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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2572 Session of  
2018

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INTRODUCED BY DeLUCA, THOMAS, YOUNGBLOOD, JAMES, HILL-EVANS,  
KORTZ, NEILSON, J. McNEILL AND DALEY, JULY 31, 2018

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REFERRED TO COMMITTEE ON JUDICIARY, JULY 31, 2018

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in assault, further providing for  
3 harassment.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 2709(a.1) of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 2709. Harassment.

9 \* \* \*

10 (a.1) Cyber harassment of a child.--

11 (1) A person commits the crime of cyber harassment of a  
12 child if, with intent to harass, annoy or alarm, the person  
13 engages in a continuing course of conduct of making any of  
14 the following by electronic means directly to a child or by  
15 publication through an electronic social media service:

16 (i) seriously disparaging statement or opinion about  
17 the child's physical characteristics, sexuality, sexual  
18 activity or mental or physical health or condition; or

1 (ii) threat to inflict harm.

2 (2) (i) If a juvenile is charged with a violation of  
3 paragraph (1), the judicial authority with jurisdiction  
4 over the violation shall give first consideration to  
5 referring the juvenile charged with the violation to a  
6 diversionary program under Pa.R.J.C.P. No. 312 (relating  
7 to Informal Adjustment) or No. 370 (relating to Consent  
8 Decree). As part of the diversionary program, the  
9 judicial authority [may] shall order the juvenile to  
10 participate in an educational program which includes the  
11 legal and nonlegal consequences of cyber harassment.

12 (ii) If the person successfully completes the  
13 diversionary program, the juvenile's records of the  
14 charge of violating paragraph (1) shall be expunged as  
15 provided for under section 9123 (relating to juvenile  
16 records).

17 (iii) A juvenile's parent or legal guardian shall be  
18 required to attend and complete the educational program  
19 under subparagraph (i) with the juvenile.

20 \* \* \*

21 Section 2. This act shall take effect in 60 days.