

Mason Police Department

CHILD PORNOGRAPHY ON CELLULAR PHONES AND E-MAIL FACT SHEET

THE ISSUE:

Recent concerns over the use of camera phones and other digital media by individuals under the age of 18, to produce and transfer pornographic photographs and video clips, has lead to a request to clearly define what constitutes criminal activity.

SCENARIO 1:

A person under the age of 18 uses a camera phone to take a picture or video of him or herself, or another person under 18 years of age, which is sexually explicit. Is this a crime?

YES!

MCL 750.145C(2) states any person who should persuade, induce, entice, coerce, cause, or knowingly allow any child to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material; or arrange for, produce, make, or finance any child sexually abusive material shall be guilty of a **felony, with a penalty of up to 20 years in prison and/or \$100,000 fine per event.**

If you are under 18 years old and you take sexually explicit pictures of yourself, or anyone else under the age of 18 years old, you are creating child pornography.

SCENARIO 2:

After receiving a sexually explicit photograph or video of a person under 18 years of age on email or cell phone you decide to send the photograph to a friend. Is this a crime?

YES!

MCL 750.145c(3) states any person who would distribute, promote, or finance the distribution or promotion of; or receive for the purpose of distributing or promoting; or conspire, attempt, or prepare to distribute, receive, finance, or promote child sexually abusive activity or child sexually abusive material shall be guilty of a **felony, with a penalty of up to 7 years in prison and/or \$50,000 per event.**

It does not matter if you are less than 18 years of age and send or forward the sexually explicit pictures to someone else under 18 years of age. You are still committing a felony by distributing child pornography.

SCENARIO 3:

You are sent a sexually explicit photograph or video clip of a person under the age of 18 on email or cell phone and you decide to save it. Is this a crime?

YES!

MCL 750.145c(4-A) states if a person did knowingly possess child sexually abusive material, he/she shall be guilty of a **felony, with a penalty of up to 4 years in prison and/or \$10,000 fine per event.**

QUESTION:

Can a minor convicted of violating Child Pornography laws be a Registered Sex Offender, required to register for any term of years up to life?

YES!

A conviction of any of these crimes places your name on the sex offender registry for varying terms of years, up to life.

For more information, go to: www.MichiganICAC.com