

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 152

**Printer's No.:** 104

**Sponsor:** Senator Greenleaf

**Prepared by:** Gregg Warner

**Synopsis:** This bill adds section 4916 to the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, prohibiting a person from simulating legal process over another person or property knowing that the basis for the action is fraudulent. The bill also adds section 4917, prohibiting a person from using an unofficial license plate.

### **Summary:**

#### **Simulated legal process**

Section 4916 of the Crimes Code prohibits a person from exercising jurisdiction over another person or property through the use of simulated legal process affecting title to real or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments or any other legal documents or proceedings, knowing or having reason to know that the contents of the documents or proceedings or basis for the action to be fraudulent.

#### **Impersonating a public official or legal tribunal**

Section 4916 prohibits a person from deliberately impersonating or falsely acting as a public official or legal tribunal, including a judge, prosecutor, sheriff, deputy, constable or other court personnel or law enforcement authority, relating to any legal process affecting any person or property or otherwise taking action under the color of law against any person or property.

#### **Hindering a public official**

Section 4916 prohibits a person under the color of law from falsely attempting to influence, intimidate or hinder a public official or law enforcement officer in the discharge of his official duties by threat of or actual physical violence, harassment, through simulated legal process or by other unlawful act.

### **Grading**

The offenses under section 4916 are graded as misdemeanors of the second degree.

### **Exceptions**

Nothing in section 4916 makes unlawful an act of a law enforcement officer, public official or legal tribunal which is performed under lawful authority. Nothing in section 4916 prohibits or in any way limits persons from assembling freely to express their opinions or in any way limits a person's lawful and legitimate access to the courts or prevents a person from instituting or responding to legitimate and lawful legal process.

### **Definitions**

The bill defines "legal process" as a document or order issued by a court or other legal tribunal filed or recorded for the purpose of exercising jurisdiction or presenting a claim against a person or property for the purpose of directing a person to appear before a court or other legal tribunal or for the purpose of directing a person to perform or refrain from performing a specified act.

"Legal tribunal" is a court, magisterial district judge or other judicial officer vested with the power to enter an order in a matter.

### **Unofficial license plate**

Section 4917 makes the use of an unofficial license plate a misdemeanor of the third degree. An unofficial license plate is one not authorized under the Vehicle Code, Title 75 of the Pennsylvania Consolidated Statutes, or the law of another jurisdiction.

### **Effective date**

This act takes effect in 60 days.

**Background:** Senate Bill 152 is based on a model act prepared by the Anti-Defamation League. The legislation was developed to address concerns about antigovernment groups who have established their own legal tribunals and serve legal documents on public officials and private citizens. According to the ADL, these tribunals "use legal sounding language and official looking documents to charge government officials with treason or other crimes, to file phony liens against public officials and ordinary citizens, and otherwise harass and threaten legitimate law enforcement personnel."

Because of the practice by some people of using official-looking license plates from nonexistent jurisdictions, this bill also addresses the issue of unofficial license plates. These plates are used to deliberately mislead the police. For example, plates from the British West Indies do not refer to a country. The British West Indies are a group of islands, each one governed separately. However, plates purporting to be from the British West Indies (actually manufactured in Nevada) have caused confusion for police.

### **Legislative history**

In 2011-2012 this legislation was introduced as Senate Bill 50 but it was not considered. In three prior sessions the Senate passed this legislation.