

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 328 Session of  
2003

INTRODUCED BY ZUG, BASTIAN, BEBKO-JONES, BROWNE, CAUSER, CAWLEY,  
CREIGHTON, CRUZ, GEIST, GILLESPIE, HARHAI, HARRIS, HORSEY,  
MANN, McCALL, MELIO, METCALFE, S. MILLER, READSHAW, SATHER,  
SAYLOR, SOLOBAY, STABACK, E. Z. TAYLOR, TIGUE, TURZAI, VANCE,  
WASHINGTON, WATSON, WILT AND CIVERA, FEBRUARY 18, 2003

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 18, 2003

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offense of sexual  
3 intimidation of children; and prescribing a penalty.

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 § 6312.1. Sexual intimidation of children.

9 (a) Offense defined.--A person commits the offense of sexual  
10 intimidation of a child if the person intentionally or knowingly  
11 causes through forcible compulsion or permits a child under 18  
12 years of age to engage in a prohibited sexual act or in the  
13 simulation of a prohibited sexual act for the purpose of  
14 intimidating that child.

15 (b) Grading.--

16 (1) Except as provided in paragraph (2), an offense  
17 under this section is a felony of the third degree.

1       (2) If the person knows, has reason to know or intends  
2       that the prohibited sexual act may be photographed,  
3       videotaped or depicted on computer or film, the offense is a  
4       felony of the second degree.

5       (c) Mistake as to age.--It is no defense under this section  
6       that the defendant did not know the age of the child. Neither a  
7       misrepresentation of age by the child nor a bona fide belief  
8       that the child is over the specified age shall be a defense.

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

12       "Forcible compulsion." The term shall have the meaning given  
13       to it in section 3101 (relating to definitions).

14       "Nudity." The term shall have the meaning given to it in  
15       section 5903(e)(2) (relating to obscene and other sexual  
16       materials and performances).

17       "Prohibited sexual act." Sexual intercourse as defined in  
18       section 3101 (relating to definitions), masturbation, sadism,  
19       masochism, bestiality, fellatio, cunnilingus or nudity.

20       Section 2. This act shall take effect immediately.