
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1658 Session of
2019

INTRODUCED BY DeLUCA, CALTAGIRONE, HILL-EVANS, A. DAVIS,
YOUNGBLOOD, READSHAW, SIMS, JOHNSON-HARRELL, McNEILL, KORTZ
AND ROZZI, JUNE 19, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 19, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, providing for
3 unlawful dissemination of visual depiction of school
4 violence.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7518. Unlawful dissemination of visual depiction of school
10 violence.

11 (a) Offense defined.--A person commits the offense of
12 unlawful dissemination of visual depiction of school violence
13 if, with intent to harass, annoy, alarm or bully a student, the
14 person disseminates a visual depiction of a fight between two or
15 more students that occurs in a school setting during school
16 hours or immediately before or after school hours.

17 (b) Defense.--It is a defense to a prosecution under this
18 section that the person disseminated the visual depiction with

1 the consent of the student depicted.

2 (c) Grading.--An offense under subsection (a) shall be:

3 (1) A misdemeanor of the first degree, when the student
4 depicted is a minor.

5 (2) A misdemeanor of the second degree, when the student
6 depicted is not a minor.

7 (d) Territorial applicability.--A person may be convicted
8 under the provisions of this section if the victim or the
9 offender is located within this Commonwealth.

10 (e) Nonapplicability.--Nothing in this section shall be
11 construed to apply to a law enforcement officer engaged in the
12 performance of the law enforcement officer's official duties.

13 (f) Concurrent jurisdiction to prosecute.--In addition to
14 the authority conferred upon the Attorney General by the act of
15 October 15, 1980 (P.L.950, No.164), known as the Commonwealth
16 Attorneys Act, the Attorney General shall have the authority to
17 investigate and to institute criminal proceedings for any
18 violation of this section or any series of violations involving
19 more than one county of this Commonwealth or another state. No
20 person charged with a violation of this section by the Attorney
21 General shall have standing to challenge the authority of the
22 Attorney General to investigate or prosecute the case, and, if a
23 challenge is made, the challenge shall be dismissed, and no
24 relief shall be made available in the courts of this
25 Commonwealth to the person making the challenge.

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

29 "Bully." To engage in an act or series of acts that:

30 (1) is directed at another student or students;

- 1 (2) occurs in a school setting;
2 (3) is severe, persistent or pervasive; and
3 (4) has the effect of:
4 (i) substantially interfering with a student's
5 education;
6 (ii) creating a threatening environment; or
7 (iii) substantially disrupting the orderly operation
8 of the school.

9 "Law enforcement officer." Any officer of the United States,
10 of the Commonwealth or political subdivision thereof, or of
11 another state or subdivision thereof, who is empowered to
12 conduct investigations of or to make arrests for offenses
13 enumerated in this title or an equivalent crime in another
14 jurisdiction, and any attorney authorized by law to prosecute or
15 participate in the prosecution of such offenses.

16 "Minor." An individual under 18 years of age.

17 "School." Any of the following:

- 18 (1) A public, private or parochial facility for the
19 education of students in grades kindergarten through 12.
20 (2) A charter school.
21 (3) A regional charter school.
22 (4) An area vocational-technical school.
23 (5) An intermediate unit.

24 "School setting." Any of the following locations:

- 25 (1) In a school.
26 (2) On school grounds.
27 (3) In a school vehicle.
28 (4) At a designated school bus stop.
29 (5) At an activity sponsored, supervised or sanctioned
30 by a school.

1 "Visual depiction." A representation by picture, including,
2 but not limited to, a photograph, videotape, film or computer
3 image.

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