

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 452 Session of 2013

INTRODUCED BY PYLE, KNOWLES, METCALFE, BROOKS, MOUL, SACCONI, TALLMAN, M. K. KELLER, CUTLER, HARHAI, AUMENT, SAYLOR, KAUFFMAN, HICKERNELL, SWANGER, EMRICK, DUNBAR, O'NEILL, PICKETT, MILLARD, MAJOR, GRELL, BAKER, REESE, EVERETT, BOBACK, HESS, KORTZ, FLECK, C. HARRIS, READSHAW, OBERLANDER, CLYMER, ROCK, GROVE, HEFFLEY, MARSICO, MURT, STEVENSON, EVANKOVICH, GILLEN, GERGELY, GIBBONS, FARRY AND CALTAGIRONE, JANUARY 30, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 16, 2013

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 TRESPASSES IN A PRIVATE PLACE WITH THE INTENT TO <--
12 ENGAGE IN SURVEILLANCE OF ANOTHER PERSON.

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

15 (1) for each victim of an offense under subsection (a)

1 under the same or similar circumstances pursuant to one
2 scheme or course of conduct whether at the same or different
3 time; or

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

7 (c) Penalties.--

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

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

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

15 (1) Law enforcement officers engaged in the performance
16 of their official law enforcement duties.

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

22 (3) FIREFIGHTERS, AS DEFINED IN SECTION 2 OF THE ACT OF <--
23 DECEMBER 16, 1998 (P.L.980, NO.129), KNOWN AS THE POLICE
24 OFFICER, FIREFIGHTER, CORRECTION EMPLOYEE AND NATIONAL GUARD
25 MEMBER CHILD BENEFICIARY EDUCATION ACT, OR SPECIAL FIRE
26 POLICE, AS PROVIDED FOR IN 35 PA.C.S. CH. 74 SUBCH. D
27 (RELATING TO SPECIAL FIRE POLICE), ENGAGED IN THE PERFORMANCE
28 OF THEIR OFFICIAL FIREFIGHTING OR FIRE POLICE DUTIES.

29 (4) EMERGENCY MEDICAL RESPONDERS, AS DEFINED IN 35
30 PA.C.S. § 8103 (RELATING TO DEFINITIONS), ENGAGED IN THE

1 PERFORMANCE OF THEIR OFFICIAL DUTIES.

2 ~~(3)~~ (5) A person who is a passenger or pilot of an <--
3 aircraft operating in a manner consistent with 74 Pa.C.S. §
4 5501 (relating to ownership of space).

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

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

10 "Law enforcement officer." Any officer of the United States,
11 of another state or subdivision thereof, or of the Commonwealth
12 or political subdivision thereof, who is empowered by law to
13 conduct investigations of or to make arrests for offenses
14 enumerated in this title or an equivalent crime in another
15 jurisdiction and any attorney authorized by law to prosecute or
16 participate in the prosecution of such offense.

17 "Private place." A place where a person may reasonably
18 expect to be safe from casual or hostile intrusion or <--
19 surveillance.

20 "Surveillance." Observation OR RECORDING of the activities <--
21 of another person or invading the privacy of the person
22 observed.

23 "Trespassing." Entering or remaining, or causing any
24 instrument or device equipped with technology to facilitate
25 surveillance to enter or remain, on the land or in the airspace
26 of another, by one who knows he is not authorized or privileged
27 to do so.

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