

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2026 Session of
2001

INTRODUCED BY ZUG, BROWNE, PERZEL, ALLEN, BASTIAN, BEBKO-JONES,
BELARDI, CLARK, L. I. COHEN, COLAFELLA, COLEMAN, CORRIGAN,
CREIGHTON, EGOLF, GRUCELA, HARHAI, HENNESSEY, HORSEY, KENNEY,
MANN, MARSICO, MELIO, S. MILLER, PALLONE, PETRARCA, PISTELLA,
ROBERTS, SATHER, SHANER, B. SMITH, SOLOBAY, STABACK,
STEELMAN, THOMAS, TIGUE, WATERS, WILT, WOJNAROSKI AND
YOUNGBLOOD, OCTOBER 16, 2001

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining the offense of sexual
3 intimidation of children; and prescribing a penalty.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6312.1. Sexual intimidation of children.

9 (a) Offense defined.--A person commits the offense of sexual
10 intimidation of a child if the person intentionally or knowingly
11 causes through forcible compulsion or permits a child under 18
12 years of age to engage in a prohibited sexual act or in the
13 simulation of a prohibited sexual act for the purpose of
14 intimidating that child.

15 (b) Grading.--

16 (1) Except as provided in paragraph (2), an offense

1 under this section is a felony of the third degree.

2 (2) If the person knows, has reason to know or intends
3 that the prohibited sexual act may be photographed,
4 videotaped or depicted on computer or film, the offense is a
5 felony of the second degree.

6 (c) Mistake as to age.--It is no defense under this section
7 that the defendant did not know the age of the child. Neither a
8 misrepresentation of age by the child nor a bona fide belief
9 that the child is over the specified age shall be a defense.

10 (d) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Forcible compulsion." The term shall have the meaning given
14 to it in section 3101 (relating to definitions).

15 "Nudity." The term shall have the meaning given to it in
16 section 5903(e)(2) (relating to obscene and other sexual
17 materials and performances).

18 "Prohibited sexual act." Sexual intercourse as defined in
19 section 3101 (relating to definitions), masturbation, sadism,
20 masochism, bestiality, fellatio, cunnilingus or nudity.

21 Section 2. This act shall take effect immediately.