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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1165 Session of  
2018

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INTRODUCED BY MARTIN, VULAKOVICH, RESCHENTHALER, RAFFERTY,  
AUMENT, WAGNER, YUDICHAK, STEFANO AND BROWNE, MAY 10, 2018

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REFERRED TO JUDICIARY, MAY 10, 2018

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in assault, further providing for terroristic  
4 threats; and, in juvenile matters, further providing for  
5 detention of child and for investigation and report.

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

8 Section 1. Section 2706(a) and (d) of Title 18 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 2706. Terroristic threats.

11 (a) Offense defined.--A person commits the crime of  
12 terroristic threats if the person communicates, either directly  
13 or indirectly, a threat to:

14 (1) commit any crime of violence with intent to  
15 terrorize another;

16 (2) cause evacuation of a building, place of assembly or  
17 facility of public transportation; [or]

18 (3) otherwise cause serious public inconvenience, or  
19 cause terror or serious public inconvenience with reckless

1 disregard of the risk of causing such terror or  
2 inconvenience[.]; or

3 (4) commit any crime of violence against the population  
4 of a school, regardless of whether or not the threat causes  
5 the school to evacuate.

6 \* \* \*

7 (d) Grading.--As follows:

8 (1) An offense under subsection [(a)] (a)(1) constitutes  
9 a misdemeanor of the first degree. [unless the threat causes  
10 the occupants of the building, place of assembly or facility  
11 of public transportation to be diverted from their normal or  
12 customary operations, in which case the offense constitutes a  
13 felony of the third degree.]

14 (2) An offense under subsection (a)(2) or (3)  
15 constitutes a felony of the third degree.

16 (3) An offense under subsection (a)(4) constitutes a  
17 felony of the second degree.

18 \* \* \*

19 Section 2. Sections 6325 and 6339(b) of Title 42 are amended  
20 to read:

21 § 6325. Detention of child.

22 (a) Detention.--A child taken into custody shall not be  
23 detained or placed in shelter care prior to the hearing on the  
24 petition unless his detention or care is required to protect the  
25 person or property of others or of the child or because the  
26 child may abscond or be removed from the jurisdiction of the  
27 court or because he has no parent, guardian, or custodian or  
28 other person able to provide supervision and care for him and  
29 return him to the court when required, or an order for his  
30 detention or shelter care has been made by the court pursuant to

1 this chapter.

2 (b) Terroristic threats.--A child who is charged with the  
3 crime of terroristic threats under 18 Pa.C.S. § 2706(a)  
4 (relating to terroristic threats) shall be placed in a secure  
5 detention facility. The child shall be detained and may not be  
6 released until completion of a mental health examination and a  
7 home risk assessment, which shall include a visit to the primary  
8 residence of the child.

9 § 6339. Investigation and report.

10 \* \* \*

11 (b) Physical and mental examinations and treatment.--The  
12 following apply:

13 (1) During the pendency of any proceeding the court may  
14 order the child to be examined at a suitable place by a  
15 physician or psychologist and may also order medical or  
16 surgical treatment of a child who is suffering from a serious  
17 physical condition or illness which in the opinion of a  
18 licensed physician requires prompt treatment, even if the  
19 parent, guardian, or other custodian has not been given  
20 notice of a hearing, is not available, or without good cause  
21 informs the court of his refusal to consent to the treatment.

22 (2) The court shall order a child who is charged with  
23 the crime of terroristic threats under 18 Pa.C.S. § 2706(a)  
24 (relating to terroristic threats) to be examined at a  
25 suitable place by a psychiatrist or psychologist prior to the  
26 hearing on a petition.

27 Section 3. This act shall take effect in 60 days.