

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 771 Session of  
1997

INTRODUCED BY GREENLEAF AND COSTA, APRIL 1, 1997

REFERRED TO JUDICIARY, APRIL 1, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting the simulation of legal  
3 process and related acts; and imposing penalties.

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

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

8 § 4914. Simulated legal process.

9 (a) Legal process.--A person who simulates legal process,  
10 including, but not limited to, actions affecting title to real  
11 or personal property, indictments, subpoenas, warrants,  
12 injunctions, liens, orders, judgments or any legal documents or  
13 proceedings, knowing or having reason to know that the contents  
14 of the documents or proceedings or basis for any action to be  
15 fraudulent, commits a misdemeanor of the second degree.

16 (b) Impersonating public officer or legal tribunal.--A  
17 person who deliberately impersonates or falsely acts as a public  
18 officer or legal tribunal, including, but not limited to,

judges, prosecutors, sheriffs, deputies, constables or other court personnel or law enforcement authorities in connection with or relating to any legal process affecting any person or property or otherwise takes any action under color of law against any person or property, commits a misdemeanor of the second degree.

(c) Hindering public officer.--A person who falsely under color of law attempts to influence, intimidate or hinder a public official or law enforcement officer in discharge of official duties by threat of or actual physical violence, harassment, through simulated legal process or by other unlawful act, commits a misdemeanor of the second degree.

(d) Exceptions.--

(1) Nothing in this section shall make unlawful an act of a law enforcement officer or legal tribunal which is performed under lawful authority.

(2) Nothing in this section shall prohibit persons from assembling freely to express opinions or designate group affiliation or association.

(3) Nothing in this section shall prohibit or in any way limit a person's lawful and legitimate access to the courts or prevent a person from instituting or responding to legitimate and lawful legal process.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Legal process." A document or order issued by a court or other legal tribunal filed or recorded for the purpose of exercising jurisdiction or presenting a claim against a person or property, for the purpose of directing a person to appear

1 before a court or other legal tribunal or for the purpose of  
2 directing a person to perform or refrain from performing a  
3 specified act. The term includes, but is not limited to, a  
4 summons, lien, complaint, warrant, injunction, writ, notice,  
5 pleading, subpoena or order.

6 "Legal tribunal." A court, district justice or other  
7 judicial officer vested with the power to enter an order in a  
8 matter. The term includes a government unit when performing  
9 quasi-judicial functions.

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