

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2418 Session of 2024

INTRODUCED BY SCIALABBA, PICKETT, STAATS, JOZWIAK, BANTA,
CONKLIN, MARCELL, LEADBETER, GILLEN, KEEFER AND T. JONES,
JUNE 13, 2024

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 13, 2024

AN ACT

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

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

6 Section 1. Section 6312(d) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6312. Sexual abuse of children.

9 * * *

10 (d) Child pornography.--[Any person who]

11 (1) A person commits an offense if that person

12 intentionally views or knowingly possesses or controls any
13 book, magazine, pamphlet, slide, photograph, film, videotape,
14 computer depiction, artificially generated depiction or other
15 material depicting:

16 (i) a child under the age of 18 years engaging in a
17 prohibited sexual act or in the simulation of such act

18 [commits an offense.]; or

1 (ii) all of the following:

2 (A) the lewd exhibition of the genitals or pubic
3 area of an unclothed, partially clothed or clothed
4 child under 18 years of age in a patently offensive
5 or sexually suggestive manner;

6 (B) material which the average person applying
7 contemporary community standards would find that the
8 subject matter taken as a whole appeals to the
9 prurient interest in sex; and

10 (C) material which the subject matter, taken as
11 a whole, lacks serious literary, artistic, political,
12 educational or scientific value.

13 (2) As used in this subsection, the following words and
14 phrases shall have the meanings given to them in this
15 paragraph unless the context clearly indicates otherwise:

16 "Artificially generated depiction." A visual depiction:

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

20 (ii) the production of which was substantially
21 dependent upon technical means, including artificial
22 intelligence or photo editing software, rather than the
23 ability of another person to physically impersonate the
24 child.

25 "Photo editing software." A software used primarily for
26 editing photographs, films or computer depictions that
27 contains a variety of filters, effects and tools that can be
28 used to manipulate photographs, films or computer depictions.

29 * * *

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