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INTERNET CRIMES AGAINST CHILDREN: A MATRIX OF FEDERAL AND SELECT STATE LAWS

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PREFACE

This report provides, in tabular format, the major provisions of federal and select state (California, Connecticut, Florida, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, and Pennsylvania) laws that impose civil and criminal sanctions against persons convicted of Internet crimes against children. The states selected were chosen, in consultation with the National Institute of Justice (NIJ), because they have enacted major legislation. The report also summarizes the major provisions and status of proposed legislation currently pending before Congress and respective state legislatures. Pertinent laws are grouped into several subtopics: unwanted sexual solicitation, pornography (children as the subject), and harassment and bullying. The author of this report researched four primary online sources: the United States Code, state codes and statutes, state legislature Web sites, and the Library of Congress THOMAS Web site.

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INTERNET CRIMES AGAINST CHILDREN: FEDERAL LEGISLATION

Solicitation	Pornography	Harassment/Bullying
<p>18 U.S.C. §§ 1470. <i>Knowingly using the mail or any means of interstate or foreign commerce to transfer or attempt to transfer obscene matter to an individual who has not attained the age of 16 years is a crime punishable by fine, imprisonment of up to 10 years, or both.</i></p>	<p>18 U.S.C. §§ 2251. (a)-(e) <i>Employing, using, persuading, inducing, enticing, or coercing a minor to engage in sexual conduct in order to create visual depiction of such conduct is a crime punishable by fine and imprisonment for not less than 15 years and not more than 30 years if the depiction was transported, including by computer, in interstate or foreign commerce. A parent or guardian who permits such activity described above shall be fined and imprisoned as above. Any person who commits the above offense in a foreign country or territory for the purpose of transporting the visual representation, including by computer, to the United States or its territories or possessions shall also be punished by the same penalty as above. Making, printing, or publishing a notice or advertisement to receive, exchange, buy, produce, display, distribute, or reproduce a visual depiction of a minor engaged in sexually explicit conduct is punishable by the same penalty as above.</i></p>	<p>47 U.S.C. §§ 223. (a) (1) (A) <i>Knowingly using a telecommunications device to make, create, solicit, or initiate transmission of a comment, request, suggestion, proposal, or image which is obscene or is child pornography with intent to harass another person; or (B) knowingly using a telecommunications device to make, create, solicit, or initiate transmission of any comment, request, suggestion, proposal, image, or other communication which is obscene or child pornography, knowing that the recipient of the communication is under 18 years of age, to harass any person; or (E) repeatedly initiating communications with a telecommunications device to harass are all crimes punishable by fine and imprisonment for not more than two years, or both.</i></p>
<p>18 U.S.C. §§ 2422. (b) <i>Using the mail or any facility or means of interstate or foreign commerce to entice or coerce someone younger than 18 years of age to engage in sexual activity is a crime punishable by fine and not less than 10 years imprisonment or life.</i></p>	<p>18 U.S.C. §§ 2252. (a) <i>Reproducing, transporting or shipping, including by computer, a visual depiction of a minor engaging in sexually explicit conduct is a crime punishable by fine and imprisonment for not less than five years and not more than 20 years. (b)(1) Persons with prior convictions are subject to sentence of 15 to 40 years.</i></p>	
<p>18 U.S.C. §§ 2251. (a)-(e) <i>Employing, using, persuading, inducing, enticing, or coercing a minor to engage in sexual conduct in order to create visual depiction of such conduct is a crime punishable by fine and imprisonment for not less than 15 years and not more than 30 years if the depiction was transported, including by computer, in interstate or foreign commerce. A parent or guardian who permits such activity described above shall be fined and imprisoned as above. Any person who commits the above offense in a foreign country or territory for the purpose of transporting the visual</i></p>	<p>18 U.S.C. §§ 2252A. (a) (1)–(3) <i>Knowingly reproducing, advertising, promoting, soliciting, mailing, transporting, receiving, or distributing in interstate or foreign commerce, including by computer, any child pornography or depiction of a minor engaging in sexually explicit conduct is punishable by fine and imprisonment of not less than five years and not more than 20 years. (5)–(6) Knowingly possessing in any United States territory any visual depiction of child pornography or possessing any visual depiction of child pornography that was mailed or shipped, including</i></p>	

