

COMMITTEE BILL ANALYSIS

Bill: House Bill 815

Printer's No.: 1711

Sponsor: Rep. Grove

Prepared by: Gregg Warner

Synopsis: This bill amends the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, providing for the crime of sexting by minors.

Summary:

Offense

A minor who knowingly transmits an electronic communication or disseminates a depiction of himself or another minor, or possesses a depiction of another minor, engaging in sexually explicit conduct commits a misdemeanor of the second degree.

Alternatives and expungement

A minor accused of violating this offense may be considered for a diversionary alternative prior to a law enforcement officer's submission of a written allegation of delinquency or an adjudicatory alternative subsequent to the submission of a written allegation of delinquency.

For a juvenile who fulfills the conditions of a diversionary alternative, informal adjustment or consent decree for this offense, the record, including fingerprints and photographs, shall be expunged

Seizure and forfeiture

An electronic device used in violation of this offense may be seized and forfeited to the Commonwealth.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 815 on May 23, 2011 by a vote of 178 to 20. On October 19, 2011 the Senate passed Senate Bill 850 by a vote of 50 to 0. Among other juvenile justice provisions, Senate Bill 850 includes provisions relating to cyberbullying by minors.

The Senate Judiciary Committee discussed House Bill 815 and an amendment to it on September 25, 2012 and decided to hold the bill over for additional work on the amendment.