

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 452 Session of
2013

INTRODUCED BY PYLE, KNOWLES, METCALFE, BROOKS, MOUL, SACCONI,
TALLMAN, M. K. KELLER, CUTLER, HARHAI, AUMENT, SAYLOR,
KAUFFMAN, HICKERNELL, SWANGER, EMRICK, DUNBAR, O'NEILL,
PICKETT, MILLARD, MAJOR, GRELL, BAKER, REESE, EVERETT,
BOBACK, HESS, KORTZ, FLECK, C. HARRIS, READSHAW, OBERLANDER,
CLYMER, ROCK, GROVE, HEFFLEY, MARSICO, MURT, STEVENSON,
EVANKOVICH, GILLEN, GERGELY, GIBBONS, FARRY AND CALTAGIRONE,
JANUARY 30, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of criminal
3 surveillance.

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 § 3505. Criminal surveillance.

9 (a) Offense defined.--A person commits the crime of criminal
10 surveillance if he engages in surveillance while trespassing in
11 a private place.

12 (b) Separate violations.--A separate violation of this
13 section shall occur:

14 (1) for each victim of an offense under subsection (a)
15 under the same or similar circumstances pursuant to one

scheme or course of conduct whether at the same or different time; or

(2) if a person is a victim of an offense under subsection (a) on more than one occasion during a separate course of conduct either individually or otherwise.

(c) Penalties.--

(1) A single violation of this section shall constitute a summary offense.

(2) Multiple violations of this section shall constitute a misdemeanor of the third degree.

(d) Exceptions.--Subsection (a) shall not apply if the conduct proscribed under subsection (a) is done by any of the following:

(1) Law enforcement officers ~~during a lawful criminal investigation~~ ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL LAW ENFORCEMENT DUTIES.

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(2) Law enforcement officers, personnel of the Department of Corrections or a local correctional facility, prison or jail for security purposes or during investigation of alleged misconduct by a person in the custody of the Department of Corrections or local authorities.

(3) A person who is a passenger or pilot of an aircraft operating in a manner consistent with 74 Pa.C.S. § 5501 (relating to ownership of space).

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

"Aircraft." The term as defined in 74 Pa.C.S. § 5102 (relating to definitions).

"LAW ENFORCEMENT OFFICER." ANY OFFICER OF THE UNITED STATES, <--

1 OF ANOTHER STATE OR SUBDIVISION THEREOF, OR OF THE COMMONWEALTH
2 OR POLITICAL SUBDIVISION THEREOF, WHO IS EMPOWERED BY LAW TO
3 CONDUCT INVESTIGATIONS OF OR TO MAKE ARRESTS FOR OFFENSES
4 ENUMERATED IN THIS TITLE OR AN EQUIVALENT CRIME IN ANOTHER
5 JURISDICTION AND ANY ATTORNEY AUTHORIZED BY LAW TO PROSECUTE OR
6 PARTICIPATE IN THE PROSECUTION OF SUCH OFFENSE.

7 "Private place." A place where a person may reasonably
8 expect to be safe from casual or hostile intrusion or
9 surveillance.

10 "Surveillance." Observation of the activities of another
11 person or invading the privacy of the person observed.

12 "Trespassing." Entering or remaining, or causing any
13 instrument or device equipped with technology to facilitate
14 surveillance to enter or remain, on the land or in the airspace
15 of another, by one who knows he is not authorized or privileged
16 to do so.

17 Section 2. This act shall take effect in 90 days.