

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1786

Session of  
1983

INTRODUCED BY COY, ALDERETTE, GREENWOOD, JOHNSON, CIMINI, WARGO,  
TRELLO, ARTY, FISCHER, HERMAN, MERRY, OLASZ, CLYMER, MILLER,  
WOGAN, WESTON, VAN HORNE, FATTAH, NOYE, MICOZZIE, MAYERNIK,  
PERZEL, CIVERA, KOSINSKI, VROON, DeLUCA, PHILLIPS, McINTYRE  
AND GANNON, DECEMBER 7, 1983

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 7, 1983

AN ACT

1 Prohibiting the solicitation, offer for sale or distribution of  
2 sexually oriented materials to juveniles.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Juvenile  
7 Pandering Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Doing business." The sale, solicitation, offer for sale or  
13 distribution of sexually oriented materials by a person,  
14 corporation or commercial entity.

15 "Juvenile." An unemancipated child under 16 years of age.

16 "Sexually oriented material." Includes magazines, pamphlets,

1 photographs, books, drawings, videotapes or audio tapes or the  
2 playing of the tapes or display of the material for compensation  
3 or the use of any other medium used to depict sex acts, sexually  
4 related acts or sexually suggestive acts. The term does not  
5 include materials which are designed, produced, marketed and  
6 sold as educational materials to be used for legitimate  
7 educational purposes.

8 "Substituted service of process." Service of a copy of the  
9 complaint on the Secretary of the Commonwealth and sent by  
10 certified mail to the last known address of the defendant.

11 Section 3. Solicitation prohibited.

12 (a) Offense defined.--It is unlawful to solicit or offer for  
13 sale to a juvenile any sexually oriented material.

14 (b) Knowledge or intent.--It is not a defense that the  
15 solicitor did not have actual knowledge as to the age of the  
16 juvenile nor is it a defense that the solicitor did not intend  
17 the solicitation if the offer, in fact, reached a juvenile.

18 Section 4. Sale prohibited.

19 (a) Offense defined.--It is unlawful to sell sexually  
20 oriented material to a juvenile.

21 (b) Knowledge or intent.--It is not a defense that the  
22 seller did not have actual knowledge as to the age of the  
23 juvenile nor is it a defense that the seller did not intend to  
24 sell the material to a juvenile if the sale, in fact, was  
25 completed.

26 Section 5. Civil action.

27 (a) General rule.--A person, corporation or entity found to  
28 be in violation of this act shall be civilly liable to the legal  
29 guardian of the minor involved in the amount of \$1,000.

30 (b) Jurisdiction.--A person, corporation or entity doing

1 business in this Commonwealth shall be subject to personal  
2 jurisdiction.

3 (c) Service of process.--A person, corporation or entity  
4 subject to personal jurisdiction shall be amenable to  
5 substituted service of process.

6 Section 6. Effective date.

7 This act shall take effect in 60 days.