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50 STATE STATUTORY SURVEYS: CRIMINAL LAWS: CRIMES

Child Pornography

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The state interest in protecting children from harm extends to the prohibition of child pornography. Every aspect of child pornography is prohibited through various state criminal statutory schemes.

This survey is limited to criminal statutes that prohibit the creation, reproduction, possession and distribution of child pornography. Issues not necessarily covered below include the punishment for violation of these statutes, post-release sex-offender registration requirements, statutes that prohibit the dissemination or display of obscene material to minors, and statutes that provide a cause of action for minors harmed in the production of child pornography.

The attached table organizes the content into the following subtopics:

- "Minor" or "Child" Defined
- Creation or Reproduction of Child Pornography
- Possession or Purchase of Child Pornography
- Distribution or Display of Child Pornography

Alabama

- AL ST § 13A-12-190 Definitions
- AL ST § 13A-12-191 Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- AL ST § 13A-12-192 Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- AL ST § 13A-12-193 Proof of age of person contained in visual depiction; inferences as to age
- AL ST § 13A-12-194 Identity of person engaged in obscene act not required
- AL ST § 13A-12-195 Indication of commercial exploitation of matter for prurient appeal may be considered in determining whether matter appeals to prurient interest, etc
- AL ST § 13A-12-196 Parents or guardians permitting children to engage in production of obscene matter guilty of Class A felony
- AL ST § 13A-12-197 Production of obscene matter containing visual depiction of person under 17 years of age involved in obscene acts
- AL ST § 13A-12-198 Forfeiture of equipment, materials, vehicles, etc., used in production, transportation, dissemination, etc., of obscene matter

Alaska

- AK ST § 11.41.455 Unlawful exploitation of a minor
- AK ST § 11.61.125 Distribution of child pornography
- AK ST § 11.61.127 Possession of child pornography
- AK ST § 11.61.129 Forfeiture of property used in indecent viewing or photography or child pornography

Arizona

- AZ ST § 13-3551 Definitions
- AZ ST § 13-3552 Commercial sexual exploitation of a minor; classification
- AZ ST § 13-3553 Sexual exploitation of a minor; evidence; classification
- AZ ST § 13-3554 Luring a minor for sexual exploitation; classification
- AZ ST § 13-3555 Portraying adult as minor; classification
- AZ ST § 13-3556 Permissible inferences
- AZ ST § 13-3557 Equipment; forfeiture
- AZ ST § 13-3559 Reporting suspected visual depictions of sexual exploitation of a minor; immunity

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Arkansas

- AR ST § 5-27-301 Citation
- AR ST § 5-27-302 Definitions
- AR ST § 5-27-303 Engaging children in sexually explicit conduct for use in visual or print medium
- AR ST § 5-27-304 Sexually explicit conduct, children
- AR ST § 5-27-401 Definitions
- AR ST § 5-27-402 Employing children; sexual performances
- AR ST § 5-27-403 Promoting child sexual performances
- AR ST § 5-27-404 Affirmative defenses
- AR ST § 5-27-405 Minor age determination procedures
- AR ST § 5-27-601 Definitions
- AR ST § 5-27-602 Distributing, possessing, or viewing matter depicting sexually explicit conduct involving a child
- AR ST § 5-27-603 Computer child pornography
- AR ST § 5-27-604 Failure to report computer child pornography
- AR ST § 5-27-605 Computer exploitation of a child
- AR ST § 5-27-607 Determination of age of child
- AR ST § 5-27-608 Applicability of this subchapter to interactive computer service and electronic mail service providers

California

- CA PENAL § 311.1 Sent or brought into state for sale or distribution; possessing, preparing, publishing, producing, developing, duplicating, or printing within state; matter depicting sexual conduct by minor; penalty; application; telephone services
- CA PENAL § 311.2 Sending or bringing into state for sale or distribution; printing, exhibiting, distributing, exchanging or possessing within state; matter depicting sexual conduct by minor; transaction with minor; exemptions
- CA PENAL § 311.3 Sexual exploitation of child
- CA PENAL § 311.4 Employment or use of minor to perform prohibited acts; previous conviction; exception
- CA PENAL § 1054.10 Disclosure of copies of child pornography evidence
- CA PENAL § 1170.71 Lewd or lascivious acts with child under age 14; use of obscene or harmful matter; aggravation of crime
- CA PENAL § 11165.1 Sexual abuse; sexual assault; sexual exploitation

