

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1515 Session of 2002

INTRODUCED BY CONTI, GREENLEAF, HOLL, COSTA, LAVALLE, TARTAGLIONE, A. WILLIAMS, C. WILLIAMS AND BOSCOLA, AUGUST 30, 2002

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 19, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 harassment and stalking; and making conforming amendments to
4 Titles 5, 18, 23 and 42.

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

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

9 § 2709. Harassment [and stalking].

10 (a) [Harassment] Offense defined.--A person commits the
11 crime of harassment when, with intent to harass, annoy or alarm
12 another, the person:

13 (1) strikes, shoves, kicks or otherwise subjects the
14 other person to physical contact, or attempts or threatens to
15 do the same;

16 (2) follows the other person in or about a public place
17 or places; [or]

18 (3) engages in a course of conduct or repeatedly commits

1 acts which serve no legitimate purpose[.];

2 (4) communicates to or about such other person any lewd,  
3 lascivious, threatening or obscene words, language, drawings  
4 or caricatures;

5 (5) communicates repeatedly in an anonymous manner;

6 (6) communicates repeatedly at extremely inconvenient  
7 hours; or

8 (7) communicates repeatedly in a manner other than  
9 specified in paragraphs (4), (5) and (6).

10 [(b) Stalking.--A person commits the crime of stalking when  
11 he engages in a course of conduct or repeatedly commits acts  
12 toward another person, including following the person without  
13 proper authority, under circumstances which demonstrate either  
14 of the following:

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

17 (2) an intent to cause substantial emotional distress to  
18 the person.]

19 (b.1) Venue.--

20 (1) An offense committed under this section may be  
21 deemed to have been committed at either the place at which  
22 the communication or communications were made or at the place  
23 where the communication or communications were received.

24 (2) Acts indicating a course of conduct which occur in  
25 more than one jurisdiction may be used by any other  
26 jurisdiction in which an act occurred as evidence of a  
27 continuing pattern of conduct or a course of conduct.

28 (c) Grading.--

29 †(1)† An offense under †subsection (a)† ~~this section~~ <—

30 (A)(1), (2) OR (3) shall constitute a summary offense. <—

1 †(2) (i) An offense under subsection [(b)] (A)(4), (5), ←  
2 (6) OR (7) shall constitute a misdemeanor of the [first] ←  
3 THIRD degree. ←

4 [(ii) A second or subsequent offense under ←  
5 subsection (b) or a first offense under subsection (b) if  
6 the person has been previously convicted of any crime of  
7 violence involving this same victim, family or household  
8 members, including, but not limited to, a violation of  
9 section 2701 (relating to simple assault), 2702 (relating  
10 to aggravated assault), 2705 (relating to recklessly  
11 endangering another person), 2901 (relating to  
12 kidnapping), 3121 (relating to rape), 3123 (relating to  
13 involuntary deviate sexual intercourse) or 3128 (relating  
14 to spousal sexual assault), an order issued under section  
15 4954 (relating to protective orders) or an order issued  
16 under 23 Pa.C.S. § 6108 (relating to relief), shall  
17 constitute a felony of the third degree.]

18 (d) False reports.--A person who knowingly gives false  
19 information to any law enforcement officer with the intent to  
20 implicate another under this section commits an offense under  
21 section 4906 (relating to false reports to law enforcement  
22 authorities).

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

27 [(e.1) Course of conduct.--Acts indicating a course of  
28 conduct which occur in more than one jurisdiction may be used by  
29 any other jurisdiction in which an act occurred as evidence of a  
30 continuing pattern of conduct or a course of conduct.]

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

4 "Communicates." Conveys a message without intent of  
5 legitimate communication or address by oral, nonverbal, written  
6 or electronic means, including telephone, electronic mail,  
7 Internet, facsimile, telex, wireless communication or similar  
8 transmission.

