

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 167 Session of  
1999

INTRODUCED BY DENT, LEMMOND, BELL, COSTA, SCHWARTZ, WAUGH,  
STAPLETON, STOUT, SLOCUM, WOZNIAK, KASUNIC, MURPHY, ROBBINS,  
RHOADES AND BOSCOLA, JANUARY 19, 1999

AS AMENDED ON THIRD CONSIDERATION, MARCH 22, 1999

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for terroristic  
3 threats, for harassment and stalking, for harassment by  
4 communication or address and for offenses relating to weapons  
5 or implements for escape; and providing for stalking by  
6 communication or address.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2706(a) of Title 18 of the Pennsylvania  
10 Consolidated Statutes is amended and the section is amended by  
11 adding subsections to read:

12 § 2706. Terroristic threats.

13 (a) Offense defined.--A person [is guilty of a misdemeanor  
14 of the first degree] commits the crime of terroristic threats if  
15 [he threatens to] the person communicates a threat to:

16 (1) commit, either directly or indirectly, any crime of  
17 violence with intent to terrorize another [or to];

18 (2) cause evacuation of a building, place of assembly,  
19 or facility of public transportation[,]; or

1           (3) otherwise [to] cause serious public inconvenience[,  
2           or in] with reckless disregard of the risk of causing such  
3           terror or inconvenience.

4           \* \* \*

5           (d) Grading.--An offense under subsection (a) constitutes a  
6           misdemeanor of the first degree.

7           (e) Definition.--As used in this section, the term  
8           "communicates" means conveys in person or by written or  
9           electronic means including telephone, electronic mail, Internet,  
10           facsimile, telex and similar transmissions.

11          Section 2. Sections 2709(a), (c)(1) and (f), 5122 and 5504  
12          of Title 18 are amended to read:

13          § 2709. Harassment and stalking.

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

16                  (1) [he] strikes, shoves, kicks or otherwise subjects  
17                  [him] the other person to physical contact, or attempts or  
18                  threatens to do the same; [or]

19                  (2) [he] follows [a] the other person in or about a  
20                  public place or places; or

21                  (3) [he] engages in a course of conduct or repeatedly  
22                  commits acts which [alarm or seriously annoy such other  
23                  person and which] serve no legitimate purpose.

24           \* \* \*

25          (c) Grading.--

26                  (1) An offense under subsection (a) shall constitute a  
27                  [summary offense] misdemeanor of the third degree.

28           \* \* \*

29          (f) Definitions.--As used in this section, the following  
30          words and phrases shall have the meanings given to them in this

1 subsection:

2 "Course of conduct." A pattern of actions composed of more  
3 than one act over a period of time, however short, evidencing a  
4 continuity of conduct. The term includes lewd, lascivious,  
5 threatening or obscene words, language, drawings, caricatures or  
6 actions, either in person or anonymously.

7 \* \* \*

8 § 5122. Weapons or implements for escape.

9 (a) Offenses defined.--

10 (1) A person commits a misdemeanor of the first degree  
11 if he unlawfully introduces within a detention facility,  
12 correctional institution or mental hospital, or unlawfully  
13 provides an inmate thereof with any weapon, ~~ammunition,~~ tool, <—  
14 implement, or other thing which may be used for escape.

15 (2) An inmate commits a misdemeanor of the first degree  
16 if he unlawfully procures, makes or otherwise provides  
17 himself with, or unlawfully has in his possession or under  
18 his control, any weapon ~~or ammunition,~~ TOOL, IMPLEMENT OR <—  
19 OTHER THING WHICH MAY BE USED FOR ESCAPE.

20 [(3) An inmate commits a misdemeanor of the second <—  
21 degree if he unlawfully procures, makes or otherwise provides  
22 himself with, or unlawfully has in his possession or under  
23 his control, any tool, implement or other thing which may be  
24 used for escape.] <—

25 (b) Definitions.--

26 (1) As used in this section the word "unlawfully" means  
27 surreptitiously or contrary to law, regulation or order of  
28 the detaining authority.