Colorado

- CO ST § 18-6-403 Sexual exploitation of a child
- CO ST § 18-6-404 Procurement of a child for sexual exploitation

Connecticut

- CT ST § 53a-193 Definitions
- CT ST § 53a-196a Employing a minor in an obscene performance: Class A felony
- CT ST § 53a-196b Promoting a minor in an obscene performance: Class B felony
- CT ST § 53a-196c Importing child pornography: Class B felony
- CT ST § 53a-196d Possessing child pornography in the first degree: Class B felony
- CT ST § 53a-196e Possessing child pornography in the second degree: Class C felony
- CT ST § 53a-196f Possessing child pornography in the third degree: Class D felony
- CT ST § 53a-196g Possessing child pornography: Affirmative defenses

Delaware

- DE ST TI 11 § 1103 Definitions relating to children
- DE ST TI 11 § 1108 Sexual exploitation of a child; class B felony
- DE ST TI 11 § 1109 Dealing in child pornography; class B felony
- DE ST TI 11 § 1111 Possession of child pornography; class F felony

District of Columbia

- DC CODE § 22-2201 Certain obscene activities and conduct declared unlawful; definitions; penalties; affirmative defenses; exception
- DC CODE § 22-3101 Definitions
- DC CODE § 22-3102 Prohibited acts
- DC CODE § 22-3103 Penalties

• DC CODE § 22-3104 Affirmative defenses

Florida

- FL ST § 775.0847 Possession or promotion of certain images of child pornography; reclassification
- FL ST § 827.071 Sexual performance by a child; penalties
- FL ST § 847.001 Definitions
- FL ST § 847.002 Child pornography prosecutions
- FL ST § 847.012 Harmful materials; sale or distribution to minors or using minors in production prohibited; penalty
- FL ST § 847.0135 Computer pornography; traveling to meet minor; penalties
- FL ST § 847.01357 Exploited children's civil remedy
- FL ST § 847.0137 Transmission of pornography by electronic device or equipment prohibited; penalties
- FL ST § 847.0138 Transmission of material harmful to minors to a minor by electronic device or equipment prohibited; penalties
- FL ST § 847.0139 Immunity from civil liability for reporting child pornography, transmission of child pornography, or any image, information, or data harmful to minors to a minor in this state

Georgia

- GA ST § 16-12-100 Sexual exploitation of children
- GA ST § 16-12-100.2 Computer or Electronic Pornography and Child Exploitation Prevention Act of 2007

Hawaii

- HI ST § 707-750 Promoting child abuse in the first degree
- HI ST § 707-751 Promoting child abuse in the second degree
- HI ST § 707-752 Promoting child abuse in the third degree
- HI ST § 707-753 Affirmative defense to promoting child abuse
- HI ST § 712-1210 Definitions of terms in this part
- HI ST § 712-1211 Displaying indecent matter
- HI ST § 712-1218 Failure to maintain age verification records of sexual performers
- HI ST § 712-1218.5 Failure to maintain age verification records of sexually exploited individuals
- HI ST § 712-1219 Failure to affix information disclosing location of age verification records of sexual performers
- HI ST § 712-1219.5 Disseminating visual depiction of sexual conduct without affixed information disclosing location of age verification records of sexual performers

Idaho

- ID ST § 18-1507 Sexual exploitation of a child
- ID ST § 18-1507A Possession of sexually exploitative material for other than a commercial purpose--Penalty

