
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1782 Session of
2023

INTRODUCED BY KLUNK, STAATS, M. MACKENZIE, PICKETT, MARCELL,
STEH, GLEIM, JOZWIAK, KAUFFMAN AND KEEFER, OCTOBER 24, 2023

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 24, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations) and 61 (Prisons and Parole) of the Pennsylvania
3 Consolidated Statutes, in human trafficking, further
4 providing for civil causes of action; in minors, further
5 providing for sexual abuse of children; in computer offenses,
6 further providing for definitions, for duty of Internet
7 service provider and for application for order to remove or
8 disable items; in child protective services, further
9 providing for Task Force on Child Pornography; in recidivism
10 risk reduction incentive, further providing for definitions;
11 in Nonnarcotic Medication Assisted Substance Abuse Treatment
12 Grant Pilot Program, further providing for definitions; in
13 Pennsylvania Board of Probation and Parole, further providing
14 for short sentence parole; and making an editorial change.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definition of "victim of the sex trade" in
18 section 3051(k) of Title 18 of the Pennsylvania Consolidated
19 Statutes is amended to read:

20 § 3051. Civil causes of action.

21 * * *

22 (k) Definitions.--The following words and phrases when used
23 in this section shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

1 * * *

2 "Victim of the sex trade." An individual who has:

3 (1) been the object of a solicitation for prostitution;

4 (2) been the object of a transaction in a sex act;

5 (3) been intended or compelled to engage in an act of
6 prostitution;

7 (4) been intended or compelled to engage in a sex act;

8 (5) been described or depicted in material that
9 advertises an intent or compulsion to engage in sex acts; or

10 (6) in the case of obscenity or child [pornography]
11 sexual abuse material, has appeared in or been described or
12 depicted in the offending conduct or material.

13 Section 2. Section 6312(d) and Subchapter C heading of
14 Chapter 76 of Title 18 are amended to read:

15 § 6312. Sexual abuse of children.

16 * * *

17 (d) Child [pornography] sexual abuse material.--Any person
18 who intentionally views or knowingly possesses or controls any
19 book, magazine, pamphlet, slide, photograph, film, videotape,
20 computer depiction or other material depicting a child under the
21 age of 18 years engaging in a prohibited sexual act or in the
22 simulation of such act commits an offense.

23 * * *

24 SUBCHAPTER C

25 INTERNET CHILD [PORNOGRAPHY] SEXUAL ABUSE MATERIAL

26 Section 3. The definition of "child pornography" in section
27 7621 of Title 18 is amended to read:

28 § 7621. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Child [pornography] sexual abuse material." As described in
3 section 6312 (relating to sexual abuse of children).

4 * * *

5 Section 4. Sections 7622 and 7626(2) of Title 18 are amended
6 to read:

7 § 7622. Duty of Internet service provider.

8 An Internet service provider shall remove or disable access
9 to child [pornography] sexual abuse material items residing on
10 or accessible through its service in a manner accessible to
11 persons located within this Commonwealth within five business
12 days of when the Internet service provider is notified by the
13 Attorney General pursuant to section 7628 (relating to
14 notification procedure) that child [pornography] sexual abuse
15 material items reside on or are accessible through its service.

16 § 7626. Application for order to remove or disable items.

17 An application for an order of authorization to remove or
18 disable items residing on or accessible through an Internet
19 service provider's service shall be made to the court of common
20 pleas having jurisdiction in writing upon the personal oath or
21 affirmation of the Attorney General or a district attorney of
22 the county wherein the items have been discovered and, if
23 available, shall contain all of the following information:

24 * * *

25 (2) A statement of the identity of the investigative or
26 law enforcement officer that has, in the official scope of
27 that officer's duties, discovered the child [pornography]
28 sexual abuse material items.

29 * * *

30 Section 5. Section 6388 heading, (a), (b), (e)(1), (g) and

1 (j) of Title 23 are amended to read:

2 § 6388. Task Force on Child [Pornography] Sexual Abuse
3 Material.

4 (a) Establishment.--The Task Force on Child [Pornography]
5 Sexual Abuse Material is established.

6 (b) Purpose.--The purpose of the task force is to conduct a
7 review to ascertain any inadequacies relating to the offense of
8 child [pornography] sexual abuse material in 18 Pa.C.S. § 6312
9 (relating to sexual abuse of children).

10 * * *

11 (e) Member requirements.--

12 (1) The appointed members of the task force under
13 subsection (c)(16) and (17) must be individuals who have
14 experience in investigations or prosecutions of child
15 [pornography] sexual abuse material or sexual abuse of
16 children, have experience in the treatment of victims of
17 child [pornography] sexual abuse material or sexual abuse of
18 children, have experience in the prevention of child
19 [pornography] sexual abuse material or sexual abuse of
20 children or are victims of child [pornography] sexual abuse
21 material or sexual abuse of children.

