

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 99 Session of 2013

INTRODUCED BY O'BRIEN, CALTAGIRONE, STURLA, BROWNLEE, DONATUCCI, BIZZARRO, R. BROWN, COHEN, D. COSTA, DAVIDSON, DAVIS, FRANKEL, FREEMAN, MAHONEY, MATZIE, MCCARTER, MURT, ROEBUCK, ROZZI, SCHLOSSBERG AND YOUNGBLOOD, JANUARY 14, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 14, 2013

AN ACT

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

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

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

7 § 2709.2. Bullying.

8 (a) Offense defined.--A person commits the offense of
9 bullying when the person commits a defined crime with the intent
10 to:

11 (1) harass, annoy, alarm or intimidate another
12 individual or group of individuals; or

13 (2) place another individual or group of individuals in
14 fear of personal injury or property damage.

15 (b) Grading.--

16 (1) Except as provided under paragraph (2), an offense
17 under subsection (a) (1) or (2) committed by a person under 18

1 years of age shall constitute a summary offense.

2 (2) A third or subsequent offense under subsection
3 (a) (1) or (2) committed by a person under 18 years of age
4 shall constitute a misdemeanor of the third degree.

5 (3) Except as provided under paragraph (4), an offense
6 under subsection (a) (1) or (2) committed by a person 18 years
7 of age or older shall constitute a misdemeanor of the third
8 degree.

9 (4) A third or subsequent offense under subsection
10 (a) (1) or (2) committed by a person 18 years of age or older
11 shall constitute a misdemeanor of the second degree.

12 (c) False report.--A person who knowingly gives false
13 information to a law enforcement officer with the intent to
14 implicate a person under this section commits a offense under
15 section 4906 (relating to false reports to law enforcement
16 authorities).

17 (d) Venue.--

18 (1) An offense committed under this section may be
19 deemed to have been committed at either the place at which
20 the communications or actions were made or at the place where
21 the communications or actions were received.

22 (2) Acts indicating a course of conduct that occur in
23 more than one jurisdiction may be used by any other
24 jurisdiction in which an act occurred as evidence of a
25 continuing pattern of conduct or a course of conduct.

26 (e) Application of section.--This section shall not apply to
27 conduct by a party to a labor dispute as defined in the act of
28 June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-
29 Injunction Act, or to any constitutionally protected activity.

30 (f) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Defined crime." An offense under any other provision of
4 this section or under Chapters 33 (relating to arson, criminal
5 mischief and other property destruction), exclusive of section
6 3307 (relating to institutional vandalism), 35 (relating to
7 burglary and other criminal intrusion), exclusive of section
8 3503 (relating to criminal trespass), 41 (relating to forgery
9 and fraudulent practices), 57 (relating to wiretapping and
10 electronic surveillance), 75 (relating to other offenses) and 76
11 (relating to computer offenses).

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