

1.1 A bill for an act

1.2 relating to public safety; amending a definition related to child pornography;
1.3 amending Minnesota Statutes 2008, section 617.246, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2008, section 617.246, subdivision 1, is amended to read:

1.6 Subdivision 1. **Definitions.** (a) For the purpose of this section, the terms defined in
1.7 this subdivision have the meanings given them.

1.8 (b) "Minor" means any person under the age of 18.

1.9 (c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

1.10 (d) "Sexual performance" means any play, dance or other exhibition presented
1.11 before an audience or for purposes of visual or mechanical reproduction that uses a minor
1.12 to depict actual or simulated sexual conduct as defined by clause (e).

1.13 (e) "Sexual conduct" means any of the following:

1.14 (1) an act of sexual intercourse, normal or perverted, including genital-genital,
1.15 anal-genital, or oral-genital intercourse, whether between human beings or between a
1.16 human being and an animal;

1.17 (2) sadomasochistic abuse, meaning flagellation, torture, or similar demeaning acts
1.18 inflicted by or upon a person who is nude or clad in undergarments or in a revealing
1.19 costume, or the condition of being fettered, bound or otherwise physically restrained on
1.20 the part of one so clothed;

1.21 (3) masturbation;

1.22 (4) lewd ~~exhibitions~~ exhibition of the genitals; or

1.23 (5) physical contact with the clothed or unclothed pubic areas or buttocks of a human
1.24 male or female, or the breasts of the female, whether alone or between members of the

2.1 same or opposite sex or between humans and animals in an act either of apparent sexual
2.2 stimulation or gratification or intended by a person who commits an act prohibited by this
2.3 section or section 617.247 to arouse the sexual desire of any person.

2.4 (f) "Pornographic work" means:

2.5 (1) an original or reproduction of a picture, film, photograph, negative, slide,
2.6 videotape, videodisc, or drawing of a sexual performance involving a minor; or

2.7 (2) any visual depiction, including any photograph, film, video, picture, drawing,
2.8 negative, slide, or computer-generated image or picture, whether made or produced by
2.9 electronic, mechanical, or other means that:

2.10 (i) uses a minor to depict actual or simulated sexual conduct;

2.11 (ii) has been created, adapted, or modified to appear that an identifiable minor is
2.12 engaging in sexual conduct; or

2.13 (iii) is advertised, promoted, presented, described, or distributed in such a manner
2.14 that conveys the impression that the material is or contains a visual depiction of a minor
2.15 engaging in sexual conduct.

2.16 For the purposes of this paragraph, an identifiable minor is a person who was a
2.17 minor at the time the depiction was created or altered, whose image is used to create
2.18 the visual depiction.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes
2.20 committed on or after that date.