

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 975 Session of 2023

INTRODUCED BY BROOKS, BROWN, COSTA, DUSH, SCHWANK AND STEFANO, OCTOBER 31, 2023

AS AMENDED ON THIRD CONSIDERATION, APRIL 9, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, further providing for the
3 offense of terroristic threats.

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

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

8 § 2706. Terroristic threats.

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

12 (1) commit any crime of violence with intent to
13 terrorize another;

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

16 (3) otherwise cause serious public inconvenience, or
17 cause terror or serious public inconvenience with reckless
18 disregard of the risk of causing such terror or

1 inconvenience.

2 (b) ~~[Restitution.--A]~~ Costs of responding to threat.--

3 Notwithstanding any other provision of law, a person convicted

4 or adjudicated delinquent of violating this section shall[, in

5 addition to any other sentence imposed or restitution ordered

6 under 42 Pa.C.S. § 9721(c) (relating to sentencing generally),

7 be sentenced to pay restitution in an amount equal to the cost

8 of the evacuation, including, but not limited to, fire and

9 police response; emergency medical service or emergency

10 preparedness response; and transportation of an individual from

11 the building, place of assembly or facility.] be sentenced to

12 pay any costs of an evacuation or other response resulting from

13 the threat that gave rise to the violation of this section,

14 including, but not limited to:

15 (1) The costs of supplies, equipment or materials used

16 by an emergency medical services agency, fire company, law

17 enforcement agency, ~~school district, educational facility~~ <--

18 SCHOOL ENTITY OR INSTITUTION OF HIGHER EDUCATION or other <--

19 governmental entity to respond to the threat.

20 (2) The costs of prepared and unprepared food that went

21 unused as a result of an evacuation or diversion from the

22 normal or customary operations of a ~~school or educational~~ <--

23 facility SCHOOL ENTITY OR INSTITUTION OF HIGHER EDUCATION <--

24 that responded to the threat.

25 (3) The salary or other wages, including overtime pay,

26 of any employee of a law enforcement agency, police

27 department, fire company, medical services agency, ~~school~~ <--

28 district, educational facility SCHOOL ENTITY OR INSTITUTION <--

29 OF HIGHER EDUCATION or other governmental entity for the time

30 spent responding to the threat.

1 (4) The salary or other wages, including overtime pay,
2 of any teacher, administrator, aide or other employee of a
3 school or educational facility SCHOOL ENTITY OR INSTITUTION <--
4 OF HIGHER EDUCATION who was paid despite the diversion of
5 normal or customary operations of the school or educational <--
6 facility SCHOOL ENTITY OR INSTITUTION OF HIGHER EDUCATION. <--

7 (c) Preservation of private remedies.--No judgment or order
8 of [restitution] costs shall debar a person, by appropriate
9 action, to recover from the offender as otherwise provided by
10 law, provided that any civil award shall be reduced by the
11 amount paid under the criminal judgment.

12 (d) Grading.--[An]

13 (1) Except as provided under paragraph (2), an offense
14 under subsection (a) constitutes a misdemeanor of the first
15 degree [unless the].

16 (2) An offense under subsection (a) constitutes a felony
17 of the third degree if:

18 (i) the threat causes the occupants of the building,
19 place of assembly or facility of public transportation to
20 be diverted from their normal or customary operations[,
21 in which case the offense constitutes a felony of the
22 third degree.]; or

23 (ii) the threat relates to a school or educational <--
24 facility.

25 ~~(e) Definition. As used in this section, the term~~
26 ~~"communicates" means conveys in person or by written or~~
27 ~~electronic means, including telephone, electronic mail,~~
28 ~~internet, facsimile, telex and similar transmissions.~~
29 SCHOOL ENTITY OR INSTITUTION OF HIGHER EDUCATION. <--

30 (E) DEFINITION.--[AS USED IN THIS SECTION, THE TERM

1 "COMMUNICATES" MEANS CONVEYS IN PERSON OR BY WRITTEN OR
2 ELECTRONIC MEANS, INCLUDING TELEPHONE, ELECTRONIC MAIL,
3 INTERNET, FACSIMILE, TELEX AND SIMILAR TRANSMISSIONS.] AS USED
4 IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE
5 MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT
6 CLEARLY INDICATES OTHERWISE:

7 "COMMUNICATES." CONVEYS IN PERSON OR BY WRITTEN OR
8 ELECTRONIC MEANS, INCLUDING TELEPHONE, ELECTRONIC MAIL,
9 INTERNET, FACSIMILE, TELEX AND SIMILAR TRANSMISSIONS.

10 "INSTITUTION OF HIGHER EDUCATION." THE TERM INCLUDES ANY OF
11 THE FOLLOWING:

12 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A OF
13 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
14 PUBLIC SCHOOL CODE OF 1949.

15 (2) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
16 EDUCATION.

17 (3) THE PENNSYLVANIA STATE UNIVERSITY.

18 (4) THE UNIVERSITY OF PITTSBURGH.

19 (5) TEMPLE UNIVERSITY.

20 (6) LINCOLN UNIVERSITY.

21 (7) ANY OTHER INSTITUTION THAT IS DESIGNATED AS "STATE-
22 RELATED" BY THE COMMONWEALTH.

23 (8) ANY ACCREDITED PRIVATE OR INDEPENDENT COLLEGE OR
24 UNIVERSITY.

25 (9) ANY PRIVATE LICENSED SCHOOL AS DEFINED IN THE ACT OF
26 DECEMBER 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE
27 LICENSED SCHOOLS ACT.

28 "SCHOOL ENTITY." A PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL
29 OR CYBER CHARTER SCHOOL, PRIVATE SCHOOL, NONPUBLIC SCHOOL,
30 INTERMEDIATE UNIT OR AREA CAREER AND TECHNICAL SCHOOL OPERATING

1 WITHIN THIS COMMONWEALTH.

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