

**§ 14-190.16. First degree sexual exploitation of a minor.**

(a) Offense. – A person commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, the person does any of the following:

- (1) Uses, employs, induces, coerces, encourages, or facilitates a minor to engage in or assist others to engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity.
- (2) Permits a minor under his custody or control to engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity.
- (3) Transports or finances the transportation of a minor through or across this State with the intent that the minor engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity.
- (4) Records, photographs, films, develops, or duplicates for sale or pecuniary gain material that contains a visual representation depicting a minor engaged in sexual activity.
- (5) Creates for sale or pecuniary gain material created, adapted, or modified to appear that an identifiable minor is engaged in sexual activity.
- (6) Creates for sale or pecuniary gain a child sex doll of an identifiable minor.

(b) Inference. – In a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor.

(c) Mistake of Age. – Mistake of age is not a defense to a prosecution under this section.

(d) Punishment and Sentencing. – A violation of subdivision (a)(5) or subdivision (a)(6) of this section is a Class D felony. Any other violation of this section is a Class C felony. (1985, c. 703, s. 9; 1993, c. 539, s. 1196; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 507, s. 19.5(o); 2008-117, s. 3; 2008-218, s. 2; 2024-37, s. 2(b).)