

No. 1998-76

AN ACT

HB 1778

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for terroristic threats and for obscene and other sexual materials.

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

Section 1. Sections 2706 and 5903(a) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2706. Terroristic threats.

(a) *Offense defined.*—A person is guilty of a misdemeanor of the first degree if he threatens to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

(b) *Restitution.*—*If the building, place of assembly or facility of public transportation is owned or occupied by a school district, the person convicted of violating this section shall, in addition to any other sentence imposed, be sentenced to pay the school district restitution in an amount equal to the cost of the evacuation, including, but not limited to, the transportation of students and staff from the building, place of assembly or facility.*

(c) *Preservation of private remedies.*—*No judgment or order of restitution shall debar the school district, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under the criminal judgment.*

§ 5903. Obscene and other sexual materials and performances.

(a) Offenses defined.—No person, knowing the obscene character of the materials or performances involved, shall:

(1) display or cause or permit the display of any explicit sexual materials as defined in subsection (c) in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare, or in any business or commercial establishment where minors, as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials;

(2) sell, lend, distribute, exhibit, give away or show any obscene materials to any person 18 years of age or older or offer to sell, lend, distribute, exhibit or give away or show, or have in his possession with

intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person 18 years of age or older, or knowingly advertise any obscene materials in any manner;

(3) design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials;

(4) write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had;

(5) produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity; [or]

(6) hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this subsection[.];

(7) knowingly take or deliver in any manner any obscene material into a State correctional institution, county prison, regional prison facility or any other type of correctional facility;

(8) possess any obscene material while such person is an inmate of any State correctional institution, county prison, regional prison facility or any other type of correctional facility; or

(9) knowingly permit any obscene material to enter any State correctional institution, county prison, regional prison facility or any other type of correctional facility if such person is a prison guard or other employee of any correctional facility described in this paragraph.

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

APPROVED—The 18th day of June, A.D. 1998.

THOMAS J. RIDGE