9 "Course of conduct." A pattern of actions composed of more  
10 than one act over a period of time, however short, evidencing a  
11 continuity of conduct. [The term includes lewd, lascivious,  
12 threatening or obscene words, language, drawings, caricatures or  
13 actions, either in person or anonymously.] Acts indicating a  
14 course of conduct which occur in more than one jurisdiction may  
15 be used by any other jurisdiction in which an act occurred as  
16 evidence of a continuing pattern of conduct or a course of  
17 conduct.

18 ["Emotional distress." A temporary or permanent state of  
19 great physical or mental strain.

20 "Family or household member." Spouses or persons who have  
21 been spouses, persons living as spouses or who lived as spouses,  
22 parents and children, other persons related by consanguinity or  
23 affinity, current or former sexual or intimate partners or  
24 persons who share biological parenthood.]

25 Section 2. Title 18 is amended by adding a section to read:  
26 § 2709.1. Stalking.

27 (a) Offense defined.--A person commits the crime of stalking  
28 when the person either:

29 (1) engages in a course of conduct or repeatedly commits  
30 acts toward another person, including following the person

1 without proper authority, under circumstances which  
2 demonstrate either an intent to place such other person in  
3 reasonable fear of bodily injury or to cause substantial  
4 emotional distress to such other person; or

5 (2) engages in a course of conduct or repeatedly  
6 communicates to another person under circumstances which  
7 demonstrate or communicate either an intent to place such  
8 other person in reasonable fear of bodily injury or to cause  
9 substantial emotional distress to such other person.

10 (b) Venue.--

11 (1) An offense committed under this section may be  
12 deemed to have been committed at either the place at which  
13 the communication or communications were made or at the place  
14 where the communication or communications were received.

15 (2) Acts indicating a course of conduct which occur in  
16 more than one jurisdiction may be used by any other  
17 jurisdiction in which an act occurred as evidence of a  
18 continuing pattern of conduct or a course of conduct.

19 (c) Grading.--

20 (1) Except as otherwise provided for in paragraph (2), a  
21 first offense under this section shall constitute a  
22 misdemeanor of the first degree.

23 (2) A second or subsequent offense under this section or  
24 a first offense under subsection (a) if the person has been  
25 previously convicted of a crime of violence involving the  
26 same victim, family or household member, including, but not  
27 limited to, a violation of section 2701 (relating to simple  
28 assault), 2702 (relating to aggravated assault), 2705  
29 (relating to recklessly endangering another person), 2901  
30 (relating to kidnapping), 3121 (relating to rape) or 3123

1 (relating to involuntary deviate sexual intercourse), an  
2 order issued under section 4954 (relating to protective  
3 orders) or an order issued under 23 Pa.C.S. § 6108 (relating  
4 to relief), shall constitute a felony of the third degree.

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

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

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

17 "Communicates." To convey a message without intent of  
18 legitimate communication or address by oral, nonverbal, written  
19 or electronic means, including telephone, electronic mail,  
20 Internet, facsimile, telex, wireless communication or similar  
21 transmission.

22 "Course of conduct." A pattern of actions composed of more  
23 than one act over a period of time, however short, evidencing a  
24 continuity of conduct. The term includes lewd, lascivious,  
25 threatening or obscene words, language, drawings, caricatures or  
26 actions, either in person or anonymously. Acts indicating a  
27 course of conduct which occur in more than one jurisdiction may  
28 be used by any other jurisdiction in which an act occurred as  
29 evidence of a continuing pattern of conduct or a course of  
30 conduct.

1       "Emotional distress." A temporary or permanent state of  
2 mental anguish.

3       "Family or household member." Spouses or persons who have  
4 been spouses, persons living as spouses or who lived as spouses,  
5 parents and children, other persons related by consanguinity or  
6 affinity, current or former sexual or intimate partners or  
7 persons who share biological parenthood.

8       Section 3. Sections 2710(a), 2711(a), 4954 and 4955(a)(2) of  
9 Title 18 are amended to read:

10 § 2710. Ethnic intimidation.

