

# 18 Pa.C.S. § 6312 Sexual Abuse of Children (Pornography)

**Definition.**—As used in this section, “prohibited sexual act” means sexual intercourse as defined in section 3101 (relating to definitions), masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction. (a) Photographing, videotaping, depicting on computer or filming sexual acts.—Any person who causes or knowingly permits a child under the age of 18 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, videotaped, depicted on computer or filmed. Any person who knowingly photographs, videotapes, depicts on computer or films a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such an act is guilty of a felony of the second degree. (b) Dissemination of photographs, videotapes, computer depictions and films.—(1) Any person who knowingly sells, distributes, delivers, disseminates, transfers, displays or exhibits to others, or who possesses for the purpose of sale, distribution, delivery, dissemination, transfer, display or exhibition to others, any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act commits an offense. (2) A first offense under this subsection is a felony of the third degree, and a second or subsequent offense under this subsection is a felony of the second degree. (c) Possession of child pornography.—(1) Any person who knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act commits an offense. (2) A first offense under this subsection is a felony of the third degree, and a second or subsequent offense under this subsection is a felony of the second degree.

Grading and Sentences		Grade	Statutory Minimum	Statutory Maximum	OGS
18 § 6312 (c)	Sexual abuse of children/disseminate (2nd/subseq.)	F-2	60	120	8
18 § 6312 (d)	Sexual abuse of children/possess (2nd/subseq.)	F-2	60	120	8
18 § 6312 (b)	Sexual abuse of children/photographing, etc.	F-2	60	120	7
18 § 6312 (c)	Sexual abuse of children/dissemination, etc.	F-3	42	84	6
18 § 6312 (d)	Sexual abuse of children/possess child pornography	F-3	42	84	5

6th Edition Sentencing Guidelines (effective 6/3/2005): Minimum Sentence Recommendations (in Months)									
Offense Gravity Score	Prior Record Score						RFEL	REVOG	AGG/MIT
	0	1	2	3	4	5			
8	9-16, BC	12-18, BC	15-21, BC	18-24, BC	21-27, BC	27-33, BC	40-52	NA	+/ -9
7	6-14, BC	9-16, BC	12-18, BC	15-21, BC	18-24, BC	24-30, BC	35-45, BC	NA	+/ -6
6	3-12, BC	6-14, BC	9-16, BC	12-18, BC	15-21, BC	21-27, BC	27-40, BC	NA	+/ -6
5	RS-9	1-12, BC	3-14, BC	6-16, BC	9-16, BC	12-18, BC	24-36, BC	NA	+/ -3

AGG=Aggravated BC=Boot Camp MIT=Mitigated NA=Not Applicable REVOG=Repeat Violent Offender Category  
RFEL=Repeat Felony 1 and Felony 2 Offender Category RS=Restorative Sanction

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

## Sentencing Patterns in Pennsylvania, 2004: Sexual Abuse of Children (Pornography)

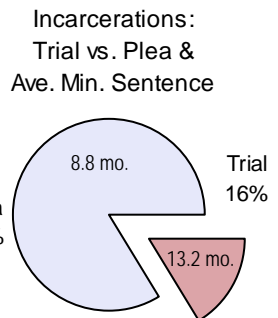
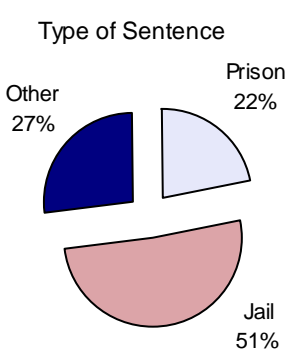
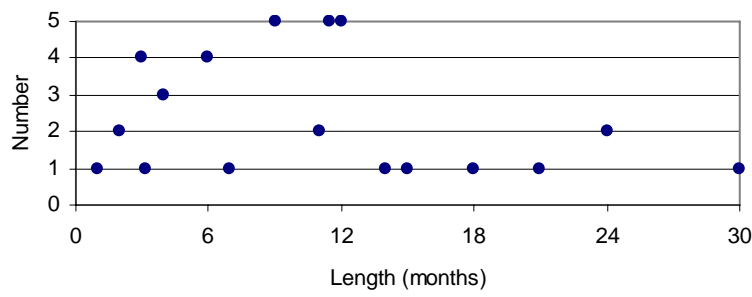
All Offenses	Most Serious Offense of Judicial Proceeding	No. of Offenders
278	55	64

Prior Record Score	Cases by PRS	
	No.	Percent
0	36	65.5%
1	3	5.5%
2	5	9.1%
3	5	9.1%
4	1	1.8%
5	4	7.3%
RFEL	1	1.8%
REVOG	0	0.0%
Total	55	100.0%

	Min	Max
Incarceration	9.8	35.1
Mean	9.0	23.0
Median	-	23.0
Mode	-	23.0

(N=40)

Distribution of Min Incarceration Sentences (N=40)



Distribution of Max Incarceration Sentences (N=40)

