

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1386 Session of
2015

INTRODUCED BY TEPLITZ, KITCHEN, BREWSTER, FONTANA, SCHWANK,
SABATINA, BOSCOLA AND FARNESE, OCTOBER 17, 2016

REFERRED TO JUDICIARY, OCTOBER 17, 2016

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 or retaliation in
4 protection from abuse cases.

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 § 4959. Intimidation or retaliation in protection from abuse
10 cases.

11 (a) Intimidation.--A person commits an offense if:

12 (1) The person has knowledge or intends that the
13 person's conduct under paragraph (2) will obstruct, impede,
14 impair, prevent or interfere with the filing of a petition
15 seeking protection from abuse under 23 Pa.C.S. Ch. 61
16 (relating to protection from abuse) or sexual violence or
17 intimidation under 42 Pa.C.S. Ch. 62A (relating to protection
18 of victims of sexual violence or intimidation).

19 (2) The person intimidates or attempts to intimidate a

1 victim or witness to engage in any of the following actions:

2 (i) Refraining from seeking relief from abuse or
3 sexual violence or intimidation under 23 Pa.C.S. Ch. 61
4 or sexual violence or intimidation under 42 Pa.C.S. Ch.
5 62A.

6 (ii) Refraining from providing or withholding
7 information, documentation, testimony or evidence to a
8 person regarding a protection order proceeding.

9 (iii) Giving false or misleading information,
10 documentation, testimony or evidence to a person
11 regarding a protection order proceeding.

12 (iv) Eluding, evading or ignoring a request or legal
13 process summoning the victim or witness to appear to
14 testify or supply evidence regarding a protection order
15 proceeding.

16 (v) Failing to appear at or participate in a
17 protection order proceeding or meeting involving the
18 protection order to which the victim or witness has been
19 legally summoned.

20 (b) Retaliation.--A person commits an offense if the person
21 harms another person by an unlawful act or engages in a course
22 of conduct or repeatedly commits acts which threaten another
23 person in retaliation for anything that the other person has
24 lawfully done in the capacity of a witness or victim relating to
25 a protection order proceeding.

26 (c) Grading.--

27 (1) Except as provided in paragraph (2) or (3), a person
28 who violates this section commits a misdemeanor of the first
29 degree.

30 (2) A person who violates this section and has an active

1 final protection order enforceable under 23 Pa.C.S. Ch. 61 or
2 a sexual violence or intimidation order enforceable under 42
3 Pa.C.S. Ch. 62A against the person commits a felony of the
4 third degree.

5 (3) A person who violates this section commits a felony
6 of the second degree if:

7 (i) The actor employs force, violence or deception
8 or threatens to employ force, violence or deception upon
9 the witness or victim or, with reckless intent or
10 knowledge, upon any other person.

11 (ii) The actor offers pecuniary or other benefit to
12 the witness or victim.

13 (iii) The actor's conduct is in furtherance of a
14 conspiracy to intimidate or retaliate against the witness
15 or victim.

16 (iv) The actor accepts, agrees or solicits another
17 person to accept a pecuniary benefit to intimidate or
18 retaliate against the witness or victim.

19 (v) The actor has suffered a prior conviction for a
20 violation of this section or has been convicted under a
21 Federal statute or statute of any other state of an act
22 which would be a violation of this section if committed
23 in this Commonwealth.

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

27 "Protection order proceeding." A proceeding initiated under
28 23 Pa.C.S. Ch. 61 or sexual violence or intimidation under 42
29 Pa.C.S. Ch. 62A.

30 "Victim." As defined in 23 Pa.C.S. § 6102 (relating to

1 definitions) or 42 Pa.C.S. § 62A03 (relating to definitions).

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