

679, 680, 682–684; Pub. L. 109–248, title II, §206(b)(3), title VII, §701, July 27, 2006, 120 Stat. 614, 647; Pub. L. 110–358, title I, §103(a)(4), (b), (d), title II, §203(b), Oct. 8, 2008, 122 Stat. 4002, 4003; Pub. L. 110–401, title III, §304, Oct. 13, 2008, 122 Stat. 4242; Pub. L. 111–16, §3(5), May 7, 2009, 123 Stat. 1607; Pub. L. 112–206, §2(b), Dec. 7, 2012, 126 Stat. 1490.)

AMENDMENTS

2012—Subsec. (b)(2). Pub. L. 112–206 inserted “any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if” after “but, if”.

2009—Subsec. (c). Pub. L. 111–16 substituted “14 days” for “10 days” in concluding provisions.

2008—Subsec. (a)(1). Pub. L. 110–358, §103(a)(4)(A), (b), inserted “using any means or facility of interstate or foreign commerce or” after “ships” and substituted “in or affecting interstate” for “in interstate”.

Subsec. (a)(2). Pub. L. 110–358, §103(a)(4)(B), (b), in pars. (A) and (B), inserted “using any means or facility of interstate or foreign commerce” after “mailed, or” and substituted “in or affecting interstate” for “in interstate”.

Subsec. (a)(3). Pub. L. 110–358, §103(a)(4)(C), (b), in pars. (A) and (B), inserted “using any means or facility of interstate or foreign commerce or” after “mails, or” and substituted “in or affecting interstate” for “in interstate”.

Subsec. (a)(4)(B). Pub. L. 110–358, §103(a)(4)(D), (b), inserted “using any means or facility of interstate or foreign commerce or” after “has been mailed, or shipped or transported” and substituted “in or affecting interstate” for “in interstate” in two places.

Subsec. (a)(5)(A). Pub. L. 110–358, §203(b)(1), inserted “, or knowingly accesses with intent to view,” after “possesses”.

Subsec. (a)(5)(B). Pub. L. 110–358, §§103(a)(4)(D), (b), 203(b)(2), inserted “, or knowingly accesses with intent to view,” after “possesses” and “using any means or facility of interstate or foreign commerce or” after “has been mailed, or shipped or transported” and substituted “in or affecting interstate” for “in interstate” in two places.

Subsec. (a)(6)(A). Pub. L. 110–358, §103(a)(4)(E), (b), inserted “using any means or facility of interstate or foreign commerce or” after “has been mailed, shipped, or transported” and substituted “in or affecting interstate” for “in interstate”.

Subsec. (a)(6)(B). Pub. L. 110–358, §103(b), substituted “in or affecting interstate” for “in interstate”.

Subsec. (a)(6)(C). Pub. L. 110–358, §103(d), substituted “or any means or facility of interstate or foreign commerce,” for “or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,”.

Subsec. (a)(7). Pub. L. 110–401, §304(a), added par. (7).

Subsec. (b)(3). Pub. L. 110–401, §304(b), added par. (3).

2006—Subsec. (b)(1). Pub. L. 109–248, §206(b)(3), inserted “section 1591,” after “this chapter,” and “, or sex trafficking of children” after “pornography”.

Subsec. (g). Pub. L. 109–248, §701, added subsec. (g).

2003—Subsec. (a)(3). Pub. L. 108–21, §503(1)(A), added par. (3) and struck out former par. (3) which read as follows: “knowingly reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer;”.

Subsec. (a)(6). Pub. L. 108–21, §503(1)(B)–(D), added par. (6).

Subsec. (b)(1). Pub. L. 108–21, §507, inserted “chapter 71,” before “chapter 109A,” and “or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice),” before “or under the laws”.

Pub. L. 108–21, §503(2), which directed the substitution of “paragraph (1), (2), (3), (4), or (6)” for “paragraphs (1), (2), (3), or (4)”, was executed by making the substi-

tution for “paragraph (1), (2), (3), or (4)”, to reflect the probable intent of Congress.

Pub. L. 108–21, §103(a)(1)(D), (b)(1)(E), substituted “20 years” for “15 years”, “and imprisoned not less than 5 years and” for “or imprisoned”, “15 years” for “5 years”, and “40 years” for “30 years” and struck out “or both,” before “but, if such person”.

Subsec. (b)(2). Pub. L. 108–21, §507, inserted “chapter 71,” before “chapter 109A,” and “or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice),” before “or under the laws”.

Pub. L. 108–21, §103(a)(1)(E), (F), substituted “more than 10 years” for “more than 5 years”, “less than 10 years” for “less than 2 years”, and “20 years” for “10 years”.

Subsec. (c). Pub. L. 108–21, §502(d), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), or (4) of subsection (a) that—

“(1) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct;

“(2) each such person was an adult at the time the material was produced; and

“(3) the defendant did not advertise, promote, present, describe, or distribute the material in such a manner as to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct.”

Subsec. (e). Pub. L. 108–21, §505, added subsec. (e).

Subsec. (f). Pub. L. 108–21, §510, added subsec. (f).

2002—Subsecs. (b)(1), (c). Pub. L. 107–273 substituted “paragraph” for “paragraphs”.