29 (2) As used in this section the word "weapon" means any  
30 implement readily capable of lethal use and shall include any

firearm, ammunition, knife, dagger, razor, other cutting or  
stabbing implement or club, including any item which has been  
modified or adopted so that it can be used as a firearm,  
ammunition, knife, dagger, razor, other cutting or stabbing  
implement, or club. The word "firearm" includes an unloaded  
firearm and the unassembled components of a firearm.

§ 5504. Harassment and stalking by communication or address.

(a) [Offense defined] Harassment by communication or  
address.--A person commits [a misdemeanor of the third degree  
if] the crime of harassment by communication or address when,  
with intent to harass, annoy or alarm another, [he] the person:

(1) [makes a telephone call without intent of legitimate  
communication or addresses] communicates to or about such  
other person any lewd, lascivious, threatening or [indecent]  
obscene words [or], language [or anonymously telephones  
another person repeatedly], drawings or caricatures; or

(2) [makes repeated communications anonymously or at  
extremely inconvenient hours, or in offensively coarse  
language.] communicates repeatedly in an anonymous manner;

(3) communicates repeatedly at extremely inconvenient  
hours; or

(4) communicates repeatedly in a manner not covered by  
paragraph (2) or (3).

(a.1) Stalking by communication or address.--A person  
commits the crime of stalking by communication or address when  
the person engages in a course of conduct or repeatedly  
communicates to another, including following such other person <—  
in an electronic medium without proper authority, under  
circumstances which demonstrate or communicate either of the  
following:

1       (1) An intent to place such other person in reasonable  
2       fear of bodily injury.

3       (2) An intent to cause substantial emotional distress to  
4       such other person.

5       (b) Venue.--Any offense committed under [paragraph (a)(1) of  
6 this section] subsection (a) or (a.1) may be deemed to have been  
7 committed at either the place at which the [telephone call or  
8 calls] communication or communications were made or at the place  
9 where the [telephone call or calls] communication or  
10 communications were received.

11       (c) Grading.--

12       (1) An offense under subsection (a) shall constitute a  
13       misdemeanor of the third degree.

14       (2) Except as set forth under paragraph (3) or (4), an  
15       offense under subsection (a.1) shall constitute a misdemeanor  
16       of the first degree.

17       (3) A second or subsequent offense under subsection  
18       (a.1) shall constitute a felony of the third degree.

19       (4) A first offense under subsection (a.1), if the  
20       person has been previously convicted of any crime of violence  
21       involving this same victim, family or household members,  
22       including, but not limited to, a violation of section 2701  
23       (relating to simple assault), 2702 (relating to aggravated  
24       assault), 2705 (relating to recklessly endangering another  
25       person), 2709 (relating to harassment and stalking), 2901  
26       (relating to kidnapping), 3121 (relating to rape), 3123  
27       (relating to involuntary deviate sexual intercourse) or  
28       3124.1 (relating to sexual assault), an order issued under  
29       section 4954 (relating to protective orders) or an order  
30       issued under 23 Pa.C.S. § 6108 (relating to relief), shall

1 constitute a felony of the third degree.

2 (d) False reports.--A person who knowingly gives false  
3 information to any law enforcement officer with the intent to  
4 implicate another under this section commits an offense under  
5 section 4906 (relating to false reports to law enforcement  
6 authorities).

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

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

14 "Communicates." Conveys, without intent of legitimate  
15 communication or address, by written or electronic means  
16 including telephone, electronic mail, Internet, facsimile, telex  
17 and similar transmissions.

18 "Course of conduct." A pattern of actions composed of more  
19 than one act over a period of time, however short, evidencing a  
20 continuity of conduct. Acts indicating a course of conduct which  
21 occur in more than one jurisdiction may be used by any other  
22 jurisdiction in which an act occurred as evidence of a  
23 continuing pattern of conduct or a course of conduct.

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

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

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