

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 substitution 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).

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 of-

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