Solicitation	Pornography	Harassment/Bullying
<p><i>representation, including by computer, to the United States or its territories or possessions shall also be punished by the same penalty as above. Making, printing, or publishing a notice or advertisement to receive, exchange, buy, produce, display, distribute, or reproduce a visual depiction of a minor engaged in sexually explicit conduct is punishable by the same penalty as above.</i></p>	<p><i>by computer, through interstate or foreign commerce is a crime punishable by fine or imprisoned for not more than 10 years, or both.</i></p>	
<p>18 U.S.C. § 2252. (a) <i>Reproducing, transporting or shipping, including by computer, a visual depiction of a minor engaging in sexually explicit conduct is a crime punishable by fine and imprisonment for not less than five years and not more than 20 years.</i> (b)(1) <i>Persons with prior convictions are subject to sentence of 15 to 40 years.</i></p>	<p>18 U.S.C. § 2252B. (b) <i>Knowingly using a misleading domain name on the Internet with the intent to deceive a minor into viewing material that is harmful to minors on the Internet is a crime punishable by fine or imprisonment not more than 10 years, or both.</i> (d) <i>This section defines "material that is harmful to minors" as any communication, consisting of nudity, sex, or excretion that predominantly appeals to the prurient interest of minors or is offensive to prevailing standards of suitable materials for minors.</i></p>	
<p>18 U.S.C. § 2252A. (a) (1)–(3) <i>Knowingly reproducing, advertising, promoting, soliciting, mailing, transporting, receiving, or distributing by means of interstate or foreign commerce, including by computer, any child pornography or a visual depiction of a minor engaging in sexually explicit conduct is punishable by fine and imprisonment of not less than five years and not more than 20 years.</i> (5)–(6) <i>Knowingly possessing in any United States territory any visual depiction of child pornography or possessing any visual depiction of child pornography that was mailed or shipped, including by computer, through interstate or foreign commerce is a crime punishable by fine or imprisonment for not more than 10 years, or both.</i></p>	<p>18 U.S.C. § 2252C. (b) <i>Knowingly embedding words or digital images into the source code of a Website with the intent to deceive a minor into viewing material harmful to minors on the Internet is a crime punishable by fine and imprisonment for not more than 20 years.</i></p>	
<p>18 U.S.C. § 2252B. (b) <i>Knowingly using a misleading domain name to deceive a minor into viewing a harmful Web site is a crime punishable by a fine and imprisonment of no more than ten years, or both.</i></p>	<p>18 U.S.C. § 2256. <i>Defines terms used in Chapter 110 -- Sexual Exploitation and Other Abuse of Children. Defines "minor" as any person younger than 18 years of age. Also defines "sexually explicit conduct," "visual depiction," "child pornography," and other terms.</i></p>	

Solicitation	Pornography	Harassment/Bullying
<p>42 U.S.C. §§ 16944. (a) <i>The Attorney General shall expand federal, state, and local law enforcement and prosecutor training to help them respond to the threat of sex offenders using the Internet and other technology to solicit children.</i> (b) <i>The Attorney General shall deploy technology to all Internet Crimes Against Children Task Forces to track child exploitation.</i></p>	<p>18 U.S.C. §§ 2257. <i>Failing to give individually identifiable records pertaining to every performer engaged in a visual depiction of sexual activity contained in a publication or Website is a crime punishable by fine and no more than five years in jail, or both.</i>(i) <i>Prior conviction for the same offense is punishable by two to ten years.</i></p>	
	<p>42 U.S.C. §§ 13032. <i>Knowingly and willfully failing to report child pornography to the Cyber Tip Line at the National Center for Missing and Exploited Children, while engaged to provide electronic communication service, is a crime punishable by fine of not more than \$50,000.</i></p>	
	<p>47 U.S.C. §§ 223. (a) (1) (A) <i>Knowingly using a telecommunications device to make, create, solicit, or initiate transmission of a comment, request, suggestion, proposal, or image which is obscene or is child pornography with intent to harass another person; or (B) knowingly using a telecommunications device to make, create, solicit, or initiate transmission of any comment, request, suggestion, proposal, image, or other communication which is obscene or child pornography, knowing that the recipient of the communication is under 18 years of age, to harass any person; or (E) repeatedly initiating communications with a telephone or a telecommunications device to harass are all crimes punishable by fine and imprisonment for not more than two years, or both.</i> (d) <i>Using an interactive computer service to send or display to a person under the age of 18 a comment, image, or communication that depicts or describes sexual or excretory activities or organs is punishable by imprisonment for not more than two years, or fine, or both.</i></p>	
	<p>47 U.S.C. §§ 231. (a) (1) <i>Knowingly making available to minors by World Wide Web any interstate or foreign commerce material that is</i></p>	

