

**Child Pornography:
Distribution Statutes**

State	Statute	Class of Offense	Aggravating Factor	Enhancement for Second or Subsequent Offense?	Range of Punishment	Sex Offender Registration Required?
Alabama	ALA. CODE § 13A-12-191 (2009).	Class B Felony		Punish as Class A (life or less than 99 years)	2-20 years	Yes
	ALA. CODE § 13A-12-192 (2009).	Possession with intent to disseminate: Class B Felony Possession: Class C Felony	Intent to distribute	Punish Class B as class A (life or less than 99 years) Punish Class C as Class B	2-20 years 1 year and 1 day – 10 years	Yes 15 years
Alaska	ALASKA STAT. § 11.61.125 (2009).	Class B Felony		Punish as Class A (10-14 years for second; 15-20 for third)	1-10 years	Yes
Arizona	ARIZ. REV. STAT. § 13-3552 (2008).	Class 2 Felony	Child is under 15 (10-24 year sentence)	6-18.5 years 21-35 years with aggravating factor	4-10 years	Yes
	ARIZ. REV. STAT § 13-3553 (2008).	Class 2 Felony	Child is under 15 (10-24 year sentence)	6-18.5 years 21-35 years with aggravating factor	4-10 years	Yes
Arkansas	ARK. CODE ANN. § 5-27-304 (2009).	Class C Felony		Class B Felony for subsequent offense	3-10 years	Yes
	ARK. CODE ANN. § 5-27-602 (2009)	Class C Felony		Class B Felony for subsequent offense	3-10 years	Yes
	ARK. CODE ANN.	Class B Felony			5-20 years	Yes

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	§ 5-27-603 (2009)					
California	CAL. PENAL CODE § 311.1 (2009)	Misdemeanor			Up to \$1,000 fine, and/or up to 1 year in county jail OR Up to \$10,000 fine, and/or imprisonment in the state prison	Yes
	CAL. PENAL CODE § 311.2(b) (2009) **Distribution for commercial consideration	Felony			Up to \$100,000 fine in the absence of a finding that the defendant would be incapable of paying that fine, and/or 2, 3, or 6 years in the state prison	Yes
	CAL. PENAL CODE § 311.2(c) (2009) **Distribution to anyone 18 and up, regardless of consideration	Misdemeanor		A previous conviction of this subsection elevates the crime to a felony	Up to \$2,000 fine, and/or up to 1 year in the county jail OR Imprisonment in the state prison	Yes
	CAL. PENAL CODE § 311.2(d) (2009)	Felony			2, 3, or 4 years in the state prison	yes

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	**Distribution to a minor					
	CAL. PENAL CODE § 311.3 (2009)	Misdemeanor		With a previous conviction of a violation of any section of this chapter, the defendant shall be punished by state imprisonment	Up to \$2,500 fine, and/or up to 1 year in the county jail	Yes
	CAL. PENAL CODE § 311.4 (2009)	Misdemeanor		With a previous conviction of any violation of this section, there is an additional fine of up to \$50,000	Up to \$2,000 fine, and/or up to 1 year in the county jail OR Imprisonment in the state prison	Yes
	CAL. PENAL CODE § 311.10 (2009)	Felony			2, 3, or 4 years in the state prison, or up to 1 year in the county jail, and/or up to \$50,000 fine	Yes
	CAL. PENAL CODE § 311.11 (2009)	Felony		Imprisonment of 2, 4, or 6 years	Imprisonment in the state prison, or a county jail for up to one year, or by a fine not exceeding two thousand five hundred dollars (\$2,500),	Yes

