27, 2020

Referred To: Senate Judiciary
(Rhode Island State Police)

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by adding thereto the following section:

11-9-1.6. Child erotica prohibited.

(a) Any person age eighteen (18) or over who knowingly and voluntarily, without threat or coercion, produces, possesses, displays or distributes, in any form, any visual portrayals of minors who are partially clothed, where the visual portrayals are used for the specific purpose of sexual gratification or sexual arousal from viewing the visual portrayals, is guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than one year, or fined not more than one thousand dollars ($1,000), or both.

(b) Affirmative defenses.

(1) It shall be an affirmative defense to a charge of violating this section that:

(i) The alleged child erotica was produced using an actual person or persons who was an adult at the time the material was produced;

(ii) The defendant promptly and in good faith and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy of it:

(A) Took reasonable steps to destroy each such image; or

(B) Reported the matter to a law enforcement agency and afforded that agency access to each such image;

(iii) That the possessor, displayer or distributor of child erotica is the parent or legal
guardian of the child depicted in the visual portrayals and there is no competent evidence to prove
an intent to use the visual portrayals for sexual gratification or sexual arousal from viewing the
visual portrayals.

(c) Severability. If any provision or provisions of this section, or the application of this
section to any person or circumstance is held invalid by a court of competent jurisdiction, that
invalidity does not affect the other provisions or applications of this section which can be given
effect without that invalid provision or provisions or application of the provision or provisions, and
to this end the provisions of this section are declared to be separable and severable.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make it a misdemeanor to possess, transfer and/or produce child erotica for
2 the specific purpose of sexual gratification or sexual arousal, punishable by confinement in jail for
3 not more than one year, or fine of not more one thousand dollars ($1,000), or both.
4 This act would take effect upon passage.

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