

1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.

(b) STATUTE OF LIMITATIONS.—Any action commenced under this section shall be barred unless the complaint is filed—

(1) not later than 10 years after the date on which the plaintiff reasonably discovers the later of—

(A) the violation that forms the basis for the claim; or

(B) the injury that forms the basis for the claim; or

(2) not later than 10 years after the date on which the victim reaches 18 years of age.

(c) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(Added Pub. L. 99-500, §101(b) [title VII, §703(a)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-74, and Pub. L. 99-591, §101(b) [title VII, §703(a)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-74; amended Pub. L. 105-314, title VI, §605, Oct. 30, 1998, 112 Stat. 2984; Pub. L. 109-248, title VII, §707(b), (c), July 27, 2006, 120 Stat. 650; Pub. L. 113-4, title XII, §1212(a), Mar. 7, 2013, 127 Stat. 143; Pub. L. 115-126, title I, §102, Feb. 14, 2018, 132 Stat. 319.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 2255 was renumbered section 2256 of this title.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-126, §102(1), added subsec. (a) and struck out former subsec. (a) which related to civil remedy for personal injuries in general.

Subsec. (b). Pub. L. 115-126, §102(2), substituted “filed—” for “filed within 10 years after the right of action first accrues or in the case of a person under a legal disability, not later than three years after the disability.” and added pars. (1) and (2).

Subsec. (c). Pub. L. 115-126, §102(3), added subsec. (c).
2013—Subsec. (a). Pub. L. 113-4, §1212(a)(1), substituted “section 1589, 1590, 1591, 2241(c)” for “section 2241(c)”.

Subsec. (b). Pub. L. 113-4, §1212(a)(2), substituted “10 years” for “six years”.

2006—Subsec. (a). Pub. L. 109-248, §707(b), inserted heading, inserted “, regardless of whether the injury occurred while such person was a minor,” after “such

violation”, and substituted “Any person who, while a minor, was” for “Any minor who is”; “such person” for “such minor”; “Any person as described” for “Any minor as described”, and “\$150,000” for “\$50,000”.

Subsec. (b). Pub. L. 109-248, §707(c), inserted heading.
1998—Subsec. (a). Pub. L. 105-314 substituted “2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423” for “2251 or 2252”.

§ 2256. Definitions for chapter

For the purposes of this chapter, the term—

(1) “minor” means any person under the age of eighteen years;

(2)(A) Except as provided in subparagraph (B), “sexually explicit conduct” means actual or simulated—

(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(ii) bestiality;

(iii) masturbation;

(iv) sadistic or masochistic abuse; or

(v) lascivious exhibition of the anus, genitals, or pubic area of any person;

(B) For purposes of subsection 8(B)¹ of this section, “sexually explicit conduct” means—

(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

(ii) graphic or lascivious simulated;

(I) bestiality;

(II) masturbation; or

(III) sadistic or masochistic abuse; or

(iii) graphic or simulated lascivious exhibition of the anus, genitals, or pubic area of any person;

(3) “producing” means producing, directing, manufacturing, issuing, publishing, or advertising;

(4) “organization” means a person other than an individual;

(5) “visual depiction” includes undeveloped film and videotape, data stored on computer disk or by electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format;

(6) “computer” has the meaning given that term in section 1030 of this title;

(7) “custody or control” includes temporary supervision over or responsibility for a minor whether legally or illegally obtained;

(8) “child pornography” means 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—

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

¹ So in original. Probably should be “(8)(B)”.

(B) 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

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

(9) “identifiable minor”—

(A) means a person—

(i)(I) who was a minor at the time the visual depiction was created, adapted, or modified; or

(II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

(ii) who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(B) shall not be construed to require proof of the actual identity of the identifiable minor.

