

JOHN C. BEAR, MEMBER  
97TH LEGISLATIVE DISTRICT

HARRISBURG OFFICE  
PO BOX 202097  
HARRISBURG PA 17120-2097  
PHONE: (717) 787-1776




HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

DISTRICT OFFICE  
1555 HIGHLANDS DRIVE, SUITE 110  
LITITZ PA 17543  
PHONE: (717) 626-1776

E-MAIL: [jbear@pahousegop.com](mailto:jbear@pahousegop.com)  
[www.repbear.com](http://www.repbear.com)

**TO:** All House Members

**FROM:** Rep. John C. Bear 

**DATE:** January 10, 2011

**SUBJECT: Reintroduction of legislation - Invasion of Privacy Relating to Minors  
Prior HB 1592**

In the near future I will be re-introducing a bill which will amend the Crimes Code (Title 18) to strengthen the penalty for invasion of privacy with respect to victims who are minors.

In September, 2007, a man was arrested in my district while videotaping children at a local swimming meet and focusing on the private parts of their bodies. The perpetrator was a stranger who possessed other videotape footage of children at the beach as well as film of his own genitalia. Local police were only able to charge the man with disorderly conduct, a summary offense.

Since that time, I have been working with a group of law enforcement professionals as well as local community leaders to devise a more fitting charge for such activity. I had hoped to emulate Texas' recent "Improper Photography" statute, but our Attorney General's office felt that approach would likely cause constitutional problems in our state.

Thus, the bill I am planning to introduce will enhance the current Crimes Code provision addressing Invasion of Privacy (Title 18, Section 7507.1). This section currently states, in part:

***[A] person commits the offense of invasion of privacy if he, for the purpose of arousing or gratifying the sexual desire of any person, knowingly.....[p]hotographs, videotapes, electronically depicts, films or otherwise records or personally views the intimate parts, whether or not covered by clothing, of another person without that person's knowledge and consent and which intimate parts that person does not intend to be visible by normal public observation.***

The current grading for this offense is a 3<sup>rd</sup> degree misdemeanor, punishable by up to 1 year in jail and/or a fine of up to \$2,500. If there is more than one violation, it is a 2<sup>nd</sup> degree misdemeanor (up to 2 years/up to \$5,000). My bill would set the penalty as a 2<sup>nd</sup> degree misdemeanor when the victim is a minor.

I believe this tougher penalty is justified in order to help protect our children from the predatory and intrusive acts of strangers. This measure is supported by both the PA District Attorney's Association and the Office of the Attorney General.

**To co-sponsor this legislation, please contact Debra Brehm in my office at 717-787-1776 or via GroupWise at [dbrehm@pahousegop.com](mailto:dbrehm@pahousegop.com). Thank you.**

*Prior HB 1592 co-sponsors: BOYD, BRADFORD, BROWN, D. COSTA, CREIGHTON, CUTLER, DENLINGER, FLECK, GABLER, GIBBONS, GRELL, GROVE, HARRIS, HICKERNELL, KAUFFMAN, MOUL, MURT, O'NEILL, PYLE, RAPP, SIPTROTH, SONNEY, STERN, SWANGER, TRUE, VULAKOVICH, WATSON, BEYER, BENNINGHOFF, GINGRICH and GEIST*