

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 491 Session of
1995

INTRODUCED BY BAKER, STABACK, SATHER, FICHTER, COY, M. COHEN,
FARGO, MARKOSEK, PITTS, MARSICO, COLAFELLA, MAITLAND,
E. Z. TAYLOR, TRELLO, CLARK, GEIST, HERSHEY, ARMSTRONG,
HUTCHINSON, HESS, DeLUCA, PHILLIPS, CLYMER, EGOLF, ROHRER,
CIVERA, RUBLEY, HENNESSEY, TIGUE, SURRA, LAUGHLIN, STERN,
YEWIC, B. SMITH, YOUNGBLOOD, SCHULER, KAISER, PETRARCA,
BARLEY, MICOZZIE, TRUE, ADOLPH AND DURHAM, FEBRUARY 1, 1995

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 1, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for sexual abuse of
3 children.

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

6 Section 1. Section 6312(c) and (d) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 6312. Sexual abuse of children.

9 * * *

10 (c) Dissemination of photographs and films.--[Any]

11 (1) Except as provided in paragraph (2), any person who
12 knowingly sells, distributes, delivers, disseminates,
13 transfers, displays or exhibits to others, or who possesses
14 for the purpose of sale, distribution, delivery,
15 dissemination, transfer, display or exhibition to others, any
16 book, magazine, pamphlet, slide, photograph, film, videotape

1 or other material depicting a child under the age of 17 years
2 engaging in a prohibited sexual act or in the simulation of
3 such act is guilty of a felony of the third degree.

4 (2) Any person who, within 1,000 feet of the real
5 property on which is located a public, private or parochial
6 school, a church or a residence, knowingly sells,
7 distributes, delivers, disseminates, transfers, displays or
8 exhibits to others, or who possesses for the purpose of sale,
9 distribution, delivery, dissemination, transfer, display or
10 exhibition to others, any book, magazine, pamphlet, slide,
11 photograph, film, videotape or other material depicting a
12 child under the age of 17 years engaging in a prohibited
13 sexual act or in the simulation of such act is guilty of a
14 felony of the second degree.

15 (d) Possession of child pornography.--[Any]

16 (1) Except as provided in paragraph (2), any person who
17 knowingly possesses or controls any book, magazine, pamphlet,
18 slide, photograph, film, videotape or other material
19 depicting a child under the age of 17 years engaging in a
20 prohibited sexual act or in the simulation of such act is
21 guilty of a felony of the third degree.

22 (2) Any person who, within 1,000 feet of the real
23 property on which is located a public, private or parochial
24 school, a church or a residence, knowingly possesses or
25 controls any book, magazine, pamphlet, slide, photograph,
26 film, videotape or other material depicting a child under the
27 age of 17 years engaging in a prohibited sexual act or in the
28 simulation of such act is guilty of a felony of the second
29 degree.

30 * * *

1 Section 2. This act shall take effect in 60 days.