

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1531 Session of 2011

INTRODUCED BY PYLE, AUMENT, BAKER, BEAR, BENNINGHOFF, BOYD, BROOKS, CAUSER, CHRISTIANA, COX, CREIGHTON, CUTLER, DENLINGER, DUNBAR, ELLIS, EMRICK, EVANKOVICH, J. EVANS, EVERETT, FARRY, FLECK, GABLER, GEIST, GERGELY, GIBBONS, GILLESPIE, GRELL, GROVE, HAHN, HARHAI, HARHART, HARRIS, HEFFLEY, HELM, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, KORTZ, KOTIK, KRIEGER, MAJOR, MALONEY, MARSHALL, MARSICO, MASSER, METCALFE, METZGAR, MILLARD, MILLER, MILNE, MOUL, MUSTIO, NEUMAN, OBERLANDER, PAYNE, PEIFER, PERRY, PICKETT, RAPP, READSHAW, REED, REESE, ROAE, ROCK, SACCONE, SAYLOR, SIMMONS, K. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOBASH, TOOIL, VEREB, VULAKOVICH, WATSON AND WHITE, MAY 11, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of criminal
3 surveillance.

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

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

8 § 3505. Criminal surveillance.

9 (a) Offense defined.--A person commits the crime of criminal
10 surveillance if he engages in surveillance while trespassing in
11 a private place.

12 (b) Separate violations.--A separate violation of this
13 section shall occur:

1 (1) for each victim of an offense under subsection (a)
2 under the same or similar circumstances pursuant to one
3 scheme or course of conduct whether at the same or different
4 time; or

5 (2) if a person is a victim of an offense under
6 subsection (a) on more than one occasion during a separate
7 course of conduct either individually or otherwise.

8 (c) Penalties.--

9 (1) A single violation of this section shall constitute
10 a summary offense.

11 (2) Multiple violations of this section shall constitute
12 a misdemeanor of the third degree.

13 (d) Exceptions.--Subsection (a) shall not apply if the
14 conduct proscribed under subsection (a) is done by any of the
15 following:

16 (1) Law enforcement officers during a lawful criminal
17 investigation.

18 (2) Law enforcement officers, personnel of the
19 Department of Corrections or a local correctional facility,
20 prison or jail for security purposes or during investigation
21 of alleged misconduct by a person in the custody of the
22 Department of Corrections or local authorities.

23 (3) A person who is a passenger or pilot of an aircraft
24 operating in a manner consistent with 74 Pa.C.S. § 5501
25 (relating to ownership of space).

26 (e) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Aircraft." The term as defined in 74 Pa.C.S. § 5102
30 (relating to definitions).

1 "Private place." A place where a person may reasonably
2 expect to be safe from casual or hostile intrusion or
3 surveillance.

4 "Surveillance." Observation of the activities of another
5 person or invading the privacy of the person observed.

6 "Trespassing." Entering or remaining, or causing any
7 instrument or device equipped with technology to facilitate
8 surveillance to enter or remain, on the land or in the airspace
9 of another, by one who knows he is not authorized or privileged
10 to do so.

11 Section 2. This act shall take effect in 90 days.