**§261. Prohibited contact with a minor; sex offender restricted zone**

**1.** A person is guilty of prohibited contact with a minor if that person:

A. Was convicted on or after June 30, 1992 of an offense under this chapter or chapter 12 against another person who had not in fact attained 14 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained 14 years of age; and [PL 2009, c. 365, Pt. A, §1 (AMD).]

B. [PL 2009, c. 365, Pt. A, §1 (RP).]

C. Intentionally or knowingly initiates direct or indirect contact with another person who has not in fact attained 14 years of age. [PL 2009, c. 365, Pt. A, §1 (AMD).]

Violation of this subsection is a Class E crime.
[PL 2009, c. 365, Pt. A, §1 (AMD).]

**2.** A person is guilty of prohibited contact with a minor in a sex offender restricted zone if that person:

A. Was convicted on or after June 30, 1992 of an offense under this chapter or chapter 12 against another person who had not in fact attained 14 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained 14 years of age; and [PL 2009, c. 365, Pt. A, §2 (AMD).]

B. [PL 2009, c. 365, Pt. A, §2 (RP).]

C. Intentionally or knowingly initiates direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age. [PL 2009, c. 365, Pt. A, §2 (AMD).]

Violation of this subsection is a Class D crime.
[PL 2009, c. 365, Pt. A, §2 (AMD).]

**3.** It is an affirmative defense to prosecution under this section that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age, knowing the conviction status described in subsections 1 and 2, gave consent that the defendant initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution under this section that any contact is incidental to and directly related to the defendant's employment.
[PL 2007, c. 393, §1 (NEW).]

**4.** For purposes of this section, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, youth camp licensed under Title 22, section 2495 or other place where children are the primary users.
[PL 2009, c. 211, Pt. B, §16 (AMD).]

**5.** For purposes of this section, "indirect contact" includes, but is not limited to, a person photographing another person who has not in fact attained 14 years of age after the person's having been notified, in writing or otherwise, by a law enforcement officer, corrections officer or judicial officer not to engage in that conduct. The notification not to engage in that conduct expires one year after the date the notification is given. For purposes of this subsection, "photographing" means making, capturing, generating or saving a print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material.

[PL 2017, c. 354, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 393, §1 (NEW). PL 2007, c. 518, §6 (AMD). PL 2009, c. 211, Pt. B, §16 (AMD). PL 2009, c. 365, Pt. A, §§1, 2 (AMD). PL 2017, c. 354, §1 (AMD).

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