

HOUSE RESEARCH

Bill Summary

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This bill amends definitions used in the child pornography statutes. It defines the terms “lewd” and “apparent” and modifies the definition of “sexual conduct.” The bill is in response to a Minnesota Court of Appeals decision where the appellate panel found that the respondent/defendant had not possessed child pornography because the photo of his 11 year-old step-daughter that he had on his cell phone did not contain an image of physical contact depicted to be part of an apparent act of sexual stimulation or gratification. *State v. Johnson*, 775 N.W.2d 377 (Minn. App. 2009). The change to the definition of sexual conduct will allow for a charge of possessing child pornography if the image depicts physical contact “intended to arouse the sexual desire of any person.” In other words, even if the image in question does not depict a child in act of sexual stimulation or gratification, it can still constitute child pornography if the image is “intended to arouse the sexual desire of any person.”