

# Michigan Child Pornography Laws

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## Definition of Child Pornography in Michigan

Child pornography is a form of child sexual exploitation. In modern times instances of child pornography can occur on a computer through the Internet or even on smartphone.

Images of [child pornography](#) are not protected under First Amendment rights. They are considered illegal contraband under both state and federal law. There are many ways that an individual can be charged with a crime involving child pornography or "child sexually abusive material." One common charge is possession. Possession can be in the form of emails, pictures, visiting a website or, more recently, sending sexually explicit photos on your phone or "[sexting](#)." A charge can also be associated with distributing or creating child pornography.

Most convictions will lead to registration on the [Michigan Sex Offender Registry](#) list. Once registered, an individual may be on the list for life.

<b>Code Sections</b>	Possession of Child Sexually Abusive Material (child pornography): <a href="#">Michigan Penal Code §750.145c(4)</a>  Distribution of Child Sexually Abusive Material: : <a href="#">Michigan Penal Code §750.145c(3)</a>  Production of Child Sexually Abusive Material: <a href="#">Michigan Penal Code §750.145c(2)</a>
<b>What is Prohibited</b>	Possession: Anyone who knowingly possesses or seeks and accesses child pornographic material is guilty.  Distribution: Anyone who distributes, promotes, or finances the distribution (or conspires, attempts, or prepares) any "child sexually abusive material."  Production: Anyone who persuades, induces, entices, coerces, causes, or knowingly allows a child to engage in "child sexually abusive" activity.

<b>First Amendment Protections?</b>	Child pornography is <b>not</b> protected speech covered by the First Amendment.
<b>Definition of a "Minor"</b>	A person under 18 years of age.
<b>Definition of "Child Sexually Abusive Material"</b>	Any film, photograph, negative, slide, magazine, or other visual medium depiction, electronic visual image, computer or computer-generated image or sound recording which is of a child (under age 18) or appears to include a child engaging in a sexual act.
<b>Mandatory State Sexual Offender Registry if Convicted?</b>	Yes
<b>Penalties</b>	<p>Possession: felony, up to 4 yrs. in prison, \$10,000 fine, asset forfeiture, possible restitution</p> <p>Distribution: felony, up to 7 yrs. in prison, \$50,000 fine, asset forfeiture, possible restitution</p> <p>Production: felony, up to 20 yrs. in prison, \$100,000 fine, asset forfeiture, possible restitution</p>
<b>Mandatory Reporting Requirement</b>	Computer technicians, information technology workers, and film developers must report child pornography to law enforcement if they encounter it in the scope of their work. The law doesn't require technicians or service providers to actively search for illegal material, only to report it if they find it.
<b>Confidentiality and Civil Liability Immunity</b>	The identity of the computer technician, information technology worker, or film developer must remain confidential and he or she can't be sued by the defendant under this law.

## What is Child Sexually Abusive Material?

"Child sexually abusive material" is any depiction, picture, film, slide, video, electronic visual image, computer or computer-generated image or sound recording which is of a

child (under age 18) or appears to include a child engaging in a sexual act. An image may also include unexposed film or a negative.

The following table highlights the main provisions of the Michigan child pornography laws. See [Cyber Crimes](#), [Sex Crimes](#), and [Crimes Against Children](#) for more information.

## Federal Child Pornography Crimes

Child pornography is also a [federal crime](#). Federal laws addressing child pornography are:

- [18 U.S.C. § 2251](#)- Sexual Exploitation of Children (production of child pornography)
- [18 U.S.C. § 2251A](#)- Selling and Buying of Children
- [18 U.S.C. § 2252](#)- Certain activities relating to material involving the sexual exploitation of minors (possession, distribution and receipt of child pornography)
- [18 U.S.C. § 2252A](#)- Certain activities relating to material constituting or containing child pornography
- [18 U.S.C. § 2260](#)- Production of sexually explicit depictions of a minor for importation into the United States

## Law Enforcement

- [Michigan State Police Internet Crimes Against Children Task Force \(ICAC\)](#)
- [Local Michigan Law Enforcement and Police Departments \(PDF\)](#)

Because criminal laws can sometimes get complicated, it may also be a good idea to consult an experienced [Michigan criminal defense attorney](#) if you have questions about your specific situation.