

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.