11       (a) Offense defined.--A person commits the offense of ethnic  
12 intimidation if, with malicious intention toward the race,  
13 color, religion or national origin of another individual or  
14 group of individuals, he commits an offense under any other  
15 provision of this article or under Chapter 33 (relating to  
16 arson, criminal mischief and other property destruction)  
17 exclusive of section 3307 (relating to institutional vandalism)  
18 or under section 3503 (relating to criminal trespass) [or under  
19 section 5504 (relating to harassment by communication or  
20 address)] with respect to such individual or his or her property  
21 or with respect to one or more members of such group or to their  
22 property.

23       \* \* \*

24 § 2711. Probable cause arrests in domestic violence cases.

25       (a) General rule.--A police officer shall have the same  
26 right of arrest without a warrant as in a felony whenever he has  
27 probable cause to believe the defendant has violated section  
28 2504 (relating to involuntary manslaughter), 2701 (relating to  
29 simple assault), 2702(a)(3), (4) and (5) (relating to aggravated  
30 assault), 2705 (relating to recklessly endangering another

1 person), 2706 (relating to terroristic threats) or [2709(b)  
2 (relating to harassment and stalking)] 2709.1 (relating to  
3 stalking) against a family or household member although the  
4 offense did not take place in the presence of the police  
5 officer. A police officer may not arrest a person pursuant to  
6 this section without first observing recent physical injury to  
7 the victim or other corroborative evidence. For the purposes of  
8 this subsection, the term "family or household member" has the  
9 meaning given that term in 23 Pa.C.S. § 6102 (relating to  
10 definitions).

11 \* \* \*

12 § 4954. Protective orders.

13 Any court with jurisdiction over any criminal matter may,  
14 after a hearing and in its discretion, upon substantial  
15 evidence, which may include hearsay or the declaration of the  
16 prosecutor that a witness or victim has been intimidated or is  
17 reasonably likely to be intimidated, issue protective orders,  
18 including, but not limited to, the following:

19 (1) An order that a defendant not violate any provision  
20 of this subchapter or section 2709 (relating to harassment  
21 [and stalking]) or 2709.1 (relating to stalking).

22 (2) An order that a person other than the defendant,  
23 including, but not limited to, a subpoenaed witness, not  
24 violate any provision of this subchapter.

25 (3) An order that any person described in paragraph (1)  
26 or (2) maintain a prescribed geographic distance from any  
27 specified witness or victim.

28 (4) An order that any person described in paragraph (1)  
29 or (2) have no communication whatsoever with any specified  
30 witness or victim, except through an attorney under such



1 reasonable restrictions as the court may impose.

2 § 4955. Violation of orders.

3 (a) Punishment.--Any person violating any order made  
4 pursuant to section 4954 (relating to protective orders) may be  
5 punished in any of the following ways:

6 \* \* \*

7 (2) As a contempt of the court making such order. No  
8 finding of contempt shall be a bar to prosecution for a  
9 substantive offense under section 2709 (relating to  
10 harassment [and stalking]), 2709.1 (relating to stalking),  
11 4952 (relating to intimidation of witnesses or victims) or  
12 4953 (relating to retaliation against witness or victim),  
13 but:

14 (i) any person so held in contempt shall be entitled  
15 to credit for any punishment imposed therein against any  
16 sentence imposed on conviction of said substantive  
17 offense; and

18 (ii) any conviction or acquittal for any substantive  
19 offense under this title shall be a bar to subsequent  
20 punishment for contempt arising out of the same act.

21 \* \* \*

22 Section 4. Section 5504 of Title 18 is repealed.

23 Section 5. Sections 5708(1) and (2) and 6105(b) of Title 18  
24 are amended to read:

25 § 5708. Order authorizing interception of wire, electronic or  
26 oral communications.

