

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 992 Session of
1999

INTRODUCED BY O'PAKE, MELLOW, TARTAGLIONE, HUGHES, COSTA,
STAPLETON, HELFRICK, MUSTO, BELL, PICCOLA, WAGNER, HART,
KASUNIC, BELAN, WAUGH AND STOUT, MAY 25, 1999

REFERRED TO JUDICIARY, MAY 25, 1999

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for threatening a catastrophe to
4 children.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 2715. Threatening a catastrophe to children.

10 (a) Offense defined.--A person commits a misdemeanor of the
11 first degree if he threatens or acts with the intent to cause,
12 or in reckless disregard of causing the evacuation of a school
13 building, day-care center or noncommercial facility that has the
14 primary purpose of providing educational or recreational
15 programs to children, during its normal operating hours or
16 related after-hours activities or programs. A person commits a
17 felony of the third degree if he has previously been convicted
18 or adjudicated under this section.

1 (b) Restitution.--In addition to criminal sanctions and
2 civil liability that may otherwise be ordered, repayment of the
3 reasonable costs of emergency and police responses and
4 additional expenditures by the operator of the facility may be
5 required as part of any sentence imposed for a violation of this
6 section.

7 Section 2. The definition of "delinquent act" in section
8 6302 of Title 42 is amended to read:

9 § 6302. Definitions.

10 The following words and phrases when used in this chapter
11 shall have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 * * *

14 "Delinquent act."

15 (1) The term means an act designated a crime under the
16 law of this Commonwealth, or of another state if the act
17 occurred in that state, or under Federal law, or under local
18 ordinances or an act which constitutes indirect criminal
19 contempt under 23 Pa.C.S. Ch. 61 (relating to protection from
20 abuse).

21 (2) The term shall not include:

22 (i) The crime of murder.

23 (ii) Any of the following prohibited conduct where
24 the child was 15 years of age or older at the time of the
25 alleged conduct and a deadly weapon as defined in 18
26 Pa.C.S. § 2301 (relating to definitions) was used during
27 the commission of the offense which, if committed by an
28 adult, would be classified as:

29 (A) Rape as defined in 18 Pa.C.S. § 3121

30 (relating to rape).

1 (B) Involuntary deviate sexual intercourse as
2 defined in 18 Pa.C.S. § 3123 (relating to involuntary
3 deviate sexual intercourse).

4 (C) Aggravated assault as defined in 18 Pa.C.S.
5 § 2702(a)(1) or (2) (relating to aggravated assault).

6 (D) Robbery as defined in 18 Pa.C.S. §
7 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

8 (E) Robbery of motor vehicle as defined in 18
9 Pa.C.S. § 3702 (relating to robbery of motor
10 vehicle).

11 (F) Aggravated indecent assault as defined in 18
12 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).

14 (G) Kidnapping as defined in 18 Pa.C.S. § 2901
15 (relating to kidnapping).

16 (H) Voluntary manslaughter.

17 (I) An attempt, conspiracy or solicitation to
18 commit murder or any of these crimes as provided in
19 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
20 (relating to criminal solicitation) and 903 (relating
21 to criminal conspiracy).

22 (iii) Any of the following prohibited conduct where
23 the child was 15 years of age or older at the time of the
24 alleged conduct and has been previously adjudicated
25 delinquent of any of the following prohibited conduct
26 which, if committed by an adult, would be classified as:

27 (A) Rape as defined in 18 Pa.C.S. § 3121.

28 (B) Involuntary deviate sexual intercourse as
29 defined in 18 Pa.C.S. § 3123.

30 (C) Robbery as defined in 18 Pa.C.S. §

3701(a)(1)(i), (ii) or (iii).

(D) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.

(E) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.

(F) Kidnapping as defined in 18 Pa.C.S. § 2901.

(G) Voluntary manslaughter.

(H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901, 902 and 903.

(I) Catastrophic threats as defined in 18 Pa.C.S. § 2715 (relating to threatening a catastrophe to children).

(iv) Summary offenses, unless the child fails to comply with a lawful sentence imposed thereunder, in which event notice of such fact shall be certified to the court.

(v) A crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.

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