

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 321 Session of 2013

INTRODUCED BY TOEPEL, GRELL, O'NEILL, PICKETT, O'BRIEN, STEPHENS, MAJOR, SCHLOSSBERG, KORTZ, YOUNGBLOOD, D. COSTA, RAPP, KAUFFMAN, M. K. KELLER, MILLARD, C. HARRIS, MOUL, SWANGER, PETRI, TALLMAN, HAHN, GINGRICH, V. BROWN, CLYMER, LAWRENCE, WATSON, GROVE, ROCK, MARSICO, DeLUCA, GILLEN AND DENLINGER, JANUARY 24, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 12, 2013

AN ACT

1 Amending ~~Title~~ TITLES 18 (CRIMES AND OFFENSES) AND 42 (Judiciary <--
2 and Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, FURTHER PROVIDING FOR THE OFFENSE OF SEXUAL ABUSE <--
4 OF CHILDREN; AND providing for sentencing for offenses
5 involving child pornography.

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

8 ~~Section 1. Title 42 of the Pennsylvania Consolidated <--
9 Statutes is amended by adding a section to read:~~

10 SECTION 1. SECTION 6312 OF TITLE 18 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
12 § 6312. SEXUAL ABUSE OF CHILDREN.

13 * * *

14 (D.1) MULTIPLE OFFENSES.--A PERSON WHO AT THE TIME OF
15 SENTENCING HAS BEEN CONVICTED OF ANOTHER OFFENSE UNDER THIS
16 SECTION SHALL BE SENTENCED TO THE PENALTIES ASSOCIATED WITH
17 SECOND OR SUBSEQUENT VIOLATIONS OF THIS SECTION. FOR PURPOSES OF

1 THIS SUBSECTION, A PERSON SHALL BE DEEMED TO HAVE BEEN CONVICTED
2 OF ANOTHER OFFENSE UNDER THIS SECTION WHETHER OR NOT JUDGMENT OF
3 SENTENCE HAS BEEN IMPOSED FOR THAT VIOLATION.

4 * * *

5 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
6 § 9720.5. Sentencing for offenses involving child pornography.

7 In addition to any minimum term of imprisonment authorized or
8 established by law for the offense, the Pennsylvania Commission
9 on Sentencing, in accordance with section 2154 (relating to
10 adoption of guidelines for sentencing), shall provide for a
11 sentence enhancement within its guidelines for an offense under
12 18 Pa.C.S. § 6312 (relating to sexual abuse of children),
13 specifying variations from the range of sentences applicable
14 based on such aggravating circumstances as the age of the child,
15 the number of images possessed by the defendant and the nature
16 and character of the abuse depicted in the images.

17 Section ~~2~~ 3. This act shall take effect in 60 days.

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