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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 468 Session of  
2015

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INTRODUCED BY SCHREIBER, REGAN, FRANKEL, COHEN, SNYDER, BISHOP,  
STEPHENS, SCHLOSSBERG, SCHWEYER, GINGRICH, MENTZER, DAVIDSON,  
READSHAW, BOBACK, ROEBUCK, DAVIS, HELM, McNEILL, KORTZ,  
D. COSTA, WATERS, KINSEY, HARHAI, PASHINSKI, THOMAS AND  
DONATUCCI, FEBRUARY 12, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2015

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in assault, further providing for terroristic  
4 threats; and, in magisterial district judges, further  
5 providing for jurisdiction and venue.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 2706 of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 2706. Terroristic threats.

11 (a) Offense defined.--A person commits the crime of  
12 terroristic threats if the person communicates, either directly  
13 or indirectly, a threat to:

14 (1) commit any crime of violence with intent to  
15 terrorize another;

16 (1.1) place fear upon an individual who is employed,  
17 educated or otherwise located in a building, place of  
18 assembly or facility of public transportation;

1           (2) cause evacuation of a building, place of assembly or  
2 facility of public transportation; or

3           (3) otherwise cause serious public inconvenience, or  
4 cause terror or serious public inconvenience with reckless  
5 disregard of the risk of causing such terror or  
6 inconvenience.

7           (b) Restitution.--A person convicted of violating this  
8 section shall, in addition to any other sentence imposed or  
9 restitution ordered under 42 Pa.C.S. § 9721(c) (relating to  
10 sentencing generally), be sentenced to pay restitution in an  
11 amount equal to the cost of the evacuation, including, but not  
12 limited to, fire and police response; emergency medical service  
13 or emergency preparedness response; and transportation of an  
14 individual from the building, place of assembly or facility.

15           (c) Preservation of private remedies.--No judgment or order  
16 of restitution shall debar a person, by appropriate action, to  
17 recover from the offender as otherwise provided by law, provided  
18 that any civil award shall be reduced by the amount paid under  
19 the criminal judgment.

20           (d) Grading.--[An]

21           (1) Except as otherwise provided under paragraph (2), an  
22 offense under subsection (a) constitutes a misdemeanor of the  
23 first degree unless the threat causes the occupants of the  
24 building, place of assembly or facility of public  
25 transportation to be diverted from their normal or customary  
26 operations, in which case the offense constitutes a felony of  
27 the third degree.

28           (2) (i) Except as otherwise provided under subparagraph  
29 (ii), an offense under subsection (a) constitutes a  
30 felony of the third degree when the threat is related to

1 an educational facility. Subsequent offenses under this  
2 subparagraph constitute a felony of the second degree.

3 (ii) An offense under subsection (a) constitutes a  
4 felony of the second degree when the threat is related to  
5 an educational facility and causes the occupants of the  
6 educational facility to be diverted from their normal or  
7 customary operations. Subsequent offenses under this  
8 subparagraph constitute a felony of the first degree.

9 (d.1) Notification.--The jail, prison or detention facility  
10 holding an individual for violation under subsection (d) (2)  
11 shall immediately notify the local law enforcement agency that  
12 made the arrest of the individual if and when the individual  
13 posts bail.

14 (d.2) Duty to educational facility.--A local law enforcement  
15 agency making an arrest of an individual for a violation under  
16 subsection (d) (2) shall notify the educational facility  
17 immediately upon receiving notification under subsection (d.1)  
18 that the individual has posted bail.

19 (d.3) Jurisdiction.--The courts of common pleas shall have  
20 jurisdiction of actions brought under subsection (d) (2).

21 (e) Definition.--As used in this section, [the term  
22 "communicates" means conveys] the following words and phrases  
23 shall have the meanings given to them in this subsection unless  
24 the context clearly indicates otherwise:

25 "Communicates." Conveys in person or by written or  
26 electronic means, including telephone, electronic mail,  
27 Internet, facsimile, telex and similar transmissions.

28 "Educational facility." A public or private school district,  
29 an intermediate unit, an area vocational-technical school or an  
30 institution of higher education.

1 "Institution of higher education." Any of the following:

2 (1) A community college operating under Article XIX-A of  
3 the act of March 10, 1949 (P.L.30, No.14), known as the  
4 Public School Code of 1949.

5 (2) A State-owned institution.

6 (3) A State-related institution.

7 (4) Thaddeus Stevens College of Technology.

8 (5) Any accredited private or independent college or  
9 university.

10 "Local law enforcement agency." The municipal police  
11 department having jurisdiction in the municipality or, if there  
12 is no police department, the Pennsylvania State Police.

13 "State-owned institution." An institution which is part of  
14 the State System of Higher Education under Article XX-A of the  
15 Public School Code of 1949 and all branches and campuses of the  
16 institution.

17 "State-related institution." The Pennsylvania State  
18 University, the University of Pittsburgh, Temple University, the  
19 Pennsylvania College of Technology and Lincoln University.

20 Section 2. Section 1515(a)(4) of Title 42 is amended to  
21 read:

22 § 1515. Jurisdiction and venue.

23 (a) Jurisdiction.--Except as otherwise prescribed by general  
24 rule adopted pursuant to section 503 (relating to reassignment  
25 of matters), magisterial district judges shall, under procedures  
26 prescribed by general rule, have jurisdiction of all of the  
27 following matters:

28 \* \* \*

29 (4) As commissioners to preside at arraignments, fix and  
30 accept bail, except for offenses under 18 Pa.C.S. §§ 2502

1 (relating to murder) [and], 2503 (relating to voluntary  
2 manslaughter) and 2706(d)(2) (relating to terroristic  
3 threats) for which the fixing and accepting of bail shall be  
4 performed by any judge of any court of common pleas, and to  
5 issue warrants and perform duties of a similar nature,  
6 including the jurisdiction of a committing magistrate in all  
7 criminal proceedings.

8 \* \* \*

9 Section 3. This act shall take effect in 60 days.