
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 703 Session of
2021

INTRODUCED BY BAKER, SANTARSIERO, VOGEL AND COLLETT,
MAY 21, 2021

REFERRED TO JUDICIARY, MAY 21, 2021

AN ACT

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

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

6 Section 1. Section 2709.1(a) and (c) of Title 18 of the
7 Pennsylvania Consolidated Statutes, amended June 5, 2020
8 (P.L.246, No.32), are amended to read:

9 § 2709.1. Stalking.

10 (a) Offense defined.--A person commits the crime of stalking
11 when the person[either:

12 (1) engages]:

13 (1) Engages in a course of conduct or repeatedly commits
14 acts toward another person, including following the person
15 without proper authority, notwithstanding if the other person
16 has knowledge of the conduct or acts:

17 (i) under circumstances which demonstrate either an
18 intent to place such other person in reasonable fear of

1 bodily injury or to cause substantial emotional distress
2 to such other person; or

3 (ii) which as a result intentionally, knowingly or
4 recklessly places such other person in reasonable fear of
5 bodily injury or causes substantial emotional distress to
6 such other person.

7 (2) [engages] Engages in a course of conduct or
8 repeatedly communicates to another person:

9 (i) under circumstances which demonstrate or
10 communicate either an intent to place such other person
11 in reasonable fear of bodily injury or to cause
12 substantial emotional distress to such other person[.];
13 or

14 (ii) which as a result intentionally, knowingly or
15 recklessly places such other person in reasonable fear of
16 bodily injury or causes substantial emotional distress to
17 such other person.

18 (3) Engages in a course of conduct or repeatedly uses
19 social media or Internet platforms to communicate to another
20 person, request permission to access Internet profiles or
21 social media information about another person or to
22 communicate with or request permission to access Internet
23 profiles or social media information of those associated with
24 the person, notwithstanding if the other person has knowledge
25 of such conduct or acts:

26 (i) under circumstances which demonstrate or
27 communicates either an intent to place such other person
28 in reasonable fear of bodily injury or to cause
29 substantial emotional distress to such other person; or

30 (ii) which as a result intentionally, knowingly or

1 recklessly places such other person in reasonable fear of
2 bodily injury or causes substantial emotional distress to
3 such other person.

4 (4) Engages in any combination of the course of conduct
5 or acts specified under paragraphs (1), (2) and (3).

6 * * *

7 (c) Grading.--

8 (1) Except as otherwise provided for in paragraph (2), a
9 first offense under this section shall constitute a
10 misdemeanor of the first degree.

11 [(2) A second or subsequent offense under this section
12 or a first offense under subsection (a) if the person has
13 been previously convicted of a crime of violence involving
14 the same victim, family or household member, including, but
15 not limited to, a violation of section 2701 (relating to
16 simple assault), 2702 (relating to aggravated assault), 2705
17 (relating to recklessly endangering another person), 2718
18 (relating to strangulation), 2901 (relating to kidnapping),
19 3121 (relating to rape) or 3123 (relating to involuntary
20 deviate sexual intercourse), an order issued under section
21 4954 (relating to protective orders) or an order issued under
22 23 Pa.C.S. § 6108 (relating to relief) shall constitute a
23 felony of the third degree.]

24 (2) As follows:

25 (i) A first offense under this subsection shall
26 constitute a felony of the third degree if the person has
27 been previously convicted of:

28 (A) a crime of violence as defined under section
29 9714(g) (relating to sentences for second and
30 subsequent offenses);

1 (B) a crime involving the same victim, family or
2 household member, including, but not limited to, a
3 violation of:

4 (I) section 2701 (relating to simple
5 assault;

6 (II) section 2705 (relating to recklessly
7 endangering another person;

8 (III) an order issued under section 4954
9 (relating to protective orders); or

10 (IV) an order issued under 23 Pa.C.S. § 6108
11 (relating to relief).

12 (ii) A second or subsequent offense under this
13 section or a first offense under subsection (a) shall
14 constitute a felony of the third degree.

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