Illinois

- IL ST CH 720 § 5/11-20.1 Child pornography
- IL ST CH 720 § 5/11-20.3 Aggravated child pornography
- IL ST CH 720 § 5/11-23 Posting of identifying information on a pornographic Internet site or possessing graphic information with pornographic material
- IL ST CH 720 § 5/14-3 Exemptions

Indiana

- IN ST 34-24-1-1 Seizure of vehicles or other property used in certain crimes
- IN ST 35-42-4-4 Child exploitation; possession of child pornography; violation classification; exemption; definitions
- IN ST 35-42-4-12 Application of section; use of Internet social networking site or chat room program

Iowa

- IA ST § 710.10 Enticing a minor
- IA ST § 728.1 Definitions
- IA ST § 728.12 Sexual exploitation of a minor

Kansas

- KS ST 21-3516 Sexual exploitation of a child

Kentucky

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- KY ST § 15.900 Definitions for KRS 15.910 to 15.940
- KY ST § 531.300 Definitions for KRS 531.080 and 531.310 to 531.370
- KY ST § 531.310 Use of a minor in a sexual performance
- KY ST § 531.320 Promoting a sexual performance by a minor
- KY ST § 531.330 Presumption as to minority
- KY ST § 531.335 Possession of matter portraying a sexual performance by a minor
- KY ST § 531.340 Distribution of matter portraying a sexual performance by a minor
- KY ST § 531.350 Promoting sale of material portraying a sexual performance by a minor
- KY ST § 531.360 Advertising material portraying a sexual performance by a minor
- KY ST § 531.370 Using minors to distribute material portraying a sexual performance by a minor

Louisiana

- LA R.S. 14:81.1 Pornography involving juveniles
- LA R.S. 14:91.11 Sale, exhibition, or distribution of material harmful to minors

Maine

- ME ST T. 17-A § 259 Solicitation of child by computer to commit a prohibited act
- ME ST T. 17-A § 281 Definitions
- ME ST T. 17-A § 282 Sexual exploitation of minor
- ME ST T. 17-A § 283 Dissemination of sexually explicit material
- ME ST T. 17-A § 284 Possession of sexually explicit material
- ME ST T. 17-A § 285 Forfeiture of equipment used to facilitate violations

Maryland

- MD CRIM LAW § 3-602 Sexual abuse of a minor
- MD CRIM LAW § 11-201 Definitions
- MD CRIM LAW § 11-207 Child pornography
- MD CRIM LAW § 11-208 Possession of visual representation of child under 16 engaged in certain sexual acts
- MD CRIM LAW § 11-208.1 Interactive computer service providers; child pornography

Massachusetts

- MA ST 272 § 29A Posing or exhibiting child in state of nudity or sexual conduct; punishment
- MA ST 272 § 29B Dissemination of visual material of child in state of nudity or sexual conduct; punishment
- MA ST 272 § 29C Knowing purchase or possession of visual material of child depicted in sexual conduct; punishment

Michigan

- MI ST 750.145c Child sexually abusive activity or material; offenses; penalties; application of section; affirmative defense; expert testimony; reporting by commercial film or photographic print processors; local ordinances
- MI ST 750.145d Internet use; restrictions, purpose of committing crime against minor

Minnesota

- MN ST § 617.245 Civil action; use of minor in a sexual performance
- MN ST § 617.246 Use of minors in sexual performance prohibited
- MN ST § 617.247 Possession of pornographic work involving minors

Mississippi

- MS ST § 97-5-31 Definitions for sections 97-5-33 to 97-5-37
- MS ST § 97-5-33 Depicting child engaging in sexual conduct
- MS ST § 97-5-35 Depicting child engaging in sexual conduct, punishment
- MS ST § 97-5-37 Relation to other statutes

Missouri

- MO ST 573.010 Definitions
- MO ST 573.023 Sexual exploitation of a minor, elements, penalty
- MO ST 573.025 Promoting child pornography in the first degree
- MO ST 573.035 Promoting child pornography in the second degree
- MO ST 573.037 Possession of child pornography
- MO ST 573.038 Criminal proceeding, child pornography materials to remain in custody of state or court--materials to be

reasonably available to defendant

- MO ST 573.050 Evidence in obscenity and child pornography cases
- MO ST 573.052 Child pornography on Internet web site--investigation, removal

Montana

- MT ST 45-5-625 Sexual abuse of children

Nebraska

- NE ST § 28-707 Child abuse; privileges not available; penalties
- NE ST § 28-1463.01 Act, how cited
- NE ST § 28-1463.02 Terms, defined
- NE ST § 28-1463.03 Visual depiction of sexually explicit conduct; prohibited acts; affirmative defense
- NE ST § 28-1463.04 Violation; penalty
- NE ST § 28-1463.05 Visual depiction of sexually explicit acts related to possession; violation; penalty

Nevada

- NV ST 200.508 Abuse, neglect or endangerment of child: Penalties; definitions
- NV ST 200.700 Definitions
- NV ST 200.710 Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance
- NV ST 200.720 Promotion of sexual performance of minor unlawful
- NV ST 200.725 Preparing, advertising or distributing materials depicting pornography involving minor unlawful; penalty
- NV ST 200.730 Possession of visual presentation depicting sexual conduct of person under 16 years of age unlawful; penalties
- NV ST 200.735 Exemption for purposes of law enforcement

New Hampshire

- NH ST § 649-A:1 Declaration of Findings and Purposes
- NH ST § 649-A:2 Definitions
- NH ST § 649-A:3 Possession of Child Sexual Abuse Images
- NH ST § 649-A:3-a Distribution of Child Sexual Abuse Images
- NH ST § 649-A:3-b Manufacture of Child Sexual Abuse Images
- NH ST § 649-A:4 Exemption
- NH ST § 649-A:5 Justifiable Dissemination

New Jersey

- NJ ST 2C:24-4 Endangering welfare of children
- NJ ST 2C:34-3 Obscenity for persons under 18

New Mexico

- NM ST § 30-6A-1 Short title
- NM ST § 30-6A-2 Definitions
- NM ST § 30-6A-3 Sexual exploitation of children

New York

- NY PENAL § 263.00 Definitions
- NY PENAL § 263.05 Use of a child in a sexual performance
- NY PENAL § 263.10 Promoting an obscene sexual performance by a child
- NY PENAL § 263.11 Possessing an obscene sexual performance by a child
- NY PENAL § 263.15 Promoting a sexual performance by a child
- NY PENAL § 263.16 Possessing a sexual performance by a child
- NY PENAL § 263.20 Sexual performance by a child; affirmative defenses
- NY PENAL § 263.25 Proof of age of child

North Carolina

- NC ST § 14-190.6 Employing or permitting minor to assist in offense under Article
- NC ST § 14-190.13 Definitions for certain offenses concerning minors
- NC ST § 14-190.16 First degree sexual exploitation of a minor
- NC ST § 14-190.17 Second degree sexual exploitation of a minor

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- NC ST § 14-190.17A Third degree sexual exploitation of a minor

North Dakota

- ND ST 12.1-27.2-01 Definitions
- ND ST 12.1-27.2-02 Use of a minor in a sexual performance
- ND ST 12.1-27.2-03 Promoting or directing an obscene sexual performance by a minor
- ND ST 12.1-27.2-04 Promoting a sexual performance by a minor
- ND ST 12.1-27.2-04.1 Possession of certain materials prohibited
- ND ST 12.1-27.2-04.2 Sexual performance by a minor--Enhanced penalties
- ND ST 12.1-27.2-05 Sexual performance by a minor--Affirmative defenses
- ND ST 12.1-27.2-06 Proof of age of minor

Ohio

- OH ST § 2907.01 Definitions
- OH ST § 2907.321 Pandering obscenity involving a minor
- OH ST § 2907.322 Pandering sexually oriented matter involving a minor
- OH ST § 2907.323 Illegal use of a minor in nudity-oriented material or performance

