

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 452 Session of 2013

INTRODUCED BY PYLE, KNOWLES, METCALFE, BROOKS, MOUL, SACCONI,  
 TALLMAN, M. K. KELLER, CUTLER, HARHAI, AUMENT, SAYLOR,  
 KAUFFMAN, HICKERNELL, SWANGER, EMRICK, DUNBAR, O'NEILL,  
 PICKETT, MILLARD, MAJOR, GRELL, BAKER, REESE, EVERETT,  
 BOBACK, HESS, KORTZ, FLECK, C. HARRIS, READSHAW, OBERLANDER,  
 CLYMER, ROCK, GROVE, HEFFLEY, MARSICO AND MURT,  
 JANUARY 30, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, providing for the offense of criminal  
 3 surveillance.

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 § 3505. Criminal surveillance.

9 (a) Offense defined.--A person commits the crime of criminal  
 10 surveillance if he engages in surveillance while trespassing in  
 11 a private place.

12 (b) Separate violations.--A separate violation of this  
 13 section shall occur:

14 (1) for each victim of an offense under subsection (a)  
 15 under the same or similar circumstances pursuant to one  
 16 scheme or course of conduct whether at the same or different

1 time; or

2 (2) if a person is a victim of an offense under  
3 subsection (a) on more than one occasion during a separate  
4 course of conduct either individually or otherwise.

5 (c) Penalties.--

6 (1) A single violation of this section shall constitute  
7 a summary offense.

8 (2) Multiple violations of this section shall constitute  
9 a misdemeanor of the third degree.

10 (d) Exceptions.--Subsection (a) shall not apply if the  
11 conduct proscribed under subsection (a) is done by any of the  
12 following:

13 (1) Law enforcement officers during a lawful criminal  
14 investigation.

15 (2) Law enforcement officers, personnel of the  
16 Department of Corrections or a local correctional facility,  
17 prison or jail for security purposes or during investigation  
18 of alleged misconduct by a person in the custody of the  
19 Department of Corrections or local authorities.

20 (3) A person who is a passenger or pilot of an aircraft  
21 operating in a manner consistent with 74 Pa.C.S. § 5501  
22 (relating to ownership of space).

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

26 "Aircraft." The term as defined in 74 Pa.C.S. § 5102  
27 (relating to definitions).

28 "Private place." A place where a person may reasonably  
29 expect to be safe from casual or hostile intrusion or  
30 surveillance.

1       "Surveillance." Observation of the activities of another  
2 person or invading the privacy of the person observed.

3       "Trespassing." Entering or remaining, or causing any  
4 instrument or device equipped with technology to facilitate  
5 surveillance to enter or remain, on the land or in the airspace  
6 of another, by one who knows he is not authorized or privileged  
7 to do so.

8       Section 2. This act shall take effect in 90 days.