

Public Law 110-358

110th Congress

An Act

To amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

Oct. 8, 2008
[H.R. 4120]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

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Sec. 1. Table of contents.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

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TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Effective Child
Pornography
Prosecution
Act of 2007.

SEC. 101. SHORT TITLE.

18 USC 1 note.

This title may be cited as the “Effective Child Pornography Prosecution Act of 2007”.

SEC. 102. FINDINGS.

18 USC 2251
note.

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child’s abuse and the distribution of child pornography images re-victimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant

messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) **IN GENERAL.**—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting “using any means or facility of interstate or foreign commerce or” after “be transported”;

(B) in each of subsections (a) and (b), by inserting “using any means or facility of interstate or foreign commerce or” after “been transported”;

(C) in subsection (c), by striking “computer” each place that term appears and inserting “using any means or facility of interstate or foreign commerce”; and

(D) in subsection (d), by inserting “using any means or facility of interstate or foreign commerce or” after “is transported”;

(2) in section 2251A(c), by inserting “using any means or facility of interstate or foreign commerce or” after “or transported”;

(3) in section 2252(a)—

(A) in paragraph (1), by inserting “using any means or facility of interstate or foreign commerce or” after “ships”;

(B) in paragraph (2)—

(i) by inserting “using any means or facility of interstate or foreign commerce or” after “distributes, any visual depiction”; and

(ii) by inserting “using any means or facility of interstate or foreign commerce or” after “depiction for distribution”;

(C) in paragraph (3)—

(i) by inserting “using any means or facility of interstate or foreign commerce” after “so shipped or transported”; and

(ii) by striking “by any means.”; and

(D) in paragraph (4), by inserting “using any means or facility of interstate or foreign commerce or” after “has been shipped or transported”; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting “using any means or facility of interstate or foreign commerce or” after “ships”;

(B) in paragraph (2), by inserting “using any means or facility of interstate or foreign commerce” after “mailed, or” each place it appears;

(C) in paragraph (3), by inserting “using any means or facility of interstate or foreign commerce or” after “mails, or” each place it appears;

(D) in each of paragraphs (4) and (5), by inserting “using any means or facility of interstate or foreign commerce or” after “has been mailed, or shipped or transported”; and

(E) in paragraph (6), by inserting “using any means or facility of interstate or foreign commerce or” after “has been mailed, shipped, or transported”.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking “in interstate” each place it appears and inserting “in or affecting interstate”.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting “, shipped, or transported using any means or facility of interstate or foreign commerce” after “that has been mailed”.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking “or by transmitting” and all that follows through “by computer,” and inserting “or any means or facility of interstate or foreign commerce,”.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Enhancing the Effective Prosecution of Child Pornography Act of 2007.

SEC. 201. SHORT TITLE.

18 USC 1 note.

This title may be cited as the “Enhancing the Effective Prosecution of Child Pornography Act of 2007”.

SEC. 202. MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),” before “section 2280”.

SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “, or knowingly accesses with intent to view,” after “possesses”; and

(2) in subparagraph (B), by inserting “, or knowingly accesses with intent to view,” after “possesses”.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “, or knowingly accesses with intent to view,” after “possesses”; and

(2) in subparagraph (B), by inserting “, or knowingly accesses with intent to view,” after “possesses”.

Approved October 8, 2008.

LEGISLATIVE HISTORY—H.R. 4120:

CONGRESSIONAL RECORD:

Vol. 153 (2007): Nov. 13, 14, considered and passed House.
Vol. 154 (2008): Sept. 23, considered and passed Senate, amended.
Sept. 26, House concurred in Senate amendment.

