

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 1167

**Printer's No.:** 1659

**Sponsor:** Senator Schwank

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, adding the offense of intimate partner harassment.

**Summary:** New section 2709.2 makes it the crime of intimate partner harassment by exposing a photograph, film, videotape or similar recording of the identifiable image of an intimate partner who is nude or explicitly engaged in a sexual act to the view of a third party for no legitimate purpose and with intent to harass, annoy or alarm the person depicted.

It is not an offense if the person depicted has given consent.

### **Grading**

An offense under section 2709.2 is a felony of the third degree when the person depicted is a minor and a misdemeanor of the third degree when the person depicted is not a minor.

### **Effective date**

This act takes effect in 60 days.

**Background:** According to the sponsor, Senate Bill 1167 addresses situations “where a person posts sexually explicit photos or videos of an ex-spouse or lover online, typically accompanied by abusive comments, identifying information that includes the victim’s name and/or where they live and work, and even links to the victim’s social media accounts. One woman even found photos of her posted to her new name after she had changed it to separate herself from the images.

The nature of these acts is particularly personal and malignant, and the abuse can be devastating to victims, who nationally have lost jobs, had relationships with family and friends severely damaged and found themselves stalked by strangers. Unfortunately, it is not illegal to use them in this way. In Pennsylvania, for example, even harassment charges apparently would apply only if there is a repeated course of conduct despite the reality that a single internet posting can result today in an infinite number of viewings.”