

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 185 Session of
1993INTRODUCED BY MELIO, DeLUCA, PESCI, SCHEETZ, BATTISTO, KIRKLAND,
DALEY, OLASZ, KING AND DONATUCCI, FEBRUARY 3, 1993AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 10, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for AGGRAVATED <—
3 ASSAULT; DEFINING THE OFFENSE OF CONCEALMENT OF CHILD FROM
4 LAW ENFORCEMENT AUTHORITIES; PROVIDING FOR THE CRIME OF AUTO
5 PIRACY; FURTHER PROVIDING FOR THE DETERMINATION OF ANTIQUE
6 SLOT MACHINES, FOR purchase, consumption, possession or
7 transportation of alcohol by certain persons and for
8 possession of false identification to obtain alcohol; AND <—
9 PROVIDING PENALTIES FOR TRAFFICKING DRUGS TO MINORS.

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

12 ~~Section 1. Sections 6308(b) and 6310.3(b) of Title 18 of the~~ <—
13 ~~Pennsylvania Consolidated Statutes are amended to read:~~

14 SECTION 1. SECTION 2702 OF TITLE 18 OF THE PENNSYLVANIA <—
15 CONSOLIDATED STATUTES IS AMENDED TO READ:

16 § 2702. AGGRAVATED ASSAULT.

17 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AGGRAVATED
18 ASSAULT IF HE:

19 (1) ATTEMPTS TO CAUSE SERIOUS BODILY INJURY TO ANOTHER,
20 OR CAUSES SUCH INJURY INTENTIONALLY, KNOWINGLY OR RECKLESSLY
21 UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE

1 VALUE OF HUMAN LIFE;

2 (2) ATTEMPTS TO CAUSE OR INTENTIONALLY, KNOWINGLY OR
3 RECKLESSLY CAUSES SERIOUS BODILY INJURY TO [A POLICE OFFICER,
4 FIREFIGHTER, COUNTY ADULT PROBATION OR PAROLE OFFICER, COUNTY
5 JUVENILE PROBATION OR PAROLE OFFICER OR AN AGENT OF THE
6 PENNSYLVANIA BOARD OF PROBATION AND PAROLE IN THE PERFORMANCE
7 OF DUTY OR TO] ANY OF THE OFFICERS, AGENTS, EMPLOYEES OR
8 OTHER PERSONS ENUMERATED IN SUBSECTION (C) OR TO AN EMPLOYEE
9 OF AN AGENCY, COMPANY OR OTHER ENTITY ENGAGED IN PUBLIC
10 TRANSPORTATION, WHILE IN THE PERFORMANCE OF DUTY;

11 (3) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY
12 CAUSES BODILY INJURY TO [A POLICE OFFICER, FIREFIGHTER OR
13 COUNTY ADULT PROBATION OR PAROLE OFFICER, COUNTY JUVENILE
14 PROBATION OR PAROLE OFFICER OR AN AGENT OF THE PENNSYLVANIA
15 BOARD OF PROBATION AND PAROLE] ANY OF THE OFFICERS, AGENTS,
16 EMPLOYEES OR OTHER PERSONS ENUMERATED IN SUBSECTION (C), IN
17 THE PERFORMANCE OF DUTY;

18 (4) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY
19 CAUSES BODILY INJURY TO ANOTHER WITH A DEADLY WEAPON; [OR]

20 (5) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY
21 CAUSES BODILY INJURY TO A TEACHING STAFF MEMBER, SCHOOL BOARD
22 MEMBER, OTHER EMPLOYEE OR STUDENT OF ANY ELEMENTARY OR
23 SECONDARY PUBLICLY-FUNDED EDUCATIONAL INSTITUTION, ANY
24 ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
25 DEPARTMENT OF EDUCATION OR ANY ELEMENTARY OR SECONDARY
26 PAROCHIAL SCHOOL WHILE ACTING IN THE SCOPE OF HIS OR HER
27 EMPLOYMENT OR BECAUSE OF HIS OR HER EMPLOYMENT RELATIONSHIP
28 TO THE SCHOOL[.]; OR

29 (6) ATTEMPTS BY PHYSICAL MENACE TO PUT ANY OF THE
30 OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS ENUMERATED IN

SUBSECTION (C), WHILE IN THE PERFORMANCE OF DUTY, IN FEAR OF
IMMINENT SERIOUS BODILY INJURY.

(B) GRADING.--AGGRAVATED ASSAULT UNDER SUBSECTION (A)(1) AND
(2) IS A FELONY OF THE FIRST DEGREE. AGGRAVATED ASSAULT UNDER
SUBSECTION (A)(3), (4) [AND (5)], (5) AND (6) IS A FELONY OF THE
SECOND DEGREE.

(C) OFFICERS, EMPLOYEES, ETC. ENUMERATED.--THE OFFICERS,
AGENTS, EMPLOYEES AND OTHER PERSONS REFERRED TO IN SUBSECTION
(A) SHALL BE AS FOLLOWS:

(1) A POLICE OFFICER.

(2) A FIREFIGHTER.

(3) A COUNTY ADULT PROBATION OR PAROLE OFFICER.

(4) A COUNTY JUVENILE PROBATION OR PAROLE OFFICER.

(5) AN AGENT OF THE PENNSYLVANIA BOARD OF PROBATION AND
PAROLE.

(6) A SHERIFF.

(7) A DEPUTY SHERIFF.

(8) A LIQUOR CONTROL ENFORCEMENT AGENT.

(9) AN OFFICER OR EMPLOYEE OF A CORRECTIONAL
INSTITUTION.

(10) A JUDGE OF ANY COURT IN THE UNIFIED JUDICIAL
SYSTEM.

(11) THE ATTORNEY GENERAL.

