

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting minors from the creation of computer-generated child sexual abuse visual materials.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

Berkshire, Hampden, Franklin and Hampshire

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act protecting minors from the creation of computer-generated child sexual abuse visual materials.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 272 of the General Laws is hereby amended by inserting after
2 section 29D the following section:

3 Section 29E. (a) Whoever, either with knowledge that a person is a minor or while in
4 possession of such facts giving reason to know that such person is a minor, and with lascivious
5 intent, creates child sexual abuse visual material shall be punished by imprisonment in the house
6 of correction for not more than 2½ years, or by imprisonment in the state prison for not more
7 than 10 years, or by a fine of not less than \$10,000 nor more than \$50,000, or by both such fine
8 and imprisonment.

9 (b) For the purposes of this section, the determination of whether the child in any child
10 sexual abuse visual material prohibited hereunder is a minor may be made by: (i) the personal
11 testimony of the child, (ii) the testimony of a person who produced, processed, published, printed
12 or manufactured such child sexual abuse visual material that the child in the material was known

13 by the person to be a minor, (iii) testimony of a person who observed the visual material, or (iv)
14 expert medical testimony as to the age of the child based upon the child's physical appearance,
15 by inspection of the visual material or by any other method authorized by any general or special
16 law or by any applicable rule of evidence.

17 SECTION 2. Section 31 of chapter 272 of the General Laws, as appearing in the 2022
18 Official Edition, is hereby amended by inserting after the figure “twenty-nine B”, in lines 2 and
19 3, the following figure: 29D.

20 SECTION 3. Said section 31 of said chapter 272, as so appearing, is hereby further
21 amended by inserting before the definition of “Disseminate” the following definition:

22 “Child sexual abuse visual material”, visual material including, but not limited to, any
23 photograph, film, video, picture or computer-generated image or picture depicting sexual
24 conduct, sexual excitement, or a minor in a state of nudity or partial nudity that has been created,
25 adapted, modified, mechanically or chemically reproduced or altered, including, but not limited
26 to, through digitization, in a manner that would falsely appear to a reasonable person to be, or
27 include, an authentic representation or depiction of a minor.

28 SECTION 4. The provisions of section III above also apply to Ch. 272 Sec. 29C,
29 “Knowing purchase or possession of visual material of child depicted in sexual conduct;
30 punishment.”