
AN ACT

Prohibiting the manufacture and distribution of child pornography
and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This Act may be cited as the "Child
2 Pornography Act. "

3 Section 2. Definitions. As used in this Act:

4 (a) "Child" means a person under the age of 16, but does
5 **not** include persons under the age of 16 years who are divorced
6 or separated, widow or widower, or married.

7 (b) "Commercial Use" means to sell, barter, trade or
8 otherwise exchange for consideration.

9 (c) "Graphic reproduction" means image reproduction of any
10 sort including but not limited to photographs, photo sensitive
11 film, negatives, slides, printed reproductions, video-tape and
12 drawings from live models.

13 (d) "Sexual contact" means any fondling or touching of
14 any person, by himself or another, for the purpose of sexual
15 arousal or gratification, aggression, degradation, or other
16 similar purpose.

17 (e) "Sexual display" means any exhibition of the male
18 or female genitalia for the purpose of sexual arousal, or
19 gratification, aggression, degradation, or other similar
20 purpose.

1 permit the child to participate in the manufacture or creation
2 of any graphic reproduction depicting sexual contact or sexual
3 display. Violation of this subsection (d) shall be punished
4 by imprisonment of not more than one year or fine of not
5 more than \$1,000 or both.

6 (e) It shall be unlawful to display or show any
7 graphic reproduction showing sexual contact or sexual
8 display without prominently posting a notice in English
9 as follows:

10 "No admittance unless 16 years old or
11 accompanied by an adult."

12 Violation of this subsection (e) shall be punished by
13 imprisonment of not more than one year or fine of not more
14 than \$1,000 or both

15 Section 4. Defense. In any prosecution under this Act
16 it is not a defense that the defendant did not know the child's age.
17 It is a defense which the defendant must prove by a preponderance
18 of the evidence, that at the time of the offense the defendant
19 reasonably believed the child was not sixteen years old or older
20 based on declaration by the child.

21 Section 5. Severability. If any provision of this Act
22 shall be held invalid by a court of competent jurisdiction the
23 remainder of this Act shall not be affected thereby.

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1 Section 3. Unlawful Acts.

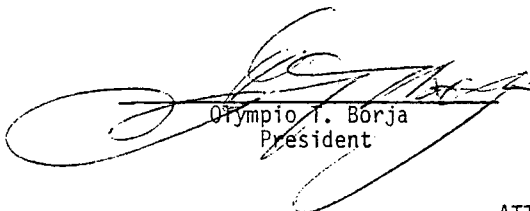
2 (a) **It** shall be unlawful for any person to solicit,
3 induce, entice, persuade, encourage, recruit, or use, for
4 consideration or otherwise, any child in the manufacture
5 or creation of any graphic reproduction depicting sexual
6 contact or sexual display. Violation of this
7 subsection (a) shall be punished by imprisonment of
8 not more than 5 years or fine of not more than \$2,000
9 or both.

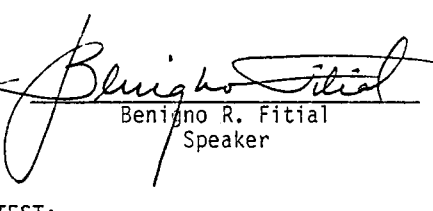
10 (b) It shall be unlawful to sell, give, or
11 intentionally show any child any graphic reproduction
12 depicting sexual contact or sexual display. Violation
13 of this subsection (b) shall be punished by imprisonment
14 of not more than five years or fine of not more than \$2,000
15 or both.

16 (c) **It** shall be unlawful for any person to knowingly
17 send or cause to be sent or bring or cause to be brought
18 into the Commonwealth of the Northern Mariana Islands for
19 commercial use, or to display, or exchange for commercial
20 use any graphic reproduction depicting a child in sexual
21 contact or sexual display. Violation of this subsection (c)
22 shall be punished by imprisonment of not more than one year
23 or fine of not more than \$1,000 or both.

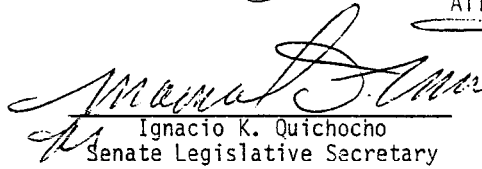
24 (d) **it** shall be unlawful for any parent, legal guardian
25 or person having custody and control of a child to knowingly

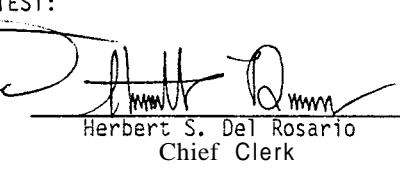
1 Section 6. Effective Date. This Act shall take effect upon approval
2 by the Governor or upon its becoming law without such approval.

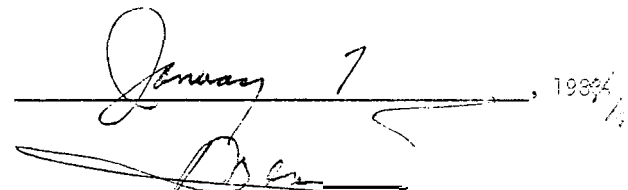

Olympio T. Borja
President

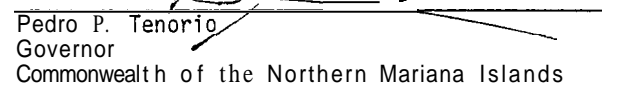

Benigno R. Fitial
Speaker

ATTEST:


Ignacio K. Quichocho
Senate Legislative Secretary


Herbert S. Del Rosario
Chief Clerk


January 7, 1994


Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands