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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1213 Session of  
2024

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INTRODUCED BY PENNYCUICK, DILLON, BOSCOLA, KANE, TARTAGLIONE,  
BREWSTER, LANGERHOLC, PHILLIPS-HILL, HAYWOOD, BROWN, SCHWANK,  
SANTARSIERO AND VOGEL, MAY 29, 2024

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REFERRED TO JUDICIARY, MAY 29, 2024

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in sexual offenses, further providing  
3 for the offense of unlawful dissemination of intimate image;  
4 and, in minors, further providing for the offense of sexual  
5 abuse of children and for the offense of transmission of  
6 sexually explicit images by minor.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 3131(a) and (c) of Title 18 of the  
10 Pennsylvania Consolidated Statutes are amended and subsection  
11 (g) is amended by adding definitions to read:

12 § 3131. Unlawful dissemination of intimate image.

13 (a) Offense defined.--Except as provided in sections 5903  
14 (relating to obscene and other sexual materials and  
15 performances), 6312 (relating to sexual abuse of children) and  
16 6321 (relating to transmission of sexually explicit images by  
17 minor), a person commits the offense of unlawful dissemination  
18 of intimate image if, with intent to harass, annoy or alarm a  
19 current or former sexual or intimate partner, the person

1 disseminates [a visual depiction of the current or former sexual  
2 or intimate partner in a state of nudity or engaged in sexual  
3 conduct.]:

4 (1) A visual depiction of the current or former sexual  
5 or intimate partner in a state of nudity or engaged in sexual  
6 conduct.

7 (2) An artificially generated depiction of an  
8 individual, with intent to harass, annoy or alarm an  
9 individual.

10 \* \* \*

11 (c) Grading.--[An offense under subsection (a) shall be:]

12 (1) An offense under subsection (a)(1) shall be:

13 [(1)] (i) A misdemeanor of the first degree, when the  
14 person depicted is a minor.

15 [(2)] (ii) A misdemeanor of the second degree, when the  
16 person depicted is not a minor.

17 (2) An offense under subsection (a)(2) shall be:

18 (i) A felony of the third degree, when the person  
19 depicted is a minor.

20 (ii) A misdemeanor of the first degree, when the  
21 person depicted is not a minor.

22 \* \* \*

23 (g) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26 "Artificial intelligence." Any of the following:

27 (1) An artificial system that performs tasks under  
28 varying and unpredictable circumstances without significant  
29 human oversight or that can learn from experience and improve  
30 performance when exposed to data sets.

1           (2) An artificial system developed in computer software,  
2 physical hardware or other context that solves tasks  
3 requiring human-like perception, cognition, planning,  
4 learning, communication or physical action.

5           (3) An artificial system designed to think or act like a  
6 human, including cognitive architectures and neural networks.

7           (4) A set of techniques, including machine learning,  
8 that is designed to approximate a cognitive task.

9           (5) An artificial system designed to act rationally,  
10 including an intelligent software agent or embodied robot  
11 that achieves goals using perception, planning, reasoning,  
12 learning, communicating, decision making and acting.

13 "Artificially generated depiction." A visual depiction:

14           (1) that appears to authentically depict an individual  
15 in a state of nudity or engaged in sexual conduct that did  
16 not occur in reality; and

17           (2) the production of which was substantially dependent  
18 upon technical means, including artificial intelligence and  
19 photo editing software, rather than the ability of another  
20 person to physically impersonate the other person.

21 \* \* \*

22 "Photo editing software." A software used primarily for  
23 editing photographs, videos or computer depictions that contains  
24 a variety of filters, effects or tools that can be used to  
25 manipulate photographs, videos or computer depictions.

26 \* \* \*

27 Section 2. Section 6312(c), (d), (f)(3) and (g) of Title 18  
28 are amended to read:

29 § 6312. Sexual abuse of children.

