

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1167 Session of 2013

INTRODUCED BY SCHWANK, COSTA, TEPLITZ, FONTANA, TARTAGLIONE, YUDICHAK, BREWSTER, STACK, HUGHES, WOZNIAK, BLAKE, ARGALL, SOLOBAY, WASHINGTON, BOSCOLA, BROWNE, KASUNIC AND LEACH, DECEMBER 13, 2013

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JANUARY 14, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, providing for THE OFFENSE <--
3 OF intimate partner harassment.

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 § 2709.2. Intimate partner harassment.

9 (a) Offense defined.--A person commits the crime of intimate
10 partner harassment by exposing a photograph, film, videotape or
11 similar recording of the identifiable image of an intimate
12 partner who is nude or explicitly engaged in a sexual act to the
13 view of a third party for no legitimate purpose and with the
14 intent to harass, annoy or alarm the person depicted.

15 (b) Affirmative defense.--It shall not be an offense under
16 this section for a person to expose an image with the consent of
17 the person depicted.

1 (c) Grading.--An offense under this section shall be:

2 (1) A ~~felony of the third~~ MISDEMEANOR OF THE FIRST <--
3 degree when the person depicted is a minor.

4 (2) A misdemeanor of the ~~third~~ SECOND degree when the <--
5 person depicted is not a minor.

6 (D) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO ANY <--
7 ACTIVITY DESCRIBED IN SECTION 6321 (RELATING TO TRANSMISSION OF
8 SEXUALLY EXPLICIT IMAGES BY MINOR).

9 ~~(d)~~ (E) Definition.--As used in this section, the term <--
10 "nude" shall have the meaning provided under section 5903(b)
11 (relating to obscene and other sexual materials and
12 performances).

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