

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1263 Session of
2014

INTRODUCED BY WILLIAMS, TEPLITZ, ALLOWAY, FONTANA, SCHWANK,
RAFFERTY, COSTA, BRUBAKER, FARNESE AND BROWNE,
FEBRUARY 28, 2014

REFERRED TO JUDICIARY, FEBRUARY 28, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in falsification and intimidation,
3 providing for the offense of intimidation of witnesses or
4 victims on an Internet website.

5 This act shall be known and may be cited as the Website
6 Witness and Victim Protection Act.

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

9 Section 1. Title 18 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read:
11 § 4952.1. Intimidation of witnesses or victims on an Internet
12 website.

13 (a) Declaration of policy.--The General Assembly finds and
14 declares as follows:

15 (1) The Internet is an increasingly valuable medium for
16 the collection and dissemination of information.

17 (2) There is increasing information posted on websites
18 concerning information on individuals who have provided

1 information in the investigation of criminal cases.

2 (3) The posting of such information has led to the
3 intimidation of witnesses, as well as bodily injury or death
4 to such individuals or their family members in retaliation
5 for the information that they have provided.

6 (4) Websites of this nature are causing concern in the
7 criminal justice system, where informants play an important
8 role in criminal investigations.

9 (5) The Commonwealth has a compelling interest in
10 protecting the names or identities of individuals who have
11 cooperated in any criminal investigation, especially those
12 who serve as witnesses in providing information on ongoing
13 criminal investigations. In doing so, the General Assembly
14 must enact a narrowly tailored remedy to avoid and eliminate
15 any interference with criminal investigations and
16 prosecutions.

17 (b) Prohibition.--A person commits an offense under this
18 section if, with the intent to or with the knowledge that the
19 person's conduct will obstruct, impede, impair, prevent or
20 interfere with the administration of criminal justice, the
21 person electronically publishes:

22 (1) an individual's name or identity as it relates to
23 that individual serving as a witness to a criminal
24 investigation within this Commonwealth; or

25 (2) a victim's name or identity as it relates to a
26 criminal investigation within this Commonwealth.

27 (c) Criminal enforcement.--The following shall apply:

28 (1) District attorneys shall have authority to
29 investigate and to institute criminal proceedings for any
30 violation of this section.

1 (2) In addition to the authority conferred upon the
2 Attorney General under the act of October 15, 1980 (P.L.950,
3 No.164), known as the Commonwealth Attorneys Act, the
4 Attorney General shall have the authority to investigate and
5 institute criminal proceedings for any violation of this
6 section. A person charged with a violation of this section by
7 the Attorney General shall not have standing to challenge the
8 authority of the Attorney General to investigate or prosecute
9 the case, and, if any such challenge is made, the challenge
10 shall be dismissed and no relief shall be available in the
11 courts of this Commonwealth to the person making the
12 challenge.

13 (3) In addition to the powers conferred upon district
14 attorneys and the Attorney General in paragraphs (1) and (2),
15 district attorneys and the Attorney General shall have the
16 authority to investigate and initiate criminal proceedings
17 against persons for violations of this section in accordance
18 with section 102 (relating to territorial applicability).

19 (4) If a district attorney or the Attorney General
20 initiates criminal proceedings for violations of this
21 section, the district attorney or Attorney General shall
22 provide notice to the owner or operator of the Internet
23 website where the violation occurred.

24 (d) Penalty.--A person who violates the provisions of this
25 section commits a felony of the second degree and shall, upon
26 conviction, be sentenced to imprisonment of not less than one
27 year nor more than ten years or to pay a fine, notwithstanding
28 section 1101 (relating to fines), of not more than \$25,000.

29 (e) Definitions.--The following words and phrases when used
30 in this section shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Internet." The global information system that is logically
3 linked together by a globally unique address space based on the
4 Internet Protocol (IP), or its subsequent extensions, and that
5 is able to support communications using the transmission control
6 extensions, or other IP-compatible protocols, and that provides,
7 uses or makes accessible, either publicly or privately, high-
8 level services layered on the communications and related
9 infrastructure described in this section.

10 "Person." Any individual, partnership, corporation, limited
11 liability company or other organization, or any combination
12 thereof.

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