

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 186 Session of 2023

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

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 4, 2024

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 61 (PRISONS <--
2 AND PAROLE) of the Pennsylvania Consolidated Statutes, making
3 editorial changes to replace references to the term "child
4 pornography" with references to the term "child sexual abuse
5 material."

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

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

11 § 3051. Civil causes of action.

12 * * *

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

16 "Sex trade." An act, which if proven beyond a reasonable
17 doubt, could support a conviction for violation or attempted
18 violation of Chapter 59 (relating to public indecency) or
19 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. PARAGRAPH (4) OF THE DEFINITION OF "ELIGIBLE <--
26 PERSON" IN SECTION 4503 OF TITLE 61 IS AMENDED TO READ:

27 § 4503. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 * * *

2 "ELIGIBLE PERSON." A DEFENDANT OR INMATE CONVICTED OF A
3 CRIMINAL OFFENSE WHO WILL BE COMMITTED TO THE CUSTODY OF THE
4 DEPARTMENT AND WHO MEETS ALL OF THE FOLLOWING ELIGIBILITY
5 REQUIREMENTS:

6 * * *

7 (4) HAS NOT BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OR
8 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
9 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
10 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
11 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
12 PUERTO RICO OR A FOREIGN NATION OR CRIMINAL ATTEMPT, CRIMINAL
13 SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT ANY OF THESE
14 OFFENSES:

15 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

16 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

17 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET
18 CHILD [PORNOGRAPHY] SEXUAL ABUSE MATERIAL).

19 RECEIVED A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S. §
20 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
21 COMMITTED WITH FIREARMS).

22 ANY OFFENSE LISTED UNDER 42 PA.C.S. CH. 97 SUBCH. H
23 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) OR I
24 (RELATING TO CONTINUED REGISTRATION OF SEXUAL OFFENDERS).

25 DRUG TRAFFICKING AS DEFINED IN SECTION 4103 (RELATING
26 TO DEFINITIONS).

27 * * *

28 SECTION 5. PARAGRAPH (4) OF THE DEFINITION OF "ELIGIBLE
29 OFFENDER" IN SECTION 4601 OF TITLE 61 IS AMENDED TO READ:
30 § 4601. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "ELIGIBLE OFFENDER." A DEFENDANT OR INMATE CONVICTED OF A
5 CRIMINAL OFFENSE WHO WILL BE COMMITTED TO THE CUSTODY OF THE
6 COUNTY AND WHO MEETS ALL OF THE FOLLOWING ELIGIBILITY
7 REQUIREMENTS:

8 * * *

9 (4) HAS NOT BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OR
10 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
11 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
12 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
13 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
14 PUERTO RICO OR A FOREIGN NATION:

15 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

16 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

17 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET
18 CHILD [PORNOGRAPHY] SEXUAL ABUSE MATERIAL).

19 RECEIVED A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S. §
20 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
21 COMMITTED WITH FIREARMS).

22 ANY OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER
23 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO REGISTRATION OF
24 SEXUAL OFFENDERS).

25 * * *

26 SECTION 6. SECTION 6137.1(A) (4) OF TITLE 61 IS AMENDED TO
27 READ:

28 § 6137.1. SHORT SENTENCE PAROLE.

29 (A) GENERAL RULE.--THIS SECTION APPLIES TO PERSONS COMMITTED
30 TO THE DEPARTMENT WITH AN AGGREGATE MINIMUM SENTENCE OF

1 CONFINEMENT UNDER 42 PA.C.S. § 9756(B) (RELATING TO SENTENCE OF
2 TOTAL CONFINEMENT) OF TWO YEARS OR LESS OR A RECIDIVISM RISK
3 REDUCTION INCENTIVE MINIMUM SENTENCE UNDER 42 PA.C.S. §
4 9756(B.1) OF TWO YEARS OR LESS, WHICHEVER IS SHORTER. REGARDLESS
5 OF SENTENCE IMPOSED, THIS SECTION DOES NOT APPLY TO:

6 * * *

7 (4) PERSONS COMMITTED FOR OR WITH AN AGGREGATE SENTENCE
8 CONTAINING A VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OR
9 AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE UNITED STATES OR
10 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
11 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
12 FOREIGN NATION, INCLUDING A CRIMINAL ATTEMPT, CRIMINAL
13 SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT THE OFFENSE:

14 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

15 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

16 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET
17 CHILD [PORNOGRAPHY] SEXUAL ABUSE MATERIAL).

18 A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S. § 9712.1
19 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
20 COMMITTED WITH FIREARMS).

21 AN OFFENSE LISTED UNDER 42 PA.C.S. CH. 97 SUBCH. H
22 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

23 AN OFFENSE LISTED UNDER 42 PA.C.S. CH. 97 SUBCH. I
24 (RELATING TO CONTINUED REGISTRATION OF SEXUAL OFFENDERS).

25 * * *

26 Section 4 7. This act shall take effect in 60 days.

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