

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 901

Session of  
1977

INTRODUCED BY FLAHERTY, MRKONIC, RAVENSTAHL, CAPUTO, ITKIN,  
TRELLO, WANSACZ, GAMBLE, M. M. MULLEN, COWELL, KNEPPER,  
FISHER, LINCOLN, CIANCIULLI, PARKER, DiCARLO, DUFFY, SCHMITT,  
WARGO, CESSAR, ZORD, GEISLER, DONATUCCI, SCANLON, KELLY,  
GIAMMARCO, KATZ, D. M. O'BRIEN, POTT, COHEN AND LAUGHLIN,  
APRIL 19, 1977

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 19, 1977

### AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting the sale of publications,  
3 pictures and films depicting certain children performing  
4 certain sexual acts prohibiting any person from using certain  
5 minors in the making of certain publications, pictures or  
6 films, and prohibiting the photographing or filming of  
7 certain prohibited conduct.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 18, act of November 25, 1970 (P.L.707,  
11 No.230), known as the Pennsylvania Consolidated Statutes, is  
12 amended by adding a section to read:

13 § 6312. Sexual exploitation of children.

14 (a) Sale of material.--Any person who sells any publication,  
15 picture or film depicting any child under the age of 16 years in  
16 a prohibited sexual act is guilty of a felony of the second  
17 degree.

18 (b) Use of children; mandatory sentence.--Any person who

1 causes or knowingly permits a child under the age of 16 years to  
2 engage in a prohibited sexual act and if such person knows or  
3 has reason to know that such act may be photographed or filmed  
4 is guilty of a felony and upon conviction thereof shall be  
5 sentenced to serve a mandatory two year prison sentence.

6 (c) Prohibited photographs and films.--Any person who  
7 photographs or films any child under the age of 16 years while  
8 such child is engaged in a prohibited sexual act is guilty of a  
9 felony and upon conviction thereof shall be sentenced to serve a  
10 mandatory two year prison sentence.

11 (d) Prohibited sexual acts.--For the purposes of this  
12 section a prohibited sexual act shall mean sexual intercourse,  
13 deviate sexual intercourse, masturbation, fellatio, cunnilingus  
14 and nudity if depicted for the purpose of sexual arousal of any  
15 person who might view such nudity.

16 Section 2. This act shall take effect immediately.