

No. 1977-62

AN ACT

SB 717

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain sexual conduct involving children and the dissemination of photographs or films depicting said sexual conduct.

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

Section 1. Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:

§ 6312. Sexual abuse of children.

(a) Definition.—As used in this section “prohibited sexual act” means sexual intercourse, anal intercourse, masturbation, bestiality, sadism, masochism, fellatio, cunnilingus and any other sexual activity including nudity if such sexual activity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction.

(b) Photographing or filming sexual acts.—Any person who causes or knowingly permits a child under the age of 16 years to engage in a prohibited sexual act or in the simulation of such act is guilty of a felony of the second degree if such person knows, has reason to know or intends that such act may be photographed or filmed. Any person who photographs or films a child under the age of 16 years engaging in a prohibited sexual act or in the simulation of such an act is guilty of a felony of the second degree.

(c) Dissemination of photographs and films.—Any person who sells, displays for sale or transfer, or who possesses for the purpose of sale, display for sale or transfer, any book, magazine, pamphlet, slide, photograph or film depicting a child under the age of 16 years engaging in a prohibited sexual act or in the simulation of such act is guilty of a felony of the third degree.

(d) Evidence of age.—In the event a person involved in a prohibited sexual act is alleged to be a child under the age of 16 years, competent expert testimony shall be sufficient to establish the age of said person.

(e) Exceptions.—This section shall not be deemed to apply to the selling, lending, distributing, exhibiting, giving away, showing, possessing or making of films, photographs or other materials involving only nudity, if such materials are made for and have a serious literary, artistic, educational or scientific value.

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

APPROVED—The 26th day of October, A. D. 1977.

MILTON J. SHAPP