

Staff Information Paper

Statutorily Permissible Punishment Ranges for Child Pornography Offenses in Other States

October 22, 2019

This paper provides information about other states' statutory penalties for child pornography offenses.

The U.S. Sentencing Commission's 2012 report on Federal Child Pornography Offenses included an appendix summarizing the penalties for child pornography offenses among the 50 states and the District of Columbia.¹ That appendix is attached to this information paper.

Relying almost entirely² on the information contained in that appendix, the following charts are intended to give an approximate idea of the permissible statutory sentencing ranges within each state. These charts are intended to provide only an approximate guide. For more detail, please refer to the appendix itself; for more accurate and current information, please refer to the sentencing law of each state.³

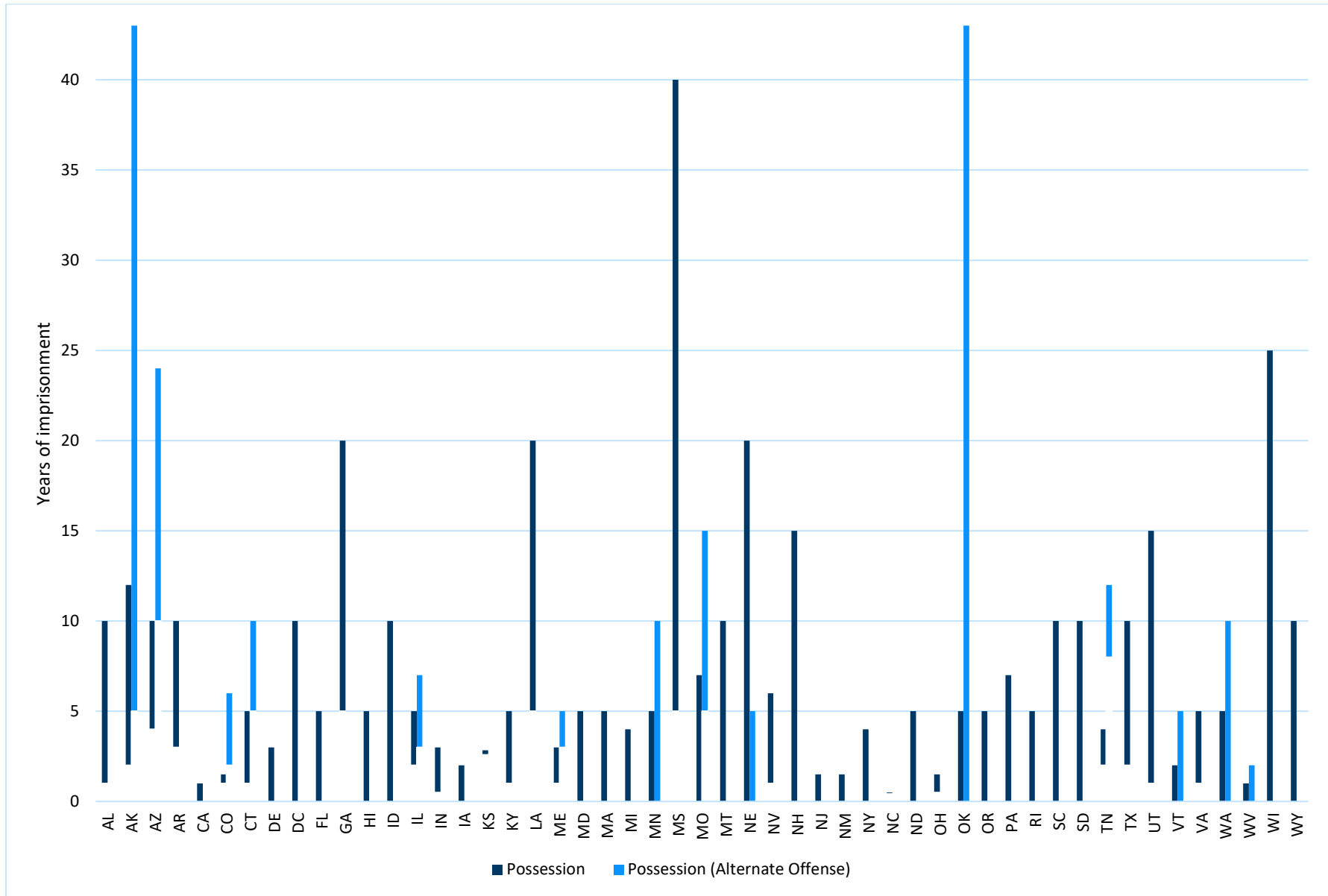
With respect to child pornography production (Figure 1), distribution (Figure 2), and production (Figure 3), the low end of each bar shows the low end of the permissible statutory sentencing range for that offense. If the low end is zero, only the maximum sentence is established by statute. The high end of the bar shows the high end of the permissible statutory sentencing range for that offense. Where more than one statutory sentencing range is present for a particular offense—depending on offense or offender characteristics, *e.g.*, the age of the victim—an alternate sentencing range may be shown.

¹ U.S. Sentencing Comm'n, *Federal Child Pornography Offenses* (Dec. 2012), Appendix F (retrieved Oct. 22, 2019, from link found at <https://go.usa.gov/xVkpF>).

² In some cases where the statutorily permissible punishment range was not clear, staff examined the statutes themselves to clarify. In the case of Minnesota, staff added data about the 2019 penalty enhancements applicable to some child pornography offenses.