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					or by both	
Colorado	COLO. REV. STAT. § 18-6-403 (2008)	Class 3 Felony	<p>If the defendant is on parole, sentencing or appeal bond for another felony at the time of commission, the sentence must be at least the midpoint in the presumptive range but not more than twice the maximum</p> <p>OR</p> <p>If the defendant was charged with another felony at the time of commission, the sentence must be at least the minimum in the presumptive range but not more than twice the maximum</p>	<p>With two previous felony convictions, there is a mandatory sentence of at least the bottom range of incarceration, which may not be replaced by a fine</p> <p>With two previous felony convictions within 10 years of the commission of this crime, the sentence will be 3 times the maximum of the presumptive range</p> <p>With 3 previous felony convictions, the sentence will be four times the maximum of the presumptive range</p> <p>**Convictions in another jurisdiction of a</p>	<p>A fine between \$3,000 and \$750,000, and/or between 4 and 12 years imprisonment followed by a mandatory 5 years of parole</p>	Yes
					**See end of chart for crimes	

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				crime which would constitute a felony in Colorado count as felony convictions above	committed before July 1, 1993	
Connecticut	CONN. GEN. STAT. § 53a-196c (2008)	Class B Felony		If the defendant was convicted of a felony and was sentenced to over 1 year in prison or death, or has been convicted of 2 felonies that are not Class D, the sentence imposed may be for the next more serious degree of felony	Up to \$15,000 fine, and up to 20 years, 5 years of which may not be reduced or suspended	Yes – 10 years, life for second time offenders
Delaware	DEL. CODE ANN. tit. 11, § 1108 (2009)	Class B Felony		Upon a second conviction of § 1108, the defendant shall be sentenced to life imprisonment	Not less than 2 years, up to 25 years at Level V	Yes
	DEL. CODE ANN. tit. 11, § 1109 (2009)	Class B Felony			Not less than 2 years, up to 25 years at Level V	Yes
Florida	FLA. STAT. ANN. § 827.071(3) (2009)	Second Degree Felony		If committed within 3 years of release from incarceration for a crime punishable	Up to a \$10,000 fine, and/or up to 15 years imprisonment	Yes, if there is a prior conviction of any statute enumerated in § 775.21(4)(a)(1)(b)

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	**Promoting a performance			<p>by over one year, the sentence shall be 15 years</p> <p>If defendant has two previous felony convictions and this crime is committed within 5 years of the end of the most recent period of supervision, the court may sentence up to 30 years</p>		
	<p>FLA. STAT. ANN. § 827.071(4) (2009)</p> <p>**Promoting a representation</p>	Third Degree Felony		<p>If committed within 3 years of release from incarceration for a crime punishable by over one year, the sentence shall be 5 years</p> <p>If defendant has two previous felony convictions and this crime is committed within 5 years of the end of the most recent period of</p>	Up to a \$5,000 fine, and/or up to 5 years imprisonment	Yes, if there is a prior conviction of any statute enumerated in § 775.21(4)(a)(1)(b)

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				supervision, the court may sentence up to 10 years		
	FLA. STAT. ANN. § 847.0135 (2009)	Third Degree Felony		<p>If committed within 3 years of release from incarceration for a crime punishable by over one year, the sentence shall be 5 years</p> <p>If defendant has two previous felony convictions and this crime is committed within 5 years of the end of the most recent period of supervision, the court may sentence up to 10 years</p>	Up to a \$5,000 fine, and/or up to 5 years imprisonment	Yes, if there is a prior conviction of any statute enumerated in § 775.21(4)(a)(1)(b)
	FLA. STAT. ANN. § 847.0137 (2009)	Third Degree Felony		If committed within 3 years of release from incarceration for a crime punishable by over one year, the sentence shall be 5 years	Up to a \$5,000 fine, and/or up to 5 years imprisonment	Yes

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				If defendant has two previous felony convictions and this crime is committed within 5 years of the end of the most recent period of supervision, the court may sentence up to 10 years		
Georgia	GA. CODE ANN. § 16-12-100 (2009)	Felony	If the defendant is not a family member of the child(ren) in question, there is also a fine of up to \$100,000		Not less than 5 years in prison, up to 20 years	Yes
	GA. CODE ANN. § 16-12-100.2 (2009)	Felony			Up to \$10,000 fine, and not less than 1 year in prison, up to 20 years	Yes
Hawaii	HAW. REV. STAT. ANN. § 707-751 (2009)	Class B Felony	If the victim is 8 years old or younger, the maximum incarceration increases to 20 years	If the defendant has 2 previous felony convictions, is a professional criminal, is an offender against	Up to \$25,000 fine, and/or up to 10 years	Yes

