

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1778 Session of
1997

INTRODUCED BY LAWLESS, NAILOR, BOSCOLA, ARMSTRONG, ZUG, TRELLO,
BROWNE, LEDERER, E. Z. TAYLOR, STABACK, ROHRER, SCHRODER,
OLASZ, SCRIMENTI, DeLUCA, BENNINGHOFF, DEMPSEY, M. COHEN,
KELLER, DALLY, KENNEY, ORIE, REBER, YOUNGBLOOD, PLATTS, TRUE,
MELIO, EGOLF, HERSHEY, HENNESSEY AND FLICK,
SEPTEMBER 23, 1997

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 9, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for TERRORISTIC
3 THREATS AND FOR obscene and other sexual materials. <—

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

6 Section 1. ~~Section 5903(a)~~ SECTIONS 2706 AND 5903(A) of <—
7 Title 18 of the Pennsylvania Consolidated Statutes ~~is~~ ARE <—
8 amended to read:

9 § 2706. TERRORISTIC THREATS. <—

10 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF A MISDEMEANOR OF
11 THE FIRST DEGREE IF HE THREATENS TO COMMIT ANY CRIME OF VIOLENCE
12 WITH INTENT TO TERRORIZE ANOTHER OR TO CAUSE EVACUATION OF A
13 BUILDING, PLACE OF ASSEMBLY, OR FACILITY OF PUBLIC
14 TRANSPORTATION, OR OTHERWISE TO CAUSE SERIOUS PUBLIC
15 INCONVENIENCE, OR IN RECKLESS DISREGARD OF THE RISK OF CAUSING
16 SUCH TERROR OR INCONVENIENCE.

1 (B) RESTITUTION.--IF THE BUILDING, PLACE OF ASSEMBLY OR
2 FACILITY OF PUBLIC TRANSPORTATION IS OWNED OR OCCUPIED BY A
3 SCHOOL DISTRICT, THE PERSON CONVICTED OF VIOLATING THIS SECTION
4 SHALL, IN ADDITION TO ANY OTHER SENTENCE IMPOSED, BE SENTENCED
5 TO PAY THE SCHOOL DISTRICT RESTITUTION IN AN AMOUNT EQUAL TO THE
6 COST OF THE EVACUATION, INCLUDING, BUT NOT LIMITED TO, THE
7 TRANSPORTATION OF STUDENTS AND STAFF FROM THE BUILDING, PLACE OF
8 ASSEMBLY OR FACILITY.

9 (C) PRESERVATION OF PRIVATE REMEDIES.--NO JUDGMENT OR ORDER
10 OF RESTITUTION SHALL DEBAR THE SCHOOL DISTRICT, BY APPROPRIATE
11 ACTION, TO RECOVER FROM THE OFFENDER AS OTHERWISE PROVIDED BY
12 LAW, PROVIDED THAT ANY CIVIL AWARD SHALL BE REDUCED BY THE
13 AMOUNT PAID UNDER THE CRIMINAL JUDGMENT.

14 § 5903. Obscene and other sexual materials and performances.

15 (a) Offenses defined.--No person, knowing the obscene
16 character of the materials or performances involved, shall:

17 (1) display or cause or permit the display of any
18 explicit sexual materials as defined in subsection (c) in or
19 on any window, showcase, newsstand, display rack, billboard,
20 display board, viewing screen, motion picture screen, marquee
21 or similar place in such manner that the display is visible
22 from any public street, highway, sidewalk, transportation
23 facility or other public thoroughfare, or in any business or
24 commercial establishment where minors, as a part of the
25 general public or otherwise, are or will probably be exposed
26 to view all or any part of such materials;

27 (2) sell, lend, distribute, exhibit, give away or show
28 any obscene materials to any person 18 years of age or older
29 or offer to sell, lend, distribute, exhibit or give away or
30 show, or have in his possession with intent to sell, lend,

1 distribute, exhibit or give away or show any obscene
2 materials to any person 18 years of age or older, or
3 knowingly advertise any obscene materials in any manner;

4 (3) design, copy, draw, photograph, print, utter,
5 publish or in any manner manufacture or prepare any obscene
6 materials;

7 (4) write, print, publish, utter or cause to be written,
8 printed, published or uttered any advertisement or notice of
9 any kind giving information, directly or indirectly, stating
10 or purporting to state where, how, from whom, or by what
11 means any obscene materials can be purchased, obtained or
12 had;

13 (5) produce, present or direct any obscene performance
14 or participate in a portion thereof that is obscene or that
15 contributes to its obscenity; [or]

16 (6) hire, employ, use or permit any minor child to do or
17 assist in doing any act or thing mentioned in this
18 subsection[.];

19 (7) knowingly take or deliver in any manner any obscene
20 material into a State correctional institution, county
21 prison, regional prison facility or any other type of
22 correctional facility;

23 (8) possess any obscene material while such person is an
24 inmate of any State correctional institution, county prison,
25 regional prison facility or any other type of correctional
26 facility; or

27 (9) knowingly permit any obscene material to enter any
28 State correctional institution, county prison, regional
29 prison facility or any other type of correctional facility if
30 such person is a prison guard or other employee of any

1 correctional facility described in this paragraph.

2 * * *

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