
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2752 Session of
1998

INTRODUCED BY BOSCOLA, AUGUST 13, 1998

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 13, 1998

AN ACT

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

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

6 Section 1. Section 2709 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2709. Harassment and stalking.

9 (a) Harassment.--A person commits the crime of harassment
10 when, with intent to harass, annoy or alarm another person:

11 (1) he strikes, shoves, kicks or otherwise subjects him
12 to physical contact, or attempts or threatens to do the same;
13 or

14 (2) he follows a person in or about a public place or
15 places; or

16 (3) he engages in a course of conduct or repeatedly
17 commits acts which alarm or seriously annoy such other person
18 and which serve no legitimate purpose.

1 (b) Stalking.--A person commits the crime of stalking when
2 he engages in a course of conduct or repeatedly commits acts
3 toward another person, including following the person without
4 proper authority, under circumstances which demonstrate either
5 of the following:

6 (1) an intent to place the person in reasonable fear of
7 bodily injury; or

8 (2) an intent to cause substantial emotional distress to
9 the person.

10 (c) Grading.--

11 (1) An offense under subsection (a) shall constitute a
12 summary offense.

13 (2) (i) An offense under subsection (b) shall
14 constitute a misdemeanor of the first degree.

15 (ii) A second or subsequent offense under subsection
16 (b) or a first offense under subsection (b) if the person
17 has been previously convicted of any crime of violence
18 involving this same victim, family or household members,
19 including, but not limited to, a violation of section
20 2701 (relating to simple assault), 2702 (relating to
21 aggravated assault), 2705 (relating to recklessly
22 endangering another person), 2901 (relating to
23 kidnapping), 3121 (relating to rape), 3123 (relating to
24 involuntary deviate sexual intercourse) or 3128 (relating
25 to spousal sexual assault), an order issued under section
26 4954 (relating to protective orders) or an order issued
27 under 23 Pa.C.S. § 6108 (relating to relief), shall
28 constitute a felony of the third degree.

29 (d) False reports.--A person who knowingly gives false
30 information to any law enforcement officer with the intent to

1 implicate another under this section commits an offense under
2 section 4906 (relating to false reports to law enforcement
3 authorities).

4 (e) Application of section.--This section shall not apply to
5 conduct by a party to a labor dispute as defined in the act of
6 June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-
7 Injunction Act, or to any constitutionally protected activity.

8 (e.1) Course of conduct.--Acts indicating a course of
9 conduct which occur in more than one jurisdiction may be used by
10 any other jurisdiction in which an act occurred as evidence of a
11 continuing pattern of conduct or a course of conduct.

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

15 "Course of conduct." A pattern of actions composed of more
16 than one act over a period of time, however short, evidencing a
17 continuity of conduct. The act of transmitting, by use of
18 electronic media, messages to another person that annoy or alarm
19 such other person shall constitute a course of conduct within
20 this section. As used in this section, electronic media shall
21 include, but are not limited to, telegrams, telephones,
22 electronic mail, facsimile transmissions and telex.

23 "Emotional distress." A temporary or permanent state of
24 great physical or mental strain.

25 "Family or household member." Spouses or persons who have
26 been spouses, persons living as spouses or who lived as spouses,
27 parents and children, other persons related by consanguinity or
28 affinity, current or former sexual or intimate partners or
29 persons who share biological parenthood.

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