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				the handicapped or people not between ages 8 and 60, or is a hate crime offender, the maximum incarceration increases to 20 years		
Idaho	IDAHO CODE ANN. § 18-1507 (2009)	Felony			Up to \$50,000 fine, and/or up to 30 years	Yes
Illinois	720 ILL. COMP. STAT. ANN. 5/11-20.1 (2009)	Class 3 Felony			Mandatory minimum fine: \$1,000	Yes
Indiana	IND. CODE ANN. § 35-42-4-4 (2009)	Class D Felony			6 Months- 3 years and not more than \$10,000	Yes
Iowa	IOWA CODE § 728.12 (2008)	Class D Felony		Twice the maximum period of incarceration for the offense, or twenty-five years, whichever is greater for second, Class A felony (life) for subsequent	No more than 5 years and fine of \$750-7,500	Yes
Kansas	KAN. STAT. ANN. § 21-3516 (2008)	Level 5, Person Felony		Aggravating factor in sentencing	50-55 months	Yes

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Kentucky	KY. REV. STAT. ANN. § 531.335,40 (2009)	Class D Felony		Class C Felony for each subsequent	1-5 years	Yes
	KY. REV. STAT. ANN. § 531.350 (2009)	Class A Misdemeanor		Class D Felony for second, Class C Felony for subsequent	90 days – 12 months	Yes
	KY. REV. STAT. ANN. § 531.370 (2009)	Class D Felony		Elevated to class C for each subsequent	1-5 years	Yes
Louisiana	LA. REV. STAT. ANN. § 14:81.1 (2009)	Felony	Under 13 when offender is 17 or older- imprisonment at hard labor for 25-29 years.	For second, determinate term not less than one- half the longest term and not more than twice the longest term prescribed for a first conviction; for subsequent, determinate term not less than two- thirds of the longest possible sentence for the conviction and not more than twice the longest possible sentence prescribed for a first conviction	Fined up to \$10,000 and imprisoned at hard labor 2-10 years without benefit of parole, probation, or suspension of sentence.	Yes
Maine	ME. REV. STAT.	Class C Crime	Under 12- Class	Class B Crime for	Period not to	Yes

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	ANN. tit. 17a § 283 (2009)		B Crime, Class A Crime for second or subsequent	second or subsequent	exceed 5 years	
Maryland	MD. CRIMINAL LAW CODE ANN. § 11-207 (2009)	Felony		Up to 20 years and/or \$50,000 fine	Up to 10 years and/or \$25,000 fine	Yes
Massachusetts	MASS. ANN. LAWS ch. 272, § 29B (2009)	Felony			10-20 years or \$10,000-\$50,000 or three times the monetary value of any gain derived from dissemination, whichever is greater, or both.	Yes
Michigan	MICH. COMP. LAWS SERV. § 750.145C(3) (2009)	Felony			Up to 7 years and/or fine up to 50,000	Yes
Minnesota	MINN. STAT § 617.246 (2008)	Felony		Up to 10 years and/or fine up to \$40,000 for second or subsequent	Up to 10 years and/or fine up to \$20,000	Yes
	MINN. STAT. § 617.247 (2008)	Felony		Up to 15 years and/or fine up to \$20,000 for second or subsequent OR- 15 years if occurs when person is a	Up to 7 years and/or fine up to \$10,000	Yes

