

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
206-35 (COR)	Louise B. Muña	AN ACT TO ADD A NEW § 25A204 TO ARTICLE 2 OF CHAPTER 25A OF TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE OFFENSE OF PRODUCTION OF CHILD PORNOGRAPHY AS A FIRST-DEGREE FELONY.	9/12/19 1:57 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019(FIRST) Regular Session

Bill No. 206-35 (COR)

Introduced by:

Louise B. Muña *LB Mu*

**AN ACT TO *ADD* A NEW § 25A204 TO ARTICLE 2 OF
CHAPTER 25A OF TITLE 9, GUAM CODE ANNOTATED
RELATIVE TO CREATING THE OFFENSE OF
PRODUCTION OF CHILD PORNOGRAPHY AS A
FIRST-DEGREE FELONY.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new § 25A204 is *added* to Article 2, Chapter 25A, Title 9, Guam
3 Code Annotated to read as follows:

4 **“§ 25A204. Production of Child Pornography**

5 (a) A person commits the offense of production of child pornography if, knowing
6 or having reason to know its character and content, the person produces,
7 manufactures, reproduces, copies, photographs, films, video tapes, video captures,
8 creates, directs, promotes, advertises publishes, issues or presents to show any
9 visual depiction, including any photograph, film, video, picture, or computer or
10 computer-generated image or picture, whether made or produced by electronic,
11 mechanical, or other means, of sexually explicit conduct, where

12 (1) the production of such visual depiction involves the use of a minor
13 engaging in sexually explicit conduct; or

14 (2) such visual depiction is a digital image, computer image, or computer-
15 generated image that is, or is indistinguishable from, that of a minor
16 engaging in sexually explicit conduct; or

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1 (3) such visual depiction has been created, adapted, or modified to appear
2 that an identifiable minor is engaging in sexually explicit conduct or

3 (4) visual material containing the display of sexual organs or activity of
4 minor that is intended to stimulate erotic feelings, or

5 (5) visual material containing the display of the sexual organs, female
6 breasts or buttocks of minor that is created by a violation of § 70.35 of
7 Article 1, Chapter 70, Title 9 Guam Code Annotated

8 (b) The fact that a person engaged in the conduct specified by this section is
9 prima facie evidence that the defendant had knowledge of the character and
10 content of the material. The fact that the person who was employed, used, or
11 otherwise contained in the pornographic material was, at that time, a minor is
12 prima facie evidence that the defendant knew the person to be a minor.

13 (c) A person who engaged in the production of child pornography outside of
14 Guam but is found to be in possession of the same child pornography on Guam
15 is guilty of Production of Child Pornography.

16 (d) Production of child pornography is a first degree felony.”