Oklahoma

- OK ST T. 21 § 1021 Indecent exposure--Indecent exhibitions--Obscene material or child pornography--Solicitation of minors
- OK ST T. 21 § 1021.1 Persons to whom act does not apply--Civil or injunctive relief
- OK ST T. 21 § 1021.2 Minors--Procuring for participation in pornography
- OK ST T. 21 § 1021.3 Guardians--Parents--Custodians--Consent to participation of minors in child pornography
- OK ST T. 21 § 1021.4 Disclosure of obscene materials containing minors
- OK ST T. 21 § 1024.1 Definitions

Oregon

- OR ST § 163.665 Definitions
- OR ST § 163.670 Using child in display of sexually explicit conduct
- OR ST § 163.676 Exemption to prosecution under ORS 163.684
- OR ST § 163.682 Exceptions to ORS 163.665 to 163.693
- OR ST § 163.684 Encouraging child sexual abuse in the first degree
- OR ST § 163.686 Encouraging child sexual abuse in the second degree
- OR ST § 163.687 Encouraging child sexual abuse in the third degree
- OR ST § 163.688 Possession of materials depicting sexually explicit conduct of a child in the first degree
- OR ST § 163.689 Possession of materials depicting sexually explicit conduct of a child in the second degree
- OR ST § 163.690 Defense, lack of knowledge of age of child
- OR ST § 163.693 Failure to report child pornography

Pennsylvania

- 18 Pa.C.S.A. § 6312 Sexual abuse of children

Rhode Island

- RI ST § 11-9-1 Exploitation for commercial or immoral purposes
- RI ST § 11-9-1.1 Child nudity prohibited in publications
- RI ST § 11-9-1.3 Child pornography prohibited
- RI ST § 11-9-2 Employment of children for unlawful purposes

South Carolina

- SC ST § 16-15-335 Permitting minor to engage in any act constituting violation of this article prohibited; penalties
- SC ST § 16-15-375 Definitions applicable to §§ 16-15-385 through 16-15-425
- SC ST § 16-15-395 First degree sexual exploitation of a minor defined; presumptions; defenses; penalties
- SC ST § 16-15-405 Second degree sexual exploitation of a minor defined; presumptions; defenses; penalties
- SC ST § 16-15-410 Third degree sexual exploitation of a minor defined; penalties; exception
- SC ST § 16-15-445 Seizure and forfeiture of equipment used in committing violation; hearing; disposition of forfeited property; allocation of sale proceeds

South Dakota

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- SD ST § 22-22-24.3 Sexual exploitation of a minor--Felonies--Assessment
- SD ST § 22-24A-1 Sale of child pornography--Felony
- SD ST § 22-24A-2 Definitions
- SD ST § 22-24A-3 Possessing, manufacturing, or distributing child pornography-- Felonies--Assessment
- SD ST § 22-24A-4 Minor and solicit defined

Tennessee

- TN ST § 39-17-1001 Short title
- TN ST § 39-17-1002 Definitions
- TN ST § 39-17-1003 Sexual exploitation
- TN ST § 39-17-1004 Aggravated sexual exploitation
- TN ST § 39-17-1005 Especially aggravated sexual exploitation
- TN ST § 39-17-1008 Forfeiture of property or conveyance; funds; appropriations

Texas

- TX PENAL § 43.21 Definitions
- TX PENAL § 43.25 Sexual Performance by a Child
- TX PENAL § 43.26 Possession or Promotion of Child Pornography
- TX PENAL § 43.27 Duty to Report
- Utah
- UT ST § 76-5a-1 Legislative determinations--Purpose of chapter
- UT ST § 76-5a-2 Definitions
- UT ST § 76-5a-3 Sexual exploitation of a minor--Offenses
- UT ST § 76-5a-4 Determination whether material violates chapter

Vermont

- VT ST T. 13 § 2821 Definitions
- VT ST T. 13 § 2822 Use of a child in a sexual performance
- VT ST T. 13 § 2823 Consenting to a sexual performance
- VT ST T. 13 § 2824 Promoting a recording of sexual conduct
- VT ST T. 13 § 2825 Penalties
- VT ST T. 13 § 2826 Evidence of age
- VT ST T. 13 § 2827 Possession of child pornography