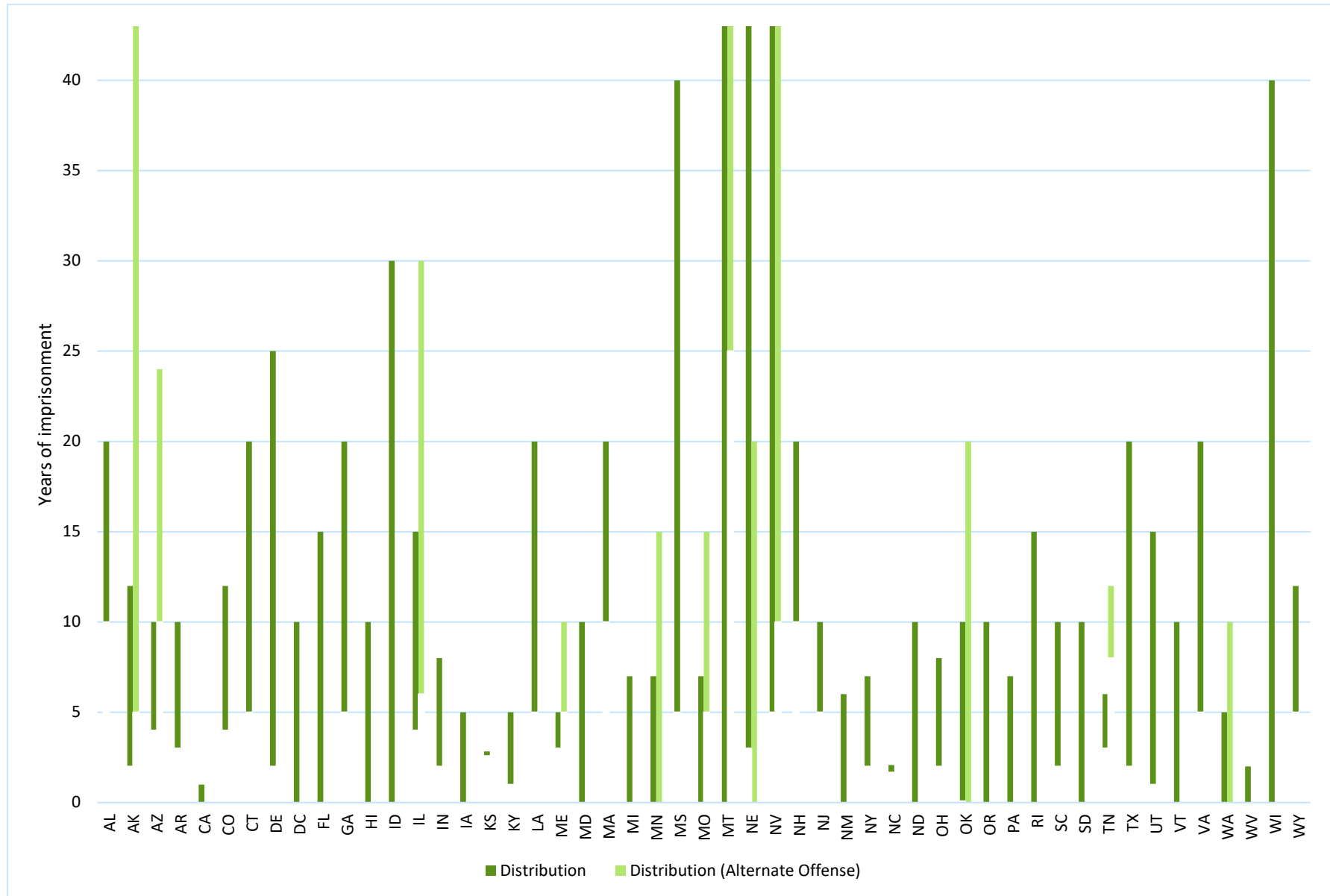
³ For an older compilation of each state's child pornography statutes, see Nat'l Dist. Attorneys Ass'n, *Child Pornography Statutes* (June 2010) (retrieved Oct. 22, 2019, at <https://ndaa.org/wp-content/uploads/Child-Pornography-Statutory-Compilation-6-2010.pdf>).

Figure 1. Abstract of Statutorily Permissible Punishment Ranges for Child Pornography Possession



