

Public Law 98-292
98th Congress

An Act

May 21, 1984
[H.R. 3635]

To amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes.

Child Protection
Act of 1984.
18 USC 2251
note.
18 USC 2251
note.
Child
pornography.

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 "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

- (1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;
- (2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and
- (3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

Penalties.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

- (1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;
- (2) by striking out "depicting" each place it appears and inserting "of" in lieu thereof;
- (3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;
- (4) by striking out "\$10,000" and inserting "\$100,000" in lieu thereof;
- (5) by striking out "\$15,000" and inserting "\$200,000" in lieu thereof; and
- (6) by adding at the end of subsection (c) the following: "Any organization which violates this section shall be fined not more than \$250,000."

Penalties.

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

- (1) by striking out ", for the purpose of sale or distribution for sale";
- (2) by striking out "for the purpose of sale or distribution for sale" the second place it appears;
- (3) by striking out "obscene" each place it appears;
- (4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;
- (5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;
- (6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";
- (7) by inserting after "mailed" the following: "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "\$10,000" and inserting "\$100,000" in lieu thereof;

(10) by striking out "\$15,000" and inserting "\$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which violates this section shall be fined not more than \$250,000."

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1), by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

"(4) 'organization' means a person other than an individual."

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws relating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

18 USC 2255.

18 USC 2253.

Property
forfeiture.
Ante, p. 204.

18 USC 2254.

Property
forfeiture.

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

Customs law.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer."

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.

"2254. Civil forfeiture.";

and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting "sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

Report.
28 USC 522 note.

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

18 USC 2251 et
seq.

Approved May 21, 1984.

LEGISLATIVE HISTORY—H.R. 3635 (S. 1469):

HOUSE REPORT No. 98-536 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 129 (1983): Nov. 14, considered and passed House.

Vol. 130 (1984): Mar. 30, considered and passed Senate, amended.

May 8, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 21 (1984):
May 21, Presidential statement.