30 \* \* \*

1 (c) Dissemination of photographs, videotapes, computer  
2 depictions and films.--Any person who knowingly sells,  
3 distributes, delivers, disseminates, transfers, displays or  
4 exhibits to others, or who possesses for the purpose of sale,  
5 distribution, delivery, dissemination, transfer, display or  
6 exhibition to others, any artificially generated depiction or  
7 book, magazine, pamphlet, slide, photograph, film, videotape,  
8 computer depiction or other material depicting a child under the  
9 age of 18 years engaging in a prohibited sexual act or in the  
10 simulation of such act commits an offense.

11 (d) Child pornography.--Any person who intentionally views  
12 or knowingly possesses or controls any artificially generated  
13 depiction or book, magazine, pamphlet, slide, photograph, film,  
14 videotape, computer depiction or other material depicting a  
15 child under the age of 18 years engaging in a prohibited sexual  
16 act or in the simulation of such act commits an offense.

17 \* \* \*

18 (f) Exceptions.--This section does not apply to any of the  
19 following:

20 \* \* \*

21 (3) An individual under 18 years of age who knowingly  
22 views, photographs, videotapes, depicts on a computer or  
23 films or possesses or intentionally views a visual depiction  
24 as defined in section 6321 or an artificially generated  
25 depiction of himself alone in a state of nudity as defined in  
26 section 6321.

27 \* \* \*

28 (g) Definitions.--As used in this section, the following  
29 words and phrases shall have the meanings given to them in this  
30 subsection:

1 "Artificial intelligence." As defined in section 3131  
2 (relating to unlawful dissemination of intimate image).

3 "Artificially generated depiction." A book, magazine,  
4 pamphlet, slide, photograph, videotape, film or computer  
5 depiction:

6 (1) that appears to authentically depict a child under  
7 18 years of age engaging in a prohibited sexual act or in the  
8 simulation of such act that did not occur in reality; and

9 (2) the production of which was substantially dependent  
10 upon technical means, including artificial intelligence and  
11 photo editing software, rather than the ability of another  
12 person to physically impersonate the child.

13 "Intentionally views." The deliberate, purposeful, voluntary  
14 viewing of material containing an artificially generated  
15 depiction or depicting a child under 18 years of age engaging in  
16 a prohibited sexual act or in the simulation of such act. The  
17 term shall not include the accidental or inadvertent viewing of  
18 such material.

19 "Photo editing software." As defined in section 3131.

20 "Prohibited sexual act." Sexual intercourse as defined in  
21 section 3101 (relating to definitions), masturbation, sadism,  
22 masochism, bestiality, fellatio, cunnilingus, lewd exhibition of  
23 the genitals or nudity if such nudity is depicted for the  
24 purpose of sexual stimulation or gratification of any person who  
25 might view such depiction.

26 Section 3. The definition of "sexually explicit image" in  
27 section 6321(g) of Title 18 is amended and the subsection is  
28 amended by adding definitions to read:

29 § 6321. Transmission of sexually explicit images by minor.

30 \* \* \*

1 (g) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Artificial intelligence." As defined in section 3131  
5 (relating to unlawful dissemination of intimate image).

6 "Artificially generated depiction." Any visual depiction:

7 (1) that appears to authentically depict a child under  
8 18 years of age engaged in conduct or an action or state of  
9 nudity that did not occur in reality; and

10 (2) the production of which was substantially dependent  
11 upon technical means, including artificial intelligence and  
12 photo editing software, rather than the ability of another  
13 person to physically impersonate the child.

14 \* \* \*

15 "Photo editing software." As defined in section 3131.

16 \* \* \*

17 "Sexually explicit image." A lewd or lascivious visual  
18 depiction or artificially generated depiction of a minor's  
19 genitals, pubic area, breast or buttocks or nudity, if such  
20 nudity is depicted for the purpose of sexual stimulation or  
21 gratification of any person who might view such nudity.

22 \* \* \*

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