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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 186 Session of  
2023

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INTRODUCED BY J. WARD, COLLETT, PHILLIPS-HILL, DUSH,  
SANTARSIERO, SCHWANK, BROWN, MASTRIANO, TARTAGLIONE, COMMITTA,  
STEFANO, ROBINSON AND SAVAL, JANUARY 30, 2023

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REFERRED TO JUDICIARY, JANUARY 30, 2023

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, making editorial changes to replace  
3 references to the term "child pornography" with references to  
4 the term "child sexual abuse material."

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

7 Section 1. Sections 3051(k) and 6312(d) heading and  
8 Subchapter C heading of Chapter 76 of Title 18 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 3051. Civil causes of action.

11 \* \* \*

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

15 "Sex trade." An act, which if proven beyond a reasonable  
16 doubt, could support a conviction for violation or attempted  
17 violation of Chapter 59 (relating to public indecency) or  
18 section 6312 (relating to sexual abuse of children).

1 "Victim of the sex trade." An individual who has:  
2 (1) been the object of a solicitation for prostitution;  
3 (2) been the object of a transaction in a sex act;  
4 (3) been intended or compelled to engage in an act of  
5 prostitution;  
6 (4) been intended or compelled to engage in a sex act;  
7 (5) been described or depicted in material that  
8 advertises an intent or compulsion to engage in sex acts; or  
9 (6) in the case of obscenity or child [pornography has]  
10 sexual abuse material, appeared in or been described or  
11 depicted in the offending conduct or material.

12 § 6312. Sexual abuse of children.

13 \* \* \*

14 (d) Child [pornography] sexual abuse material.--\* \* \*

15 SUBCHAPTER C

16 INTERNET CHILD [PORNOGRAPHY] SEXUAL ABUSE MATERIAL

17 Section 2. The definition of "child pornography" in section  
18 7621 of Title 18 is amended and the section is amended by adding  
19 a definition to read:

20 § 7621. Definitions.

21 The following words and phrases when used in this subchapter  
22 shall have the meanings given to them in this section unless the  
23 context clearly indicates otherwise:

24 "Child pornography." [As described in section 6312 (relating  
25 to sexual abuse of children).] The term shall have the same  
26 meaning as child sexual abuse material.

27 "Child sexual abuse material." As described in section  
28 6312(d) (relating to sexual abuse of children).

29 \* \* \*

30 Section 3. Sections 7622 and 7626(2) of Title 18 are amended

1 to read:

2 § 7622. Duty of Internet service provider.

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

11 § 7626. Application for order to remove or disable items.

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

19 \* \* \*

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

24 \* \* \*

25 Section 4. This act shall take effect in 60 days.