Solicitation	Pornography	Harassment/Bullying
	<p><i>harmful to minors shall be punished by fine of not more than \$50,000, imprisonment of not more than 6 months, or both. (3) Each day of violation of paragraph (1) constitutes a separate violation with a civil penalty of not more than \$50,000.00 for each violation.</i></p>	
	<p><i>47 U.S.C. §§ 254. (h) (5) (A) An elementary or secondary school may not receive discounts to Internet access by service providers unless its administrative authority submits a certification to the Federal Communications Commission that an Internet safety policy has been adopted and implemented. (B) The school must certify that it is enforcing a policy of Internet safety for minors that includes monitoring online activities by minors and the operation of technology that protects minors from accessing visual depictions that are obscene, child pornography, or harmful to minors.</i></p>	
	<p><i>P.L. No. 104-104, Title V. Sec. 501, 110 Stat. 56, 133 Feb. 8, 1996. The Communications Decency Act of 1996 modified the Communications Act of 1934 (47 U.S.C §§ 609) to ban transmission of obscene or indecent content over the Internet. The law was overturned by the U.S. Supreme Court on June 26, 1997 (No. 96-511) Reno v. American Civil Liberties Union, 521 U.S. 844 (1997).</i></p>	
	<p><i>P.L. No. 105-277 Title XIII, 112 Stat. 2681, 2681-728. Oct. 21, 1998. The Child Online Privacy Protection Act of 1998 prohibits an operator of a website or online service directed to children, or any operator having actual knowledge that it is doing so, from unlawful and deceptive practices in the collection of personal information.</i></p>	
	<p><i>P.L. No. 105-277 Title XIV, 112 Stat. 2681, 2681-736. Oct. 21, 1998. The Child Online Protection Act of 1998 modified the Communications Act of 1934 (47 U.S.C §§ 609) to prescribe civil and criminal penalties for any person who, in interstate or foreign commerce, by means of the World Wide Web,</i></p>	

