

# Pennsylvania

A variety of forms of street harassment are illegal in Pennsylvania, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

## Verbal Harassment

There are three laws in Pennsylvania that prohibit some form of verbal street harassment. Pennsylvania also protects against ethnic intimidation. If a harasser has intimidated you based on your race, color, religion, or national origin, you can include this information in your report.

### ***Disorderly Conduct***

#### [Title 18, Chap. 55 § 5503](#)

Disorderly conduct in Pennsylvania includes the following conduct if it is done with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof:

- Making unreasonable noise.
- Using obscene language or making an obscene gesture.
- Engaging in “fighting or threatening, or in violent or tumultuous behavior.”
- Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.

Examples of street harassment that may be considered disorderly conduct in Pennsylvania include shouting, cursing, making obscene or lewd gestures, or even following you if done in a threatening or physically offensive way, and you can report it to the police.

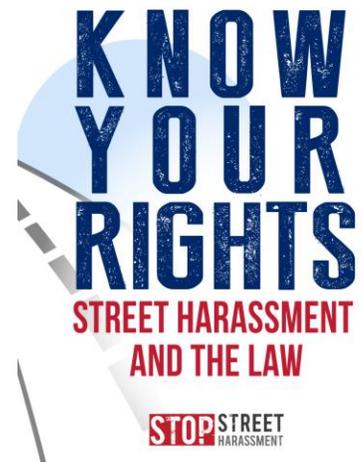
**Penalty:** Disorderly conduct is a third-degree misdemeanor, punishable by up to 1 year in jail, “if the intent of the actor is to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist.” Without this established intent, disorderly conduct is a summary offense, punishable by up to 90 days in jail.

### ***Harassment***

#### [Title 18, Chapter 27, § 2709](#)

In Pennsylvania, the general harassment law includes a variety of actions. The following prohibited conduct is relevant to street harassment, if done with intent to harass, annoy or alarm another:

- Following someone in or about a public place.
- Striking, shoving, kicking or otherwise subjecting someone to physical contact, or attempting or threatening to do so.
- Engaging in a course of conduct or repeatedly committing acts which serve no legitimate purpose.
- Communicating to or about someone any lewd, lascivious, threatening or obscene words, language, drawings or caricatures.



## Stop Street Harassment

This statute defines “course of conduct” as “a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.”

If a harasser follows you, uses sexually explicit or obscene language, has some physical contact with you, or repeatedly commits acts which serve no legitimate purpose, you can report that person.

Penalty: Harassment is a summary offense in the state of Pennsylvania, punishable by up to 90 days in prison. Using lewd, lascivious, threatening or obscene language is a third-degree misdemeanor, punishable by up to 1 year in prison.

### ***Loitering and Prowling at Night Time***

[Title 18, Chap. 55 §5506](#)

It is illegal in Pennsylvania to “maliciously” loiter or “prowl” near a home or homes that are not your own.

If a street harasser is loitering in a residential area and doing something that strikes you as malicious or that scares you, you can report him/her.

Penalty: Loitering and prowling at night time is a third-degree misdemeanor, punishable by up to 1 year in jail.

## **Unlawful Filming/Photographing**

### ***Invasion of Privacy***

[Title 18, Chap. 75 § 7507.1](#)

In Pennsylvania, it is illegal for anyone to photograph or film a non-consenting person:

- In a state of full or partial nudity, in a place where the person would reasonably expect privacy.

If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, you can report him/her.

- On the intimate parts his/her body, whether or not the parts are covered by clothing, when the person does not intend those parts to be visible by normal public observation.

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Invasion of privacy is a misdemeanor of the third degree, punishable by up to 1 year in jail.

## Stop Street Harassment

### Indecent Exposure

#### ***Indecent Exposure***

##### [Title 18, Chap. 31 § 3127](#)

A person commits indecent exposure if that person exposes or flashes his or her genitals in any public place (or in any place where there are other people present) under circumstances in which s/he knows, or should know, that this conduct is likely to offend, affront or alarm.