27 The Attorney General, or, during the absence or incapacity of  
28 the Attorney General, a deputy attorney general designated in  
29 writing by the Attorney General, or the district attorney or,  
30 during the absence or incapacity of the district attorney, an

1 assistant district attorney designated in writing by the  
2 district attorney of the county wherein the interception is to  
3 be made, may make written application to any Superior Court  
4 judge for an order authorizing the interception of a wire,  
5 electronic or oral communication by the investigative or law  
6 enforcement officers or agency having responsibility for an  
7 investigation involving suspected criminal activities when such  
8 interception may provide evidence of the commission of any of  
9 the following offenses, or may provide evidence aiding in the  
10 apprehension of the perpetrator or perpetrators of any of the  
11 following offenses:

12 (1) Under this title:

13 Section 911 (relating to corrupt organizations)

14 Section 2501 (relating to criminal homicide)

15 Section 2502 (relating to murder)

16 Section 2503 (relating to voluntary manslaughter)

17 Section 2702 (relating to aggravated assault)

18 Section 2706 (relating to terroristic threats)

19 [Section 2709(b) (relating to harassment and  
20 stalking)]

21 Section 2709.1 (relating to stalking)

22 Section 2901 (relating to kidnapping)

23 Section 3121 (relating to rape)

24 Section 3123 (relating to involuntary deviate sexual  
25 intercourse)

26 Section 3124.1 (relating to sexual assault)

27 Section 3125 (relating to aggravated indecent  
28 assault)

29 Section 3301 (relating to arson and related offenses)

30 Section 3302 (relating to causing or risking

1 catastrophe)

2 Section 3502 (relating to burglary)

3 Section 3701 (relating to robbery)

4 Section 3921 (relating to theft by unlawful taking or

5 disposition)

6 Section 3922 (relating to theft by deception)

7 Section 3923 (relating to theft by extortion)

8 Section 4701 (relating to bribery in official and

9 political matters)

10 Section 4702 (relating to threats and other improper

11 influence in official and political matters)

12 Section 5512 (relating to lotteries, etc.)

13 Section 5513 (relating to gambling devices, gambling,

14 etc.)

15 Section 5514 (relating to pool selling and

16 bookmaking)

17 Section 6318 (relating to unlawful contact or

18 communication with minor)

19 (2) Under this title, where such offense is dangerous to

20 life, limb or property and punishable by imprisonment for

21 more than one year:

22 Section 910 (relating to manufacture, distribution or

23 possession of devices for theft of telecommunications

24 services)

25 Section 2709(a)(4), (5), (6) or (7) (relating to

26 harassment)

27 Section 3925 (relating to receiving stolen property)

28 Section 3926 (relating to theft of services)

29 Section 3927 (relating to theft by failure to make

30 required disposition of funds received)

1           Section 3933 (relating to unlawful use of computer)  
2           Section 4108 (relating to commercial bribery and  
3 breach of duty to act disinterestedly)  
4           Section 4109 (relating to rigging publicly exhibited  
5 contest)  
6           Section 4117 (relating to insurance fraud)  
7           Section 4305 (relating to dealing in infant children)  
8           Section 4902 (relating to perjury)  
9           Section 4909 (relating to witness or informant taking  
10 bribe)  
11          Section 4911 (relating to tampering with public  
12 records or information)  
13          Section 4952 (relating to intimidation of witnesses  
14 or victims)  
15          Section 4953 (relating to retaliation against witness  
16 or victim)  
17          Section 5101 (relating to obstructing administration  
18 of law or other governmental function)  
19          Section 5111 (relating to dealing in proceeds of  
20 unlawful activities)  
21          Section 5121 (relating to escape)  
22          [Section 5504 (relating to harassment by  
23 communication or address)]  
24          Section 5902 (relating to prostitution and related  
25 offenses)  
26          Section 5903 (relating to obscene and other sexual  
27 materials and performances)  
28          Section 7313 (relating to buying or exchanging  
29 Federal food order coupons, stamps, authorization cards  
30 or access devices)

1 \* \* \*

2 § 6105. Persons not to possess, use, manufacture, control, sell  
3 or transfer firearms.