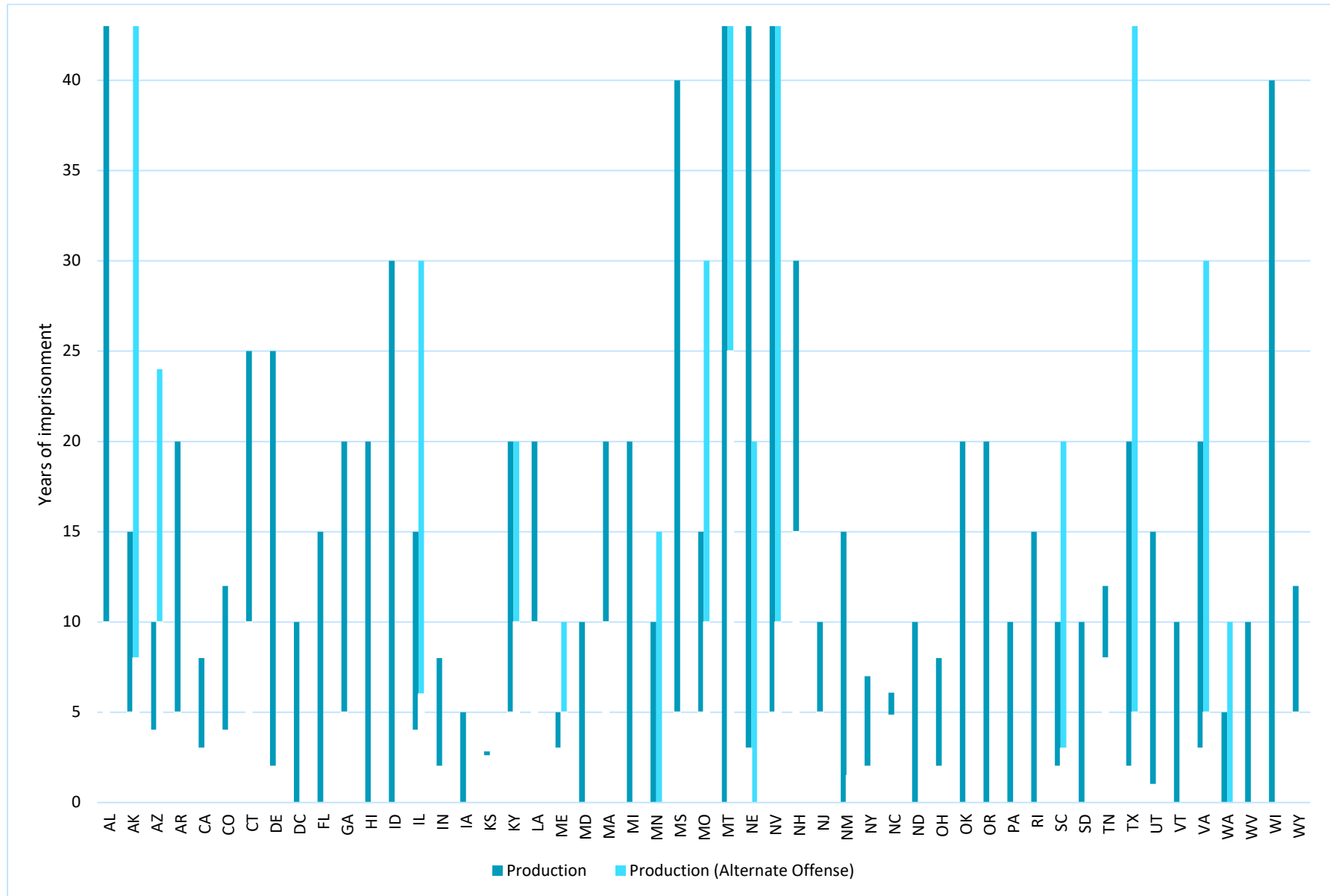
Primary source: U.S. Sentencing Commission (2012). Secondary source: state statutes. For durations above 40 years, refer to Appendix.

Figure 2. Abstract of Statutorily Permissible Punishment Ranges for Child Pornography Distribution



Primary source: U.S. Sentencing Commission (2012). Secondary source: state statutes. For durations above 40 years, refer to Appendix.

Figure 3. Abstract of Statutorily Permissible Punishment Ranges for Child Pornography Production



Primary source: U.S. Sentencing Commission (2012). Secondary source: state statutes. For durations above 40 years, refer to Appendix.

APPENDIX F
STATE CHILD PORNOGRAPHY STATUTES

	Possession		Receipt		Distribution		Production	
	Cite	Penalty ¹	Cite	Penalty	Cite	Penalty	Cite	Penalty
Alabama	Ala. Code. § 13A-12-192	Class C 1 yr/1 day-10 yrs Ala. Code. § 13A-5-6			Ala. Code § 13A-12-191	Class B 10-20 yrs Ala. Code § 13A-5-6	Ala. Code § 13A-12-197	Class A 10-99 yrs or life Ala. Code § 13A-5-6
Alaska	Alaska Stat. § 11.61.127	Class C 0-99 yrs (with various presumptive ranges) Alaska Stat. § 12.55.125			Alaska Stat. § 11.61.125	Class B 0-99yrs (with various presumptive ranges) Alaska Stat. § 12.55.125	Alaska Stat. § 11.41.455	Class B 0-99 yrs (with various presumptive ranges) Alaska Stat. § 12.55.125
Arizona	Ariz. Rev. Stat. Ann. § 13-3553	Class 2 4-10 yrs, presumptive 5 yrs. 10-24 yrs, presumptive 17 yrs if minor under 15 yrs Ariz. Rev. Stat.	Ariz. Rev. Stat. Ann. § 13-3553	Class 2 4-10 yrs, presumptive 5 yrs. 10-24 yrs, presumptive 17 yrs if minor under 15 yrs Ariz. Rev. Stat.	Ariz. Rev. Stat. Ann. § 13-3553	Class 2 4-10 yrs, presumptive 5 yrs. 10-24 yrs, presumptive 17 yrs if minor under 15 yrs Ariz. Rev. Stat.	Ariz. Rev. Stat. Ann. § 13-3553	Class 2 4-10 yrs, presumptive 5 yrs. 10-24 yrs, presumptive 17 yrs if minor under 15 yrs Ariz. Rev. Stat.

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¹ The chart includes statutory penalty provisions only. Any applicable state sentencing guideline provisions governing child pornography offenses are not included. In addition, statutory enhancements for offenders based on their predicate convictions for sex offenses are omitted from this chart.

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
		Ann. § 13-705		Ann. § 13-705		Ann. § 13-705		Ann. § 13-705
Arkansas	Ark. Code. Ann. § 5-27-304	Class C 3-10 yrs	Ark. Code. Ann. § 5-27-304	Class C 3-10 yrs	Ark. Code. Ann. § 5-27-304	Class C 3-10 yrs	Ark. Code. Ann. § 5-27-605	Class B 5-20 yrs
	Ark. Code. Ann. § 5-27-602	Ark. Code. Ann. § 5-4-401 Class C 3-10 yrs Ark. Code. Ann. § 5-4-401		Ark. Code. Ann. § 5-4-401	Ark. Code. Ann. § 5-27-602	Ark. Code. Ann. § 5-4-401 Class C 3-10 yrs Ark. Code. Ann. § 5-4-401		
California	Cal. Penal Code § 311.11	0-1 yrs Cal. Penal Code § 311.11			Cal. Penal Code §§ 311.1, 311.2, & 311.3 Distribution to a minor Distribution to an adult	Felony 0-1 yrs Cal. Penal Code §§ 311.1, 311.2, & 311.3	Cal. Penal Code § 311.4	3, 6, or 8 yrs Cal. Penal Code § 311.3

