
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 462 Session of
2017

INTRODUCED BY BLAKE, RESCENTHALER, FONTANA, TARTAGLIONE, COSTA,
RAFFERTY, HUGHES, BROWNE AND WILLIAMS, MARCH 1, 2017

REFERRED TO JUDICIARY, MARCH 1, 2017

AN ACT

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

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. Bullying.

9 (a) Offense defined.--A person commits the offense of
10 bullying when the person commits a defined crime with the intent
11 to:

12 (1) harass, annoy, alarm or intimidate another
13 individual or group of individuals; or

14 (2) place another individual or group of individuals in
15 fear of personal injury or property damage.

16 (b) Grading.--

17 (1) Except as provided under paragraph (2), an offense
18 under subsection (a) (1) or (2) committed by a person under 18

1 years of age shall constitute a misdemeanor of the third
2 degree.

3 (2) A third or subsequent offense under subsection
4 (a) (1) or (2) committed by a person under 18 years of age
5 shall constitute a misdemeanor of the second degree.

6 (3) Except as provided under paragraph (4), an offense
7 under subsection (a) (1) or (2) committed by a person 18 years
8 of age or older shall constitute a misdemeanor of the second
9 degree.

10 (4) A third or subsequent offense under subsection
11 (a) (1) or (2) committed by a person 18 years of age or older
12 shall constitute a misdemeanor of the first degree.

13 (c) False report.--A person who knowingly gives false
14 information to a law enforcement officer with the intent to
15 implicate a person under this section commits an offense under
16 section 4906 (relating to false reports to law enforcement
17 authorities).

18 (d) Venue.--

19 (1) An offense committed under this section may be
20 deemed to have been committed at the place where the
21 communications or actions were made or received.

22 (2) Acts indicating a course of conduct that occur in
23 more than one jurisdiction may be used by any other
24 jurisdiction in which an act occurred as evidence of a
25 continuing pattern of conduct or a course of conduct.

26 (e) Application of section.--This section shall not apply to
27 conduct by a party to a labor dispute as defined in the act of
28 June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-
29 Injunction Act, or to any constitutionally protected activity.

30 (f) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Defined crime." An offense under any of the following:

4 (1) Any other provision of this chapter.

5 (2) Chapter 33 (relating to arson, criminal mischief and
6 other property destruction), exclusive of section 3307
7 (relating to institutional vandalism).

8 (3) Chapter 35 (relating to burglary and other criminal
9 intrusion), exclusive of section 3503 (relating to criminal
10 trespass).

11 (4) Chapter 41 (relating to forgery and fraudulent
12 practices).

13 (5) Chapter 57 (relating to wiretapping and electronic
14 surveillance).

15 (6) Chapter 75 (relating to other offenses).

16 (7) Chapter 76 (relating to computer offenses).

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