

MAY 17, 2017

RULES COMMITTEE PRINT 115–19
TEXT OF H.R. 1761, PROTECTING AGAINST
CHILD EXPLOITATION ACT OF 2017

[Showing the text of H.R. 1761, as ordered reported by the
Committee on the Judiciary]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Against
3 Child Exploitation Act of 2017”.

4 **SEC. 2. SEXUAL EXPLOITATION OF CHILDREN.**

5 Section 2251 of title 18, United States Code, is
6 amended—

7 (1) by amending subsections (a) and (b) to read
8 as follows:

9 “(a) Any person who, in a circumstance described in
10 subsection (f), knowingly—

11 “(1) employs, uses, persuades, induces, entices,
12 or coerces a minor to engage in any sexually explicit
13 conduct for the purpose of producing any visual de-
14 piction of such conduct, or transmitting a live visual
15 depiction of such conduct;

16 “(2) produces or causes to be produced a visual
17 depiction of a minor engaged in any sexually explicit
18 conduct where the production of such visual depic-

1 tion involves the use of a minor engaging in sexually
2 explicit conduct and such visual depiction is of such
3 conduct;

4 “(3) transmits or causes to be transmitted a
5 live visual depiction of a minor engaged in any sexu-
6 ally explicit conduct;

7 “(4) has a minor assist any other person to en-
8 gage in any sexually explicit conduct during the
9 commission of an offense set forth in paragraphs (1)
10 through (3) of this subsection; or

11 “(5) transports any minor in or affecting inter-
12 state or foreign commerce with the intent that such
13 minor be used in the production or live transmission
14 of a visual depiction of a minor engaged in any sexu-
15 ally explicit conduct,

16 shall be punished as provided under subsection (e).

17 “(b) Any parent, legal guardian, or person having
18 custody or control of a minor who, in a circumstance de-
19 scribed in subsection (f), knowingly permits such minor
20 to engage in, or to assist any other person to engage in,
21 sexually explicit conduct knowing that a visual depiction
22 of such conduct will be produced or transmitted shall be
23 punished as provided under subsection (e).”;

24 (2) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) by striking “employs, uses, per-
2 suades, induces, entices, or coerces any
3 minor to engage in, or who has a minor as-
4 sist any other person to engage in, any
5 sexually explicit conduct” and inserting
6 “engages in any conduct described in para-
7 graphs (1) through (5) of subsection (a)”;
8 and

9 (ii) by striking “, for the purpose of
10 producing any visual depiction of such con-
11 duct,”;

12 (B) in paragraph (2)(A), by inserting after
13 “transported” the following: “or transmitted”;
14 and

15 (C) in paragraph (2)(B), by inserting after
16 “transports” the following; “or transmits”;

17 (3) by adding at the end the following:

18 “(f) The circumstances referred to in subsections (a)
19 and (b) are—

20 “(1) that the person knows or has reason to
21 know that such visual depiction will be—

22 “(A) transported or transmitted using any
23 means or facility of interstate or foreign com-
24 merce;

1 “(B) transported or transmitted in or af-
2 fecting interstate or foreign commerce; or

3 “(C) mailed;

4 “(2) the visual depiction was produced or trans-
5 mitted using materials that have been mailed, or
6 shipped or transported in or affecting interstate or
7 foreign commerce by any means, including by com-
8 puter;

9 “(3) such visual depiction has actually been—

10 “(A) transported or transmitted using any
11 means or facility of interstate or foreign com-
12 merce;

13 “(B) transported or transmitted in or af-
14 fecting interstate or foreign commerce; or

15 “(C) mailed; or

16 “(4) any part of the offense occurred in a terri-
17 tory or possession of the United States or within the
18 special maritime and territorial jurisdiction of the
19 United States.

20 “(g) Notwithstanding any other provision of this sec-
21 tion, no criminal charge under subsection (a)(3) may be
22 brought against an electronic communication service pro-
23 vider or remote computing service provider unless such
24 provider has intentionally transmitted or caused to be
25 transmitted a visual depiction with actual knowledge that

1 such depiction is of a minor engaged in sexually explicit
2 conduct, nor may any such criminal charge be brought if
3 barred by the provisions of section 2258B.”.

4 **SEC. 3. LIMITED LIABILITY FOR CERTAIN PERSONS WHEN**
5 **RESPONDING TO SEARCH WARRANTS OR**
6 **OTHER LEGAL PROCESS.**

7 Section 2258B of title 18, United States Code, is
8 amended—

9 (1) in subsection (a), by inserting “from the re-
10 sponse to a search warrant or other legal process
11 or” before “from the performance”; and

12 (2) in subsection (b)(2)(C), by inserting “the
13 response to a search warrant or other legal process
14 or to” before “the performance of any responsi-
15 bility”.