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Colorado	Col. Rev. Stat. Ann. § 18-6-403	Class 6 Less than 20 images, 1-1½ yrs More than 20 images, Class 4 2-6 yrs Col. Rev. Stat. Ann. § 18-1.3-401			Col. Rev. Stat. Ann. § 18-6-403	Class 3 4-12 yrs Col. Rev. Stat. Ann. § 18-1.3-401	Col. Rev. Stat. Ann. § 18-6-403	Class 3 4-12 yrs Col. Rev. Stat. Ann. § 18-1.3-401
Connecticut	Conn. Gen. Stat. Ann. § 53a-196f	Class D 0-19 images, 1-5 yrs, 1 yr minimum			Conn. Gen. Stat. Ann. § 53a-196b	Class B 1-20 yrs, 5 yr minimum Conn. Gen. Stat. Ann. § 53a-35a	Conn. Gen. Stat. Ann. § 53a-196a	Class A 10-25 yrs Conn. Gen. Stat. Ann. § 53a-35a
	Conn. Gen. Stat. Ann. § 53a-196e	Class C 20-49 images, 1-10 yrs, 2 yr minimum Conn. Gen. Stat. Ann.						

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Connecticut (cont'd)		§ 53a-35a						
	Conn. Gen. Stat. Ann. § 53a-196d	Class B 50 or more images, or 1 image of serious injury, 5 yr minimum Conn. Gen. Stat. Ann. § 53a-35a						
Delaware	Del. Code Ann. 11, § 1111	Class F 0-3 yrs	Del. Code. Ann. 11, § 1109	Class B 2-25 yrs	Del. Code. Ann. 11, § 1109	Class B 2-25 yrs	Del. Code Ann. 11, § 1108	Class B 2-25 yrs
							Del. Code. Ann. 11, § 1109	Class B 2-25 yrs
District of Columbia	D.C. Code § 22-3102	0-10 yrs			D.C. Code § 22-3102	0-10 yrs	D.C. Code § 22-3102	0-10 yrs
		D.C. Code § 22-3103				D.C. Code § 22-3103		D.C. Code § 22-3103
Florida	Fla. Stat. Ann. § 827.071	3 rd degree felony 0-5 yrs			Fla. Stat. Ann. § 827.071	2 nd degree felony 0-15 yrs	Fla. Stat. Ann. § 827.071	2 nd degree felony 0-15 yrs
		Fla. Stat. Ann. § 775.082				Fla. Stat. Ann. § 775.082		Fla. Stat. Ann. § 775.082

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
	Fla. Stat. Ann. § 847.011 (obscenity of minors)	3 rd degree felony 0-5 yrs Fla. Stat. Ann. § 847.011			Fla. Stat. Ann. § 847.011 (obscenity of minors)	3 rd degree felony 0-5 yrs Fla. Stat. Ann. § 847.011	Fla. Stat. Ann. §847.011 (obscenity if minors)	3rd degree felony 0-5 yrs Fla. Stat. Ann. § 847.011
Georgia	Ga. Code Ann. § 16-12-100	5-20 yrs Ga. Code Ann. §16-12-100			Ga. Code Ann. § 16-12-100	5-20 yrs Ga. Code Ann. § 16-12-100	Ga. Code Ann. § 16-12-100	5-20 yrs Ga. Code Ann. § 16-12-100
Hawaii	Haw. Rev. Stat. § 707-752	Class C Indeterminate term of 5 yrs, minimum determined by Parole Haw. Rev. Stat. § 706-660			Haw. Rev. Stat. § 707-751	Class B Indeterminate term of 10 yrs, minimum determined by Parole Haw. Rev. Stat. § 706-660	Haw. Rev. Stat. § 707-750	Class A Indeterminate term of 20 yrs, minimum determined by Parole Haw. Rev. Stat. § 706-659
Idaho	Idaho Code Ann. § 18-1507	0-10 yrs Idaho Code Ann. § 18-1507			Idaho Code Ann. § 18-1507	0-30 yrs Idaho Code Ann. § 18-1507	Idaho Code Ann. § 18-1507 Idaho Code Ann. § 18-1506 minor under 16 yrs	0-30 yrs Idaho Code Ann. § 18-1507 0-25 yrs Idaho Code Ann. § 18-1506
Illinois	720 Ill. Comp. Stat. Ann. 5/11-20.1	Minor under 13 yrs, Class 2			720 Ill. Comp. Stat. Ann. 5/11-20.1	Minor under 13 yrs, Class X	720 Ill. Comp. Stat. Ann. 5/11-20.1	Minor under 13 yrs, Class X

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Illinois (cont'd)		<p>3-7 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-35</p> <p>Minor 13 yrs or older, still image, Class 3</p> <p>2-5 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-40</p> <p>Minor 12 yrs or older, film or videotape, Class 2</p> <p>3-7 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-35</p>				<p>6-30 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-25</p> <p>Minor 13 yrs or older, still image, Class 1</p> <p>4-15 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-30</p> <p>Minor 13 yrs or older, film or videotape, Class X</p> <p>6-30 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-25</p>		<p>6-30 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-25</p> <p>Minor 13 yrs or older, still image, Class 1</p> <p>4-15 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-30</p> <p>Minor 13 yrs or older, film or videotape, Class X</p> <p>6-30 yrs</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-25</p>