Virginia

- VA ST § 18.2-370 Taking indecent liberties with children; penalties
- VA ST § 18.2-374.1 Production, publication, sale, financing, etc., of child pornography; presumption as to age; severability
- VA ST § 18.2-374.1:1 Possession, reproduction, distribution, and facilitation of child pornography; penalty

Washington

- WA ST 9.68A.001 Legislative findings, intent
- WA ST 9.68A.011 Definitions
- WA ST 9.68A.040 Sexual exploitation of a minor--Elements of crime--Penalty
- WA ST 9.68A.050 Dealing in depictions of minor engaged in sexually explicit conduct
- WA ST 9.68A.060 Sending, bringing into state depictions of minor engaged in sexually explicit conduct
- WA ST 9.68A.070 Possession of depictions of minor engaged in sexually explicit conduct
- WA ST 9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct--Civil immunity
- WA ST 9.68A.120 Seizure and forfeiture of property

West Virginia

- WV ST § 61-8C-1 Definitions
- WV ST § 61-8C-2 Use of minors in filming sexually explicit conduct prohibited; penalty
- WV ST § 61-8C-3 Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct prohibited; penalty
- WV ST § 61-8C-4 Payments of treatment costs for minor
- WV ST § 61-8C-5 Limits on interviews of children eleven years old or less; evidence

Wisconsin

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- WI ST 948.01 Definitions
- WI ST 948.05 Sexual exploitation of a child
- WI ST 948.051 Trafficking of a child
- WI ST 948.07 Child enticement
- WI ST 948.12 Possession of child pornography
- WI ST 948.14 Registered sex offender and photographing minors

Wyoming

- WY ST § 6-4-301 Definitions
- WY ST § 6-4-303 Sexual exploitation of children; penalties; definitions

United States

- 18 U.S.C.A. § 2251 Sexual exploitation of children
- 18 U.S.C.A. § 2252 Certain activities relating to material involving the sexual exploitation of minors
- 18 U.S.C.A. § 2252A Certain activities relating to material constituting or containing child pornography
- 18 U.S.C.A. § 2256 Definitions for chapter
- 18 U.S.C.A. § 2257A Record keeping requirements for simulated sexual conduct
- 18 U.S.C.A. § 2260 Production of sexually explicit depictions of a minor for importation into the United States
- 18 U.S.C.A. § 2427 Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense
- 18 U.S.C.A. § 2516 Authorization for interception of wire, oral, or electronic communications
- 18 U.S.C.A. § 3509 Child victims' and child witnesses' rights
- 42 U.S.C.A. § 2000aa Searches and seizures by government officers and employees in connection with investigation or prosecution of criminal offenses
- 42 U.S.C.A. § 14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program

Guam

- 9 G.C.A. § 28.40 Definitions
- 9 G.C.A. § 28.49 Same: Distribution
- 9 G.C.A. § 28.50 Same: Participation In
- 9 G.C.A. § 28.51 Same: Employment of Minor
- 9 G.C.A. § 28.52 Use of One's Child in Obscene Acts
- 9 G.C.A. § 28.55 Defenses

Puerto Rico

- 1 L.P.R.A. § 541 Definitions
- 1 L.P.R.A. § 542 Applicability
- 1 L.P.R.A. § 543 Radio and television without obscenity and child pornography
- 1 L.P.R.A. § 544 Right to know the laws on child pornography and obscenity
- 1 L.P.R.A. § 545 Right to know available remedies
- 1 L.P.R.A. § 546 Right to prohibit obscene material and/or child pornography
- 1 L.P.R.A. § 547 Transmission of indecent material
- 1 L.P.R.A. § 548 Education on the harmful effect of obscenity and child pornography
- 1 L.P.R.A. § 549 Implementation of this chapter

Virgin Islands

- 14 V.I.C. § 1024 Distribution; printing, exhibiting, distributing or possessing

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