

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 89 Session of 2009

INTRODUCED BY MANN, MURT, BELFANTI, BEYER, BOYD, BRENNAN, CARROLL, CLYMER, CONKLIN, CREIGHTON, EACHUS, FRANKEL, GEIST, GOODMAN, KULA, PAYNE, PRESTON, RAPP, READSHAW, REICHLEY, SCAVELLO, SIPTROTH, STABACK, STERN, STURLA, SWANGER, TRUE, VULAKOVICH, KORTZ, CALTAGIRONE, CRUZ, BEAR, GRUCELA, PETRARCA, K. SMITH, GINGRICH, WALKO, ROAE, WAGNER, PALLONE, HARHAI, MOUL, BROOKS, M. KELLER, MATZIE AND HOUGHTON, JANUARY 28, 2009

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, JUNE 16, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, ~~further providing for~~ IN MINORS,  
3 FURTHER PROVIDING FOR THE OFFENSE OF sexual abuse of  
4 children. ←

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

7 Section 1. Section ~~6312(d)~~ 6312(A), (D) heading and (1) and ←  
8 (f) of Title 18 of the Pennsylvania Consolidated Statutes are  
9 amended AND THE SECTION IS AMENDED BY ADDING A SUBSECTION to ←

10 read:

11 § 6312. Sexual abuse of children.

12 [(A) DEFINITION.--AS USED IN THIS SECTION, "PROHIBITED ←  
13 SEXUAL ACT" MEANS SEXUAL INTERCOURSE AS DEFINED IN SECTION 3101  
14 (RELATING TO DEFINITIONS), MASTURBATION, SADISM, MASOCHISM,  
15 BESTIALITY, FELLATIO, CUNNILINGUS, LEWD EXHIBITION OF THE

1 GENITALS OR NUDITY IF SUCH NUDITY IS DEPICTED FOR THE PURPOSE OF  
2 SEXUAL STIMULATION OR GRATIFICATION OF ANY PERSON WHO MIGHT VIEW  
3 SUCH DEPICTION.]

4 \* \* \*

5 (d) [Possession of child] Child pornography.--

6 (1) Any person who intentionally views or knowingly  
7 possesses or controls any book, magazine, pamphlet, slide,  
8 photograph, film, videotape, computer depiction or other  
9 material depicting a child under the age of 18 years engaging  
10 in a prohibited sexual act or in the simulation of such act  
11 commits an offense.

12 \* \* \*

13 (f) Exceptions.--This section does not apply to any material  
14 that is viewed, possessed, controlled, brought or caused to be  
15 brought into this Commonwealth, or presented for a bona fide  
16 educational, scientific, governmental or judicial purpose.

17 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
19 SUBSECTION:

20 "INTENTIONALLY VIEWS." THE DELIBERATE, PURPOSEFUL, VOLUNTARY  
21 VIEWING OF MATERIAL DEPICTING A CHILD UNDER 18 YEARS OF AGE  
22 ENGAGING IN A PROHIBITED SEXUAL ACT OR IN THE SIMULATION OF SUCH  
23 ACT. THE TERM SHALL NOT INCLUDE THE ACCIDENTAL OR INADVERTENT  
24 VIEWING OF SUCH MATERIAL.

25 "PROHIBITED SEXUAL ACT." SEXUAL INTERCOURSE AS DEFINED IN  
26 SECTION 3101 (RELATING TO DEFINITIONS), MASTURBATION, SADISM,  
27 MASOCHISM, BESTIALITY, FELLATIO, CUNNILINGUS, LEWD EXHIBITION OF  
28 THE GENITALS OR NUDITY IF SUCH NUDITY IS DEPICTED FOR THE  
29 PURPOSE OF SEXUAL STIMULATION OR GRATIFICATION OF ANY PERSON WHO  
30 MIGHT VIEW SUCH DEPICTION.

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