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Indiana	Ind. Code Ann. § 35-42-4-4 (minor under 16 years)	Class D 6 mths-3 yrs, advisory sentence of 18 months Ind. Code Ann. § 35-50-2-7			Ind. Code Ann. § 35-42-4-4	Class C 2-8 yrs, advisory sentence of 4 yrs Ind. Code Ann. § 35-50-2-6	Ind. Code Ann. § 35-42-4-4	Class C 2-8 yrs, advisory sentence of 4 years Ind. Code Ann. § 35-50-2-6
Iowa	Iowa Code Ann. § 728.12	Agg. Misd. 0-2 yrs Iowa Code Ann. § 903.1			Iowa Code Ann. § 728.12	Class D 0-5 yrs Iowa Code Ann. § 902.9	Iowa Code Ann. § 728.12	Class D 0-5 yrs Iowa Code Ann. § 902.9
Kansas	Kan. Stat. Ann. § 21-5510	Severity level 5, person felony, if minor 14 yrs or over 31-34 mths, presumptive sentence of 32 mths Off-grid person felony, if minor under 14 yrs			Kan. Stat. Ann. § 21-5510	Severity level 5, person felony, if minor 14 yrs or over 31-34 mths, presumptive sentence of 32 mths Off-grid person felony, if minor under 14 yrs	Kan. Stat. Ann. § 21-5510	Severity level 5, person felony, if minor 14 yrs or over 31-34 mths, presumptive sentence of 32 mths Off-grid person felony, if minor under 14 yrs

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
		Kan. Stat. Ann. § 21-5510 ²				Kan. Stat. Ann. § 21-5510		Kan. Stat. Ann. § 21-5510
Kentucky	Ken. Rev. Stat. Ann. § 531.335	Class D 1-5 yrs			Ken. Rev. Stat. Ann. § 531.340	Class D 1-5 yrs	Ken. Rev. Stat. Ann. § 531.320	Class C If minor is less than 18 yrs
Kentucky (cont'd)		Kan. Rev. Stat. Ann. § 532.020				Ken. Rev. Stat. Ann. § 532.020	Class B If minor is less than 16 yrs	5-20 yrs
							Class A if minor incurs physical injury	10-20 yrs
								20-50 yrs
							Ken. Rev. Stat. Ann. § 532.020	
Louisiana	La. Rev. Stat. Ann. § 14:18.1	5-20 yrs			La. Rev. Stat. Ann. § 14:81.1	5-20 yrs	La. Rev. Stat. Ann. § 14:81.1	10-20 yrs
		La. Rev. Stat. Ann. § 14:81.1				La. Rev. Stat. Ann. § 14:81.1		La. Rev. Stat. Ann. § 14:81.1

² Kansas has a statutory sentencing table, with criminal history on the horizontal and severity level on the vertical. Each cell contains a range of three numbers, with the middle number representing the standard sentence, the higher number representing an aggravated sentence, and the lower number representing a mitigated sentence.

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Maine	Me. Rev. Stat. Ann. 17, § 284	Class D 1-3 yrs Class C If minor under 12 yrs, 3-5 yrs Me. Rev. Stat. Ann. 17, §284, Me. Rev. Stat. Ann. 17, § 4			Me. Rev. Stat. Ann. 17, § 283	Class C 3-5 yrs Class B If minor less than 12 yrs, 5-10 yrs Me. Rev. Stat. Ann. 17, §283, Me. Rev. Stat. Ann. 17, § 4	Me. Rev. Stat. Ann, 17, §283	Class C 3-5 yrs Class B If minor less than 12 yrs, 5-10 yrs Me. Rev. Stat. Ann. 17, §283, Me. Rev. Stat. Ann. 17, § 4
Maryland	Md. Code Ann., Crim. Law § 11-208	0-5 yrs Md. Code Ann., Crim. Law § 11- 208			Md. Code Ann., Crim. Law § 11-207	0-10 yrs Md. Code Ann., Crim. Law § 11- 207	Md. Code Ann., Crim. Law § 11-207	0-10 yrs Md. Code Ann., Crim. Law § 11-207
Massachusetts	Mass. Gen. Laws Ann. Ch. 272, § 29C	0-5 yrs state prison or 0-2 ½ yrs in jail			Mass. Gen. Laws Ann. Ch. 272, § 29B	10-20 yrs Mass. Gen. Laws Ann. Ch. 272, § 29B	Mass. Gen. Laws Ann. Ch. 272, § 29B	10-20 yrs Mass. Gen. Laws Ann. Ch. 272, § 29B
Michigan	Mich. Comp. Laws Ann. § 750.145c	0-4 yrs Mich. Comp. Laws Ann. § 750.145c			Mich. Comp. Laws Ann. § 750.145c	0-7 yrs Mich. Comp. Laws Ann. § 750.145c	Mich. Comp. Laws Ann. § 750.145c	0-20 yrs Mich. Comp. Laws Ann. § 750.145c

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Minnesota	Minn. Stat. Ann. § 617.247	0-5 yrs Minn. Stat. Ann. § 617.247			Distribution for Profit Minn. Stat. Ann. § 617.246	0-10 yrs Minn. Stat. Ann. § 617.246	Minn. Stat. Ann. § 617.246	0-10 yrs Minn. Stat. Ann. § 617.246
					Distribution not for Profit Minn. Stat. Ann. § 617.247	0-7 yrs Minn. Stat. Ann. § 617.247		
Mississippi	Miss. Code. Ann. § 97-5-33	5-40 yrs Miss. Code. Ann. § 97-5-35			Miss. Code. Ann. § 97-5-33	5-40 yrs Miss. Code. Ann. § 97-5-35	Miss. Code. Ann. § 97-5-33	5-40 yrs Miss. Code. Ann. §97-5-35

