

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2351 Session of 2014

INTRODUCED BY SCHREIBER, REGAN, MILLARD, ROZZI, FARINA, KOTIK, BOBACK, HARHAI, R. MILLER, MCGEEHAN, BARRAR, SCHLOSSBERG, YOUNGBLOOD, CLAY, LUCAS, DONATUCCI, MCGINNIS, GINGRICH, SWANGER, TOOHL, COHEN, MULLERY, MURT, GROVE, ROEBUCK, VEREB AND FRANKEL, JUNE 16, 2014

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 2014

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in assault, further providing for terroristic
4 threats; and, in magisterial district judges, further
5 providing for jurisdiction and venue.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2706 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 2706. Terroristic threats.

11 (a) Offense defined.--A person commits the crime of
12 terroristic threats if the person communicates, either directly
13 or indirectly, a threat to:

14 (1) commit any crime of violence with intent to
15 terrorize another;

16 (1.1) place fear upon an individual who is employed,
17 educated or otherwise located in a building, place of
18 assembly or facility of public transportation;

1 (2) cause evacuation of a building, place of assembly or
2 facility of public transportation; or

3 (3) otherwise cause serious public inconvenience, or
4 cause terror or serious public inconvenience with reckless
5 disregard of the risk of causing such terror or
6 inconvenience.

7 (b) Restitution.--A person convicted of violating this
8 section shall, in addition to any other sentence imposed or
9 restitution ordered under 42 Pa.C.S. § 9721(c) (relating to
10 sentencing generally), be sentenced to pay restitution in an
11 amount equal to the cost of the evacuation, including, but not
12 limited to, fire and police response; emergency medical service
13 or emergency preparedness response; and transportation of an
14 individual from the building, place of assembly or facility.

15 (c) Preservation of private remedies.--No judgment or order
16 of restitution shall debar a person, by appropriate action, to
17 recover from the offender as otherwise provided by law, provided
18 that any civil award shall be reduced by the amount paid under
19 the criminal judgment.

20 (d) Grading.--[An] The following shall apply:

21 (1) Except as otherwise provided under paragraph (2), an
22 offense under subsection (a) constitutes a misdemeanor of the
23 first degree unless the threat causes the occupants of the
24 building, place of assembly or facility of public
25 transportation to be diverted from their normal or customary
26 operations, in which case the offense constitutes a felony of
27 the third degree.

28 (2) The following shall apply:

29 (i) Except as otherwise provided under subparagraph

30 (ii), an offense under subsection (a) constitutes a

1 felony of the third degree when the threat is related to
2 an educational facility. Subsequent offenses under this
3 subparagraph constitute a felony of the second degree.

4 (ii) An offense under subsection (a) constitutes a
5 felony of the second degree when the threat is related to
6 an educational facility and causes the occupants of the
7 educational facility to be diverted from their normal or
8 customary operations. Subsequent offenses under this
9 subparagraph constitute a felony of the first degree.

10 (d.1) Notification.--The jail, prison or detention facility
11 holding an individual for violation under subsection (d) (2)
12 shall immediately notify the local law enforcement agency that
13 made the arrest of the individual if and when the individual
14 posts bail.

15 (d.2) Duty to educational facility.--A local law enforcement
16 agency making an arrest of an individual for a violation under
17 subsection (d) (2) shall notify the educational facility
18 immediately upon receiving notification under subsection (d.1)
19 that the individual has posted bail.

20 (d.3) Jurisdiction.--The courts of common pleas shall have
21 jurisdiction of actions brought under subsection (d) (2).

22 (e) Definition.--As used in this section, [the term
23 "communicates" means conveys] the following words and phrases
24 shall have the meanings given to them in this subsection unless
25 the context clearly indicates otherwise:

26 "Communicates." Conveys in person or by written or
27 electronic means, including telephone, electronic mail,
28 Internet, facsimile, telex and similar transmissions.

29 "Educational facility." A public or private school district,
30 an intermediate unit, an area vocational-technical school or an

1 institution of higher education.

2 "Institution of higher education." Any of the following:

3 (1) A community college operating under Article XIX-A of
4 the act of March 10, 1949 (P.L.30, No.14), known as the
5 Public School Code of 1949.

6 (2) A State-owned institution.

7 (3) A State-related institution.

8 (4) Thaddeus Stevens College of Technology.

9 (5) Any accredited private or independent college or
10 university.

11 "Local law enforcement agency." The municipal police
12 department having jurisdiction in the municipality, or, if there
13 is no police department, the Pennsylvania State Police.

14 "State-owned institution." An institution which is part of
15 the State System of Higher Education under Article XX-A of the
16 act of March 10, 1949 (P.L.30, No.14), known as the Public
17 School Code of 1949, and all branches and campuses of the
18 institution.

19 "State-related institution." The Pennsylvania State
20 University, the University of Pittsburgh, Temple University, the
21 Pennsylvania College of Technology and Lincoln University.

22 Section 2. Section 1515(a)(4) of Title 42 is amended to
23 read:

24 § 1515. Jurisdiction and venue.

25 (a) Jurisdiction.--Except as otherwise prescribed by general
26 rule adopted pursuant to section 503 (relating to reassignment
27 of matters), magisterial district judges shall, under procedures
28 prescribed by general rule, have jurisdiction of all of the
29 following matters:

30 * * *

1 (4) As commissioners to preside at arraignments, fix and
2 accept bail, except for offenses under 18 Pa.C.S. §§ 2502
3 (relating to murder) [and], 2503 (relating to voluntary
4 manslaughter) and 2706(d)(2) (relating to terroristic
5 threats) for which the fixing and accepting of bail shall be
6 performed by any judge of any court of common pleas, and to
7 issue warrants and perform duties of a similar nature,
8 including the jurisdiction of a committing magistrate in all
9 criminal proceedings.

10 * * *

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