4 \* \* \*

5 (b) Enumerated offenses.--The following offenses shall apply  
6 to subsection (a):

7 Section 908 (relating to prohibited offensive weapons).

8 Section 911 (relating to corrupt organizations).

9 Section 912 (relating to possession of weapon on school  
10 property).

11 Section 2502 (relating to murder).

12 Section 2503 (relating to voluntary manslaughter).

13 Section 2504 (relating to involuntary manslaughter) if  
14 the offense is based on the reckless use of a firearm.

15 Section 2702 (relating to aggravated assault).

16 Section 2703 (relating to assault by prisoner).

17 Section 2704 (relating to assault by life prisoner).

18 [Section 2709 (relating to harassment and stalking) if  
19 the offense relates to stalking.]

20 Section 2709.1 (relating to stalking).

21 Section 2901 (relating to kidnapping).

22 Section 2902 (relating to unlawful restraint).

23 Section 2910 (relating to luring a child into a motor  
24 vehicle).

25 Section 3121 (relating to rape).

26 Section 3123 (relating to involuntary deviate sexual  
27 intercourse).

28 Section 3125 (relating to aggravated indecent assault).

29 Section 3301 (relating to arson and related offenses).

30 Section 3302 (relating to causing or risking

1 catastrophe).

2 Section 3502 (relating to burglary).

3 Section 3503 (relating to criminal trespass) if the  
4 offense is graded a felony of the second degree or higher.

5 Section 3701 (relating to robbery).

6 Section 3702 (relating to robbery of motor vehicle).

7 Section 3921 (relating to theft by unlawful taking or  
8 disposition) upon conviction of the second felony offense.

9 Section 3923 (relating to theft by extortion) when the  
10 offense is accompanied by threats of violence.

11 Section 3925 (relating to receiving stolen property) upon  
12 conviction of the second felony offense.

13 Section 4912 (relating to impersonating a public servant)  
14 if the person is impersonating a law enforcement officer.

15 Section 4952 (relating to intimidation of witnesses or  
16 victims).

17 Section 4953 (relating to retaliation against witness or  
18 victim).

19 Section 5121 (relating to escape).

20 Section 5122 (relating to weapons or implements for  
21 escape).

22 Section 5501(3) (relating to riot).

23 Section 5515 (relating to prohibiting of paramilitary  
24 training).

25 Section 6110.1 (relating to possession of firearm by  
26 minor).

27 Section 6301 (relating to corruption of minors).

28 Section 6302 (relating to sale or lease of weapons and  
29 explosives).

30 Any offense equivalent to any of the above-enumerated

1 offenses under the prior laws of this Commonwealth or any  
2 offense equivalent to any of the above-enumerated offenses  
3 under the statutes of any other state or of the United  
4 States.

5 \* \* \*

6 Section 6. Section 3304(a) of Title 5 is amended to read:  
7 § 3304. Issuance of registration to certain persons prohibited.

8 (a) Prior criminal acts.--The commission shall not issue  
9 athletic agent registration to or renew the athletic agent  
10 registration of a person who has been convicted of any of the  
11 following offenses, or any comparable offense in another  
12 jurisdiction, within ten years of the date of application:

13 (1) An offense under the act of April 14, 1972 (P.L.233,  
14 No.64), known as The Controlled Substance, Drug, Device and  
15 Cosmetic Act.

16 (2) An offense under the following provisions of 18  
17 Pa.C.S. (relating to crimes and offenses):

18 Section 902 (relating to criminal solicitation).

19 Section 908 (relating to prohibited offensive weapons).

20 Section 2502 (relating to murder).

21 Section 2709(a)(4), (5), (6) or (7) (relating to  
22 harassment).

23 Section 2709.1 (relating to stalking).

24 Section 2901 (relating to kidnapping).

25 Section 3121 (relating to rape).

26 Section 3126 (relating to indecent assault).

27 Section 3923 (relating to theft by extortion).

28 Section 4109 (relating to rigging publicly exhibited  
29 contest).

30 Section 4302 (relating to incest).

1           Section 4304 (relating to endangering welfare of  
2 children).

3           Section 4305 (relating to dealing in infant children).

4           Section 4701 (relating to bribery in official and  
5 political matters).

6           Section 4902 (relating to perjury).

7           Section 5501 (relating to riot).

8           [Section 5504 (relating to harassment by communication or  
9 address).]