22 * * *

23 (g) Powers.--The task force shall have the following powers:

24 (1) To recommend any improvements relating to the
25 investigation and prosecution of child [pornography] sexual
26 abuse material as defined in 18 Pa.C.S. § 6312.

27 (2) To recommend any necessary changes in State statutes
28 and practices, policies and procedures relating to the
29 recognition or prosecution of child [pornography] sexual
30 abuse material as defined in 18 Pa.C.S. § 6312.

1 * * *

2 (j) Definition.--As used in this section, the term "task
3 force" means the Task Force on Child [Pornography] Sexual Abuse
4 Material established in this section.

5 Section 6. Paragraph (4) of the definition of "eligible
6 person" in section 4503 of Title 61 is amended to read:
7 § 4503. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 * * *

12 "Eligible person." A defendant or inmate convicted of a
13 criminal offense who will be committed to the custody of the
14 department and who meets all of the following eligibility
15 requirements:

16 * * *

17 (4) Has not been found guilty or previously convicted or
18 adjudicated delinquent for violating any of the following
19 provisions or an equivalent offense under the laws of the
20 United States or one of its territories or possessions,
21 another state, the District of Columbia, the Commonwealth of
22 Puerto Rico or a foreign nation or criminal attempt, criminal
23 solicitation or criminal conspiracy to commit any of these
24 offenses:

25 18 Pa.C.S. § 4302(a) (relating to incest).

26 18 Pa.C.S. § 5901 (relating to open lewdness).

27 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
28 child [pornography] sexual abuse material).

29 Received a criminal sentence pursuant to 42 Pa.C.S. §
30 9712.1 (relating to sentences for certain drug offenses

1 committed with firearms).

2 Any offense listed under 42 Pa.C.S. Ch. 97 Subch. H
3 (relating to registration of sexual offenders) or I
4 (relating to continued registration of sexual offenders).

5 Drug trafficking as defined in section 4103 (relating
6 to definitions).

7 * * *

8 Section 6.1. Paragraph (4) of the definition of "eligible
9 offender" in section 4601 of Title 61 is amended to read:

10 § 4601. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Eligible offender." A defendant or inmate convicted of a
15 criminal offense who will be committed to the custody of the
16 county and who meets all of the following eligibility
17 requirements:

18 * * *

19 (4) Has not been found guilty or previously convicted or
20 adjudicated delinquent for violating any of the following
21 provisions or an equivalent offense under the laws of the
22 United States or one of its territories or possessions,
23 another state, the District of Columbia, the Commonwealth of
24 Puerto Rico or a foreign nation:

25 18 Pa.C.S. § 4302(a) (relating to incest).

26 18 Pa.C.S. § 5901 (relating to open lewdness).

27 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
28 child [pornography] sexual abuse material).

29 Received a criminal sentence pursuant to 42 Pa.C.S. §
30 9712.1 (relating to sentences for certain drug offenses

1 committed with firearms).

2 Any offense for which registration is required under
3 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
4 sexual offenders).

5 * * *

6 Section 7. Section 6137.1(a)(4) of Title 61 is amended to
7 read:

8 § 6137.1. Short sentence parole.

9 (a) General rule.--This section applies to persons committed
10 to the department with an aggregate minimum sentence of
11 confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of
12 total confinement) of two years or less or a recidivism risk
13 reduction incentive minimum sentence under 42 Pa.C.S. §
14 9756(b.1) of two years or less, whichever is shorter. Regardless
15 of sentence imposed, this section does not apply to:

16 * * *

17 (4) persons committed for or with an aggregate sentence
18 containing a violation of any of the following provisions or
19 an equivalent offense under the laws of the United States or
20 one of its territories or possessions, another state, the
21 District of Columbia, the Commonwealth of Puerto Rico or a
22 foreign nation, including a criminal attempt, criminal
23 solicitation or criminal conspiracy to commit the offense:

24 18 Pa.C.S. § 4302(a) (relating to incest).

25 18 Pa.C.S. § 5901 (relating to open lewdness).

26 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
27 child [pornography] sexual abuse material).

28 A criminal sentence pursuant to 42 Pa.C.S. § 9712.1
29 (relating to sentences for certain drug offenses
30 committed with firearms).

1 An offense listed under 42 Pa.C.S. Ch. 97 Subch. H
2 (relating to registration of sexual offenders).

3 An offense listed under 42 Pa.C.S. Ch. 97 Subch. I
4 (relating to continued registration of sexual offenders).

5 * * *

6 Section 8. This act shall take effect in 60 days.