Solicitation	Pornography	Harassment/Bullying
	<p><i>makes any communication for commercial purposes that is available to any person under 17 years of age and that includes material that is harmful to such minors. The law was struck down by a District Court judge on March 22, 2007. The ruling was upheld on July 22, 2008, by the 3rd U.S. Circuit Court of Appeals and by the U.S. Supreme Court when, on January 21, 2009, it refused to hear the case.</i></p>	
	<p><i>P.L. No. 110-452 122 Stat. 5025. Dec. 2, 2008. The Child Safe Viewing Act of 2007 requires the Federal Communications Commission (FCC) to consider advanced blocking technologies.</i></p>	
Proposed Solicitation Legislation	Proposed Child Pornography Legislation	Proposed Harassment/Bullying Legislation
<p><i>H.R.1292. This bill amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to establish a National White Collar Crime Center grants program for purposes of improving the identification, investigation, and prosecution of certain criminal conspiracies and activities, including Internet-based crime against children and child pornography. Status: April 1, 2009, House Judiciary Committee hearings held.</i></p>	<p><i>H.R. 1076. Internet Stopping Adults Facilitating the Exploitation of Today's Youth (SAFETY) Act of 2009. Amends federal criminal code to: (1) prohibit financial transactions in interstate or foreign commerce that facilitate access to, or the possession of, child pornography; (2) prohibit conduct by an Internet content hosting provider or email service provider that facilitates access to, or the possession of, child pornography; (3) require providers of electronic communication or remote computing services to retain certain user records for at least two years; (4) establish certain child sexual exploitation crimes as a predicate for money laundering prosecutions; (5) increase criminal penalties for sexual exploitation of children and for child pornography; and (6) establish embezzlement or theft of public property and bribery as predicates for racketeering prosecutions. Status: March 16, 2009, referred to House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. Related bill: S.436. Status: Introduced February 13, 2009; referred to the Committee on the Judiciary.</i></p>	<p><i>H.R. 1966. Megan Meier Cyberbullying Prevention Act. Amends the federal criminal code to impose criminal penalties on anyone who transmits in interstate or foreign commerce a communication intended to coerce, intimidate, harass, or cause substantial emotional distress to another person, using electronic means to support severe, repeated, and hostile behavior. Status: April 2, 2009, referred to House Committee on Judiciary. September 30, 2009, Subcommittee on Crime, Terrorism, and Homeland Security hearings held.</i></p>

INTERNET CRIMES AGAINST CHILDREN: STATE LEGISLATION

State	Solicitation	Pornography	Harassment/Bullying
California	<p>California Penal Code § 272. (b) <i>Using a telephone or the Internet to lure a child who is younger than 14 years of age away from his or her home or from any place known by the parent or guardian to be where the child is located is a misdemeanor for a stranger 21 years old or older.</i></p> <p>California Penal Code § 288.2. <i>Distributing or sending material harmful to a child via electronic mail or the Internet with the intent to seduce a person known to be a minor is a crime punishable by imprisonment in a state prison or county jail.</i></p>	<p>California Penal Code § 311.2 (b) <i>Development, distribution, possession, production, or sale of an image, or computer-generated image, depicting a child less than 18 years old engaging in or simulating sexual conduct is punishable by up to six years in state prison or a fine of no more than \$100,000.00.</i></p> <p>California Penal Code § 311.4. (a)-(c) <i>Hiring or persuading someone who is less than 18 years old to perform sexual acts in order to create obscene matter is punishable by up to eight years in state prison.</i></p> <p>California Penal Code § 311.10. <i>Advertising matter that depicts someone less than 18 years of age engaging in or simulating sexual conduct is a felony punishable by imprisonment in state prison for up to four years, or in county jail for no more than one year, or by fine of \$50,000.00, or both.</i></p> <p>California Penal Code § 311.11. <i>Possession of obscene material depicting someone known to be younger than 18 years of age engaging in or simulating sexual conduct is a felony punishable by imprisonment for up to one year, ore a fine of not more thann \$2,500.00, or both.</i></p>	<p>California Penal Code § 653.2. (a)-(c) <i>Electronically distributing a victim's identifying information or a harassing message via electronic communication device such as telephones, cell phones, computers, Internet Web pages or sites, Internet phones, and hybrid cellular/Internet/wireless devices in order to cause another person to fear for his or her safety or for the safety of his or her family is a misdemeanor punishable by up to one year in prison or a fine of not more than \$1,000.00 or both. Harassment is defined as a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing to a person.</i></p> <p>California Penal Code § 442. <i>Using an electronic communication device to threaten death or bodily harm to another person, even if there is no intent to carry it out, if the person reasonably fears for his or his immediate family's safety, is a crime punishable by no longer than one year in county or state prison.</i></p>
California Proposed Legislation		<p>SB 203. <i>An act to amend California Penal Code § 311 to add "viewable over the Internet" as a means of distribution of obscene material and to make every depiction of each person in child pornography or obscene material constitute a distinct and separate offense. Status: April 29, 2009, first hearing set in Senate Public Safety Committee.</i></p>	<p>AB1230. <i>Add section 66302 of the Education Code to require California public universities, colleges, and community colleges to amend their rules and regulations regulating student behavior to prohibit online harassment, defined as unlawful, threatening, or defamatory act of harassment carried out through campus electronic communication devices or networks. Status: April 22, 2009, passed Assembly Committee of Higher Education and referred to Committee on Appropriation.</i></p>

