

By Mr. Tisei, a petition (accompanied by bill, Senate, No. 991) of Thomas F. Reilly, Attorney General, Richard R. Tisei, Brian A. Joyce and other members of the General Court for legislation relative to the knowing purchase or possession of visual material of children depicted in sexual conduct. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO THE KNOWING PURCHASE OR POSSESSION OF VISUAL MATERIAL OF CHILD DEPICTED IN SEXUAL CONDUCT.

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 29C of Chapter 272 of the General Laws
2 is hereby amended by striking the first sentence up to the clause
3 heading (I), and adding, in its place, the following:— “Whoever
4 knowingly purchases or possesses visual material, of any child
5 whom the person knows or reasonably should know to be under
6 the age of 18 years of age and such child is:”.

1 SECTION 2. Section 31 of Chapter 272 of the General Laws is
2 hereby amended in the first sentence by adding, after the words
3 “twenty-nine B” the words “twenty-one C”.

1 SECTION 3. Section 31 of Chapter 272 of the General Laws is
2 hereby further amended within the definition of the word “matter”
3 by striking all the words after the word “matter” and adding, in
4 their place, the following new definition: “any printed or hand-
5 written material, digital data, visual representation, live perfor-
6 mance or sound recording including but not limited to, books,
7 magazines, digital text files, electronic messages, motion picture
8 films, pamphlets, phonographic records, pictures, photographs,
9 digital images, figures, statues, plays, dances, and reproductions
10 thereof as well as any similar material, irrespective of what tech-

11 nologies or methods are used to produce it or are needed to make
12 them apparent to the human eye or ear.”

1 SECTION 4. Section 31 of Chapter 272 of the General Laws is
2 hereby further amended within the definition of the words “visual
3 material” by striking the words after the words “visual material”
4 and adding, in their place, the following new definition: “any
5 depiction which was created using a minor posed or manipulated
6 in the manner shown in that depiction; or any reproduction of
7 such a depiction. Such depictions shall include, but not be limited
8 to the following:

9 (1) any motion picture film, picture, photograph, negative,
10 slide, digital image, or videotape;

11 (2) any book, magazine, or pamphlet that contains pictures,
12 photographs, or similar visual representations or reproductions;

13 (3) any undeveloped photograph, picture, motion picture film,
14 videotape or similar visual representation or reproduction,
15 notwithstanding that digital, chemical or mechanical processing,
16 development, or similar acts may be required to make the contents
17 thereof apparent to the human eye; and

18 (4) any compressed, encrypted, or otherwise digitally, chemi-
19 cally or mechanically stored image, notwithstanding that digital,
20 chemical or mechanical processing, development, decompression,
21 decryption, or similar acts may be required to make the contents
22 thereof apparent to the human eye.”