

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 834 Session of
2001

INTRODUCED BY EARLL, LEMMOND, TOMLINSON, MELLOW, COSTA, ROBBINS,
BELL, SCHWARTZ, TARTAGLIONE, TILGHMAN, ERICKSON, BODACK,
WAUGH, ORIE, BOSCOLA, MUSTO AND RHOADES, MAY 2, 2001

REFERRED TO JUDICIARY, MAY 2, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for sexual abuse of
3 children; and providing for unlawful use of a computer for
4 solicitation of a minor.

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.--

13 (1) Any person who knowingly sells, distributes,
14 delivers, disseminates, transfers, displays or exhibits to
15 others, or who possesses for the purpose of sale,
16 distribution, delivery, dissemination, transfer, display or
17 exhibition to others, any book, magazine, pamphlet, slide,
18 photograph, film, videotape, computer depiction or other

1 material depicting a child under the age of 18 years engaging
2 in a prohibited sexual act or in the simulation of such act
3 [is guilty of a felony of the third degree] commits an
4 offense.

5 (2) A first offense under this subsection is a felony of
6 the third degree and a second or subsequent offense under
7 this subsection is a felony of the second degree.

8 (d) Possession of child pornography.--

9 (1) Any person who knowingly possesses or controls any
10 book, magazine, pamphlet, slide, photograph, film, videotape,
11 computer depiction or other material depicting a child under
12 the age of 18 years engaging in a prohibited sexual act or in
13 the simulation of such act [is guilty of a felony of the
14 third degree] commits an offense.

15 (2) A first offense under this subsection is a felony of
16 the third degree and a second or subsequent offense under
17 this subsection is a felony of the second degree.

18 * * *

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

20 § 6312.1. Unlawful use of a computer for solicitation of a
21 minor.

22 (a) Offense defined.--A person commits an offense if through
23 the use of a computer, with the intent of promoting or
24 facilitating its commission, he commands, encourages or requests
25 a minor to engage in specific conduct which would constitute a
26 crime or an attempt to commit a crime prohibited under the
27 following provisions of this title:

28 Section 3122.1 (relating to statutory sexual assault).

29 Section 3123 (relating to involuntary deviate sexual
30 intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 6312 (relating to sexual abuse of children).

Section 6318 (relating to unlawful contact or
communication with minor).

Section 6320 (relating to sexual exploitation of
children).

(b) Grading.--A violation of subsection (a) is:

(1) an offense of the same grade and degree as the most
serious underlying offense under subsection (a); or

(2) a felony of the second degree, whichever is greater.

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

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

"Computer." An electronic, magnetic, optical, hydraulic,
organic or other high-speed data processing device or system
which performs logic, arithmetic or memory functions and
includes all input, output, processing, storage, software or
communication facilities which are connected or related to the

1 device in a system or network.

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

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

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