

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1786** Session of  
1985

INTRODUCED BY JOHNSON, SCHULER, JACKSON, J. L. WRIGHT, SIRIANNI,  
FOX, PHILLIPS, WOZNIAK, NOYE, J. TAYLOR, HERMAN AND CIVERA,  
OCTOBER 16, 1985

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 1985

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for the offense of use of a  
3 computer for the sexual exploitation of children; providing  
4 for wiretapping and electronic surveillance with respect  
5 thereto; and making an editorial change.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 5708 of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 5708. Order authorizing interception of wire or oral  
11 communications.

12 (a) Authorization.--Except in cases referred to in  
13 subsection (b), the Attorney General, or, during the absence or  
14 incapacity of the Attorney General, a deputy attorney general  
15 designated in writing by the Attorney General or the district  
16 attorney or, during the absence or incapacity of the district  
17 attorney, an assistant district attorney designated in writing  
18 by the district attorney of the county wherein the interception  
19 is to be made, may make written application to any Superior

1 Court judge for an order authorizing the interception of a wire  
2 or oral communication by the investigative or law enforcement  
3 officers or agency having responsibility for an investigation  
4 involving suspected criminal activities when such interception  
5 may provide evidence of the commission of any of the following  
6 offenses, or may provide evidence aiding in the apprehension of  
7 the perpetrator or perpetrators of any of the following  
8 offenses:

9 (1) Under this title:

10 Section 2501 (relating to criminal homicide)

11 Section 2502 (relating to murder)

12 Section 2503 (relating to voluntary manslaughter)

13 Section 2706 (relating to terroristic threats)

14 Section 2901 (relating to kidnapping)

15 Section 3121 (relating to rape)

16 Section 3123 (relating to involuntary deviate sexual  
17 intercourse)

18 Section 3301 (relating to arson and related offenses)

19 Section 3302 (relating to causing or risking  
20 catastrophe)

21 Section 3502 (relating to burglary)

22 Section 3701 (relating to robbery)

23 Section 3921 (relating to theft by unlawful taking or  
24 disposition)

25 Section 3922 (relating to theft by deception)

26 Section 3923 (relating to theft by extortion)

27 Section 4701 (relating to bribery in official and  
28 political matters)

29 Section 4702 (relating to threats and other improper  
30 influence in official and political matters)

1           Section 5513 (relating to gambling devices, gambling,  
2           etc.)

3           Section 5514 (relating to pool selling and  
4           bookmaking)

5           Section 6313 (relating to use of a computer for the  
6           sexual exploitation of children)

7           (2) Under this title, where such offense is dangerous to  
8           life, limb or property and punishable by imprisonment for  
9           more than one year:

10          Section 3925 (relating to receiving stolen property)

11          Section 3926 (relating to theft of services)

12          Section 3927 (relating to theft by failure to make  
13          required disposition of funds received)

14          Section 4108 (relating to commercial bribery and  
15          breach of duty to act disinterestedly)

16          Section 4109 (relating to rigging publicly exhibited  
17          contest)

18          Section 4902 (relating to perjury)

19          [Section 4907 (relating to tampering with witnesses  
20          and informants)]

21          Section 4909 (relating to witness or informant taking  
22          bribe)

23          Section 4911 (relating to tampering with public  
24          records or information)

25          Section 5101 (relating to obstructing administration  
26          of law or other governmental function)

27          Section 5504 (relating to harassment by communication  
28          or address)

29          Section 5902 (relating to prostitution and related  
30          offenses)

1           (3) Under [the act of July 22, 1970 (P.L.513, No.178),  
2 known as the "Pennsylvania Cigarette Tax Act,"] Article XII  
3 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
4 Reform Code of 1971, where such offense is dangerous to life,  
5 limb or property and punishable by imprisonment for more than  
6 one year:

7           Section [902] 1272. Sales of unstamped cigarettes.

8           Section [903] 1273. Possession of unstamped  
9 cigarettes.

10          Section [904] 1274. Counterfeiting.

11          (4) Any offense set forth under section 13(a) of the act  
12 of April 14, 1972 (P.L.233, No.64), known as "The Controlled  
13 Substance, Drug, Device and Cosmetic Act," not including the  
14 offense described in clause (31) of section 13(a).

15          (5) Any offense set forth under the act of November 15,  
16 1972 (P.L.1227, No.272).

17          (6) Any conspiracy to commit any of the offenses set  
18 forth in this section.

19          (b) Exception.--Whenever the interception of wire or oral  
20 communication is to be made by an investigative officer employed  
21 by the Pennsylvania Crime Commission, the application for the  
22 authorizing order shall be made by the Attorney General.

23          Section 2. Title 18 is amended by adding a section to read:

24 § 6313. Use of a computer for the sexual exploitation of  
25 children.

26 (a) Offense defined.--A person commits the offense of use of  
27 a computer for the sexual exploitation of children if, by the  
28 use of a computer, he transmits, receives or exchanges names,  
29 addresses or other descriptive information relating to children  
30 under 18 years of age for the purpose of procuring or assisting

1 in the procuring of such children for sexual exploitation.

2 (b) Penalty.--An offense under this section is a felony of  
3 the second degree.

4 (c) Definitions.--As used in this section the following  
5 words and phrases shall have the meanings given to them in this  
6 subsection:

7 "Procure." To obtain or make available for sexual  
8 exploitation by means of inviting, persuading, inducing,  
9 enticing, cajoling, coercing, seducing, or any other means, with  
10 or without receiving consideration therefor.

11 "Sexual exploitation." Actual or simulated sexual  
12 intercourse, anal intercourse, oral intercourse, masturbation,  
13 bestiality, sadism, masochism, fellatio, cunnilingus and any  
14 other actual or simulated sexual activity, including nudity, if  
15 nudity is arranged for the purpose of sexual stimulation or  
16 gratification of any person.

17 Section 3. This act shall take effect in 60 days.