

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1163 Session of 2013

INTRODUCED BY MARSICO, CALTAGIRONE, HESS, ELLIS, CUTLER, DELOZIER, SACCONI, STEPHENS, ROCK, TOOHL, M. K. KELLER, O'NEILL, HACKETT, D. COSTA, MCGEEHAN, MILLARD, SAINATO, PICKETT, ROZZI, BISHOP, WHITE, BAKER, V. BROWN, KILLION, COHEN, DUNBAR, KORTZ, GODSHALL, BARRAR, BIZZARRO, HARHART, C. HARRIS, GINGRICH, SWANGER, MAJOR, CLYMER, WATSON, QUINN, FREEMAN, DeLUCA, SCHLEGEL CULVER, STEVENSON, EVERETT, FLECK, O'BRIEN, HICKERNELL, FARINA, SCAVELLO, SAYLOR, R. MILLER, M. DALEY, FARRY, VEREB, GROVE, DENLINGER, DONATUCCI, HARKINS, MURT, BARBIN, GREINER, SCHREIBER, MOUL, GIBBONS, ENGLISH AND McNEILL, APRIL 9, 2013

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, JUNE 26, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, IN ASSAULT, further providing for THE <--
3 OFFENSE OF harassment.

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

6 Section 1. Section 2709(b) and (c)(2) of Title 18 of the
7 Pennsylvania Consolidated Statutes, amended November 27, 2013
8 (P.L.1061, No.91), are amended, subsection (b.1) is amended by
9 adding a paragraph and subsection (f) is amended by adding
10 definitions to read:

11 § 2709. Harassment.

12 * * *

13 (b) [Stalking.--] ~~Cyber harassment of a child. A person~~ <--

1 ~~commits the crime of cyber~~ CYBER HARASSMENT OF A CHILD.-- <--

2 (1) A PERSON COMMITS THE CRIME OF CYBER harassment of a
3 child if, with intent to harass, he HARASS, ANNOY OR ALARM, <--
4 THE PERSON engages in a continuing course of conduct by
5 repeatedly communicating the following by electronic means
6 directly to a child or by publication through an electronic
7 social media service:

8 ~~(1) A statement or opinion about the child's sexuality~~ <--
9 ~~or sexual activity.~~

10 ~~(2) A seriously disparaging statement or opinion about~~
11 ~~the child's physical characteristics or mental or physical~~
12 ~~health or condition.~~

13 ~~(3) A threat to inflict unlawful harm.~~

14 (I) A SERIOUSLY DISPARAGING STATEMENT OR OPINION <--
15 ABOUT THE CHILD'S PHYSICAL CHARACTERISTICS, SEXUALITY,
16 SEXUAL ACTIVITY OR MENTAL OR PHYSICAL HEALTH OR
17 CONDITION.

18 (II) A THREAT TO INFLICT HARM.

19 (2) (I) IF A JUVENILE IS CHARGED WITH A VIOLATION OF
20 PARAGRAPH (1), THE JUDICIAL AUTHORITY WITH JURISDICTION
21 OVER THE VIOLATION SHALL GIVE FIRST CONSIDERATION TO
22 REFERRING THE JUVENILE CHARGED WITH THE VIOLATION TO A
23 DIVERSIONARY PROGRAM UNDER PA.R.J.C.P. NO. 312 (RELATING
24 TO INFORMAL ADJUSTMENT) OR NO. 370 (RELATING TO CONSENT
25 DECREE). AS PART OF THE DIVERSIONARY PROGRAM, THE
26 JUDICIAL AUTHORITY MAY ORDER THE JUVENILE TO PARTICIPATE
27 IN AN EDUCATIONAL PROGRAM WHICH INCLUDES THE LEGAL AND
28 NONLEGAL CONSEQUENCES OF CYBER HARASSMENT.

29 (II) IF THE PERSON SUCCESSFULLY COMPLETES THE
30 DIVERSIONARY PROGRAM, THE JUVENILE'S RECORDS OF THE

1 CHARGE OF VIOLATING PARAGRAPH (1) SHALL BE EXPUNGED AS
2 PROVIDED FOR UNDER SECTION 9123 (RELATING TO JUVENILE
3 RECORDS).

4 (b.1) Venue.--

5 * * *

6 (3) In addition to paragraphs (1) and (2), an offense
7 under subsection (b) may be deemed to have been committed at
8 the place where the child who is the subject of the
9 communication resides.

10 (c) Grading.--

11 * * *

12 (2) An offense under subsection (a) (4), (5), (6) or (7)
13 or (b) shall constitute a misdemeanor of the third degree.

14 * * *

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

18 * * *

19 "Emotional distress." A temporary or permanent state of
20 mental anguish.

21 * * *

22 "Repeatedly communicates." To convey more than one message
23 over a period of time.

24 "Seriously disparaging statement or opinion." A statement or
25 opinion which is intended to and under the circumstances is
26 reasonably likely to cause serious emotional distress to a child
27 of the victim's age.

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