

No. 2009-15

AN ACT

HB 89

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children.

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

Section 1. Section 6312(a), (d) heading and (1) and (f) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a subsection to read:

§ 6312. Sexual abuse of children.

[(a) Definition.—As used in this section, “prohibited sexual act” means sexual intercourse as defined in section 3101 (relating to definitions), masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction.]

(d) [Possession of child] Child pornography.—

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

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

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

“Intentionally views.” *The deliberate, purposeful, voluntary viewing of material depicting a child under 18 years of age engaging in a prohibited sexual act or in the simulation of such act. The term shall not include the accidental or inadvertent viewing of such material.*

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

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

APPROVED—The 14th day of July, A.D. 2009.

EDWARD G. RENDELL