



H.R. 4136 – Enhancing the Effective Prosecution of Child Pornography Act of 2007

FLOOR SITUATION

H.R. 4136 is being considered on the House floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Christopher Carney (D-PA) on November 9, 2007. The bill was referred to the House Committee on Judiciary.

H.R. 4136 is expected to be considered on the House floor on November 13, 2007.

BACKGROUND

The current definition of child pornography is (18 USC 2256) “any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.”

**Note: Federal law defines a minor as anyone under the age of 18 years old.*

Each state also has laws prohibiting the creation, distribution or viewing of child pornography.

According to the National Center for Missing and Exploited Children, studies have estimated that as much as 20% of all pornography found on the internet may involve children. The Center, along with the Department of Justice, launched the CyberTipline (www.cybertipline.com) in 1998. This tip line operates 24 hours a day and seven days a week. During 2006, the tip line received 62,480 reports of child pornography.

SUMMARY

Under current money laundering statutes, violators are those that knowingly conduct or attempt to conduct a financial transaction which involves the proceeds of “specified unlawful activities.” These activities range in scope from the destruction of aircraft to

smuggling goods into the United States. HR 4136 adds to that list child pornography when it involves minors and the production of pornography for importation into the United States.

**Note: A complete list of the “specified unlawful activities” can be found at 18 USC 1956(a)(7)(d).*

The bill adds “knowingly accesses child pornography on the internet with intent to view it” to a list of violations that are subject to penalties ranging from fines to imprisonment for 20 years.

**Note: other violations include (which the above language would be added to):*

- *knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, other matter which contain any visual depiction of child pornography;*
- *knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction of child pornography that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer; and*
- *knowingly possesses any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography.*

COST

At the time of publication the Congressional Budget Office (CBO) had not yet scored this legislation.

STAFF CONTACT

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