State	Solicitation	Pornography	Harassment/Bullying
Connecticut	<p>Conn. Gen. Stat. Ann. Chapter 952 § 53a-90a. <i>Using an interactive computer service to entice a minor for prostitution or sexual activity is a felony.</i></p> <p>Conn. Gen. Stat. Ann. Chapter 952 § 53a-90b. <i>Intentionally misrepresenting one's age to entice a minor is a Class C felony.</i></p>	<p>Conn. Gen. Stat. Ann. Chapter 952 § 53a-196-196F. <i>Promoting obscene material or performance, employing a minor in an obscene performance, importing child pornography, and possessing child pornography are felonies.</i></p>	<p>Conn. Gen. Stat. Ann. Chapter 952 § 53a-182b. <i>Using a computer network, defined as a complex of two or more computers, or any written communications to harass, annoy, or threaten is a class D felony.</i></p> <p>Conn. Gen. Stat. Ann. Chapter 952 § Sec. 53a-183. <i>Using a computer network with the intent to harass, annoy, or alarm another person is a class C misdemeanor.</i></p>
Connecticut Proposed Legislation	<p>HB 6382. <i>Amends Chapter 952 § 53a-90a to provide that it is a felony to display a minor's intimate parts or entice a minor through still camera, web camera, or other technology, by Internet or by telephone. Status: March 16, 2009, Joint Committee on Judiciary held public hearing.</i></p>	<p>HB 6671. <i>Amends multiple parts of Chapter 952 § 53 to increase amounts of forfeiture of money and property used in or obtained or derived from the commission of various crimes, including enticing a minor to engage in prostitution or sexual activity and child pornography. Status: June 3, 2009, passed the House.</i></p>	<p>HB 6357. <i>Cyberstalking becomes a crime when a person uses a computer or electronic device with intent to harass or intimidate another person. Status: February 6, 2009, public hearing held by Joint Committee on Public Safety. March 5, 2009, Joint Favorable Substitute filed by Joint Committee on Public Safety. March 11, 2009, bill referred to House Judiciary Committee. March 12, 2009, bill referred to Senate Judiciary Committee.</i></p>
Florida	<p>Fla. Stat. Ann. Title XLVI, § 847.0135. Also known as the Computer Pornography and Child Exploitation Prevention Act. <i>Using an electronic data storage and transmission device to seduce or entice a child, or someone believed to be a child, or to entice the child's parent or guardian to consent to child participation in sexual conduct is a third degree felony. Each separate use of the computer may be charged as a separate offense. Misrepresenting one's age within this statute is a second degree felony. Travelling any distance within, to, or from Florida to meet and entice a minor, or someone believed to be a minor, for the purpose of engaging in an illegal act or enticing the child's parent or guardian to consent to illegal acts with the child is a second degree felony. Using a computer to transmit images of specific sexual acts to someone who is less than 16 years old is a felony. Receipt of computer transmission</i></p>	<p>Fla. Stat. Ann. Title XLVI, § 847.001 1. <i>Defines "child pornography" as any image depicting a minor engaged in sexual conduct.</i></p> <p>Fla. Stat. § 847.002. <i>Images depicting children recovered in criminal investigations must be given to the Child Victim Identification Program at the National Center for Missing and Exploited Children.</i></p> <p>Fla. Stat. § 847.011. <i>Ownership or distribution of material depicting a minor in any sexual act or conduct harmful to the minor is a third degree felony.</i></p> <p>Fla. Stat. § 847.012. <i>Using a minor in a production of sexual material or selling, renting, or loaning sexual content materials to minors is a felony in the third degree. The age of a minor may not be used as a defense. Every transaction is a separate offense.</i></p>	<p>Fla. Stat. Ann. Title XLVIII, §1006.147. <i>Using a public K-12 school computer or computer system or network to bully or harass students or employees of a K-12 public school is prohibited. Physical location and time of access are not a defense.</i></p>

