PRINTER'S NO. 3405

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2763 Session of 2022

INTRODUCED BY KENYATTA, RABB, SCHLOSSBERG, KINSEY, WEBSTER, SANCHEZ, MADDEN, A. DAVIS, PARKER, HOHENSTEIN AND KINKEAD, AUGUST 9, 2022

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 9, 2022

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, providing for the offense of seditious conspiracy against the Commonwealth; and, in abuse of office, providing for the offense of seditious conspiracy against the Commonwealth while holding public office.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 5113. Seditious conspiracy against the Commonwealth.

(a) Offense defined.--A person is guilty of seditious conspiracy against the Commonwealth if the person conspires with one or more other persons to:

(1) overthrow, put down or destroy by force the government of the Commonwealth;

(2) levy war against the government of the Commonwealth;

(3) oppose by force the authority of the government of the Commonwealth; or

(4) by force prevent, hinder or delay the execution of any law of the Commonwealth or by force seize, take or possess any property of the Commonwealth contrary to the authority of the Commonwealth.

(b) Penalty.--A person who violates subsection (a) shall, upon conviction, be sentenced to pay a fine of $10,000, complete 75 hours of community service and be disqualified from receipt of any State grant funding, award of any State contract and issuance of any license, certificate, registration or permit for an occupation or profession under their respective practice acts.

(c) Construction.--Notwithstanding any other provision of this title, this section shall not be construed to limit the rights of the citizens of this Commonwealth in Article I of the Constitution of Pennsylvania relating to freedom of the press and speech.

§ 5304. Seditious conspiracy against the Commonwealth while holding public office.

(a) Offense defined.--A public servant is guilty of seditious conspiracy against the Commonwealth if the person conspires with one or more other persons to:

(1) overthrow, put down or destroy by force the government of the Commonwealth;

(2) levy war against the government of the Commonwealth;

(3) oppose by force the authority of the government of the Commonwealth; or

(4) by force prevent, hinder or delay the execution of any law of the Commonwealth or by force seize, take or possess any property of the Commonwealth contrary to the authority of the Commonwealth.

(b) Penalty.--A public servant who violates subsection (a) shall, upon conviction, be sentenced to pay a fine of $15,000, complete 100 hours of community service and be disqualified from receipt of any State grant funding, award of any State contract and issuance of any license, certificate, registration or permit for an occupation or profession under their respective practice acts.

(c) Construction.--Notwithstanding any other provision of this title, this section shall not be construed to limit the rights of the citizens of this Commonwealth in Article I of the Constitution of Pennsylvania relating to freedom of the press and speech.

(d) Definition.--As used in this section, the term "public servant" shall have the same meaning given to it under section 4501 (relating to definitions).

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