
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, RHOADES AND STACK, MAY 2, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 23, 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,

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

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

9 (d) Possession of child pornography.--

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

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

19 * * *

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

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

23 (a) Offense defined.--A person WHETHER WITHIN OR WITHOUT <—
24 THIS COMMONWEALTH commits an offense if through the use of a
25 computer, and with the intent of promoting or facilitating the
26 commission of any of the offenses enumerated under subsection
27 (b), he:

28 (1) commands, encourages or requests a minor to engage
29 in specific conduct which would constitute an offenses <—
30 OFFENSE; or <—

1 (2) commands, encourages or requests a person to procure
2 a minor to engage in specific conduct which would constitute
3 an offense.

4 (b) Enumerated offenses.--The following offenses shall apply
5 to subsection (a):

6 ~~Section 3121 (relating to rape).~~ <—

7 ~~Section 3122.1 (relating to statutory sexual assault).~~

8 ~~Section 3123 (relating to involuntary deviate sexual~~
9 ~~intercourse).~~

10 ~~Section 3124.1 (relating to sexual assault).~~

11 ~~Section 3125 (relating to aggravated indecent assault).~~

12 ~~Section 3126 (relating to indecent assault).~~

13 ANY OF THE OFFENSES ENUMERATED IN CHAPTER 31 (RELATING TO <—
14 SEXUAL OFFENSES).

15 SECTION 4302 (RELATING TO INCEST).

16 SECTION 5902(B) (RELATING TO PROSTITUTION AND RELATED
17 OFFENSES).

18 SECTION 5903 (RELATING TO OBSCENE AND OTHER SEXUAL
19 MATERIALS AND PERFORMANCES).

20 Section 6312 (relating to sexual abuse of children).

21 Section 6320 (relating to sexual exploitation of
22 children).

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

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

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

27 (d) Concurrent jurisdiction to prosecute.--The Attorney
28 General shall have concurrent prosecutorial jurisdiction with
29 the district attorney for violations under this section and any
30 crime arising out of the activity prohibited by this section. No

1 person charged with a violation of this section by the Attorney
2 General shall have standing to challenge the authority of the
3 Attorney General to prosecute the case, and if any such
4 challenge is made, the challenge shall be dismissed and no
5 relief shall be available in the courts of this Commonwealth to
6 the person making the challenge.

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

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

16 "Computer network." The interconnection of two or more
17 computers through the usage of satellite, microwave, line or
18 other communication medium.

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

21 "MINOR." AN INDIVIDUAL UNDER 18 YEARS OF AGE.

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