

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2053 Session of
2019

INTRODUCED BY MULLINS, ECKER, MARKOSEK, FREEMAN, HANBIDGE,
PASHINSKI, KOSIEROWSKI, ROEBUCK, GALLOWAY, HERSHEY, DeLUCA,
OTTEN, MADDEN AND SCHLOSSBERG, NOVEMBER 22, 2019

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 22, 2019

AN ACT

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

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 § 2709.2. Bullying.

9 (a) Offense defined.--A person commits the offense of
10 bullying when the person commits a defined crime with the intent
11 to:

12 (1) harass, annoy, alarm or intimidate another
13 individual or group of individuals; or

14 (2) place another individual or group of individuals in
15 fear of bodily injury or property damage.

16 (b) Grading.--

17 (1) An offense under this section shall be classified as
18 a misdemeanor of the third degree if the defined crime is

1 classified as a summary offense. Otherwise, an offense under
2 this section shall be classified one degree higher in the
3 classification specified in section 106 (relating to classes
4 of offenses) than the classification of the other defined
5 crime.

6 (2) If the defined crime is a felony of the first
7 degree, a person convicted of an offense under this section
8 shall be sentenced to a term of imprisonment fixed by the
9 court at not more than 40 years and may be sentenced to pay a
10 fine of not more than \$100,000.

11 (c) False report.--A person who knowingly gives false
12 information to a law enforcement officer with the intent to
13 implicate a person under this section commits an offense under
14 section 4906 (relating to false reports to law enforcement
15 authorities).

16 (d) Venue.--

17 (1) An offense committed under this section may be
18 deemed to have been committed at the place where the
19 communications or actions were made or received.

20 (2) Acts indicating a course of conduct that occur in
21 more than one jurisdiction may be used by any other
22 jurisdiction in which an act occurred as evidence of a
23 continuing pattern of conduct or a course of conduct.

24 (e) Application of section.--This section shall not apply to
25 conduct by a party to a labor dispute as defined in the act of
26 June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-
27 Injunction Act, or to any constitutionally protected activity.

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

1 "Defined crime." An offense under any of the following:

2 (1) Any other provision of this chapter.

3 (2) Chapter 33 (relating to arson, criminal mischief and
4 other property destruction), exclusive of section 3307
5 (relating to institutional vandalism).

6 (3) Chapter 35 (relating to burglary and other criminal
7 intrusion), exclusive of section 3503 (relating to criminal
8 trespass).

9 (4) Chapter 41 (relating to forgery and fraudulent
10 practices).

11 (5) Section 5503 (relating to disorderly conduct).

12 (6) Chapter 57 (relating to wiretapping and electronic
13 surveillance).

14 (7) Chapter 75 (relating to other offenses).

15 (8) Chapter 76 (relating to computer offenses).

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