10          Section 5512 (relating to lotteries, etc.).

11          Section 5513 (relating to gambling devices, gambling,  
12 etc.).

13          Section 5514 (relating to pool selling and bookmaking).

14          Section 5901 (relating to open lewdness).

15          Section 5902 (relating to prostitution and related  
16 offenses).

17          Section 5903 (relating to obscene and other sexual  
18 materials and performances).

19          Section 5904 (relating to public exhibition of insane or  
20 deformed person).

21          Section 6301 (relating to corruption of minors).

22          Section 6312 (relating to sexual abuse of children).

23          Section 7107 (relating to unlawful actions by athlete  
24 agents).

25          \* \* \*

26          Section 7. Sections 5303(b.1)(2), 6108(a)(9) and 6344(c)(2)  
27 of Title 23 are amended to read:

28          § 5303. Award of custody, partial custody or visitation.

29          \* \* \*

30          (b.1) Consideration of criminal charge.--



1           \* \* \*

2           (2) In evaluating any request for temporary custody or  
3 modification of a custody, partial custody or visitation  
4 order, the court shall consider whether the parent who is or  
5 has been charged with an offense listed below poses a risk of  
6 harm to the child:

7           (i) 18 Pa.C.S. Ch. 25;

8           (ii) 18 Pa.C.S. § 2702 (relating to aggravated  
9 assault);

10          (iii) 18 Pa.C.S. § 2706 (relating to terroristic  
11 threats);

12          (iv) 18 Pa.C.S. § [2709(b) (relating to harassment  
13 and] 2709.1 (relating to stalking);

14          (v) 18 Pa.C.S. § 2901;

15          (vi) 18 Pa.C.S. § 2902;

16          (vii) 18 Pa.C.S. § 2903 (relating to false  
17 imprisonment);

18          (viii) 18 Pa.C.S. § 3121;

19          (ix) 18 Pa.C.S. § 3122.1;

20          (x) 18 Pa.C.S. § 3123;

21          (xi) 18 Pa.C.S. § 3124.1;

22          (xii) 18 Pa.C.S. § 3125;

23          (xiii) 18 Pa.C.S. § 3126;

24          (xiv) 18 Pa.C.S. § 3127;

25          (xv) 18 Pa.C.S. § 3301 (relating to arson and  
26 related offenses);

27          (xvi) 18 Pa.C.S. § 4302;

28          (xvii) 18 Pa.C.S. § 4304;

29          (xviii) 18 Pa.C.S. § 6312; and

30          (xix) 23 Pa.C.S. § 6114 (relating to contempt for

1 violation of order or agreement).

2 \* \* \*

3 § 6108. Relief.

4 (a) General rule.--The court may grant any protection order  
5 or approve any consent agreement to bring about a cessation of  
6 abuse of the plaintiff or minor children. The order or agreement  
7 may include:

8 \* \* \*

9 (9) Directing the defendant to refrain from stalking or  
10 harassing the plaintiff and other designated persons as  
11 defined in 18 Pa.C.S. [§] §§ 2709 (relating to harassment  
12 [and stalking]) and 2709.1 (relating to stalking).

13 \* \* \*

14 § 6344. Information relating to prospective child-care  
15 personnel.