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				registered predatory offender under section 243.166		
Mississippi	MISS. CODE ANN. § 97-5-35 (2008)	Felony		Fine of \$100,000-\$1,000,000 and confined in custody to Dept. of Corrections for 20 years- life	Fine of \$50,000-\$500,000 and imprisoned 5-40 years	No
Missouri	MO. REV. STAT. § 573.025 (2009)	(First Degree-under 14 years) Class B Felony		Class A Felony if promoted to a minor	Not eligible for probation, parole, or conditional release for a period of three calendar years.	Yes
	MO. REV. STAT. § 573.035 (2009)	(Second Degree-under 18) Class C Felony		Class B felony if promoted to a minor	No eligibility for probation	Yes
Montana	MONT. CODE ANN. §45-5-625 (2007)	Felony	Under 16- life imprisonment or 4-100 years and fine up to \$10,000 Under 12 and offender 18 or older- imprisoned for 100 years, no parole until after 25 years, may not		Life imprisonment, or up to 100 years, and fine up to \$10,000	Yes

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			suspend execution or defer imposition of the first 25 years, fine up to \$50,000 and sexual offender program			
Nebraska	NEB. REV. STAT. ANN. § 28-1463.03 (2009)	Class III Felony		Class II Felony for subsequent	1-20 years and/or \$25,000 fine	Yes
	NEB. REV. STAT. ANN. § 28-1463.05 (2009)	Class IIIA Felony for each offense			1-5 years and/or \$10,000 fine	Yes
Nevada	NEV. REV. STAT. ANN. § 200.725 (2009)	Category B Felony			1-15 years and/or up to \$15,000	Yes
New Hampshire	N.H. REV. STAT. ANN. §649-A:3 (2009)	Class B Felony	Less than 3 images or representations	Maximum up to 30 years, minimum not less than ½ minimum	Maximum up to 20 years, minimum not less than ½ minimum	Yes
New Jersey	N.J. STAT. ANN. § 2C:24-4 (2009)	2 nd Degree Crime			5-10 years	Yes
New Mexico	N.M. STAT. ANN. § 30-6A-3 (2009)	3 rd Degree Felony	Under 13- 2 nd Degree Felony		6 years	Yes
New York	N.Y. PENAL LAW § 263.13 (2009)	Class D Felony	Less than 17		Not to exceed 7 years	Yes
	N.Y. PENAL LAW § 263.16 (2009)	Class E Felony	Less than 16		Not to exceed 4 years	Yes
North Carolina	N.C. GEN. STAT.	Class E Felony		Increases based	20-25 years	Yes

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	§ 14-190.17 (2009)			on prior record level		
North Dakota	N.D. CENT. CODE § 12.1- 27.2-04.1 (2009)	Class C Felony		On third offense, may be treated as a habitual offender and given 10 years	5 years and/ or fine of \$5,000	Yes
Ohio	OHIO REV. CODE ANN. § 2907.321 (2009)	(A)(1)(2)(3) or (6)- 2 nd Degree Felony (A)(5)- 4 th Degree Felony		(A)(5) 3 rd Degree Felony for second or subsequent	(A)(1)(2)(3) or (6)-2-8 years (A)(5)-6-18 months	Yes
Oklahoma	OKLA. STAT. ANN. tit. 21 § 1021.2 (2009)	Felony	Distributes to a minor- custody at Dept. of Corrections 10- 30 years, or under 12- not less than 25 years		Fine of \$500- \$20,000, and/or 30 days- 10 years	Yes
Oregon	OR. REV. STAT. § 163.684 (2007)	Class B Felony			10 years and/or fine of \$250,000	Yes
Pennsylvania	18 PA. CONS. STAT. ANN. §6312 (2009)	3 rd Degree Felony		2 nd Degree Felony for second or subsequent	Not more than 7 years	Yes For 10 years
Rhode Island	R.I. GEN. LAWS § 11-9-1.3 (2009)	Felony			Up to \$5,000, and/or up to 15 years	Yes
South Carolina	S.C. CODE ANN. § 16-15-405 (2008)	Felony			2-10 years	Yes
South Dakota	S.D. CODIFIED LAWS § 22-24A-	Class 4 Felony		Class 3 Felony for subsequent	10 years and \$20,000	Yes

