

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 229 Session of 2015

INTRODUCED BY MARSICO, BAKER, BISHOP, GREINER, SANTARSIERO, STEPHENS, SCHLOSSBERG, REGAN, HARHART, A. HARRIS, D. COSTA, MILLARD, SAYLOR, O'NEILL, WATSON, SCHWEYER, MURT, DeLUCA, VEREB, M. K. KELLER, PICKETT, CALTAGIRONE, ROZZI, HELM, PETRI, DUNBAR, KORTZ, NESBIT, HARKINS, HICKERNELL, EVERETT, GRELL, DAVIS, BIZZARRO AND JOZWIAK, JANUARY 27, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 3, 2015

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(c)(2) of Title 18 of the
7 Pennsylvania Consolidated Statutes is amended, subsection (b.1)
8 is amended by adding a paragraph, subsection (f) is amended by
9 adding definitions and the section is amended by adding a
10 subsection to read:

11 § 2709. Harassment.

12 * * *

13 (a.1) Cyber harassment of a child.--

14 (1) A person commits the crime of cyber harassment of a
15 child if, with intent to harass, annoy or alarm, the person
16 engages in a continuing course of conduct by repeatedly

1 communicating any of the following by electronic means
2 directly to a child or by publication through an electronic
3 social media service:

4 (i) seriously disparaging statement or opinion about
5 the child's physical characteristics, sexuality, sexual
6 activity or mental or physical health or condition; or

7 (ii) threat to inflict harm.

8 (2) (i) If a juvenile is charged with a violation of
9 paragraph (1), the judicial authority with jurisdiction
10 over the violation shall give first consideration to
11 referring the juvenile charged with the violation to a
12 diversionary program under Pa.R.J.C.P. No. 312 (relating
13 to Informal Adjustment) or No. 370 (relating to Consent
14 Decree). As part of the diversionary program, the
15 judicial authority may order the juvenile to participate
16 in an educational program which includes the legal and
17 nonlegal consequences of cyber harassment.

18 (ii) If the person successfully completes the
19 diversionary program, the juvenile's records of the
20 charge of violating paragraph (1) shall be expunged as
21 provided for under section 9123 (relating to juvenile
22 records).

23 (b.1) Venue.--

24 * * *

25 (3) In addition to paragraphs (1) and (2), an offense
26 under subsection ~~(b)~~ (A.1) may be deemed to have been <--
27 committed at the place where the child who is the subject of
28 the communication resides.

29 (c) Grading.--

30 * * *

1 (2) An offense under subsection (a) (4), (5), (6) or (7)
2 or ~~(b)~~ (A.1) shall constitute a misdemeanor of the third <--
3 degree.

4 * * *

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

8 * * *

9 "Emotional distress." A temporary or permanent state of
10 mental anguish.

11 * * *

12 "Repeatedly communicates." To convey more than one message
13 over a period of time.

14 "Seriously disparaging statement or opinion." A statement or
15 opinion which is intended to and under the circumstances is
16 reasonably likely to cause serious emotional distress to a child
17 of the victim's age.

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