If a harasser flashes or otherwise exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person for indecent exposure.

Penalty: In general, indecent exposure is a second-degree misdemeanor in Pennsylvania, punishable by up to 2 years in prison. But take note of whether there are children present and include this in your report to the police. If the person knows, or should have known, that anyone under 16 years of age is present, indecent exposure is a first-degree misdemeanor, punishable by up to 5 years in prison.

#### ***Open Lewdness***

##### [Title 18, Chap. 59 § 5901](#)

In addition to the law prohibiting indecent exposure, Pennsylvania has another, less specific law against lewd acts in public. It reads: “A person commits open lewdness if s/he does any lewd act which s/he knows is likely to be observed by others who would be affronted or alarmed.”

A lewd act is not defined in the statute, but you may be able to report a harasser under this law for conduct that is vulgar – like masturbating under one’s clothes – but isn’t exposing one’s genitals (indecent exposure).

Penalty: Open lewdness is a misdemeanor of the third degree, punishable by up to 1 year in jail.

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### ***Harassment***

##### [Title 18, Chapter 27, § 2709](#)

As noted under the “Verbal Harassment” section, in Pennsylvania, the general harassment law prohibits following someone in or about a public place.

Unlike other states, this law does not specify that it has to happen more than once, so if a harasser follows you, you can report that person.

Penalty: Harassment is a summary offense in the state of Pennsylvania, punishable by up to 90 days in prison. Using lewd, lascivious, threatening or obscene language is a third-degree misdemeanor, punishable by up to 1 year in prison.

## Stop Street Harassment

### ***Stalking***

#### [Title 18, Chapter 27, § 2709.1](#)

person commits the crime of stalking in Pennsylvania when s/he engages in a course of conduct (including following or communicating) with someone without that person's consent and with the intent to place that person in reasonable fear of bodily injury or to cause substantial emotional distress.

The statutes defines a "course of conduct" as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct," including "lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously."

This means, if the same person follows you or harasses you at least two times and you feel scared or threatened, you can report him or her under the stalking law.

Penalty: Stalking is a first-degree misdemeanor in Pennsylvania, punishable by up to five years in prison.

### **Groping**

#### ***Indecent Assault***

#### [Title 18, Chap. 31 § 3126](#)

In Pennsylvania, a person is guilty of indecent assault if, without consent and for the purpose of arousing sexual desire, s/he:

- Has "indecent contact" with someone.
- Causes someone to have indecent contact with him or her.
- Intentionally causes someone to come in contact with seminal fluid, urine, or feces.

Indecent contact is defined as "any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person."

If a street harasser touches you in a sexual way, such as grabbing your crotch, butt, or breasts, against your will in a public place, you can report him/her.

Penalty: Indecent assault in general (against an adult) is a second-degree misdemeanor, punishable by up to two years in prison. Indecent assault against someone under 16 years of age *or* by forcible compulsion, by threat of force that would prevent a reasonable person from resisting, while you are unconscious (such as asleep on the bus), or if the harasser knows that you unaware the indecent conduct is occurring, it becomes a first-degree misdemeanor, punishable by up to five years in prison.

## Stop Street Harassment

### Reporting Crimes to the Police

- Call 9-1-1 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
  
- Call the local police office's non-emergency number to submit a report afterward. For example, in the City of Harrisburg, the number is 717-558-6900; in Philadelphia, call 311. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, etc).
  - Who is reporting (your name, contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Disorderly Conduct, [Title 18, Chap. 55 § 5503](#).
  - A description of the harasser/s.
  
- Many police departments also have online reporting forms, for example, the Pittsburgh Bureau of Police has an [online reporting form](#).
  
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In Philadelphia you can do this [online](#), by email ([tips@phillypolice.com](mailto:tips@phillypolice.com)), by phone (215.686.8477), and by text (773847).

Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.