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Missouri	Mo. Ann. Stat. § 573.037	Class C, 0-20 images 0-7 yrs			Mo. Ann. Stat. § 573.025 If minor under 14 portrayed	Class B 5-15 yrs	Mo. Ann. Stat. § 573.023 If minor under 14 portrayed	Class A 10-30 yrs or life
		Class B, more than 20 images 5-15 yrs Mo. Ann. Stat. § 558.011			If distributed to a minor	Class A 10-30 yrs or life Mo. Ann. Stat. § 558.011		Mo. Ann. Stat. § 558.011
					Mo. Ann. Stat. § 573.025 If minor under 18 portrayed	Class C 0-7 yrs	Mo. Ann. Stat. § 573.023 If minor under 18 portrayed	Class B 5-15 yrs
					If distributed to a minor	Class B 5-15 yrs Mo. Ann. Stat. § 558.011		Mo. Ann. Stat. § 558.011
Montana	Mont. Code Ann. § 45-5-625	0-10 yrs Mont. Code			Mont. Code Ann. § 45-5-625	Minor 16 yrs and over, life or 0-100 yrs	Mont. Code Ann. § 45-5-625	Minor 16 yrs and over, life or 0-100 yrs

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Montana (cont'd)		Ann. § 45-5-625				Minor 13-15 yrs, life, 4-100 yrs Minor 12 yrs and younger, 100 years Courts may not suspend execution or defer imposition of first 25 yrs. Mont. Code Ann. § 45-5-625		Minor 13-15 yrs, life, 4-100 yrs Minor 12 yrs and younger, 100 years Courts may not suspend execution or defer imposition of first 25 yrs. Mont. Code Ann. § 45-5-625
Nebraska	Neb. Rev. Stat. Ann. § 28-813.01	Class IV Felony If defendant under 19 yrs, 0- 5 yrs Neb. Rev. Stat. Ann. §28-813.01 Class III Felony If defendant 19 yrs or older, 0-20 yrs			Neb. Rev. Stat. Ann. §28-1463.03	Class III Felony If defendant under 19 yrs, 0- 20 yrs Class ID Felony If defendant 19 yrs or older, 3-50 yrs Neb. Rev. Stat. Ann. §28-1463.04, §28-105	Neb. Rev. Stat. Ann. §28-1463.03	Class III Felony If defendant under 19 yrs, 0- 20 yrs Class ID Felony If defendant 19 yrs or older, 3-50 yrs Neb. Rev. Stat. Ann. §28-1463.04, §28-105

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
		Neb. Rev. Stat. Ann. §28-813.01, §28-105						
Nevada	Nev. Rev. Stat. Ann. § 200.730	Category B 1-6 yrs			Nev. Rev. Stat. Ann. § 200.720	Category A If minor 14 yrs and older, life w/ possibility of parole after 5 yrs If minor under 14 yrs, life with possibility of parole after 10 yrs Nev. Rev. Stat. Ann. § 200.750	Nev. Rev. Stat. Ann. §§ 200.710, 200.720	Category A If minor 14 yrs and older, life w/ possibility of parole after 5 yrs If minor under 14 yrs, life with possibility of parole after 10 yrs Nev. Rev. Stat. Ann. § 200.750
		Nev. Rev. Stat. Ann. § 200.730				Nev. Rev. Stat. Ann. § 200.725 Category B 1-15 yrs Nev. Rev. Stat. Ann. § 200.725		

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
New Hampshire	N.H. Rev. Stat. Ann. § 649-A:3	0-15 yrs N.H. Rev. Stat. Ann. § 651:2			N.H. Rev. Stat. Ann. § 649:A-3-a	10-20 yrs N.H. Rev. Stat. Ann. § 649:A:3-a	N.H. Rev. Stat. Ann. § 649:A:3-b	15-30 yrs N.H. Rev. Stat. Ann. § 49:A:3-b
New Jersey	N.J. Stat. Ann. § 2c:24-4	4 th degree 0-18 mths N.J. Stat. Ann. § 2c:24-4, N.J. Stat. Ann. § 2c:43-6			N.J. Stat. Ann. § 2c:24-4	2 nd degree 5-10 yrs N.J. Stat. Ann. § 2c:24-4, N.J. Stat. Ann. § 2c:43-6	N.J. Stat. Ann. § 2c:24-4	2 nd degree 5-10 yrs N.J. Stat. Ann. § 2c:24-4, N.J. Stat. Ann. § 2c:43-6
New Mexico	N.M. Stat. Ann. § 30-6A-3	4 th degree 18 mths N.M. Stat. Ann. § 31-18-15			N.M. Stat. Ann. § 30-6A-3	3 rd degree 6 yrs N.M. Stat. Ann. § 31-18-15	N.M. Stat. Ann. § 30-6A-3 N.M. Stat. Ann. § 30-6A-3 (morphed image of real child)	2 nd degree 15 yrs N.M. Stat. Ann. § 31-18-15 4 th degree 18 mths N.M. Stat. Ann. § 31-18-15

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
New York	N.Y. Penal Law §§ 263.11 & 263.16	Class E 0-4 yrs New York Penal Law § 70.00			New York Penal Law §§ 263.10 & 263.15	Class D 2-7 yrs New York Penal Law § 70.80	New York Penal Law § 263.10 & 263.15	Class D 2-7 yrs New York Penal Law § 70.80
North Carolina	N.C. Gen. Stat. Ann. § 14-190.17A	Class H ³ 5-6 mths - 20% more than minimum N.C. Gen. Stat. Ann. § 15A-1340.17			N.C. Gen. Stat. Ann. § 14-190.17	Class E 20-25 mths - 20% more than minimum N.C. Gen. Stat. Ann. § 15A-1340.17	N.C. Gen. Stat. Ann. § 14-190.16	Class E 58-73 mths - 20% more than minimum N.C. Gen. Stat. Ann. § 15A-1340.17
North Dakota	N.D. Cent. Code § 12.1-27.2-04.1	Class C 0-5 yrs N.D. Cent. Code § 12.1-32.01			N.D. Cent. Code § 12.1-27.2-03 Obscene performance of sexual conduct by minor	Class B 0-10 yrs N.D. Cent. Code § 12.1-32-01	N.D. Cent. Code § 12.1-27.2-03 Obscene performance of sexual conduct by minor	Class B 0-10 yrs N.D. Cent. Code § 12.1-32-01

