

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 975 Session of 2023

INTRODUCED BY BROOKS, BROWN, COSTA, DUSH, SCHWANK AND STEFANO, OCTOBER 31, 2023

SENATOR BAKER, JUDICIARY, AS AMENDED, NOVEMBER 14, 2023

AN ACT

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

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

6 Section 1. Section 2706(d) 2706 of Title 18 of the <--
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 2706. Terroristic threats.

9 * * * <--

10 (A) OFFENSE DEFINED.--A PERSON COMMITS THE CRIME OF <--
11 TERRORISTIC THREATS IF THE PERSON COMMUNICATES, EITHER DIRECTLY
12 OR INDIRECTLY, A THREAT TO:

13 (1) COMMIT ANY CRIME OF VIOLENCE WITH INTENT TO
14 TERRORIZE ANOTHER;

15 (2) CAUSE EVACUATION OF A BUILDING, PLACE OF ASSEMBLY OR
16 FACILITY OF PUBLIC TRANSPORTATION; OR

17 (3) OTHERWISE CAUSE SERIOUS PUBLIC INCONVENIENCE, OR
18 CAUSE TERROR OR SERIOUS PUBLIC INCONVENIENCE WITH RECKLESS

1 DISREGARD OF THE RISK OF CAUSING SUCH TERROR OR
2 INCONVENIENCE.

3 (B) ~~[RESTITUTION.--A]~~ COSTS OF RESPONDING TO THREAT.--
4 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON CONVICTED
5 OR ADJUDICATED DELINQUENT OF VIOLATING THIS SECTION SHALL[, IN
6 ADDITION TO ANY OTHER SENTENCE IMPOSED OR RESTITUTION ORDERED
7 UNDER 42 PA.C.S. § 9721(C) (RELATING TO SENTENCING GENERALLY),
8 BE SENTENCED TO PAY RESTITUTION IN AN AMOUNT EQUAL TO THE COST
9 OF THE EVACUATION, INCLUDING, BUT NOT LIMITED TO, FIRE AND
10 POLICE RESPONSE; EMERGENCY MEDICAL SERVICE OR EMERGENCY
11 PREPAREDNESS RESPONSE; AND TRANSPORTATION OF AN INDIVIDUAL FROM
12 THE BUILDING, PLACE OF ASSEMBLY OR FACILITY.] BE SENTENCED TO
13 PAY ANY COSTS OF AN EVACUATION OR OTHER RESPONSE RESULTING FROM
14 THE THREAT THAT GAVE RISE TO THE VIOLATION OF THIS SECTION,
15 INCLUDING, BUT NOT LIMITED TO:

16 (1) THE COSTS OF SUPPLIES, EQUIPMENT OR MATERIALS USED
17 BY AN EMERGENCY MEDICAL SERVICES AGENCY, FIRE COMPANY, LAW
18 ENFORCEMENT AGENCY, SCHOOL DISTRICT, EDUCATIONAL FACILITY OR
19 OTHER GOVERNMENTAL ENTITY TO RESPOND TO THE THREAT.

20 (2) THE COSTS OF PREPARED AND UNPREPARED FOOD THAT WENT
21 UNUSED AS A RESULT OF AN EVACUATION OR DIVERSION FROM THE
22 NORMAL OR CUSTOMARY OPERATIONS OF A SCHOOL OR EDUCATIONAL
23 FACILITY THAT RESPONDED TO THE THREAT.

24 (3) THE SALARY OR OTHER WAGES, INCLUDING OVERTIME PAY,
25 OF ANY EMPLOYEE OF A LAW ENFORCEMENT AGENCY, POLICE
26 DEPARTMENT, FIRE COMPANY, MEDICAL SERVICES AGENCY, SCHOOL
27 DISTRICT, EDUCATIONAL FACILITY OR OTHER GOVERNMENTAL ENTITY
28 FOR THE TIME SPENT RESPONDING TO THE THREAT.

29 (4) THE SALARY OR OTHER WAGES, INCLUDING OVERTIME PAY,
30 OF ANY TEACHER, ADMINISTRATOR, AIDE OR OTHER EMPLOYEE OF A

1 SCHOOL OR EDUCATIONAL FACILITY WHO WAS PAID DESPITE THE
2 DIVERSION OF NORMAL OR CUSTOMARY OPERATIONS OF THE SCHOOL OR
3 EDUCATIONAL FACILITY.

4 (C) PRESERVATION OF PRIVATE REMEDIES.--NO JUDGMENT OR ORDER
5 OF [RESTITUTION] COSTS SHALL DEBAR A PERSON, BY APPROPRIATE
6 ACTION, TO RECOVER FROM THE OFFENDER AS OTHERWISE PROVIDED BY
7 LAW, PROVIDED THAT ANY CIVIL AWARD SHALL BE REDUCED BY THE
8 AMOUNT PAID UNDER THE CRIMINAL JUDGMENT.

9 (d) Grading.--[An]

10 (1) Except as provided under paragraph (2), an offense
11 under subsection (a) constitutes a misdemeanor of the first
12 degree [unless the].

13 (2) An offense under subsection (a) constitutes a felony
14 of the third degree if:

15 (i) the threat causes the occupants of the building,
16 place of assembly or facility of public transportation to
17 be diverted from their normal or customary operations[,]
18 in which case the offense constitutes a felony of the
19 third degree.]; or

20 (ii) the threat relates to a school or educational
21 facility.

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23 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM
24 "COMMUNICATES" MEANS CONVEYS IN PERSON OR BY WRITTEN OR
25 ELECTRONIC MEANS, INCLUDING TELEPHONE, ELECTRONIC MAIL,
26 INTERNET, FACSIMILE, TELEX AND SIMILAR TRANSMISSIONS.

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