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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1163 Session of  
2013

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INTRODUCED BY MARSICO, CALTAGIRONE, HESS, ELLIS, CUTLER,  
DELOZIER, SACCONI, STEPHENS, ROCK, TOOHL, M. K. KELLER,  
O'NEILL, HACKETT, D. COSTA, MCGEEHAN, MILLARD, SAINATO,  
PICKETT, ROZZI, BISHOP, WHITE, BAKER, V. BROWN, KILLION,  
COHEN, DUNBAR, KORTZ, GODSHALL, BARRAR, BIZZARRO, HARHART,  
C. HARRIS, GINGRICH, SWANGER, MAJOR, CLYMER, WATSON, QUINN,  
FREEMAN, DeLUCA, SCHLEGEL CULVER, STEVENSON, EVERETT, FLECK,  
O'BRIEN, HICKERNELL, FARINA, SCAVELLO, SAYLOR, MILLER AND  
M. DALEY, APRIL 9, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 9, 2013

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for harassment.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section 2709(b), and (c)(2)(i) of Title 18 of the  
6 Pennsylvania Consolidated Statutes are amended, subsection (b.1)  
7 is amended by adding a paragraph and subsection (f) is amended  
8 by adding definitions to read:

9 § 2709. Harassment.

10 \* \* \*

11 (b) [Stalking.--] Cyber harassment of a child.--

12 (1) A person commits the crime of cyber harassment of a  
13 child if, by means of an electronic communication and with  
14 intent to harass a child, he repeatedly communicates or, on

1 at least one occasion, makes available to a user of an  
2 electronic social media network or service, information about  
3 a child under 18 years of age which, whether true or not,  
4 includes any of the following:

5 (i) A statement or opinion about the child's  
6 sexuality or sexual activity.

7 (ii) A disparaging statement or opinion about the  
8 child's physical characteristics, mental or physical  
9 health or condition.

10 (iii) A threat of unlawful harm.

11 (2) Nothing under this subsection shall prohibit a  
12 communication made for medical, educational or other  
13 legitimate purposes, if the actor is an adult.

14 (b.1) Venue.--

15 \* \* \*

16 (3) In addition to paragraphs (1) and (2), an offense  
17 under subsection (b) may be deemed to have been committed at  
18 the place where the child who is the subject of the  
19 communication resides.

20 (c) Grading.--

21 \* \* \*

22 (2) (i) An offense under subsection (a) (4), (5), (6)  
23 [or (7)], (7) or (b) shall constitute a misdemeanor of the  
24 third degree.

25 \* \* \*

26 (f) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection:

29 \* \* \*

30 "Disparaging statements or opinions." A statement or opinion

1 which significantly ridicules, demeans or in the context or  
2 circumstances, would cause serious embarrassment to the victim.

3 "Electronic communication." An electronic communication as  
4 defined in section 5702 (relating to definitions).

5 "Electronic social media network or service." A form of  
6 electronic communication such as Internet websites for social  
7 networking through which a user creates an online community to  
8 share information, an idea, a personal message and other content  
9 through print, photograph and video.

10 \* \* \*

11 "Repeatedly communicates." To convey more than one message  
12 over a period of time.

13 Section 2. This act shall take effect in 60 days.