

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1163 Session of 2013

INTRODUCED BY MARSICO, CALTAGIRONE, HESS, ELLIS, CUTLER, DELOZIER, SACCONI, STEPHENS, ROCK, TOOHL, M. K. KELLER, O'NEILL, HACKETT, D. COSTA, MCGEEHAN, MILLARD, SAINATO, PICKETT, ROZZI, BISHOP, WHITE, BAKER, V. BROWN, KILLION, COHEN, DUNBAR, KORTZ, GODSHALL, BARRAR, BIZZARRO, HARHART, C. HARRIS, GINGRICH, SWANGER, MAJOR, CLYMER, WATSON, QUINN, FREEMAN, DeLUCA, SCHLEGEL CULVER, STEVENSON, EVERETT, FLECK, O'BRIEN, HICKERNELL, FARINA, SCAVELLO, SAYLOR, R. MILLER, M. DALEY, FARRY, VEREB, GROVE, DENLINGER, DONATUCCI, HARKINS, MURT, BARBIN, GREINER, SCHREIBER, MOUL, GIBBONS AND ENGLISH, APRIL 9, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 31, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for harassment.

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

5 Section 1. Section 2709(b), and (c)(2)(i) of Title 18 of the <--
6 Pennsylvania Consolidated Statutes are amended, subsection (b.1)
7 is amended by adding a paragraph and subsection (f) is amended
8 by adding definitions to read:

9 SECTION 1. SECTION 2709(B) AND (C)(2) OF TITLE 18 OF THE <--
10 PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED NOVEMBER 27, 2013
11 (P.L.1061, NO.91), ARE AMENDED, SUBSECTION (B.1) IS AMENDED BY
12 ADDING A PARAGRAPH AND SUBSECTION (F) IS AMENDED BY ADDING
13 DEFINITIONS TO READ:

1 § 2709. Harassment.

2 * * *

3 (b) [~~Stalking.--~~] ~~Cyber harassment of a child.~~ <--

4 ~~(1) A person commits the crime of cyber harassment of a~~
5 ~~child if, by means of an electronic communication and with~~
6 ~~intent to harass a child, he repeatedly communicates or, on~~
7 ~~at least one occasion, makes available to a user of an~~
8 ~~electronic social media network or service, information about~~
9 ~~a child under 18 years of age which, whether true or not,~~
10 ~~includes any of the following:~~

11 ~~(i) A statement or opinion about the child's~~
12 ~~sexuality or sexual activity.~~

13 ~~(ii) A disparaging statement or opinion about the~~
14 ~~child's physical characteristics, mental or physical~~
15 ~~health or condition.~~

16 ~~(iii) A threat of unlawful harm.~~

17 ~~(2) Nothing under this subsection shall prohibit a~~
18 ~~communication made for medical, educational or other~~
19 ~~legitimate purposes, if the actor is an adult. CYBER~~ <--

20 ~~HARASSMENT OF A CHILD.--A PERSON COMMITS THE CRIME OF CYBER~~
21 ~~HARASSMENT OF A CHILD IF, WITH INTENT TO HARASS, HE ENGAGES~~
22 ~~IN A CONTINUING COURSE OF CONDUCT BY REPEATEDLY COMMUNICATING~~
23 ~~THE FOLLOWING BY ELECTRONIC MEANS DIRECTLY TO A CHILD OR BY~~
24 ~~PUBLICATION THROUGH AN ELECTRONIC SOCIAL MEDIA SERVICE:~~

25 ~~(1) A STATEMENT OR OPINION ABOUT THE CHILD'S SEXUALITY~~
26 ~~OR SEXUAL ACTIVITY.~~

27 ~~(2) A SERIOUSLY DISPARAGING STATEMENT OR OPINION ABOUT~~
28 ~~THE CHILD'S PHYSICAL CHARACTERISTICS OR MENTAL OR PHYSICAL~~
29 ~~HEALTH OR CONDITION.~~

30 ~~(3) A THREAT TO INFLICT UNLAWFUL HARM.~~

1 (b.1) Venue.--

2 * * *

3 (3) In addition to paragraphs (1) and (2), an offense
4 under subsection (b) may be deemed to have been committed at
5 the place where the child who is the subject of the
6 communication resides.

7 (c) Grading.--

8 * * *

9 ~~(2) (i) An offense under subsection (a) (4), (5), (6) <--~~
10 ~~[or (7)], (7) or (b) shall constitute a misdemeanor of the~~
11 ~~third degree.~~

12 (2) AN OFFENSE UNDER SUBSECTION (A) (4), (5), (6) OR (7) <--
13 OR (B) SHALL CONSTITUTE A MISDEMEANOR OF THE THIRD DEGREE.

14 * * *

15 (f) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 * * *

19 ~~"Disparaging statements or opinions." A statement or opinion <--~~
20 ~~which significantly ridicules, demeans or in the context or~~
21 ~~circumstances, would cause serious embarrassment to the victim.~~

22 ~~"Electronic communication." An electronic communication as~~
23 ~~defined in section 5702 (relating to definitions).~~

24 ~~"Electronic social media network or service." A form of~~
25 ~~electronic communication such as Internet websites for social~~
26 ~~networking through which a user creates an online community to~~
27 ~~share information, an idea, a personal message and other content~~
28 ~~through print, photograph and video.~~

29 "EMOTIONAL DISTRESS." A TEMPORARY OR PERMANENT STATE OF <--
30 MENTAL ANGUISH.

1 * * *

2 "Repeatedly communicates." To convey more than one message
3 over a period of time.

4 "SERIOUSLY DISPARAGING STATEMENT OR OPINION." A STATEMENT OR <--
5 OPINION WHICH IS INTENDED TO AND UNDER THE CIRCUMSTANCES IS
6 REASONABLY LIKELY TO CAUSE SERIOUS EMOTIONAL DISTRESS TO A CHILD
7 OF THE VICTIM'S AGE.

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