

Child Pornography, 0030 SURVEYS 5



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50 STATE STATUTORY SURVEYS: CRIMINAL LAWS: CRIMES

Child Pornography

Thomson Reuters/West October 2012

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

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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

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

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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 § 22-3010.2 Arranging for a sexual contact with a real or fictitious **child**
- 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 § 16-5-46 Trafficking a person for labor or sexual servitude
- 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 Definitions--Sexual exploitation of a **child**--penalties

Illinois

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IL ST CH 720 § 5/11-20.1 **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

IL ST CH 720 § 5/124B-10 Applicability; offenses

IL ST CH 720 § 5/124B-500 Persons and property subject to forfeiture

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 21-5510 Sexual exploitation of a **child**

KS ST 60-5001 Civil action for victims of **child pornography**

Kentucky

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. 14:81.1.1 "Sexting"; prohibited acts; penalties

LA R.S. 14:91.11 Sale, exhibition, or distribution of material harmful to minors

LA R.S. 15:539.1 Forfeited property related to certain sex crimes; exempt property; allocation of forfeited property

Maine

ME ST T. 17-A § 259-A Solicitation of **child** 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

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MD CRIM LAW § 11-208.1 Interactive computer service providers; **child pornography**
MD CRIM LAW § 11-303 Pandering

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
MI ST 750.159g Definitions; racketeering

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

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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
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

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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

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

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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 § 43.261 Electronic Transmission of Certain Visual Material Depicting Minor
TX PENAL § 43.27 Duty to Report

Utah

UT ST § 76-5b-102 Legislative determinations--Purpose of chapter
UT ST § 76-5b-103 Definitions
UT ST § 76-5b-201 Sexual exploitation of a minor--Offenses
UT ST § 76-5b-301 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.101 Promoting commercial sexual abuse of a minor--Penalty
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

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Wisconsin

- 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

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
- 9 G.C.A. § 28.100 Illegal Use of a Computer or Telecommunications Device to Disseminate Prohibited Materials Involving a Minor-Sexting; Crime Defined and Punished

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. § 487 Short title
- 14 V.I.C. § 488 Visual medium depicting sexually explicit conduct, prohibitions; penalties
- 14 V.I.C. § 489 Definitions; computer **pornography**

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[14 V.I.C. § 1024](#) Distribution; printing, exhibiting, distributing or possessing

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