

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2893 Session of  
2006

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,  
DeLUCA, SAYLOR, GINGRICH, SABATINA, JAMES, TURZAI, EVANS,  
McCALL, GEORGE AND GANNON, AUGUST 16, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 4, 2006

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for ~~sexual abuse of~~ <—  
3 ~~children~~. UNLAWFUL CONTACT WITH A MINOR. <—

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

1 person initiating the contact or the person being contacted is  
2 within this Commonwealth:

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

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

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

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

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

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

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

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

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

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

1 and, if any such challenge is made, the challenge shall be  
2 dismissed and no relief shall be available in the courts of this  
3 Commonwealth to the person making the challenge.

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

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

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

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

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

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

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