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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1280 Session of  
2022

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INTRODUCED BY BOSCOLA, SANTARSIERO, COSTA, FONTANA, COLLETT,  
AUMENT, MENSCH, COMMITTA, BROOKS, MASTRIANO, PITTMAN AND  
YUDICHAK, JUNE 10, 2022

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REFERRED TO JUDICIARY, JUNE 10, 2022

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in riot, disorderly conduct and  
3 related offenses, providing for unlawful disclosure of  
4 residential information of protected persons.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 5518. Unlawful disclosure of residential information of  
10 protected persons.

11 (a) Offense defined.--

12 (1) A person may not knowingly post or publish on the  
13 Internet, or repost, republish or otherwise make available,  
14 the home address or unpublished home telephone number of a  
15 protected person or a family or household member of the  
16 protected person, if such activity is likely to result in the  
17 following:

18 (i) Disclosure of the actual home, home address or

1 the location of the protected person.

2 (ii) Actual or threatened physical harm to the  
3 protected person or the family or household member of the  
4 protected person.

5 (iii) Emotional distress to the protected person or  
6 the family or household member of the protected person.

7 (2) A violation of paragraph (1) shall constitute:

8 (i) A misdemeanor of the third degree for a first  
9 offense.

10 (ii) A misdemeanor of the first degree for a second  
11 or subsequent offense.

12 (b) Agencies.--A State or local government agency may not  
13 knowingly post or publish on the Internet, or repost, republish,  
14 or otherwise make available, the home address or unpublished  
15 home telephone number of a protected person without first  
16 obtaining the written consent of the protected person.

17 (c) Requests for removal.--

18 (1) A protected person or an immediate family member of  
19 the protected person, or the protected person's employer upon  
20 obtaining the written consent of the protected person, may  
21 request that any person, business or association remove from  
22 the Internet, or refrain from disclosing, re-disclosing or  
23 otherwise making available, any of the following information:

24 (i) The home address or unpublished home telephone  
25 number of the protected person.

26 (ii) The name, home address or unpublished home  
27 telephone number of an immediate family member of the  
28 protected person if the information may be used, alone or  
29 in conjunction with any other information, to identify  
30 the protected person.

1           (2) The request under paragraph (1) shall be in writing  
2 and addressed to the person, business or association.

3           (3) Upon receipt of the request under paragraph (1), the  
4 person, business or association shall have 72 hours to comply  
5 with the request.

6           (d) Risk of harm.--Any person, business or association may  
7 not post or publish on the Internet, or disclose, re-disclose or  
8 otherwise make available, the home address or unpublished home  
9 telephone number of a protected person under circumstances in  
10 which a reasonable person would believe that providing that  
11 information would expose another to harassment or risk of harm  
12 to life or property.

13           (e) Civil liability.--

14           (1) A protected person may bring a civil action against  
15 any person, business or association that does not comply with  
16 subsection (c)(3) in the court of common pleas of the county  
17 where the protected person resides. The court may grant the  
18 protected person injunctive or declaratory relief under this  
19 paragraph. If the court grants injunctive or declaratory  
20 relief under this paragraph, the person, business or  
21 association shall pay the reasonable attorney fees and other  
22 court costs incurred by the protected person.

23           (2) A protected person or any other person residing at  
24 the home address of the protected person may bring a civil  
25 action against any person, business or association that does  
26 not comply with subsection (d) in the court of common pleas  
27 of the county where the protected person resides. The court  
28 may award any of the following under this paragraph:

29           (i) Actual damages, but not less than liquidated  
30 damages computed at the rate of \$1,000 for each violation

1 of paragraph (1).

2 (ii) Upon proof of willful or reckless disregard,  
3 punitive damages.

4 (iii) Reasonable attorney fees and court costs  
5 incurred.

6 (iv) Any other preliminary and equitable relief as  
7 the court determines to be appropriate.

8 (f) Affirmative defense.--The provisions of this section  
9 shall not apply to a person engaged in, connected with or  
10 employed by any newspaper of general circulation, any press  
11 association, any radio or television station or any magazine of  
12 general circulation for the purpose of gathering, procuring,  
13 compiling, editing or publishing news.

14 (g) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection unless the context clearly indicates otherwise:

17 "Disclose." To solicit, sell, manufacture, give, provide,  
18 lend, trade, mail, deliver, transfer, post, publish, distribute,  
19 circulate, disseminate, present, exhibit, advertise or offer.

20 "Family or household member." The term shall have the same  
21 meaning as "family or household members" as defined in 23  
22 Pa.C.S. § 6102 (relating to definitions).

23 "Member of the armed services of the United States or  
24 National Guard." Includes individuals on active duty and those  
25 in reserve units or guard units.

26 "Protected person." Any of the following:

27 (1) A public safety officer or a member of the armed  
28 services of the United States or National Guard.

29 (2) Any active, formerly active or retired judicial  
30 officers as defined in 42 Pa.C.S. § 102 (relating to

1 definitions).

2 (3) A district attorney or prosecutor.

3 "Public safety officer." Any police officer or other officer

4 with the authority to make arrests for any violation of law, a

5 corrections officer or a probation or parole officer.

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