
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1496 Session of
2021

INTRODUCED BY MULLINS, ECKER, MARKOSEK, ROTHMAN, ROZZI, KINSEY,
RYAN, CONKLIN, HARKINS, FREEMAN, HERSHEY, PASHINSKI, MALAGARI
AND GALLOWAY, MAY 26, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MAY 26, 2021

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 bodily injury or property damage.

16 (b) Grading.--

17 (1) An offense under this section shall be classified as
18 a misdemeanor of the third degree if the defined crime is

1 classified as a summary offense.

2 (2) Except as provided under paragraph (1), the
3 following shall apply:

4 (i) An offense under this section shall be
5 classified one degree higher in the classification
6 specified in section 106 (relating to classes of
7 offenses) than the classification of the defined crime.

8 (ii) The Pennsylvania Commission on Sentencing, in
9 accordance with 42 Pa.C.S. § 2154 (relating to adoption
10 of guidelines for sentencing), shall provide for
11 sentencing enhancements for cases in which the defined
12 crime is classified at the highest 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) Definition.--As used in this section, "defined crime"

1 means an offense under any of the following:

2 (1) Chapter 27 (relating to assault), exclusive of
3 section 2709 (relating to harassment) and section 2709.1
4 (relating to stalking).

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) Section 5503 (relating to disorderly conduct).

14 (6) Chapter 57 (relating to wiretapping and electronic
15 surveillance).

16 (7) Section 7507.1 (relating to invasion of privacy).

17 (8) Chapter 76 (relating to computer offenses).

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