State	Solicitation	Pornography	Harassment/Bullying
	<i>by law enforcement investigator is not a defense. Compiling or transmitting a minor's name or other identifying information in order to solicit sexual conduct with any minor is a third degree felony.</i>	Fla. Stat. § 847.0137. <i>Transmitting child pornography to or from Florida is a third degree felony.</i>	
Florida Proposed Legislation			
Michigan	Mich. Stat. Ann. § 750.145d. <i>Using the Internet or a computer to solicit a minor, or a person believed to be a minor, to commit an immoral act or for sexual intercourse is a misdemeanor or felony punishable by between 1 and 20 years and a fine of \$20,000, or both.</i>	<p>Mich. Stat. Ann. § 750.142. <i>Furnishing obscene material to a minor is a misdemeanor.</i></p> <p>Mich. Stat. Ann. § 750.145c. (2) <i>Producing, making or financing child sexually abusive material is a felony punishable by no more than 20 years imprisonment or a fine of no more than \$100,000.00, or both.</i></p> <p>Mich. Stat. Ann. § 750.145c. (3) <i>Creating, receiving, or promoting, child sexually abusive activity is a felony punishable by no more than seven years imprisonment or a fine of not more than \$50,000.00, or both.</i></p> <p>Mich. Stat. Ann. § 750.145c. (4) <i>Possessing child sexually abusive activity is a felony punishable by no more than four years imprisonment or a fine of not more than \$10,000.00, or both.</i></p>	<p>Mich. Stat. Ann. § 750.411h. <i>Repeated, unconsented electronic communication is considered harassment if the victim suffers emotional stress or is considered stalking when harassment makes the victim feel frightened. Stalking is a misdemeanor punishable by up to one year in prison or a fine of \$1,000.00, or both. If the victim was less than 18 years of age at any time harassing contact was made and the perpetrator is five years older than the victim, the crime is a felony punishable up to five years in prison or a fine of no more than \$10,000.00, or both.</i></p> <p>Mich. Stat. Ann. § 750.411i. (3) (a-b). <i>Violating a restraining order or probation condition against sending unconsented electronic communication constitutes aggravated stalking, a felony punishable by imprisonment for no more than five years or a fine of not more than \$10,000.00, or both. If the victim was less than 18 years of age at any time harassing contact was made and the perpetrator is five years older than the victim, the crime is a felony punishable by up to ten years in prison or a fine of no more than \$15,000.00, or both.</i></p>
Michigan Proposed Legislation			
Missouri	Mo. Rev. Stat. Title XXXVII § 566.083. <i>Exposing genitals to a child less than 15 years</i>	Mo. Rev. Stat. § 573.025. <i>Promoting child pornography to a minor is a class A felony.</i>	