³ North Carolina has a statutory sentencing table, with criminal history on the horizontal and felony classes on the vertical. The judge selects a single sentence term from one of three ranges (aggravated, presumptive, or mitigated) available for each felony class, which establishes the minimum, and imposes a maximum term approximately 20% longer than the minimum term. This appendix shows the presumptive range for a defendant with little or no prior record for both Class C, E, and H felonies.

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
					N.D. Cent. Code § 12.1-27-2.04 Any performance of sexual conduct by a minor	Class C 0-5 yrs N.D. Cent. Code § 12.1-32-01	N.D. Cent. Code § 12.1-27-2.04 Any performance of sexual conduct by a minor	Class C 0-5 yrs N.D. Cent. Code § 12.1-32-01
Ohio	Ohio Rev. Code Ann. § 2907.321	4 th degree 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months Ohio Rev. Code Ann. § 2929.24			Ohio Rev. Code Ann. § 2907.321	2 nd degree 2, 3, 4, 5, 6, 7, or 8 yrs Ohio Rev. Code Ann. § 2929.24	Ohio Rev. Code Ann. § 2907.321	2 nd degree 2, 3, 4, 5, 6, 7, or 8 yrs Ohio Rev. Code Ann. § 2929.24
	Ohio Rev. Code Ann. § 2907.322	4 th degree 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months Ohio Rev. Code Ann. § 2929.14			Ohio Rev. Code Ann. § 2907.322	2 nd degree 2, 3, 4, 5, 6, 7, or 8 yrs Ohio Rev. Code Ann. § 2929.14	Ohio Rev. Code Ann. § 2907.322	2 nd degree 2, 3, 4, 5, 6, 7, or 8 yrs Ohio Rev. Code Ann. § 2929.14

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Oklahoma	Okla. Stat. Ann. 21, § 1021.2	0-20 yrs Okla. Stat. Ann. 21, § 1021.2	Okla. Stat. Ann. 21, § 1021 Knowingly downloads child pornography on a computer	30 days to 10 yrs Okla. Stat. Ann. 21, § 1021	Okla. Stat. Ann. 21, § 1021	30 days to 10 yrs Okla. Stat. Ann. 21, § 1021	Okla. Stat. Ann. 21, § 1021.2	0-20 yrs Okla. Stat. Ann. 21, § 1021.2
	Okla. Stat. Ann. 21, § 1024.2	0-5 yrs Okla. Stat. Ann. 21, § 1024.2			Okla. Stat. Ann. 21, § 1040.8	0-20 yrs Okla. Stat. Ann. 21, § 1040.8		
	Okla. Stat. Ann. 21, § 1040.12a, 100 images or more	0-life Okla. Stat. Ann. 21, § 1040.12a						
Oregon	Or. Rev. Stat. Ann. § 163.686	Class C 0-5 yrs Or. Rev. Stat. Ann. § 161.605			Or. Rev. Stat. Ann. § 163.684	Class B 0-10 yrs Or. Rev. Stat. Ann. § 161.605	Or. Rev. Stat. Ann. § 163.670	Class A 0-20 yrs Or. Rev. Stat. Ann. § 161.605

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Pennsylvania	18 Pa. Cons. Sat. Ann. § 6312	3 rd degree 0-7 yrs 18 Pa. Cons. Sat. Ann. § 106			18 Pa. Cons. Sat. Ann. § 6312	3 rd degree 0-7 yrs 18 Pa. Cons. Sat. Ann. § 106	18 Pa. Cons. Sat. Ann. § 6312	2 nd degree 0-10 yrs 18 Pa. Cons. Sat. Ann. § 106
Rhode Island	R.I. Gen. Laws § 11-9-1.3	0-5 yrs R.I. Gen. Laws § 11-9-1.3			R.I. Gen. Laws § 11-9-1.3	0-15 yrs R.I. Gen. Laws § 11-9-1.3	R.I. Gen. Laws § 11-9-1.3	0-15 yrs R.I. Gen. Laws § 11-9-1.3
South Carolina	S.C. Code Ann. §16-15-410	0-10 yrs S.C. Code Ann. § 16-15-405	S.C. Code Ann. § 16-15-405	2-10 yrs S.C. Code Ann. § 16-15-405	S.C. Code Ann. § 16-15-405	2-10 yrs S.C. Code Ann. § 16-15-405	S.C. Code Ann. § 16-15-395 (for sale) S.C. Code Ann. §16-15-405 (non-sale) S.C. Code Ann. § 16-15-820	3-20 yrs S.C. Code Ann. § 16-15-395 2-10 yrs S.C. Code Ann. §16-15-405 0-10 yrs S.C. Code Ann. § 6-15-405
South Dakota	S.D. Codified Laws § 22-24A-3	Class 4 0-10 yrs S.D. Codified Laws § 22-6-1			S.D. Codified Laws § 22-24A-3	Class 4 0-10 yrs S.D. Codified Laws § 22-6-1	S.D. Codified Laws § 22-24A-3	Class 4 0-10 yrs S.D. Codified Laws § 22-6-1

