
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1083 Session of
2024

INTRODUCED BY BOSCOLA, TARTAGLIONE, LANGERHOLC, FONTANA,
HAYWOOD, KANE, FARRY, ROTHMAN, KEARNEY, SANTARSIERO, MILLER,
DILLON, DUSH, LAUGHLIN AND BROWN, FEBRUARY 26, 2024

REFERRED TO JUDICIARY, FEBRUARY 26, 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 and for the offense of
4 transmission of sexually explicit images by minor.

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

7 Section 1. Section 6312(c), (d), (f)(3) and (g) of Title 18
8 of the Pennsylvania Consolidated Statutes are amended and the
9 section is amended by adding a subsection to read:

10 § 6312. Sexual abuse of children.

11 * * *

12 (c) Dissemination of photographs, videotapes, computer
13 depictions and films.--Any person who knowingly sells,
14 distributes, delivers, disseminates, transfers, displays or
15 exhibits to others, or who possesses for the purpose of sale,
16 distribution, delivery, dissemination, transfer, display or
17 exhibition to others, any book, magazine, pamphlet, slide,
18 photograph, film, videotape, computer depiction, artificially

1 generated child sexual abuse material or other material
2 depicting a child under the age of 18 years engaging in a
3 prohibited sexual act or in the simulation of such act commits
4 an offense.

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

12 * * *

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

15 * * *

16 (3) An individual under 18 years of age who knowingly
17 views, photographs, videotapes, depicts on a computer or
18 films or possesses or intentionally views a visual depiction
19 as defined in section 6321 or artificially generated child
20 sexual abuse material of himself alone in a state of nudity
21 as defined in section 6321.

22 * * *

23 (f.2) Civil action.--

24 (1) A parent or legal guardian of a child under 18 years
25 of age who is depicted as engaging in a prohibited sexual act
26 or in the simulation of such act under subsection (b) or (c)
27 may bring a civil cause of action against a person who
28 committed the offense under subsection (b) or (c). If the
29 offense under subsection (b) or (c) involves artificially
30 generated child sexual abuse material, the parent or legal

1 guardian may bring a civil cause of action against the
2 developer of the artificial intelligence system.

3 (2) A court of competent jurisdiction may award damages
4 to a parent or legal guardian under paragraph (1) as
5 specified under this paragraph. In determining the extent of
6 injury, the court shall consider the damage caused to the
7 child due to the production and dissemination of the child
8 sexual abuse material. The court may award any of the
9 following:

10 (i) Actual costs incurred as a result of the damage
11 caused to the child, including costs associated with
12 counseling services, doctors visits, treatment and co-
13 pays.

14 (ii) Reasonable attorney fees and court costs.

15 (iii) Punitive damages determined by the court.

16 (3) Nothing in this subsection shall be construed to
17 limit the ability of a person to receive a civil penalty
18 under this chapter.

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

22 "Artificial intelligence." Any of the following:

23 (1) A system that performs tasks under varying and
24 unpredictable circumstances without significant human
25 oversight or that can learn from experience and improve
26 performance when exposed to data sets.

27 (2) A system developed in computer software, physical
28 hardware or other context that solves tasks requiring human-
29 like perception, cognition, planning, learning, communication
30 or physical action.

1 (3) A system designed to think or act like a human,
2 including cognitive architectures and neural networks.

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

5 (5) A system designed to act rationally, including an
6 intelligent software agent or embodied robot that achieves
7 goals using perception, planning, reasoning, learning,
8 communicating, decision-making and acting.

9 "Artificially generated child sexual abuse material." A
10 visual depiction that meets all of the following criteria:

11 (1) The visual depiction appears to authentically
12 portray a child under 18 years of age in a state of nudity or
13 engaging in sexual conduct that did not occur in reality.

14 (2) The production of the visual depiction is
15 substantially dependent upon technical means, including
16 artificial intelligence or image editing software, and not
17 the ability of a person to physically impersonate the child.

18 "Image editing software." A software used primarily for
19 editing photographs, films or computer depictions that contains
20 a variety of filters, effects and tools that can be used to
21 manipulate photographs, films or computer depictions.

22 "Intentionally views." The deliberate, purposeful, voluntary
23 viewing of artificially generated child sexual abuse material or
24 material depicting a child under 18 years of age engaging in a
25 prohibited sexual act or in the simulation of such act. The term
26 shall not include the accidental or inadvertent viewing of such
27 material.

28 "Prohibited sexual act." Sexual intercourse as defined in
29 section 3101 (relating to definitions), masturbation, sadism,
30 masochism, bestiality, fellatio, cunnilingus, lewd exhibition of

1 the genitals or nudity if such nudity is depicted for the
2 purpose of sexual stimulation or gratification of any person who
3 might view such depiction.

4 Section 2. Section 6321(g) of Title 18 is amended to read:

5 § 6321. Transmission of sexually explicit images by minor.

6 * * *

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

10 "Artificially generated child sexual abuse material." As
11 defined in section 6312(g).

12 "Disseminate." To cause or make an electronic or actual
13 communication from one person, place or electronic communication
14 device to two or more other persons, places or electronic
15 communication devices.

16 "Distribute." To deliver or pass out.

17 "Electronic communication." As defined in section 5702
18 (relating to definitions).

19 "Knowingly possesses." The deliberate, purposeful, voluntary
20 possession of a sexually explicit image of another minor who is
21 12 years of age or older. The term shall not include the
22 accidental or inadvertent possession of such an image.

23 "Knowingly views." The deliberate, purposeful, voluntary
24 viewing of a sexually explicit image of another minor who is 12
25 years of age or older. The term shall not include the accidental
26 or inadvertent viewing of such an image.

27 "Minor." An individual under 18 years of age.

28 "Nudity." The showing of the human male or female genitals,
29 pubic area or buttocks with less than a fully opaque covering,
30 the showing of the female breast with less than a fully opaque

1 covering of any portion thereof below the top of the nipple or
2 the depiction of covered male genitals in a discernibly turgid
3 state.

4 "Publish." To issue for distribution.

5 "Sexually explicit image." A lewd or lascivious visual
6 depiction or artificially generated child sexual abuse material
7 of a minor's genitals, pubic area, breast or buttocks or nudity,
8 if such nudity is depicted for the purpose of sexual stimulation
9 or gratification of any person who might view such nudity.

10 "Transmit." To cause or make an electronic communication
11 from one person, place or electronic communication device to
12 only one other person, place or electronic communication device.

13 "Visual depiction." A representation by picture, including,
14 but not limited to, a photograph, videotape, film or computer
15 image.

16 Section 3. This act shall take effect in 60 days.