

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 163 Session of 2021

INTRODUCED BY STAATS, LABS, SCHLEGEL CULVER, BOBACK, ECKER, RYAN, THOMAS, HILL-EVANS, ISAACSON, HOHENSTEIN, ROTHMAN, CIRESI, DeLUCA, NEILSON, SHUSTERMAN, JONES, STEPHENS, POLINCHOCK, KEEFER AND GILLEN, JANUARY 14, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 15, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, further providing
3 for the offense of invasion of privacy.

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

6 Section 1. Section 7507.1(a)(3), (b) and (e) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 7507.1. Invasion of privacy.

9 (a) Offense defined.--Except as set forth in subsection (d),
10 a person commits the offense of invasion of privacy if he, for
11 the purpose of arousing or gratifying the sexual desire of any
12 person, knowingly does any of the following:

13 \* \* \*

14 (3) Transfers or transmits an image or video obtained in
15 violation of paragraph (1) or (2) by live or recorded
16 telephone message, electronic mail or the Internet or by any
17 other transfer of the medium on which the image is stored.

1 \* \* \*

2 (b) Grading.--[Invasion] A violation of this section shall  
3 be graded as follows:

4 (1) Except as provided under paragraph (2), invasion of  
5 privacy is a misdemeanor of the second degree if there is  
6 more than one violation. Otherwise, a violation of this  
7 section is a misdemeanor of the third degree. The grading  
8 under this paragraph shall also apply if both the victim and  
9 the offender are minors.

10 (2) If the offender is a teacher and the victim is a  
11 student or the offender is an adult and the victim is a  
12 minor, a violation of this section is:

13 (i) A felony of the third degree for a first  
14 violation.

15 (ii) A felony of the second degree for a second or  
16 subsequent violation.

17 \* \* \*

18 (e) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection:

21 "Full or partial nudity." Display of all or any part of the  
22 human genitals or pubic area or buttocks, or any part of the  
23 nipple of the breast of any female person, with less than a  
24 fully opaque covering.

25 "Intimate part." Any part of:

26 (1) the human genitals, pubic area or buttocks; and

27 (2) the nipple of a female breast.

28 "Photographs" or "films." Making any photograph, motion  
29 picture film, videotape or any other recording or transmission  
30 of the image of a person.

1 "Place where a person would have a reasonable expectation of  
2 privacy." A location where a reasonable person would believe  
3 that he could disrobe in privacy without being concerned that  
4 his undressing was being viewed, photographed or filmed by  
5 another.

6 "Student." An individual enrolled and receiving instruction  
7 at a public or private school within this Commonwealth in  
8 prekindergarten through grade twelve; OR WHO IS RECEIVING <--  
9 TRANSITIONAL SERVICE TRAINING BEFORE ATTAINING 21 YEARS OF AGE.

10 "Teacher." A professional employee, temporary professional  
11 employee, substitute or instructor in a public or private school  
12 within this Commonwealth who provides instruction to students in  
13 prekindergarten through grade twelve; OR WHO IS RECEIVING <--  
14 TRANSITIONAL SERVICE TRAINING BEFORE ATTAINING 21 YEARS OF AGE.

15 "Views." Looking upon another person with the unaided eye or  
16 with any device designed or intended to improve visual acuity.

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