
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2453 Session of
2020

INTRODUCED BY ULLMAN, STAATS, DONATUCCI, MALAGARI, READSHAW,
OTTEN, SANCHEZ, HILL-EVANS, O'MARA, CIRESI, SCHWEYER,
YOUNGBLOOD, SHUSTERMAN, KOSIEROWSKI, ISAACSON, RABB,
PASHINSKI, DELLOSO, HARRIS, SCHLEGEL CULVER, NEILSON, KORTZ,
T. DAVIS, HOHENSTEIN, DALEY, THOMAS, GREEN, BROOKS, STEPHENS,
HOWARD, GOODMAN, GALLOWAY, MURT AND FRANKEL, APRIL 28, 2020

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 28, 2020

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, further providing
3 for the offense of invasion of privacy.

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

6 Section 1. Section 7507.1(a)(3), (b) and (e) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended and the
8 section is amended by adding a subsection to read:

9 § 7507.1. Invasion of privacy.

10 (a) Offense defined.--Except as set forth in subsection (d),
11 a person commits the offense of invasion of privacy if he, for
12 the purpose of arousing or gratifying the sexual desire of any
13 person, knowingly does any of the following:

14 * * *

15 (3) [Transfers or transmits] Transfers, transmits or
16 receives an image or video obtained in violation of paragraph

1 (1) or (2) by live or recorded telephone message, electronic
2 mail or the Internet or by any other transfer of the medium
3 on which the image is stored.

4 * * *

5 (b) Grading.--[Invasion] A violation of this section shall
6 be graded as follows:

7 (1) Except as provided under paragraph (2), invasion of
8 privacy is a misdemeanor of the second degree if there is
9 more than one violation. Otherwise, a violation of this
10 section is a misdemeanor of the third degree. The grading
11 under this paragraph shall also apply if both the victim and
12 the offender are minors.

13 (2) If the offender is a teacher and the victim is a
14 student or the offender is an adult and the victim is a
15 minor, a violation of this section is:

16 (i) A felony of the third degree for a first
17 violation.

18 (ii) A felony of the second degree for a second or
19 subsequent violation.

20 (b.1) Defense.--In any prosecution under this section, it
21 shall be a defense that the person viewed an image or video
22 under subsection (a) unintentionally and with no purpose of
23 arousing or gratifying the sexual desire of the person.

24 * * *

25 (e) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection:

28 "Full or partial nudity." Display of all or any part of the
29 human genitals or pubic area or buttocks, or any part of the
30 nipple of the breast of any female person, with less than a

1 fully opaque covering.

2 "Intimate part." Any part of:

3 (1) the human genitals, pubic area or buttocks; and

4 (2) the nipple of a female breast.

5 "Photographs" or "films." Making any photograph, motion
6 picture film, videotape or any other recording or transmission
7 of the image of a person.

8 "Place where a person would have a reasonable expectation of
9 privacy." A location where a reasonable person would believe
10 that he could disrobe in privacy without being concerned that
11 his undressing was being viewed, photographed or filmed by
12 another.

13 "Student." An individual enrolled and receiving instruction
14 at a public or private school within this Commonwealth in
15 prekindergarten through grade twelve.

16 "Teacher." A professional employee, temporary professional
17 employee, substitute or instructor in a public or private school
18 within this Commonwealth who provides instruction to students in
19 prekindergarten through grade twelve.

20 "Views." Looking upon another person with the unaided eye or
21 with any device designed or intended to improve visual acuity.

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