

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 400 Session of 2019

INTRODUCED BY KLUNK, MASSER, SCHLEGEL CULVER, DAY, STEPHENS, MURT, HAHN, GLEIM, RYAN, KAUFFMAN, DAVIDSON, MILLARD, PICKETT, DeLUCA, BERNSTINE, NEILSON, DUSH, COX AND GILLEN, MAY 2, 2019

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 26, 2020

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in assault, further providing for the  
3 offense of abuse of care-dependent person.

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

6 Section 1. Section 2713.1(a) and (b) of Title 18 of the  
7 Pennsylvania Consolidated Statutes, added June 28, 2018  
8 (P.L.371, No.53), are amended to read:

9 § 2713.1. Abuse of care-dependent person.

10 (a) Offense defined.--A caretaker is guilty of abuse of a  
11 care-dependent person if the caretaker:

12 (1) With the intent to harass, annoy or alarm a care-  
13 dependent person:

14 (i) strikes, shoves, kicks or otherwise subjects or  
15 attempts to subject a care-dependent person to or  
16 threatens a care-dependent person with physical contact;

1 (ii) engages in a course of conduct or repeatedly  
2 commits acts that serve no legitimate purpose;

3 (iii) communicates to a care-dependent person any  
4 lewd, lascivious, threatening or obscene words, language,  
5 drawings or caricatures; or

6 (iv) communicates repeatedly with the care-dependent  
7 person at extremely inconvenient hours.

8 (2) Commits an offense under section 2709.1 (relating to  
9 stalking) against a care-dependent person.

10 ~~(3) With the intent to ridicule or demean a care-~~  
11 ~~dependent person, posts or shares a photograph, digital image <--~~  
12 ~~or video of the care dependent person on or through an~~  
13 ~~electronic social media service or wireless communication.~~  
14 USES ANY AUDIO, VIDEO OR STILL IMAGE OF THE CARE-DEPENDENT <--  
15 PERSON IN ANY FORMAT OR MEDIUM ON OR THROUGH ANY ELECTRONIC  
16 SERVICE, WIRELESS COMMUNICATION OR ANY FORM OF ELECTRONIC  
17 SERVICE OR WIRELESS COMMUNICATION AS PERTAINING TO  
18 COMMUNICATION.

19 (b) Penalty.--

20 (1) A violation of subsection (a)(1) constitutes a  
21 misdemeanor of the first degree.

22 (2) A violation of subsection (a)(2) constitutes a  
23 felony of the third degree.

24 (3) A violation of subsection (a)(3) constitutes a  
25 misdemeanor of the third degree.

26 \* \* \*

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