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Tennessee	Tenn. Code Ann. § 39-17-1003	Class D 0-50 images, 2-4 yrs Class C 51-100 images, 3-6 yrs Class B 101 or more images, 8-12 yrs Tenn. Code Ann. § 40-35-112			Tenn. Code Ann. § 39-17-1004	Class C 0-25 images, 3-6 yrs Class B 26 or more images, 8-12 yrs Tenn. Code Ann. § 40-35-112	Tenn. Code Ann. § 39-17-1005	Class B 8-12 yrs Tenn. Code Ann. § 40-35-112
Texas	Tex. Penal Code Ann. § 43.26	3 rd degree 2-10 yrs Tex. Penal Code Ann. §12.34			Tex. Penal Code Ann. §43.26	2 nd degree 2-20 yrs Tex. Penal Code Ann. §12.33	Tex. Penal Code Ann. § 43.25	1 st degree 5-99 yrs or life if child in production was under 14 years old 2 nd degree 2-20 yrs if child in production was 14 years or older

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Texas (cont'd)								Tex. Penal Code Ann. §12.33
Utah	Utah Code Ann. § 76-5b-201	2 nd degree 1-15 yrs Utah Code Ann. §76-3-203			Utah Code Ann. §76-5b-201	2 nd degree 1-15 yrs Utah Code Ann. §76-3-203	Utah Code Ann. §76-5b-201	2 nd degree 1-15 yrs Utah Code Ann. §76-3-203
Vermont	Vt. Stat. Ann. 13, § 2827	0-2 yrs if image only depicted lewd exhibition of genitals or anus of child 0-5 yrs if image depicted child involved in sexual conduct Vt. Stat. Ann. 13, § 2825			Vt. Stat. Ann. 13, § 2824	0-10 yrs Vt. Stat. Ann. 13, § 2825	Vt. Stat. Ann. 13, § 2822	0-10 yrs Vt. Stat. Ann. 13, § 2825

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Virginia	Va. Code Ann. § 18.2-374.1:1	Class 6 1-5 yrs Va. Code Ann. §18.2-10			Va. Code Ann. §18.2-374.1:1	5-20 yrs Va. Code Ann. § 18.2-3741:1	Va. Code Ann. §18.2-374.1	5-30 yrs, if minor is less than 15 yrs 1-20 yrs, if minor is at least 15 yrs 3-20 yrs, if minor is at least 15 yrs and defendant is at least 7 yrs older than minor Va. Code Ann. §18.2-374.1
Washington	Wash. Rev. Code Ann. §§ 9.68A.070 & 9.68A.075	Class B 0-10 yrs, if images depicts sexual intercourse, penetration, masturbation, S&M abuse, defecation or urination Class C 0-5 yrs, if image depicts			Wash. Rev. Code Ann. §§ 9.68A.050 & 9.68A.60	Class B 0-10 yrs, if images depicts sexual intercourse, penetration, masturbation, S&M abuse, defecation or urination Class C 0-5 yrs, if image depicts	Wash. Rev. Code Ann. § 9.68A.040	Class B 0-10 yrs, if images depicts sexual intercourse, penetration, masturbation, S&M abuse, defecation or urination Class C 0-5 yrs, if image depicts

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Washington (cont'd)		touching of clothed or unclothed genitals, pubic area, buttocks, or breasts, depictions of genitals or unclothed pubic or rectal area or unclothed breast of female Wash. Rev. Code Ann. § 9.68A.011, Wash. Rev. Code Ann. § 9A.20.021				touching of clothed or unclothed genitals, pubic area, buttocks, or breasts, depictions of genitals or unclothed pubic or rectal area or unclothed breast of female Wash. Rev. Code Ann. § 9.68A.011, Wash. Rev. Code Ann. § 9A.20.021		touching of clothed or unclothed genitals, pubic area, buttocks, or breasts, depictions of genitals or unclothed pubic or rectal area or unclothed breast of female Wash. Rev. Code Ann. § 9.68A.011, Wash. Rev. Code Ann. § 9A.20.021
West Virginia	W. Va. Code Ann. § 61-8C-3	0-1 yrs W. Va. Code § 61-8C-3			W. Va. Code Ann. § 61-8C-3	0-2 yrs W. Va. Code Ann. § 61-8C-3	W. Va. Code Ann. § 61-8C-2	0-10 yrs W. Va. Code Ann. § 61-8C-2
	W. Va. Code Ann. §61-8D-6 (parent, guardian, custodian)	0-2 yrs W. Va. Code Ann. § 61-8D-6			W. Va. Code Ann. § 61-8D-6	0-2 yrs W. Va. Code Ann. § 61-8D-6		

	Possession		Receipt		Distribution		Production	
	Cite	Penalty	Cite	Penalty	Cite	Penalty	Cite	Penalty
Wisconsin	Wis. Stat. Ann. § 948.12	Class D 0-25 yrs Class I, if defendant under 18 yrs 0-3 ½ yrs Wis. Stat. Ann § 948.12, Wis. Stat. Ann § 939.50			Wis. Stat. Ann § 948.05	Class C 0-40 yrs Class F, if defendant under 18 yrs 0-12 ½ yrs Wis. Stat. Ann § 948.05, Wis. Stat. Ann. § 939.50	Wis. Stat. Ann § 948.05	Class C 0-40 yrs Class F, if defendant under 18 yrs 0-12 ½ yrs Wis. Stat. Ann. § 948.05, Wis. Stat. Ann § 939.50
Wyoming	Wyo. Stat. Ann. § 6-4-303	0-10 yrs Wyo. Stat. Ann. § 6-4-303	Wyo. Stat. Ann. § 6-4-303	5-12 yrs Wyo. Stat. Ann. § 6-4-303	Wyo. Stat. Ann. § 6-4-303	5-12 yrs Wyo. Stat. Ann. § 6-4-303	Wyo. Stat. Ann. § 6-4-303	5-12 yrs Wyo. Stat. Ann. § 6-4-303