

## COMPUTER PORNOGRAPHY AND CHILD EXPLOITATION PREVENTION

Reviewed and approved 4/17/04

**RSA 649-B:3 Computer Pornography**

**DRAFT**

The defendant is charged with the crime of computer pornography. This offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant knowingly [compiled, entered into, or transmitted by means of a computer][made, printed, published, or reproduced by other computerized means][caused or allowed to be entered into or transmitted by means of computer][bought, sold, received, exchanged, or disseminated by means of computer]

2. [Any notice, statement or advertisement], or [any minor's name, telephone number, place of residence, physical characteristics or other descriptive or identifying information];

The defendant did so with the purpose of facilitating, encouraging offering, or soliciting, sexual conduct of or with any child or the visual depiction of such conduct.

These are the elements of the crime of child pornography. Certain words need to be further defined:

“Child” means any person under the age of 16 years.

“Purposely” means [see definition of purposely.]

“Knowingly” means [see definition of knowingly.]