

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 163 Session of 2021

INTRODUCED BY STAATS, LABS, SCHLEGEL CULVER, BOBACK, ECKER, RYAN, THOMAS, HILL-EVANS, ISAACSON, HOHENSTEIN, ROTHMAN, CIRESI, DeLUCA, NEILSON, SHUSTERMAN, JONES, STEPHENS AND POLINCHOCK, JANUARY 14, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 14, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, in other offenses, further providing
 3 for the offense of invasion of privacy.

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

6 Section 1. Section 7507.1(a)(3), (b) and (e) of Title 18 of
 7 the Pennsylvania Consolidated Statutes are amended and the
 8 section is amended by adding a subsection to read:

9 § 7507.1. Invasion of privacy.

10 (a) Offense defined.--Except as set forth in subsection (d),
 11 a person commits the offense of invasion of privacy if he, for
 12 the purpose of arousing or gratifying the sexual desire of any
 13 person, knowingly does any of the following:

14 * * *

15 (3) [Transfers or transmits] Transfers, transmits or
 16 receives an image or video obtained in violation of paragraph
 17 (1) or (2) by live or recorded telephone message, electronic

1 mail or the Internet or by any other transfer of the medium
2 on which the image is stored.

3 * * *

4 (b) Grading.--[Invasion] A violation of this section shall
5 be graded as follows:

6 (1) Except as provided under paragraph (2), invasion of
7 privacy is a misdemeanor of the second degree if there is
8 more than one violation. Otherwise, a violation of this
9 section is a misdemeanor of the third degree. The grading
10 under this paragraph shall also apply if both the victim and
11 the offender are minors.

12 (2) If the offender is a teacher and the victim is a
13 student or the offender is an adult and the victim is a
14 minor, a violation of this section is:

15 (i) A felony of the third degree for a first
16 violation.

17 (ii) A felony of the second degree for a second or
18 subsequent violation.

19 (b.1) Defense.--In any prosecution under this section, it
20 shall be a defense that the person viewed an image or video
21 under subsection (a) unintentionally and with no purpose of
22 arousing or gratifying the sexual desire of the person.

23 * * *

24 (e) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 "Full or partial nudity." Display of all or any part of the
28 human genitals or pubic area or buttocks, or any part of the
29 nipple of the breast of any female person, with less than a
30 fully opaque covering.

1 "Intimate part." Any part of:

2 (1) the human genitals, pubic area or buttocks; and

3 (2) the nipple of a female breast.

4 "Photographs" or "films." Making any photograph, motion
5 picture film, videotape or any other recording or transmission
6 of the image of a person.

7 "Place where a person would have a reasonable expectation of
8 privacy." A location where a reasonable person would believe
9 that he could disrobe in privacy without being concerned that
10 his undressing was being viewed, photographed or filmed by
11 another.

12 "Student." An individual enrolled and receiving instruction
13 at a public or private school within this Commonwealth in
14 prekindergarten through grade twelve.

15 "Teacher." A professional employee, temporary professional
16 employee, substitute or instructor in a public or private school
17 within this Commonwealth who provides instruction to students in
18 prekindergarten through grade twelve.

19 "Views." Looking upon another person with the unaided eye or
20 with any device designed or intended to improve visual acuity.

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