(10) “graphic”, when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted; and

(11) the term “indistinguishable” used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

(Added Pub. L. 95–225, §2(a), Feb. 6, 1978, 92 Stat. 8, §2253; renumbered §2255 and amended Pub. L. 98–292, §5, May 21, 1984, 98 Stat. 205; renumbered §2256, Pub. L. 99–500, §101(b) [title VII, §703(a)], Oct. 18, 1986, 100 Stat. 1783–39, 1783–74, and Pub. L. 99–591, §101(b) [title VII, §703(a)], Oct. 30, 1986, 100 Stat. 3341–39, 3341–74; Pub. L. 99–628, §4, Nov. 7, 1986, 100 Stat. 3510; Pub. L. 100–690, title VII, §§7511(c), 7512(b), Nov. 18, 1988, 102 Stat. 4485, 4486; Pub. L. 104–208, div. A, title I, §101(a) [title I, §121[2]], Sept. 30, 1996, 110 Stat. 3009, 3009–26, 3009–27; Pub. L. 108–21, title V, §502(a)–(c), Apr. 30, 2003, 117 Stat. 678, 679; Pub. L. 110–401, title III, §302, Oct. 13, 2008, 122 Stat. 4242; Pub. L. 115–299, §7(c), Dec. 7, 2018, 132 Stat. 4389.)

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

AMENDMENTS

2018—Par. (2)(A)(v), (B)(iii). Pub. L. 115–299 substituted “anus, genitals, or” for “genitals or”.

2008—Par. (5). Pub. L. 110–401 struck out “and” before “data stored” and inserted “, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format” before semicolon at end.

2003—Par. (2). Pub. L. 108–21, §502(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(2) ‘sexually explicit conduct’ means actual or simulated—

“(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

“(B) bestiality;

“(C) masturbation;

“(D) sadistic or masochistic abuse; or

“(E) lascivious exhibition of the genitals or pubic area of any person;”.

Par. (8)(B). Pub. L. 108–21, §502(a)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;”.

Par. (8)(C). Pub. L. 108–21, §502(a)(2), substituted a period for “; or” at end.

Par. (8)(D). Pub. L. 108–21, §502(a)(3), struck out subpar. (D) which read as follows: “such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct; and”.

Pars. (10), (11). Pub. L. 108–21, §502(c), added pars. (10) and (11).

1996—Par. (5). Pub. L. 104–208, §101(a) [title I, §121[2(1)]], inserted “, and data stored on computer disk or by electronic means which is capable of conversion into a visual image” before semicolon at end.

Pars. (8), (9). Pub. L. 104–208, §101(a) [title I, §121[2(2)–(4)]], added pars. (8) and (9).

1988—Par. (6). Pub. L. 100–690, §7511(c), added par. (6).

Par. (7). Pub. L. 100–690, §7512(b), added par. (7).

1986—Pub. L. 99–500 and Pub. L. 99–591 renumbered section 2255 of this title as this section.

Par. (5). Pub. L. 99–628, which directed that par. (5) be added to section 2255 of this title, was executed by adding par. (5) to section 2256 of this title to reflect the probable intent of Congress and the renumbering of section 2255 as 2256 by Pub. L. 99–500 and Pub. L. 99–591.

1984—Pub. L. 98–292, §5(b), renumbered section 2253 of this title as this section.

Par. (1). Pub. L. 98–292, §5(a)(1), substituted “eighteen” for “sixteen”.

Par. (2)(D). Pub. L. 98–292, §5(a)(2), (3), substituted “sadistic or masochistic” for “sado-masochistic” and struck out “(for the purpose of sexual stimulation)” after “abuse”.

Par. (2)(E). Pub. L. 98–292, §5(a)(4), substituted “lascivious” for “lewd”.

Par. (3). Pub. L. 98–292, §5(a)(5), struck out “, for pecuniary profit” after “advertising”.

Par. (4). Pub. L. 98–292, §5(a)(6), substituted “‘organization’ means a person other than an individual” for “‘visual or print medium’ means any film, photograph, negative, slide, book, magazine, or other visual or print medium”.

CONFIRMATION OF INTENT OF CONGRESS IN ENACTING SECTIONS 2252 AND 2256 OF THIS TITLE

For provisions declaring and confirming intent of Congress in enacting this section, see section 160003(a) of Pub. L. 103–322, set out as a note under section 2252 of this title.

§ 2257. Record keeping requirements

(a) Whoever produces any book, magazine, periodical, film, videotape, digital image, digitally- or computer-manipulated image of an actual human being, picture, or other matter which—

(1) contains one or more visual depictions made after November 1, 1990 of actual sexually explicit conduct; and

(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or