16 \* \* \*

17 (c) Grounds for denying employment.--

18 \* \* \*

19 (2) In no case shall an administrator hire an applicant  
20 if the applicant's criminal history record information  
21 indicates the applicant has been convicted of one or more of  
22 the following offenses under Title 18 (relating to crimes and  
23 offenses) or an equivalent crime under Federal law or the law  
24 of another state:

25 Chapter 25 (relating to criminal homicide).

26 Section 2702 (relating to aggravated assault).

27 [Section 2709 (relating to harassment {and stalking}).] <—

28 Section 2709.1 (relating to stalking).

29 Section 2901 (relating to kidnapping).

30 Section 2902 (relating to unlawful restraint).

1 Section 3121 (relating to rape).

2 Section 3122.1 (relating to statutory sexual assault).

3 Section 3123 (relating to involuntary deviate sexual  
4 intercourse).

5 Section 3124.1 (relating to sexual assault).

6 Section 3125 (relating to aggravated indecent assault).

7 Section 3126 (relating to indecent assault).

8 Section 3127 (relating to indecent exposure).

9 Section 4302 (relating to incest).

10 Section 4303 (relating to concealing death of child).

11 Section 4304 (relating to endangering welfare of  
12 children).

13 Section 4305 (relating to dealing in infant children).

14 A felony offense under section 5902(b) (relating to  
15 prostitution and related offenses).

16 Section 5903(c) or (d) (relating to obscene and other  
17 sexual materials and performances).

18 Section 6301 (relating to corruption of minors).

19 Section 6312 (relating to sexual abuse of children).

20 The attempt, solicitation or conspiracy to commit any of  
21 the offenses set forth in this paragraph.

22 \* \* \*

23 Section 8. Section 3573(c)(1) of Title 42 is amended to  
24 read:

25 § 3573. Municipal corporation portion of fines, etc.

26 \* \* \*

27 (c) Summary offenses.--Fines, forfeited recognizances and  
28 other forfeitures imposed, lost or forfeited under the following  
29 provisions of law shall, when any such offense is committed in a  
30 municipal corporation, be payable to such municipal corporation:

1 (1) Under the following provisions of Title 18 (relating  
2 to crimes and offenses):

3 [Section 2709 (relating to harassment).]

4 Section 3304 (relating to criminal mischief).

5 Section 3503 (relating to criminal trespass).

6 Section 3929 (relating to retail theft).

7 Section 4105 (relating to bad checks).

8 Section 5503 (relating to disorderly conduct).

9 Section 5505 (relating to public drunkenness).

10 Section 5511 (relating to cruelty to animals).

11 Section 6308 (relating to purchase, consumption,  
12 possession or transportation of intoxicating beverages).

13 Section 6501 (relating to scattering rubbish).

14 \* \* \*

15 Section 9. (1) Except as otherwise provided for in  
16 paragraph (2), any reference in any act or part of an act to  
17 18 Pa.C.S. § 2709 without specification as to subsection (a)  
18 or (b) of that section shall be deemed to include a reference  
19 to 18 Pa.C.S. § 2709.1 as if fully set forth in that act or  
20 part of that act.

21 (2) Any reference in any act or part of an act to 18  
22 Pa.C.S. § 2709(b) shall be deemed a reference to 18 Pa.C.S. §  
23 2709.1 as if fully set forth in that act or part of that act.

24 Section 10. (1) Except as otherwise provided for in  
25 paragraph (2) or (3), any reference in any act or part of an  
26 act to 18 Pa.C.S. § 5504 without specification as to  
27 subsection (a) or (a.1) of that section shall be deemed a  
28 reference to 18 Pa.C.S. §§ 2709(a)(4), (5), (6) and (7) and  
29 2709.1 as if fully set forth in that act or part of that act.

30 (2) Any reference in any act or part of an act to 18

1 Pa.C.S. § 5504(a) shall be deemed a reference to 18 Pa.C.S. §  
2 2709(a)(4), (5), (6) and (7) as if fully set forth in that  
3 act or part of that act.

4 (3) Any reference in any act or part of an act to 18  
5 Pa.C.S. § 5504(a.1) shall be deemed a reference to 18 Pa.C.S.  
6 § 2709.1 as if fully set forth in that act or part of that  
7 act.

8 Section 11. This act shall take effect in 60 days.