

Public Law 95-225
95th Congress

An Act

To amend title 18 of the United States Code relating to the sexual exploitation of minors, and for other purposes.

Feb. 6, 1978

[S. 1585]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection of Children Against Sexual Exploitation Act of 1977".

Protection of
Children Against
Sexual
Exploitation Act
of 1977.
18 USC 2251
note.

SEC. 2. (a) Title 18, United States Code, is amended by inserting immediately after chapter 109 the following:

"Chapter 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec.

"2251. Sexual exploitation of children.

"2252. Certain activities relating to material involving the sexual exploitation of minors.

"2253. Definitions for chapter.

"§ 2251. Sexual exploitation of children

18 USC 2251.

"(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than \$15,000, or imprisoned not less than two years nor more than 15 years, or both.

Penalty.

"§ 2252. Certain activities relating to material involving the sexual exploitation of minors

18 USC 2252.

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails, for the purpose of sale or distribution for sale, any obscene visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

Interstate or
foreign
commerce, sale
and distribution
prohibition.

“(B) such visual or print medium depicts such conduct;

or

“(2) knowingly receives for the purpose of sale or distribution for sale, or knowingly sells or distributes for sale, any obscene visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

“(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

“(B) such visual or print medium depicts such conduct; shall be punished as provided in subsection (b) of this section.

Penalty.

“(b) Any person who violates this section shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than \$15,000, or imprisoned not less than two years nor more than 15 years, or both.

18 USC 2253.

“§ 2253. Definitions for chapter

“For the purposes of this chapter, the term—

“(1) ‘minor’ means any person under the age of sixteen years;

“(2) ‘sexually explicit conduct’ means actual or simulated—

“(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

“(B) bestiality;

“(C) masturbation;

“(D) sado-masochistic abuse (for the purpose of sexual stimulation); or

“(E) lewd exhibition of the genitals or pubic area of any person;

“(3) ‘producing’ means producing, directing, manufacturing, issuing, publishing, or advertising, for pecuniary profit; and

“(4) ‘visual or print medium’ means any film, photograph, negative, slide, book, magazine, or other visual or print medium.”

(b) The table of chapters for title 18, United States Code, and for part I of title 18, United States Code, are each amended by inserting immediately after the item relating to chapter 109 the following:

“110. Sexual exploitation of children..... 2251”.

SEC. 3. (a) Section 2423 of title 18, United States Code, is amended to read as follows:

“§ 2423. Transportation of minors

“(a) Any person who transports, finances in whole or part the transportation of, or otherwise causes or facilitates the movement of, any minor in interstate or foreign commerce, or within the District of Columbia or any territory or other possession of the United States, with the intent—

“(1) that such minor engage in prostitution; or

“(2) that such minor engage in prohibited sexual conduct, if such person so transporting, financing, causing, or facilitating movement knows or has reason to know that such prohibited sexual conduct will be commercially exploited by any person;

Interstate or foreign commerce, transportation prohibition.

Penalty.

shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(b) As used in this section—

Definitions.

“(1) the term ‘minor’ means a person under the age of eighteen years;

“(2) the term ‘prohibited sexual conduct’ means—

“(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

“(B) bestiality;

“(C) masturbation;

“(D) sado-masochistic abuse (for the purpose of sexual stimulation); or

“(E) lewd exhibition of the genitals or pubic area of any person; and

“(3) the term ‘commercial exploitation’ means having as a direct or indirect goal monetary or other material gain.”

(b) The table of sections for chapter 117 of title 18, United States Code, is amended by striking out the item relating to section 2423 and inserting in lieu thereof the following:

“2423. Transportation of minors.”

SEC. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Severability.
18 USC 2251
note.

Approved February 6, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-696 accompanying H.R. 8059 (Comm. on the Judiciary) and No. 95-811 (Comm. of Conference).

SENATE REPORTS: No. 95-438 (Comm. on the Judiciary) and No. 95-601 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 123 (1977): Oct. 10, considered and passed Senate.

Oct. 25, considered and passed House, amended, in lieu of H.R. 8059.

Nov. 4, Senate agreed to conference report.

Vol. 124 (1978): Jan. 24, House agreed to conference report.