State	Solicitation	Pornography	Harassment/Bullying
	<p><i>of age via the Internet or coercing a child younger than 15 years of age to expose his or her genitals is a class D felony. A peace officer masquerading as a minor is not a defense against the charge.</i></p> <p>Mo. Rev. Stat. § 566.151. <i>Using the Internet or any electronic communication by a person 21 years of age or older to attempt to entice a child who is younger than 15 years of age for sexual conduct is a class D felony and punishable by not less than five years and not more than thirty years imprisonment.</i></p> <p>Mo. Rev. Stat. § 566.153. <i>Knowingly misrepresenting age with the intent to use the Internet to engage in criminal sexual conduct involving a minor is a class D felony.</i></p>	<p><i>Promoting child pornography is a class B felony. Providers of electronic communication services or remote computing services are not required to monitor any user or content.</i></p> <p>Mo. Rev. Stat. § 573.030. <i>Promoting, possessing, producing, directing or participating in any performance that is pornographic for minors via computer, Internet, electronic transfer, or computer network to a minor, if the person knows material is being made available to a minor, is a class A misdemeanor.</i></p>	
Missouri Proposed Legislation			
New Hampshire	<p>N.H. Rev. Stat. Ann. § 649-B:3. <i>Making, buying, selling, receiving, or transmitting a minor's identifying information, such as name, age, address, physical description, in order to facilitate or solicit sexual conduct of or with a child or any visual depiction of such conduct is a class B felony.</i></p> <p>N.H. Rev. Stat. Ann. § 649-B:4. <i>Using a computer on-line service or Internet service to seduce or solicit, or to attempt to seduce or solicit, a child or a person believed to be a child for sexual assault or sexual contact is a class B felony.</i></p> <p>N.H. Rev. Stat. Ann. § 639:3 <i>Soliciting sexual activity or making visual representations of sexual activity with any child under the age of 16 is a class B felony.</i></p>	<p>N.H. Rev. Stat. Ann. § 649-B:3. <i>Making, buying, selling, receiving, or transmitting a minor's identifying information, such as name, age, address, physical description, in order to facilitate or solicit sexual conduct of or with a child or any visual depiction of such conduct is a class B felony.</i></p>	<p>N.H. Rev. Stat. Ann. § 644:4. <i>Harassing someone via electronic transmissions, such as computer transmissions, with the purpose to annoy, alarm, or threaten, with or without disclosing identity, is a misdemeanor. The offense is prosecuted in the jurisdiction where the transmission originated or was received.</i></p>

State	Solicitation	Pornography	Harassment/Bullying
New Hampshire Proposed Legislation			
New Jersey	<p>N.J.S.A. 2C:13-6. <i>Utilizing electronic communication devices, such as the Internet, to entice a child into a motor vehicle, building, or secluded area is a crime of the second degree.</i></p>	<p>N.J.S.A. 2C:24-4 b. (3) <i>Causing or permitting a child to perform a sexual act or simulation that will be photographed, filmed or reconstructed on the Internet is a crime of the second degree. The same offense becomes a crime in the first degree if the parent or guardian of the child carries out the offense.</i></p> <p>N.J.S.A. 2C:24-4 b. (4) <i>A person who photographs or films a child in a prohibited sexual act or simulation or uses a computer to reproduce or reconstruct the material is guilty of a crime in the second degree.</i></p> <p>N.J.S.A. 2C:24-4 b. (5) (a) <i>A person who receives photographs, videotape, or computer file of a child in a prohibited sexual act or simulation for the purpose of selling, transferring, or delivering the material by any means, including the Internet, is guilty of a crime in the second degree.</i></p> <p>N.J.S.A. 2C:24-4. <i>A person who knowingly possesses or knowingly views any photograph, videotape, or computer file, including on the Internet, of a child in a prohibited sexual act or simulation, is guilty of a crime in the fourth degree.</i></p>	<p>N.J.S.A. 18A:37-15.1. <i>"Electronic communication" shall be added to school districts' harassment and bullying prevention policy.</i></p> <p>N.J.S.A. 18A:37-15. 2. a. <i>Each school district shall adopt a policy prohibiting harassment, intimidation or bullying by means of electronic communications on school property, at a school-sponsored function, or on a school bus.</i></p>
New Jersey Proposed Legislation	<p>A3760. <i>This bill authorizes wiretap orders for investigation of luring or enticing a child, identity theft, stalking and harassment under certain circumstances. Status: February 26, 2009, reported out of Assembly Judiciary Committee, 2d reading. March 16, 2009, passed by the Assembly. March 16, 2009, received in the Senate, referred to Senate Judiciary Committee.</i></p>		<p>A3757. <i>This bill, the "Social Networking Safety Act," imposes civil penalties for sexually offensive communication or harassing communication through social networking websites. Status: February 26, 2009, reported out of Assembly Judiciary Committee. March 16, 2009, Assembly floor amendment passed.</i></p> <p>A3759. <i>This bill upgrades the offense of</i></p>

