

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1003

Session of  
1977

INTRODUCED BY GALLEN, MILLER, GIAMMARCO, PETRARCA, LETTERMAN,  
D. S. HAYES, GEESEY, PICCOLA, BENNETT, BURD, RENWICK, POLITE,  
BROWN, CIMINI, BURNS, MUSTO, J. L. WRIGHT JR., L. E. SMITH,  
POTT, FEE, KERNICK, HELFRICK, D. M. O'BRIEN, TRELLO, LOGUE,  
DOYLE, PITTS, HOPKINS, LEHR, MANMILLER, WENGER, WILT,  
KLINGAMAN, PYLES, HALVERSON, MEBUS, FISHER, O'CONNELL,  
WEIDNER, GOEBEL, REED, ARMSTRONG AND HASKELL, APRIL 27, 1977

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 27, 1977

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing criminal sanctions  
3 against the sexual exploitation of children and prohibiting  
4 the transportation of certain materials relating to the  
5 sexual exploitation of children.

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

8 Section 1. Title 18, act of November 25, 1970 (P.L.707,  
9 No.230), known as the Pennsylvania Consolidated Statutes, is  
10 amended by adding a section to read:

11 § 3128. Sexual exploitation of children.

12 (a) Definitions.--As used in this section the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection:

15 "Child." Any individual who has not attained the age of 16.

16 "Prohibited sexual conduct." The term means and applies to  
17 all forms of sexual intercourse, and intercourse, masturbation,

bestiality, sadism, masochism, fellatio, cunnilingus, any other sexual activity and nudity when such nudity is to be depicted for the purposes of sexual stimulation or gratification of any individual who may view such nude depiction.

(b) Engagement in prohibited sexual act.--A person commits a felony of the first degree if such person causes or knowingly permits any child to engage in a prohibited sexual act or in the simulation of a prohibited sexual act and such person knows, has reason to know or intends that such prohibited act may be photographed, drawing, sketched or filmed or that any photograph drawing, sketch or film depicting such prohibited act may be transported, shipped or mailed through intrastate commerce, interstate commerce or foreign commerce or may affect intrastate commerce, interstate commerce or foreign commerce.

(c) Depiction of prohibited sexual act.--A person commits a felony of the first degree if such person photographs, draws, sketches or films a child engaging in a prohibited sexual act or in the simulation of a prohibited sexual act and such person knows, has reason to know or intends that any photograph, drawing, sketch or film made by such person depicting a prohibited sexual act may be transported, shipped or mailed through intrastate commerce, interstate commerce or foreign commerce or may affect intrastate commerce, interstate commerce or foreign commerce.

(d) Transportation of materials depicting prohibited sexual acts.--A person commits a felony of the third degree if such person knowingly transports, ships or mails through, or in any manner as to affect, intrastate commerce, interstate commerce or foreign commerce any photograph, drawing, sketch or film depicting a child engaging in a prohibited sexual act or in the

1 simulation of a prohibited sexual act.

2 (e) Dissemination of materials depicting prohibited sexual  
3 acts.--A person commits a felony of the first degree if such  
4 person distributes for sale, sells or attempts to sell in any  
5 manner any photograph, drawing, sketch or film which depicts a  
6 child engaging in a prohibited sexual act or the simulation of a  
7 prohibited sexual act and such material was transported, shipped  
8 or mailed through, or in a manner as to affect intrastate  
9 commerce, interstate commerce, or foreign commerce.

10 (f) Special penalty established.--Any person who commits a  
11 felony of the first degree as provided in this section shall be  
12 sentenced to pay a fine of not less than \$25,000 nor more than  
13 \$50,000 and a term of imprisonment of not less than 10 years nor  
14 more than 20 years.

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