

AMENDMENTS TO HOUSE BILL NO. 642

Sponsor: REPRESENTATIVE GINGRICH

Printer's No. 703

1 Amend Title, page 1, line 3, by removing the period after

2 "person" and inserting

3 ; and providing for the offense of harassment or
4 stalking of care-dependent person.

5 Amend Bill, page 3, by inserting between lines 15 and 16

6 Section 2. Title 18 is amended by adding a section to read:

7 § 2713.1. Harassment or stalking of care-dependent person.

8 (a) Offense defined.--A caretaker is guilty of harassment or
9 stalking of a care-dependent person if he:

10 (1) With the intent to harass, annoy or alarm a care-
11 dependent person he:

12 (i) strikes, shoves, kicks or otherwise subjects or
13 attempts to subject a care-dependent person to or
14 threatens a care-dependent person with physical contact;

15 (ii) engages in a course of conduct or repeatedly
16 commits acts which serve no legitimate purposes;

17 (iii) communicates to a care-dependent person any
18 lewd, lascivious, threatening or obscene words, language,
19 drawings or caricatures; or

20 (iv) communicates repeatedly with the care-dependent
21 person at extremely inconvenient hours.

22 (2) Commits an offense under section 2709.1 (relating to
23 stalking) against a care-dependent person.

24 (b) Penalty.--

25 (1) A violation of subsection (a)(1) constitutes a
26 misdemeanor of the first degree.

27 (2) A violation of subsection (a)(2) constitutes a
28 felony of the third degree.

29 (c) Report during investigation.--When in the course of
30 conducting any regulatory or investigative responsibility, the
31 Department of Aging, the Department of Health or the Department
32 of Public Welfare has reasonable cause to believe that a
33 caretaker has engaged in conduct in violation of this section, a
34 report shall be made immediately to the local law enforcement
35 agency or to the Office of Attorney General.

36 (d) Enforcement.--

37 (1) The district attorneys of the several counties shall
38 have authority to investigate and to institute criminal
39 proceedings for any violations of this section.

40 (2) In addition to the authority conferred upon the

1 Attorney General under the act of October 15, 1980 (P.L.950,
2 No.164), known as the Commonwealth Attorneys Act, the
3 Attorney General shall have the authority to investigate and
4 institute criminal proceedings for any violation of this
5 section. A person charged with a violation of this section by
6 the Attorney General shall not have standing to challenge the
7 authority of the Attorney General to investigate or prosecute
8 the case, and, if any such challenge is made, the challenge
9 shall be dismissed and no relief shall be available in the
10 courts of this Commonwealth to the person making the
11 challenge.

12 (e) Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection:

15 "Care-dependent person." An adult who, due to physical or
16 cognitive disability or impairment, requires assistance to meet
17 the adult's needs for food, shelter, clothing, personal care or
18 health care.

19 "Caretaker." This term shall have the same meaning given to
20 it under section 2713 (relating to neglect of care-dependent
21 person).

22 "Person." A natural person, corporation, partnership,
23 unincorporated association or other business entity.

24 Amend Sec. 2, page 3, line 16, by striking out "2" and
25 inserting