

General Assembly Adds “Cyber Harassment” To Pennsylvania Criminal Code

Articles September 18, 2015

SUMMARY

On July 10, 2015, the Pennsylvania General Assembly adopted Act 26 of 2015, which amends Title 18, Section 2709 (“Harassment”) of the Pennsylvania Consolidated Statutes by adding the crime of cyber harassment. Cyber harassment occurs when, “with intent to harass, annoy or alarm,” a person publishes an electronic message directly to a child or via social media containing: (1) seriously disparaging statements about the child’s “physical characteristics, sexuality, sexual activity or mental or physical health or condition”; or (2) a threat to inflict harm. Act 26 also adds relevant definitions for terms such as “emotional distress” and “seriously disparaging statement or opinion.”

The Act further provides that when a juvenile is charged with cyber harassment, the court is instructed to give first consideration to a diversionary program which may include an educational program about the legal and non-legal consequences of cyber harassment. Successful completion of the diversionary program will result in the expungement of the juvenile’s record.

Act 26 of 2015 takes effect on September 10, 2015.

PRACTICAL ADVICE

Districts are advised to review their Bullying policies with their solicitor to determine whether updates are needed to ensure that the policies are consistent with Act 26.

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