

MAUREE A. GINGRICH, MEMBER  
101<sup>ST</sup> LEGISLATIVE DISTRICT

LEGISLATIVE OFFICE  
430 IRVIS OFFICE BUILDING  
PO BOX 202101  
HARRISBURG, PA 17120-2101  
PHONE: (717) 783-1815  
FAX: (717) 705-2569

DISTRICT OFFICE  
445 WEST PENN AVENUE  
CLEONA SQUARE  
CLEONA, PA 17042  
PHONE: (717) 270-1905  
FAX: (717) 270-1854

MGINGRIC@PAHOUSEGOP.COM



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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**MEMORANDUM**

**TO:** *All House Members*

**FROM:** *Representative Mauree A. Gingrich* **MAY**

**DATE:** *March 21, 2011*

**SUBJECT:** *CO-SPONSOR- Loitering and Prowling Legislation  
(Former HB 597)*

Under current law, an individual is guilty of the offense of loitering and prowling if he "maliciously loiters or maliciously prowls around a dwelling house "of another at "night time". This offense is often characterized as the "peeping Tom" offense. The first offense and all subsequent offenses are graded as a misdemeanor of the third degree. Individuals who are convicted of **multiple offenses** are never faced with the prospect of serious incarceration. Over time, I have concerns that this behavior, if unchecked, may translate into more serious sexual offenses. Additionally, as the statute is presently worded a person can only be convicted of this crime if their conduct occurs at "night time". This type of crime does not only occur in the night time hours and as it stands now, a person who engages in this same type of behavior during the day avoids prosecution under the statute.

In the near future, I will be re-introducing legislation which will remove the requirement of the behavior occurring at "night time" from the elements of the offense and increase the grading of the offense for subsequent convictions. A first offense would still be a misdemeanor of the third degree. A second offense would be a misdemeanor of the second degree. A third offense would be a misdemeanor of the first degree. Finally, fourth and subsequent offenses would be felonies of the third degree.

If you would like to co-sponsor this legislation, please contact Nicole Foit in my Harrisburg office at 783-1815 or nfoit@pahousegop.com. Thank you.

Previous Co-sponsors: SWANGER, BAKER, BELFANTI, BOYD, CARROLL, CASORIO, CREIGHTON, CRUZ, DeLUCA, FLECK, GEIST, GILLESPIE, GRELL, GROVE, HARHAI, HENNESSEY, HESS, HICKERNELL, M. KELLER, W. KELLER, KORTZ, MARSICO, MILLARD, MURT, PAYNE, PEIFER, PICKETT, PYLE, READSHAW, ROAE, SIPTROTH, K. SMITH, STERN, VULAKOVICH AND YOUNGBLOOD