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An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, guaranteeing the safety of our children is one of the most important roles we have as a society; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §283, sub-§2, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

2. For the purposes of this section, possession of ~~10~~2 or more copies of any of the materials as described in subsection 1 gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person possesses those items with intent to disseminate.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill changes the number of copies of sexually explicit material depicting minors from 10 to 2 in order to give rise to a permissible inference under the Maine Rules of Evidence of intent to distribute.