1998—Subsec. (a)(5)(A), (B). Pub. L. 105–314, §203(b)(1), substituted “an image” for “3 or more images”.

Subsec. (b). Pub. L. 105–314, §202(b), substituted “, chapter 109A, or chapter 117” for “or chapter 109A” in pars. (1) and (2) and substituted “aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography” for “the possession of child pornography” in par. (2).

Subsec. (d). Pub. L. 105–314, §203(b)(2), added subsec. (d).

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–16 effective Dec. 1, 2009, see section 7 of Pub. L. 111–16, set out as a note under section 109 of Title 11, Bankruptcy.

§ 2252B. Misleading domain names on the Internet

(a) Whoever knowingly uses a misleading domain name on the Internet with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title or imprisoned not more than 2 years, or both.

(b) Whoever knowingly uses 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 shall be fined under this title or imprisoned not more than 10 years, or both.

(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as “sex” or “porn”, is not misleading.

(d) For the purposes of this section, the term “material that is harmful to minors” means any communication, consisting of nudity, sex, or excretion, that, taken as a whole and with reference to its context—

(1) predominantly appeals to a prurient interest of minors;

(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(3) lacks serious literary, artistic, political, or scientific value for minors.

(e) For the purposes of subsection (d), the term “sex” means acts of masturbation, sexual intercourse, or physical¹ contact with a person’s genitals, or the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(Added Pub. L. 108–21, title V, §521(a), Apr. 30, 2003, 117 Stat. 686; amended Pub. L. 109–248, title II, §206(b)(4), July 27, 2006, 120 Stat. 614.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–248 substituted “10 years” for “4 years”.

§ 2252C. Misleading words or digital images on the Internet

(a) IN GENERAL.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title and imprisoned for not more than 10 years.

(b) MINORS.—Whoever knowingly embeds 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 shall be fined under this title and imprisoned for not more than 20 years.

(c) CONSTRUCTION.—For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as “sex” or “porn”, is not misleading.

(d) DEFINITIONS.—As used in this section—

(1) the terms “material that is harmful to minors” and “sex” have the meaning given such terms in section 2252B; and

(2) the term “source code” means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.

(Added Pub. L. 109–248, title VII, § 703(a), July 27, 2006, 120 Stat. 648.)

§ 2253. Criminal forfeiture

(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter or who is convicted of an offense under section 2252B of this chapter,¹ or who is convicted of an offense under chapter 109A, shall forfeit to the United States such person’s interest in—

(1) any visual depiction described in section 2251, 2251A, or 2252² 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical,

film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).

(Added Pub. L. 98–292, §6, May 21, 1984, 98 Stat. 205; amended Pub. L. 100–690, title VII, §7522(c), Nov. 18, 1988, 102 Stat. 4494; Pub. L. 101–647, title XXXV, §3564, Nov. 29, 1990, 104 Stat. 4928; Pub. L. 103–322, title XXXIII, §330011(m)(1), Sept. 13, 1994, 108 Stat. 2145; Pub. L. 105–314, title VI, §602, Oct. 30, 1998, 112 Stat. 2982; Pub. L. 109–248, title V, §505(b), (c), July 27, 2006, 120 Stat. 630.)

PRIOR PROVISIONS

A prior section 2253 was redesignated section 2256 of this title.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–248, §505(b)(1), inserted “or who is convicted of an offense under section 2252B of this chapter,” after “2260 of this chapter” and substituted “an offense under chapter 109A” for “an offense under section 2421, 2422, or 2423 of chapter 117” in introductory provisions.

Subsec. (a)(1). Pub. L. 109–248, §505(b)(2), inserted “2252A, 2252B, or 2260” after “2252”.

Subsec. (a)(3). Pub. L. 109–248, §505(b)(3), inserted “or any property traceable to such property” before period at end.

Subsecs. (b) to (o). Pub. L. 109–248, §505(c), added subsec. (b) and struck out former subsecs. (b) to (o) which related, respectively, to third party transfers, protective orders, warrant of seizure, order of forfeiture, execution of order, disposition of property, authority of Attorney General, applicability of civil forfeiture provisions, bar on intervention, jurisdiction to enter orders, depositions, third party interests, construction of section, and substitute assets.

1998—Subsec. (a). Pub. L. 105–314 substituted “2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,” for “or 2252 of this chapter”.

1994—Subsec. (a). Pub. L. 103–322, §330011(m)(1), amended directory language of Pub. L. 101–647, §3564(1). See 1990 Amendment note below.

1990—Subsec. (a). Pub. L. 101–647, §3564(1), as amended by Pub. L. 103–322, §330011(m)(1), substituted “section 2251” for “sections 2251” in introductory provisions and in par. (1).

Subsec. (h)(4). Pub. L. 101–647, §3564(2), substituted “under section 616 of the Tariff Act of 1930” for “in accordance with the provisions of section 1616, title 19, United States Code”.

1988—Pub. L. 100–690 amended section generally, substituting subsecs. (a) to (o) for former subsecs. (a) to (d).

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–322, title XXXIII, §330011(m), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of Nov. 29, 1990.

§ 2254. Civil forfeiture

Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United

¹ So in original. Probably should be “physical”.

¹ So in original. The extra comma probably should follow “2260 of this chapter”.

² So in original. Probably should be “2251A, 2252”.