

## AMENDMENTS TO SENATE BILL NO. 1213

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 1679

1 Amend Bill, page 1, line 1, by striking out "Title" and  
2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"  
5 and 61 (Prisons and Parole)

6 Amend Bill, page 1, line 4, by striking out "and,"

7 Amend Bill, page 1, line 6, by striking out the period after  
8 "minor" and inserting

9 ; and making editorial changes to replace references to the term  
10 "child pornography" with references to the term "child sexual  
11 abuse material."

12 Amend Bill, page 1, lines 9 through 11, by striking out all  
13 of said lines and inserting

14 Section 1. Section 3051(k) of Title 18 of the Pennsylvania  
15 Consolidated Statutes is amended to read:  
16 § 3051. Civil causes of action.

17 \* \* \*

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

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

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

- 26 (1) been the object of a solicitation for prostitution;  
27 (2) been the object of a transaction in a sex act;  
28 (3) been intended or compelled to engage in an act of  
29 prostitution;  
30 (4) been intended or compelled to engage in a sex act;  
31 (5) been described or depicted in material that

1 advertises an intent or compulsion to engage in sex acts; or  
2 (6) in the case of obscenity or child [pornography has]  
3 sexual abuse material, appeared in or been described or  
4 depicted in the offending conduct or material.

5 Section 2. Section 3131(a) and (c) of Title 18 are amended  
6 and subsection (g) is amended by adding definitions to read:

7 Amend Bill, page 4, line 17, by striking out "2" and  
8 inserting

9 3

10 Amend Bill, page 4, line 18, by inserting after "amended"  
11 and subsection (f) is amended by adding a paragraph

12 Amend Bill, page 5, by inserting between lines 20 and 21

13 (4) An artificial intelligence developer or its  
14 authorized employee or contractor, who, upon obtaining actual  
15 knowledge of the existence of artificially generated child  
16 sexual abuse material, immediately reports the artificially  
17 generated child sexual abuse material to a law enforcement  
18 agency.

19 Amend Bill, page 5, by inserting between lines 26 and 27

20 "Artificial intelligence developer." A person that designs,  
21 codes or produces an artificial intelligence system and makes  
22 the system commercially available whether for payment or free of  
23 charge.

24 Amend Bill, page 6, line 25, by striking out "3" and  
25 inserting

26 4

27 Amend Bill, page 7, by inserting between lines 21 and 22

28 Section 5. Subchapter C heading of Chapter 76 of Title 18 is  
29 amended to read:

30 SUBCHAPTER C

31 INTERNET CHILD [PORNOGRAPHY] Sexual Abuse Material

32 Section 6. The definition of "child pornography" in section  
33 7621 of Title 18 is amended and the section is amended by adding  
34 a definition to read:

35 § 7621. Definitions.

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

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

42 "Child sexual abuse material." As described in section

1 6312(d) (relating to sexual abuse of children).

2 \* \* \*

3 Section 7. Sections 7622 and 7626(2) of Title 18 are amended  
4 to read:

5 § 7622. Duty of Internet service provider.

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

14 § 7626. Application for order to remove or disable items.

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

22 \* \* \*

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

27 \* \* \*

28 Section 8. Paragraph (4) of the definition of "eligible  
29 person" in section 4503 of Title 61 is amended to read:

30 § 4503. Definitions.

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

34 \* \* \*

35 "Eligible person." A defendant or inmate convicted of a  
36 criminal offense who will be committed to the custody of the  
37 department and who meets all of the following eligibility  
38 requirements:

39 \* \* \*

40 (4) Has not been found guilty or previously convicted or  
41 adjudicated delinquent for violating any of the following  
42 provisions or an equivalent offense under the laws of the  
43 United States or one of its territories or possessions,  
44 another state, the District of Columbia, the Commonwealth of  
45 Puerto Rico or a foreign nation or criminal attempt, criminal  
46 solicitation or criminal conspiracy to commit any of these  
47 offenses:

48 18 Pa.C.S. § 4302(a) (relating to incest).

49 18 Pa.C.S. § 5901 (relating to open lewdness).

50 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
51 child [pornography] sexual abuse material).

1 Received a criminal sentence pursuant to 42 Pa.C.S. §  
2 9712.1 (relating to sentences for certain drug offenses  
3 committed with firearms).

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

7 Drug trafficking as defined in section 4103 (relating  
8 to definitions).

9 \* \* \*

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

12 § 4601. Definitions.

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

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

20 \* \* \*

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

27 18 Pa.C.S. § 4302(a) (relating to incest).

28 18 Pa.C.S. § 5901 (relating to open lewdness).

29 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
30 child [pornography] sexual abuse material).

31 Received a criminal sentence pursuant to 42 Pa.C.S. §  
32 9712.1 (relating to sentences for certain drug offenses  
33 committed with firearms).

34 Any offense for which registration is required under  
35 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
36 sexual offenders).

37 \* \* \*

38 Section 10. Section 6137.1(a)(4) of Title 61 is amended to  
39 read:

40 § 6137.1. Short sentence parole.

41 (a) General rule.--This section applies to persons committed  
42 to the department with an aggregate minimum sentence of  
43 confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of  
44 total confinement) of two years or less or a recidivism risk  
45 reduction incentive minimum sentence under 42 Pa.C.S. §  
46 9756(b.1) of two years or less, whichever is shorter. Regardless  
47 of sentence imposed, this section does not apply to:

48 \* \* \*

49 (4) persons committed for or with an aggregate sentence  
50 containing a violation of any of the following provisions or  
51 an equivalent offense under the laws of the United States or

1 one of its territories or possessions, another state, the  
2 District of Columbia, the Commonwealth of Puerto Rico or a  
3 foreign nation, including a criminal attempt, criminal  
4 solicitation or criminal conspiracy to commit the offense:  
5 18 Pa.C.S. § 4302(a) (relating to incest).  
6 18 Pa.C.S. § 5901 (relating to open lewdness).  
7 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
8 child [pornography] sexual abuse material).  
9 A criminal sentence pursuant to 42 Pa.C.S. § 9712.1  
10 (relating to sentences for certain drug offenses  
11 committed with firearms).  
12 An offense listed under 42 Pa.C.S. Ch. 97 Subch. H  
13 (relating to registration of sexual offenders).  
14 An offense listed under 42 Pa.C.S. Ch. 97 Subch. I  
15 (relating to continued registration of sexual offenders).  
16 \* \* \*

17 Amend Bill, page 7, line 22, by striking out "4" and  
18 inserting

19 11