

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2669 Session of  
1996

INTRODUCED BY ROBERTS, BELARDI, STABACK, YOUNGBLOOD, CORPORA,  
JAROLIN AND MERRY, JUNE 5, 1996

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 1996

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for emotional  
3 distress.

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

6 Section 1. Chapter 83 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER I

9 EMOTIONAL DISTRESS

10 § 8393. Outrageous conduct causing severe emotional distress.

11 (a) General rule.--A person who by extreme and outrageous  
12 conduct intentionally or recklessly causes severe emotional  
13 distress to another shall be liable for damages for such  
14 emotional distress, and if bodily harm to the other results from  
15 it, for such bodily harm.

16 (b) Persons present.--Where conduct as described under  
17 subsection (a) is directed at a third person, the perpetrator is  
18 liable for damages if the perpetrator intentionally or

1 recklessly causes severe emotional distress:

2           (1) to a member of the person's immediate family who is  
3 present at the time, whether or not such distress results in  
4 bodily harm; or

5           (2) to any other person who is present at the time, if  
6 such distress results in bodily harm.

7       (c) Evidence.--A person who alleges emotional distress does  
8 not have to support his claim by medical evidence.

9       (d) Defense prohibited.--It is not a defense under this  
10 section that a person:

11           (1) Has done no more than insist upon his legal rights  
12 in a permissible way.

13           (2) Has resorted to extreme and outrageous words or acts  
14 in self-defense against the other under circumstances of  
15 extreme provocation.

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