



MEMORANDUM

TO: The Pennsylvania House of Representatives

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: April 25, 2022

RE: OPPOSITION TO HB 2271 P.N. 2634 (TOMLINSON)

Bill summary: [HB 2271](#) (PN 2634) would require the Sentencing Commission to create an additional enhancement for people convicted of sexual extortion under [18 Pa.C.S. § 3133](#) if the complainant attempts or dies by suicide within 90 days of the commission of the offense as a result of the “trauma that the complainant experienced during or following the commission of the offense.”

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 2271.

HB 2271 is duplicative and unnecessary.

This bill is named for the tragic case of Lindsey Piccone,¹ who was found dead from an apparent suicide after having been allegedly subjected to sexual extortion by Ian Pisarchuk, the defendant in her case.

Last session, [Act 100](#) created the offense of “sexual extortion,”² which criminalized, among other things, coercing or causing someone to engage in sexual conduct through means including harm or the threat of harm. This offense is graded either as a first-degree misdemeanor or third-degree felony and currently includes a sentencing enhancement if the complainant is under 18 years of age or has an intellectual disability or if the defendant holds a position of trust or supervisory or disciplinary power over the complainant. HB 2271 would add another enhancement to [§ 3133](#) to increase penalties for suicide connected with the extortion offense.

However, just a few months ago, “Shawn’s Law”³ was passed and enacted. This new offense—causing or aiding suicide ([18 § 2505](#))—arguably covers the enhancement proposed under HB 2271, allowing a person to be convicted of criminal homicide for causing another to die by suicide if the person “intentionally causes such suicide by force, duress, or deception.” The penalties for criminal homicide range from 5 years incarceration to life without parole or even death. This offense also covers “aiding or soliciting suicide” as second-degree felony, punishable by up to 20 years in prison and includes additional sentencing enhancements.

As a new law, [§ 2505](#) went into effect on November 29, 2021—too recent to have been used to charge the defendant in Lindsey Piccone’s case. But it is worth noting that Ian Pisarchuk was charged with [80 counts](#)—19 counts alone under the sexual extortion offense created last session as well as charges for terroristic threats, child pornography, stalking, harassment, cyber harassment, and corruption of minors, among others. With these charges, the state could easily incarcerate Pisarchuk for life without parole without the penalties proposed under HB 2271 (or even under Shawn’s Law) being enacted.

As we repeatedly underscore in our [More Law, Less Justice](#) reports, prosecutors have all the tools they need in our Crimes Code to punish people many times over without creating more duplicative and unnecessary offenses. **For these reasons, we urge you to oppose House Bill 2271.**

¹ Representative Kathleen Tomlinson, [Co-Sponsorship Memorandum: Lindsey’s Law](#), October 26, 2021.

² Enacted into law at [18 Pa. C.S. § 3133](#).

³ [House Bill 184](#) (2021-2022): [Act 71 of 2021](#), enacted into law at [18 Pa. C.S. § 2505](#).