

CIPA Definition of Terms

Technology protection Measure. The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are"

•**Obscene**, a that term is defined in section 1460 of title 18, United States code;

The current definition of obscenity requires the application of a three-part test enunciated by the Court in Miller v. California, [413 U.S. 15](#) (1973). Under the so-called "Miller Test," a jury from the jurisdiction where an obscenity charge is brought will decide whether the content in question is obscene by asking:

"(a) whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest,

(b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and

(c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value."

•**Child Pornography**, as that term defined in section 2256 of tile 18, United States Code; or

•Harmful to minors.

Harmful to Minors is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning any picture, image, graphic image file, or other visual depiction that:

•Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

•Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

•Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Sexual Act: Sexual Contact. The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.