

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 841 Session of
1995

INTRODUCED BY LAWLESS, BELARDI, FARGO, STABACK, SATHER, BAKER,
TRELLO, DIGIROLAMO, OLASZ, ARMSTRONG, SCRIMENTI, YOUNGBLOOD,
PITTS, DeLUCA, LEH, HENNESSEY, LAUGHLIN, ROHRER, E. Z.
TAYLOR, HESS, MILLER, J. TAYLOR, TIGUE, TRUE, CIVERA AND
BELFANTI, FEBRUARY 14, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 21, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting pornographic computer
3 communications to minors AND MAKING AN EXCEPTION. <—

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 § 6315. Pornographic computer communications to minors.

9 (a) General rule.--A person commits a misdemeanor of the
10 first degree if, knowing the character and content of a
11 communication which in whole or in part depicts actual or
12 simulated human nudity, sexual conduct or sadomasochistic
13 behavior, he initiates or engages in such communication with a
14 minor through a computer communication system allowing input,
15 output, examination or transfer of computer data or computer
16 programs from one computer to another.

1 (b) Solicitation.--If such a person solicits, invites,
2 induces or importunes a minor to engage in sexual intercourse,
3 deviate sexual intercourse or sexual contact with him or with a
4 third party or to engage in a sexual performance, obscene sexual
5 performance, sexual conduct or other lewd performance for the
6 benefit of the solicitor or for a third party, the person
7 commits a felony of the second degree.

8 (C) EXCEPTION.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT <—
9 APPLY TO ANY MATERIAL THAT:

10 (1) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY
11 STANDARDS WOULD FIND THAT THE SUBJECT MATTER TAKEN AS A WHOLE
12 DOES NOT APPEAL TO THE PRURIENT INTEREST.

13 (2) THE SUBJECT MATTER DOES NOT DEPICT OR DESCRIBE IN A
14 PATENTLY OFFENSIVE WAY SEXUAL CONDUCT OF A TYPE DESCRIBED IN
15 SECTION 5903 (RELATING TO OBSCENE AND OTHER SEXUAL MATERIALS
16 AND PERFORMANCES).

17 (3) THE SUBJECT MATTER, TAKEN AS A WHOLE, DOES NOT LACK
18 SERIOUS LITERARY, ARTISTIC, POLITICAL, EDUCATIONAL OR
19 SCIENTIFIC VALUE.

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