

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2181 Session of
2024

INTRODUCED BY WARNER, SCHEUREN, MARCELL, COOK, KUTZ, KAUFFMAN,
BERNSTINE, CABELL, STAATS, GILLEN, M. JONES, JOZWIAK,
SCIALABBA, E. NELSON AND DALEY, APRIL 3, 2024

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in offenses against the family,
3 providing for the offense of child torture.

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 § 4307. Child torture.

9 (a) Offense defined.--A person commits an offense if the
10 person intentionally, knowingly or recklessly tortures a child
11 who is within the custody or physical control of the person.

12 (b) Grading.--

13 (1) An offense under this section is a felony of the
14 third degree if the victim does not suffer bodily injury.

15 (2) An offense under this section is a felony of the
16 first degree if the victim suffers bodily injury.

17 (c) Counseling.--A court shall consider ordering a person
18 convicted of an offense under this section to undergo

1 counseling.

2 (d) Personal injury crime.--An offense under this section
3 shall constitute a personal injury crime under the act of
4 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
5 Act.

6 (e) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "Child." An individual who is under 18 years of age.

10 "Emotional distress." As defined in section 2709.1(f)
11 (relating to stalking).

12 "Period of time." More than a single 48-hour period.

13 "Person." Any individual, including a parent or guardian of
14 a child.

15 "Sexual abuse or exploitation." As defined in 23 Pa.C.S. §
16 6303(a) (relating to definitions).

17 "Torture." A course of conduct against a child that includes
18 at least one of the following acts or substantially similar
19 acts:

20 (1) Breaking, severing or severely impairing a limb of
21 the child.

22 (2) Inflicting severe and prolonged pain from striking,
23 burning or cutting the child.

24 (3) Causing or allowing a grossly unreasonable period of
25 time where the child is deprived of food or water.

26 (4) Knowingly restraining the child so as to interfere
27 substantially with the child's liberty in a grossly
28 unreasonable manner that serves no legitimate parental
29 purpose.

30 (5) Forcing the child to remain in an area that is not

1 suitable for habitation, such as areas where urine or feces
2 are actively present.

3 (6) Subjecting the child to extreme temperatures without
4 adequate clothing.

5 (7) Forcing excessive and unnecessary time periods of
6 exercise or other physical acts as a form of punishment
7 against the child.

8 (8) Engaging in the sexual abuse or exploitation of the
9 child or allowing or participating in the sexual abuse or
10 exploitation of the child by another person.

11 (9) Repeatedly intimidating or humiliating the child for
12 the purpose of causing significant emotional distress.

13 (10) Terrorizing or threatening death or harm to the
14 child, a loved one of the child or a pet or loved object of
15 the child for the purpose of causing significant emotional
16 distress.

17 (11) Restricting basic and necessary bodily functions
18 needed for the personal hygiene of the child.

19 (12) Engaging in conduct that places the child at risk
20 of serious bodily injury.

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