
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1753 Session of
2023

INTRODUCED BY PIELLI, KAZEEM, PROBST, MADDEN, BRENNAN, DELLOSO,
R. MACKENZIE, OTTEN, DONAHUE, GUENST, SANCHEZ AND HOWARD,
OCTOBER 16, 2023

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, further providing for
3 sexual abuse of children and for transmission of sexually
4 explicit images by minor.

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

7 Section 1. Sections 6312(c), (d), (f)(3) and (g) and 6321(g)
8 of Title 18 of the Pennsylvania Consolidated Statutes are
9 amended 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 (g) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection:

26 "Artificial intelligence." Includes any of the following:

27 (1) An artificial system that performs tasks under
28 varying and unpredictable circumstances without significant
29 human oversight or that can learn from experience and improve
30 performance when exposed to data sets.

1 (2) An artificial system developed in computer software,
2 physical hardware or other context that solves tasks
3 requiring human-like perception, cognition, planning,
4 learning, communication or physical action.

5 (3) An artificial system designed to think or act like a
6 human, including cognitive architectures and neural networks.

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

9 (5) An artificial system designed to act rationally,
10 including an intelligent software agent or embodied robot
11 that achieves goals using perception, planning, reasoning,
12 learning, communicating, decision making and acting.

13 "Artificially generated child sexual abuse material." A
14 visual depiction:

15 (1) that appears to authentically depict an individual
16 under 18 years of age in a state of nudity or engaged in
17 sexual conduct that did not occur in reality; and

18 (2) the production of which was substantially dependent
19 upon technical means, including artificial intelligence and
20 photoshop software, rather than the ability of another person
21 to physically impersonate the other person.

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 "Photoshop." A software used primarily for editing
29 photographs, films or computer depictions that contains a
30 variety of filters, effects and tools that can be used to

1 manipulate photographs, films or computer depictions.

2 "Prohibited sexual act." Sexual intercourse as defined in
3 section 3101 (relating to definitions), masturbation, sadism,
4 masochism, bestiality, fellatio, cunnilingus, lewd exhibition of
5 the genitals or nudity if such nudity is depicted for the
6 purpose of sexual stimulation or gratification of any person who
7 might view such depiction.

8 § 6321. Transmission of sexually explicit images by minor.

9 * * *

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

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

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

19 "Distribute." To deliver or pass out.

20 "Electronic communication." As defined in section 5702
21 (relating to definitions).

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

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

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

1 "Nudity." The showing of the human male or female genitals,
2 pubic area or buttocks with less than a fully opaque covering,
3 the showing of the female breast with less than a fully opaque
4 covering of any portion thereof below the top of the nipple or
5 the depiction of covered male genitals in a discernibly turgid
6 state.

7 "Publish." To issue for distribution.

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

13 "Transmit." To cause or make an electronic communication
14 from one person, place or electronic communication device to
15 only one other person, place or electronic communication device.

16 "Visual depiction." A representation by picture, including,
17 but not limited to, a photograph, videotape, film or computer
18 image.

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