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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1339 Session of  
2015

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INTRODUCED BY PYLE, KOTIK, WARNER, REESE, ROZZI, DIAMOND, GROVE,  
MURT, METCALFE, HARHAI, TOOHL, BOBACK, HEFFLEY, SANKEY,  
EVERETT, WATSON, B. MILLER, BAKER, M. K. KELLER, KORTZ,  
SONNEY, METZGAR, COHEN, JOZWIAK AND IRVIN, JUNE 16, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 2015

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AN ACT

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

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

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

9 § 3505. Criminal surveillance.

10 (a) Offense defined.--A person commits the crime of criminal  
11 surveillance if he trespasses in a private place with the intent  
12 to 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)  
16 under the same or similar circumstances pursuant to one  
17 scheme or course of conduct whether at the same or different  
18 time; or

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

4 (c) Penalties.--

5           (1) A single violation of this section shall constitute  
6 a summary offense.

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

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

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

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

19           (3) Firefighters, as defined in section 2 of the act of  
20 December 16, 1998 (P.L.980, No.129), known as the Police  
21 Officer, Firefighter, Correction Employee and National Guard  
22 Member Child Beneficiary Education Act, or special fire  
23 police, as provided for in 35 Pa.C.S. Ch. 74 Subch. D  
24 (relating to special fire police), engaged in the performance  
25 of their official firefighting or fire police duties.

26           (4) Emergency medical responders, as defined in 35  
27 Pa.C.S. § 8103 (relating to definitions), engaged in the  
28 performance of their official duties.

29           (5) A person who is a passenger or pilot of an aircraft  
30 operating in a manner consistent with 74 Pa.C.S. § 5501

1 (relating to ownership of space).

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

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

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

14 "Private place." A place where a person may reasonably  
15 expect to be safe from surveillance.

16 "Surveillance." Observation or recording of the activities  
17 of another person or invading the privacy of the person  
18 observed.

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

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