

COMMITTEE BILL ANALYSIS

Bill: House Bill 27

Printer's No.: 2064

Sponsor: Rep. Marsico

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Synopsis: This bill amends section 2709 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to increase the grading for harassment by one degree if there was a violation of a Protection From Abuse (PFA) order involving the same victim.

Summary: The criminal offense of harassment is graded as a summary offense when, with the intent to harass, annoy or alarm another, the person subjects the other person to physical contact, or attempts or threatens to do the same; follows the other person in or about a public place; or engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose. The bill provides that harassment under these circumstances will be enhanced by one degree to a third degree misdemeanor if the person has previously violated an order issued under the Protection From Abuse Act involving the same victim, family or household member.

Definition

“Family or household member” is defined as spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 27 on June 25, 2013 by a vote of 199 to 0.

House Bill 27 tracks similar language in section 2709.1 of the Crimes Code, relating to stalking. The Protection From Abuse Act is found at 23 Pa.C.S. Ch. 61. The definition of “family or household member” is identical to the definition of the same phrase in the Protection From Abuse Act (23 Pa.C.S. §6102) and the corresponding provision in 18 Pa.C.S. §2709.1.

Harassment under other circumstances is already a third degree misdemeanor.

A summary offense is punishable by imprisonment for a term not exceeding 90 days or a fine not exceeding \$300, or both. A misdemeanor of the third degree is punishable by imprisonment not exceeding one year or a fine not exceeding \$2,500, or both. 18 Pa.C.S. Ch. 11.