

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray relative to child pornography. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO CHILD PORNOGRAPHY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 29A of Chapter 272 of the General Laws
2 of the Commonwealth is hereby amended by the addition of a
3 new paragraph at the conclusion thereof as follows: —

4 Any commercial film or photographic print processor who has
5 knowledge of or observes, within the scope of his professional
6 capacity or employment, any film, photograph, video tape,
7 negative or slide, depicting a child under the age of eighteen years
8 engaged in an act of sexual conduct as defined in Section 31 of
9 this chapter, shall immediately or as soon as possible report by
10 telephone the existence of such film, photograph, video tape,
11 negative or slide to the police of the town in which said materials
12 are located and shall prepare and send a written report of the
13 incident with a copy of the film, photograph, video tape, negative
14 or slide attached within thirty-six hours after receiving said
15 materials into his/her possession. For the purposes of this section,
16 commercial film or photographic print processor shall mean any
17 person who develops exposed photographic film into negatives,
18 slides or prints, or who makes prints from negatives or slides, for
19 compensation. The term shall also include any employee of such
20 person but shall not include any person who develops film or
21 makes prints for a public agency. Violation of the provisions of
22 this section shall be punishable by a fine of not less than five nor
23 more than ten thousand dollars.

1 SECTION 2. Chapter 272 of the General Laws is hereby
2 amended by striking out lines 5 and 6 of section 31 and inserting
3 in place thereof the following: —

4 “Disseminate,” to import, publish, print, manufacture,
5 distribute, sell, lease, exhibit, display or process.

1 SECTION 3. Said Chapter 272 of the General Laws is further
2 amended by striking out lines 48 through 54 of section 31 and
3 inserting in place thereof the following: —

4 “Visual material”, any motion picture film, picture, photo-
5 graph, or any book, magazine or pamphlet that contains a picture,
6 photograph or similar visual representation or reproduction.
7 Undeveloped photographs, pictures, motion picture films and
8 similar visual representations or reproductions shall be visual
9 materials notwithstanding that processing, development or
10 similar acts may be required to make the contents thereof
11 apparent.

1 SECTION 4. Section 31 of Chapter 272 of the General Laws
2 is hereby amended by inserting the word “process” between the
3 words “publish” and “produce” in the fifth line thereof.

1 SECTION 5. The said Section 31 of Chapter 272 is further
2 amended by the deletion of the words “may be” in line 52 thereof
3 and the insertion in place thereof the word: — are.