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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2189 Session of  
2010

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INTRODUCED BY GROVE, QUINN, BAKER, BEAR, BOYD, CARROLL, CLYMER,  
D. COSTA, CUTLER, GEIST, GINGRICH, GOODMAN, KAUFFMAN,  
MAHONEY, MOUL, MURT, READSHAW, SIPTROTH, TRUE, WATERS,  
YOUNGBLOOD AND MAJOR, JANUARY 5, 2010

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 5, 2010

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offense of dissemination  
3 of prohibited materials by minors via electronic  
4 communications.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 6321. Dissemination of prohibited materials by minors via  
10 electronic communications.

11 (a) Offense defined.--Any minor who knowingly transmits in  
12 an electronic communication, as defined in section 5702  
13 (relating to definitions), a depiction of himself or herself or  
14 of another minor who is 13 years of age or older in a state of  
15 nudity as defined in subsection 5903(e) (relating to obscene and  
16 other sexual materials and performances) commits a misdemeanor  
17 of the second degree.

18 (b) Applicability.--This section shall not apply to

1 electronic communications that depict either sexual intercourse  
2 or deviate sexual intercourse, as defined in section 3101  
3 (relating to definitions), or the penetration, however slight,  
4 of the genitals or anus of a minor with any part of a person's  
5 body, masturbation, sadism or masochism.

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