

COMMITTEE BILL ANALYSIS

Bill: House Bill 1163

Printer's No.: 3273

Sponsor: Rep. Marsico

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Synopsis: This bill amends section 2709 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, relating to harassment, to establish the offense of cyber harassment of a child.

Summary: A person commits the crime of cyber harassment of a child if, with the intent to harass, the person engages in a continuing course of conduct by repeatedly communicating by electronic means directly to a child or by publication through an electronic social media service:

- (1) A statement or opinion about the child's sexuality or sexual activity.
 - (2) A seriously disparaging statement or opinion about the child's physical characteristics or mental or physical health or condition.
 - (3) A threat to inflict unlawful harm.
- This offense is a misdemeanor of the third degree.

Venue

This offense may be deemed to have been committed at the place where the child who is the subject of the communication resides.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 1163 on April 1, 2014 by a vote of 200 to 0.

Current law

Last session the General Assembly passed 2012 Act 198 establishing the crime of transmission of sexually explicit images by minor (18 Pa.C.S. §6321). A minor commits a misdemeanor of the second degree when with the intent to coerce, intimidate, torment, harass or otherwise cause emotional distress to another minor, the minor makes a visual depiction of any minor in a state of nudity or transmits, distributes, publishes or disseminates a visual depiction of any minor in a state of nudity, without the knowledge and consent of the depicted minor.