

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1843 Session of  
2001

INTRODUCED BY EGOLF, ADOLPH, ARGALL, BASTIAN, BEBKO-JONES,  
BELARDI, BENNINGHOFF, BROWNE, BUNT, CALTAGIRONE, CAPPELLI,  
CLARK, COLAFELLA, CORRIGAN, CREIGHTON, DALEY, DeLUCA,  
FORCIER, GABIG, GEIST, GEORGE, GRUCELA, HARHAI, HENNESSEY,  
HERSHEY, HESS, HUTCHINSON, JAMES, KAISER, KELLER, LEDERER,  
MAHER, MARSICO, METCALFE, R. MILLER, PALLONE, PHILLIPS,  
PISTELLA, ROSS, SATHER, SAYLOR, SCHRODER, SHANER, SOLOBAY,  
STERN, THOMAS, TIGUE, TRELLO, TRICH, WALKO, WANSACZ,  
WASHINGTON, WATSON, YOUNGBLOOD AND ZIMMERMAN, JUNE 27, 2001

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 27, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the offense of  
3 sexual abuse of children; and providing for the unlawful use  
4 of computers for solicitation or procurement of minors.

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

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

9 § 6312. Sexual abuse of children.

10 \* \* \*

11 (c) Dissemination of photographs, videotapes, computer  
12 depictions and films.--Any person who knowingly sells,  
13 distributes, delivers, disseminates, transfers, displays or  
14 exhibits to others, or who possesses for the purpose of sale,  
15 distribution, delivery, dissemination, transfer, display or

1 exhibition to others, any book, magazine, pamphlet, slide,  
2 photograph, film, videotape, computer depiction or other  
3 material depicting a child under the age of 18 years engaging in  
4 a prohibited sexual act or in the simulation of such act is  
5 guilty of a felony of the [third] second degree.

6 (d) Possession of child pornography.--Any person who  
7 knowingly possesses or controls any book, magazine, pamphlet,  
8 slide, photograph, film, videotape, computer depiction or other  
9 material depicting a child under the age of 18 years engaging in  
10 a prohibited sexual act or in the simulation of such act is  
11 guilty of a felony of the [third] second degree.

12 \* \* \*

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

14 § 6312.1. Unlawful use of a computer for solicitation or  
15 procurement of a minor.

16 (a) Offense defined.--A person commits an offense if through  
17 the use of a computer, and with the intent of promoting or  
18 facilitating the commission of any of the offenses enumerated  
19 under subsection (b), he:

20 (1) commands, encourages or requests a minor to engage  
21 in specific conduct which would constitute an offense or an  
22 attempt to commit an offense enumerated under subsection (b);  
23 or

24 (2) commands, encourages or requests a person to procure  
25 a minor to engage in specific conduct which would constitute  
26 an offense or an attempt to commit an offense enumerated  
27 under subsection (b).

28 (b) Enumerated offenses.--The following offenses shall apply  
29 to subsection (a):

30 Section 3121 (relating to rape).

1       Section 3122.1 (relating to statutory sexual assault).

2       Section 3123 (relating to involuntary deviate sexual  
3       intercourse).

4       Section 3124.1 (relating to sexual assault).

5       Section 3125 (relating to aggravated indecent assault).

6       Section 3126 (relating to indecent assault).

7       Section 6312 (relating to sexual abuse of children).

8       Section 6320 (relating to sexual exploitation of  
9       children).

10      (c) Grading.--A violation of subsection (a) is an offense of  
11      the same grade and degree as the most serious underlying offense  
12      under subsection (b) or a felony of the second degree, whichever  
13      is greater.

14      (d) Concurrent jurisdiction to prosecute.--The Attorney  
15      General shall have concurrent prosecutorial jurisdiction with  
16      the district attorney for violations under this section and any  
17      crime arising out of the activity prohibited by this section. No  
18      person charged with a violation of this section by the Attorney  
19      General shall have standing to challenge the authority of the  
20      Attorney General to prosecute the case, and if any such  
21      challenge is made, the challenge shall be dismissed and no  
22      relief shall be available in the courts of the Commonwealth to  
23      the person making the challenge.

24      (e) Definitions.--As used in this section, the following  
25      words and phrases shall have the meanings given to them in this  
26      subsection:

27      "Computer." An electronic, magnetic, optical, hydraulic,  
28      organic or other high-speed data processing device or system  
29      which performs logic, arithmetic or memory functions and  
30      includes all input, output, processing, storage, software or

1 communication facilities which are connected or related to the  
2 device in a system or network.

3 "Computer network." The interconnection of two or more  
4 computers through the usage of satellite, microwave, line or  
5 other communication medium.

6 "Computer system." A set of related, connected or  
7 unconnected computer equipment, devices and software.

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