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	3 (2009)			violation within 15 years of initial conviction		
Tennessee	TENN. CODE ANN. § 39-17-1004 (2009)	Class C Felony	Over 25 images: Class B Felony		Up to \$10,000 fine, and/or 3-15 years. Up to \$25,000 fine, and/or 8-30 years for Class B Felony	Yes
Texas	TEX. PENAL CODE ANN. § 43.26 (2009)	Second Degree Felony		If Defendant has been convicted of a felony, on conviction he shall be punished for a first-degree felony.	Up to \$10,000 fine, and/or 2-20 years Up to \$10,000, and/or life or between 5-99 years	Yes
Utah	UTAH CODE ANN. § 76-5a-3 (2009)	Second Degree Felony	If the trier of fact finds beyond a reasonable doubt that the person acted in concert with two or more persons, it is a First Degree Felony	With two previous violent felony convictions, punish Second Degree as First: 5 years to life	1-15 years 5 years to life for a First Degree Felony	Yes
Vermont	VT. STAT. ANN. tit. 13 § 2824 (2009)	Felony		Under a second conviction of 13 V.S.A. §§ 2822 –	Up to \$20,000 fine, and/or up to 10 years	Yes

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				2824, up to \$50,000, and/or 1-15 years		
Virginia	VA. CODE ANN. § 18.2-374.1:1 (2009)	Felony		For all subsequent offenses, 5-20 years, 5 years mandatory	5-20 years	Yes for subsections (b) and (c)
Washington	WASH. REV. CODE ANN. § 9.68A.050 (2009)	Class C Felony			Up to \$10,000 fine, and/or up to 5 years	No
West Virginia	W. VA. CODE ANN. § 61-8C-3 (2009)	Felony			Up to \$2,000 fine, and up to 2 years	Yes
	W. VA. CODE ANN. § 61-8D-6 (2009)	Felony			Between \$400-\$4,000 fine, and up to 2 years	Yes
Wisconsin	WIS. STAT. ANN. § 948.05 (2008)	Class C Felony		With 2 previous convictions of serious felonies, or 1 previous conviction of a serious child sex offense, the sentence is life imprisonment	\$500 per image surcharge for each image associated with the crime [§973.042] 5 year mandatory minimum, unless subsection 2, allowing judicial discretion [§ 939.617(1)] (bifurcated)	Yes

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					<p style="color: red;">sentence guidelines)1-25 years imprisonment, plus at least 25% of the term of confinement, up to 15 years, extended supervision discretion [§ 973.01]</p>	
	<p>WIS. STAT. ANN. § 948.05 (2008)</p>	<p>Class F if Defendant is under 18</p>			<p>Up to a \$25,000 fine, and/or up to 12 years 6 months</p>	<p>Yes</p>
<p>Wyoming</p>	<p>WYO. STAT. ANN. § 6-4-303 (2009)</p>	<p>Felony</p>			<p>Up to \$10,000 fine, and/or 5-12 years</p>	<p>Yes</p>
<p>Federal Legislation</p>	<p>18 U.S.C.S. § 2252A (2009)</p>	<p>Felony</p>		<p>15-40 years for a second offense</p>	<p>Fined under this title and imprisoned not less than 5 years and not more than 20 years</p>	<p>Yes</p>
	<p>18 U.S.C.S. § 2252A(a)(7) (2009)</p> <p>**produces with intent to distribute</p>	<p>Felony</p>			<p>Fined under this title or imprisoned not more than 15 years, or both</p>	<p>Yes</p>
<p>U.S. Virgin</p>	<p>V.I. CODE ANN.</p>	<p>Felony</p>			<p>Fined not less</p>	<p>Yes</p>

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Islands	tit. 14, § 1024 (2009)				than \$25,000 and not more than \$50,000 or imprisoned not more than three years, or both.	
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Colorado:

For crimes committed on or after July 1, 1985, but prior to July 1, 1993, the imposed sentence may be 4 to 16 years.

There is no listed fine for crimes committed prior to July 1, 1985.

For crimes committed on or after July 1, 1984, and before July 1, 1985, the presumptive sentence is 4 to 8 years.

For crimes committed after July 1, 1979, and before July 1, 1984, the presumptive sentence is 4 to 8 years plus one year of parole.