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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2893 Session of  
2006

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INTRODUCED BY MACKERETH, PERZEL, BAKER, R. MILLER, BALDWIN,  
BARRAR, BELARDI, BENNINGHOFF, BEYER, BOYD, CALTAGIRONE,  
CAPPELLI, CAUSER, CIVERA, CLYMER, CRAHALLA, DALLY, DeWEESE,  
D. EVANS, FAIRCHILD, GEIST, GILLESPIE, GOODMAN, GRELL,  
GRUCELA, HARPER, HERSHEY, HICKERNELL, KAUFFMAN, KENNEY,  
LEACH, LEH, MANN, MARSICO, MICOZZIE, MUNDY, MUSTIO, NAILOR,  
O'NEILL, PALLONE, PARKER, PAYNE, PHILLIPS, PICKETT, RAPP,  
REED, REICHLEY, RUBLEY, SCAVELLO, SIPTROTH, B. SMITH,  
SOLOBAY, STERN, R. STEVENSON, T. STEVENSON, STURLA,  
E. Z. TAYLOR, TIGUE, TRUE, WANSACZ, WATSON, WILT, YOUNGBLOOD  
AND DeLUCA, AUGUST 16, 2006

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REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 16, 2006

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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 6318 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 6318. Unlawful contact with minor.

9 (a) Offense defined.--A person commits an offense if he is  
10 intentionally in contact with a minor, or a law enforcement  
11 officer acting in the performance of his duties who has assumed  
12 the identity of a minor, for the purpose of engaging in an  
13 activity prohibited under any of the following, and either the  
14 person initiating the contact or the person being contacted is

1 within this Commonwealth:

2 (1) Any of the offenses enumerated in Chapter 31  
3 (relating to sexual offenses).

4 (2) Open lewdness as defined in section 5901 (relating  
5 to open lewdness).

6 (3) Prostitution as defined in section 5902 (relating to  
7 prostitution and related offenses).

8 (4) Obscene and other sexual materials and performances  
9 as defined in section 5903 (relating to obscene and other  
10 sexual materials and performances).

11 (5) Sexual abuse of children as defined in section 6312  
12 (relating to sexual abuse of children).

13 (6) Sexual exploitation of children as defined in  
14 section 6320 (relating to sexual exploitation of children).

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

16 (1) an offense of the same grade and degree as the most  
17 serious underlying offense in subsection (a) for which the  
18 defendant contacted the minor; or

19 (2) a [misdemeanor] felony of the [first] third degree;  
20 whichever is greater.

21 (b.1) Concurrent jurisdiction to prosecute.--The Attorney  
22 General shall have concurrent prosecutorial jurisdiction with  
23 the district attorney for violations under this section and any  
24 crime arising out of the activity prohibited by this section  
25 when the person charged with a violation of this section  
26 contacts a minor through the use of a computer, computer system  
27 or computer network. No person charged with a violation of this  
28 section by the Attorney General shall have standing to challenge  
29 the authority of the Attorney General to prosecute the case,  
30 and, if any such challenge is made, the challenge shall be

1 dismissed and no relief shall be available in the courts of this  
2 Commonwealth to the person making the challenge.

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

6 "Computer." An electronic, magnetic, optical, hydraulic,  
7 organic or other high-speed data processing device or system  
8 which performs logic, arithmetic or memory functions and  
9 includes all input, output, processing, storage, software or  
10 communication facilities which are connected or related to the  
11 device in a computer system or computer network.

12 "Computer network." The interconnection of two or more  
13 computers through the usage of satellite, microwave, line or  
14 other communication medium.

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

17 "Contacts." Direct or indirect contact or communication by  
18 any means, method or device, including contact or communication  
19 in person or through an agent or agency, through any print  
20 medium, the mails, a common carrier or communication common  
21 carrier, any electronic communication system and any  
22 telecommunications, wire, computer or radio communications  
23 device or system.

24 "Minor." An individual under 18 years of age.

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