State	Solicitation	Pornography	Harassment/Bullying
			<p><i>harassment (N.J.S.A. 2C:33-4) under certain circumstances and adds "using electronic means" to embarrass, humiliate, or threaten. Status: February 26, 2009, reported out of Assembly Judiciary Committee, 2d reading.</i></p> <p><i>A3760. This bill authorizes wiretap orders for investigation of luring or enticing a child, identity theft, stalking and harassment under certain circumstances. Status: February 26, 2009, reported out of Assembly Judiciary Committee, 2d reading. March 16, 2009, passed by the Assembly. March 16, 2009, received in the Senate, referred to Senate Judiciary Committee.</i></p>
New York	<p><i>N.Y. Penal Law § 235.22. Disseminating indecent material to minors via computer communication system and using such communication to invite or induce a minor for sexual conduct or contact is a first degree class D felony.</i></p>	<p><i>N.Y. Penal Code § 263.15. Promoting the sexual performance of a child under the age of 17 is a class D felony.</i></p> <p><i>N.Y. Penal Code § 263.16. Possessing or controlling any sexual performance by a child less than 16 years of age is a class D felony. Definition of "performance" includes a photograph or any other visual representation exhibited before an audience.</i></p>	<p><i>N.Y. Penal Law § 240.30. (b) Using electronic communication with intent to harass, annoy, threaten, or alarm another person is aggravated harassment in the second degree, a class A misdemeanor.</i></p>
New York Proposed Legislation			<p><i>A04028. Amends the Penal Law. Section 8 of the bill defines and prohibits bullying and cyberbullying on public school property and provides that disciplinary action shall be in accordance with each district's code of conduct. Status: April 6, 2009, held for consideration in Assembly Codes Committee.</i></p>
North Carolina	<p><i>N.C. Gen. Stat. § 14-202.3. Soliciting, enticing, or coercing a child 16 years of age or younger by computer to commit unlawful sexual acts is a class H felony if the defendant is at least three years older than the victim. Offenses originating from the state or received in the state are subject to the state's jurisdiction.</i></p>		<p><i>N.C. Gen. Stat. § 14-277.3A. Stalking is a class 1A misdemeanor when a person willfully and on more than one occasion harasses another person through telephone, electronic mail, or other computerized transmissions to knowingly torment or terrify a person.</i></p>

State	Solicitation	Pornography	Harassment/Bullying
North Carolina Proposed Legislation	SB 65. <i>The bill amends the current law N.C. Gen. Stat. § 14-202.3 regarding solicitation of a child by computer to include other electronic devices. Status: March 24, 2009, passed Senate Judiciary Committee. March 30, 2009, passed Senate. March 30, 2009, referred to House Committee on Judiciary II.</i>		SB526. <i>A bill to enact the School Violence Prevention Act which would define bullying or harassing behavior as threatening electronic or other communication that takes place on school property or at a school-sponsored function or on a school bus. Status: March 24, 2009, passed Senate Judiciary Committee. June 6, 2009, passed 3d reading in Senate. May 28, 2009, referred to House Committee On Judiciary I.</i>
Pennsylvania	18 Pa. C.S.A. § 6318 B6. (b.1) <i>Using a computer to contact a minor, or a law enforcement officer posing as a child, for the purpose of engaging in lewdness, prostitution, obscene material and performance, sexual abuse, or sexual exploitation is a third degree felony.</i>	<p>18 Pa. C.S.A. § 5903. (c) <i>Disseminating explicit sexual materials to a person known to be a minor is a third degree felony.</i></p> <p>18 Pa. C.S.A. § 6312. (b) <i>Photographing, videotaping, or depicting on a computer any prohibited sexual acts or simulations of a child younger than 18 years old is a second degree felony.</i></p> <p>18 Pa. C.S.A. § 6312. (c) <i>Selling, distributing, disseminating, or displaying any book, photograph, film, or computer depiction of a child less than 18 years old in a prohibited sexual act or simulation is a third degree felony.</i></p> <p>18 Pa. C.S.A. § 6312. (d) <i>Possession of any book, picture, magazine, photograph, film, computer depiction, or any other material containing a child younger than 18 years old in a prohibited sexual act or simulation, is a third degree felony.</i></p>	
Pennsylvania Proposed Legislation			