
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2437 Session of
2018

INTRODUCED BY CORBIN, READSHAW, BERNSTINE, CORR, SCHLEGEL
CULVER, CHARLTON, STEPHENS, ROTHMAN, WARD, MILLARD, GREINER,
YOUNGBLOOD, GILLESPIE, McCLINTON, DALEY, PICKETT, HILL-EVANS,
ROE, HEFFLEY AND SCHWEYER, MAY 24, 2018

REFERRED TO COMMITTEE ON JUDICIARY, MAY 24, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations) and 42 (Judiciary and Judicial Procedure) of the
3 Pennsylvania Consolidated Statutes, in assault, further
4 providing for the offense of stalking; in wiretapping and
5 electronic surveillance, further providing for definitions;
6 in domestic and sexual violence victim address
7 confidentiality, further providing for penalties; and, in
8 sentencing, further providing for sentences for second and
9 subsequent offenses.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2709.1(c) (2) of Title 18 of the
13 Pennsylvania Consolidated Statutes is amended to read:

14 § 2709.1. Stalking.

15 * * *

16 (c) Grading.--

17 * * *

18 (2) A second or subsequent offense under this section or
19 a first offense under subsection (a) if the person has been
20 previously convicted of a crime of violence involving the

1 same victim, family or household member, including, but not
2 limited to, a violation of section 2701 (relating to simple
3 assault), 2702 (relating to aggravated assault), 2705
4 (relating to recklessly endangering another person), 2718
5 (relating to strangulation), 2901 (relating to kidnapping),
6 3121 (relating to rape) or 3123 (relating to involuntary
7 deviate sexual intercourse), an order issued under section
8 4954 (relating to protective orders) or an order issued under
9 23 Pa.C.S. § 6108 (relating to relief) shall constitute a
10 felony of the third degree.

11 * * *

12 Section 2. The definition of "crime of violence" in section
13 5702 of Title 18 is amended to read:

14 § 5702. Definitions.

15 As used in this chapter, the following words and phrases
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Crime of violence." Any of the following:

20 (1) Any of the following crimes:

21 (i) Murder in any degree as defined in section
22 2502(a), (b) or (c) (relating to murder).

23 (ii) Voluntary manslaughter as defined in section
24 2503 (relating to voluntary manslaughter), drug delivery
25 resulting in death as defined in section 2506(a)
26 (relating to drug delivery resulting in death),
27 aggravated assault as defined in section 2702(a)(1) or
28 (2) (relating to aggravated assault), 2718 (relating to
29 strangulation), kidnapping as defined in section 2901(a)
30 or (a.1) (relating to kidnapping), rape as defined in

1 section 3121(a), (c) or (d) (relating to rape),
2 involuntary deviate sexual intercourse as defined in
3 section 3123(a), (b) or (c) (relating to involuntary
4 deviate sexual intercourse), sexual assault as defined in
5 section 3124.1 (relating to sexual assault), aggravated
6 indecent assault as defined in section 3125(a) or (b)
7 (relating to aggravated indecent assault), incest as
8 defined in section 4302(a) or (b) (relating to incest),
9 arson as defined in section 3301(a) (relating to arson
10 and related offenses), burglary as defined in section
11 3502(a)(1) (relating to burglary), robbery as defined in
12 section 3701(a)(1)(i), (ii) or (iii) (relating to
13 robbery) or robbery of a motor vehicle as defined in
14 section 3702(a) (relating to robbery of [a] motor
15 vehicle).

16 (iii) Intimidation of witness or victim as defined
17 in section 4952(a) and (b) (relating to intimidation of
18 witnesses or victims).

19 (iv) Retaliation against witness, victim or party as
20 defined in section 4953(a) and (b) (relating to
21 retaliation against witness, victim or party).

22 (v) Criminal attempt as defined in section 901(a)
23 (relating to criminal attempt), criminal solicitation as
24 defined in section 902(a) (relating to criminal
25 solicitation) or criminal conspiracy as defined in
26 section 903(a) (relating to criminal conspiracy) to
27 commit any of the offenses specified in this definition.

28 (2) Any offense equivalent to an offense under paragraph
29 (1) under the laws of this Commonwealth in effect at the time
30 of the commission of that offense or under the laws of

1 another jurisdiction.

2 * * *

3 Section 3. Section 6711(b) (2) of Title 23 is amended to
4 read:

5 § 6711. Penalties.

6 * * *

7 (b) Access by fraud or misrepresentation.--

8 * * *

9 (2) A first offense under paragraph (1) shall be graded
10 as a felony of the third degree if it is committed by any
11 person who has previously been convicted of a crime of
12 violence involving the program participant under paragraph
13 (1) or the program participant's family or household member
14 as defined in section 6102 (relating to definitions),
15 including:

16 18 Pa.C.S. § 2701 (relating to simple assault);

17 18 Pa.C.S. § 2702 (relating to aggravated assault);

18 18 Pa.C.S. § 2705 (relating to recklessly endangering
19 another person);

20 18 Pa.C.S. § 2709 (relating to harassment);

21 18 Pa.C.S. § 2709.1 (relating to stalking);

22 18 Pa.C.S. § 2718 (relating to strangulation);

23 18 Pa.C.S. § 2901 (relating to kidnapping);

24 18 Pa.C.S. § 3121 (relating to rape);

25 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
26 intercourse);

27 18 Pa.C.S. § 4954 (relating to protective orders); or

28 23 Pa.C.S. § 6108 (relating to relief).

29 * * *

30 Section 4. Section 9714(g) of Title 42 is amended to read:

1 § 9714. Sentences for second and subsequent offenses.

2 * * *

3 (g) Definition.--As used in this section, the term "crime of
4 violence" means murder of the third degree, voluntary
5 manslaughter, manslaughter of a law enforcement officer as
6 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
7 homicide of law enforcement officer), murder of the third degree
8 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
9 (relating to murder of unborn child), aggravated assault of an
10 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
11 aggravated assault of unborn child), aggravated assault as
12 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
13 aggravated assault), assault of law enforcement officer as
14 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
15 enforcement officer), use of weapons of mass destruction as
16 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
17 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
18 (relating to terrorism), strangulation as defined in 18 Pa.C.S.
19 § 2718 (relating to strangulation), trafficking of persons when
20 the offense is graded as a felony of the first degree as
21 provided in [18 Pa.C.S. § 3002 (relating to trafficking of
22 persons)] 18 Pa.C.S. § 3011 (relating to trafficking in
23 individuals), rape, involuntary deviate sexual intercourse,
24 aggravated indecent assault, incest, sexual assault, arson
25 endangering persons or aggravated arson as defined in 18 Pa.C.S.
26 § 3301(a) or (a.1) (relating to arson and related offenses),
27 ecoterrorism as classified in 18 Pa.C.S. § 3311(b)(3) (relating
28 to ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S.
29 § 3502(a)(1) (relating to burglary), robbery as defined in 18
30 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or

1 robbery of a motor vehicle, drug delivery resulting in death as
2 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
3 resulting in death), or criminal attempt, criminal conspiracy or
4 criminal solicitation to commit murder or any of the offenses
5 listed above, or an equivalent crime under the laws of this
6 Commonwealth in effect at the time of the commission of that
7 offense or an equivalent crime in another jurisdiction.

8 Section 5. This act shall take effect in 60 days.