(12) A DEPUTY ATTORNEY GENERAL.

(13) A DISTRICT ATTORNEY.

(14) AN ASSISTANT DISTRICT ATTORNEY.

(15) A FEDERAL LAW ENFORCEMENT OFFICIAL.

(16) A STATE LAW ENFORCEMENT OFFICIAL.

(17) A LOCAL LAW ENFORCEMENT OFFICIAL.

(18) ANY PERSON EMPLOYED TO ASSIST OR WHO ASSISTS ANY

1 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT OFFICIAL.

2 (19) AN EMPLOYEE OF AN INSTITUTION, YOUTH DEVELOPMENT
3 CENTER, CAMP OR OTHER FACILITY FOR DELINQUENT CHILDREN
4 OPERATED UNDER THE DIRECTION OR SUPERVISION OF THE COURT OR
5 OTHER PUBLIC AUTHORITY AND APPROVED BY THE DEPARTMENT OF
6 PUBLIC WELFARE.

7 (20) AN OFFICER OR EMPLOYEE OF A COUNTY DOMESTIC
8 RELATIONS OFFICE.

9 (21) AN EMERGENCY MEDICAL TECHNICIAN OR EMERGENCY
10 MEDICAL TECHNICIAN-PARAMEDIC, AS DEFINED IN SECTION 3 OF THE
11 ACT OF JULY 3, 1985 (P.L.164, NO.45), KNOWN AS THE EMERGENCY
12 MEDICAL SERVICES ACT.

13 SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:

14 § 2911. CONCEALMENT OF CHILD FROM LAW ENFORCEMENT AUTHORITIES.

15 A PERSON WHO KNOWINGLY OR RECKLESSLY CONCEALS A CHILD FROM A
16 LAW ENFORCEMENT OFFICER WHO IS INVESTIGATING A REPORT OF A
17 MISSING CHILD COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

18 § 3702. AUTO PIRACY.

19 A PERSON COMMITS A FELONY OF THE FIRST DEGREE WHO, WHETHER
20 ARMED OR UNARMED, BY FORCE OR VIOLENCE, BY THREAT OF FORCE OR
21 VIOLENCE, OR BY PUTTING A PERSON IN FEAR OF DEATH OR BODILY
22 HARM, ROBS, STEALS OR TAKES A MOTOR VEHICLE FROM ANOTHER PERSON
23 IN THE PRESENCE OF THAT PERSON OR ANY OTHER PERSON IN LAWFUL
24 POSSESSION OF THE MOTOR VEHICLE.

25 SECTION 3. SECTIONS 5513(C), 6308(B), 6310.3(B) AND 6314(B)
26 OF TITLE 18 ARE AMENDED TO READ:

27 § 5513. GAMBLING DEVICES, GAMBLING, ETC.

28 * * *

29 (C) ANTIQUE SLOT MACHINES.--

30 (1) A SLOT MACHINE SHALL BE ESTABLISHED AS AN ANTIQUE

1 SLOT MACHINE IF THE DEFENDANT SHOWS BY A PREPONDERANCE OF THE
2 EVIDENCE THAT IT WAS MANUFACTURED [PRIOR TO 1941] MORE THAN
3 25 YEARS PRIOR TO THE CURRENT YEAR AND THAT IT WAS NOT USED
4 OR ATTEMPTED TO BE USED FOR ANY UNLAWFUL PURPOSES.

5 NOTWITHSTANDING SUBSECTION (B), NO ANTIQUE SLOT MACHINE
6 SEIZED FROM ANY DEFENDANT SHALL BE DESTROYED OR OTHERWISE
7 ALTERED UNTIL THE DEFENDANT IS GIVEN AN OPPORTUNITY TO
8 ESTABLISH THAT THE SLOT MACHINE IS AN ANTIQUE SLOT MACHINE.
9 AFTER A FINAL COURT DETERMINATION THAT THE SLOT MACHINE IS AN
10 ANTIQUUE SLOT MACHINE, THE SLOT MACHINE SHALL BE RETURNED
11 PURSUANT TO THE PROVISIONS OF LAW PROVIDING FOR THE RETURN OF
12 PROPERTY; OTHERWISE, THE SLOT MACHINE SHALL BE DESTROYED.

13 (2) IT IS THE PURPOSE OF THIS SUBSECTION TO PROTECT THE
14 COLLECTION AND RESTORATION OF ANTIQUE SLOT MACHINES NOT
15 PRESENTLY UTILIZED FOR GAMBLING PURPOSES.

16 § 6308. Purchase, consumption, possession or transportation of
17 liquor or malt or brewed beverages.

18 * * *

19 (b) [Penalty] Minimum penalty.--In addition to the penalty
20 imposed pursuant to section 6310.4 (relating to restriction of
21 operating privileges), a person convicted of violating
22 subsection (a) [may] shall be sentenced to pay a fine of not
23 more than \$500 [for the second and each subsequent violation].
24 There shall be no authority in any court to impose on an
25 offender any lesser sentence than the minimum sentence mandated
26 by this subsection. No court shall have the authority to suspend
27 any sentence as defined in this section.

28 * * *

29 § 6310.3. Carrying a false identification card.

30 * * *

1 (b) Minimum penalty.--In addition to any other penalty
2 imposed pursuant to section 6310.4 (relating to restriction of
3 operating privileges) or any other statute, a person who is
4 convicted of violating subsection (a) shall be sentenced to pay
5 a fine of not more than \$500 [for the second and subsequent
6 violations]. No court shall have the authority to suspend any
7 sentence as defined in this section.

8 * * *

9 § 6314. SENTENCING AND PENALTIES FOR TRAFFICKING DRUGS TO
10 MINORS. <—

11 * * *

12 (B) ADDITIONAL PENALTIES.--IN ADDITION TO THE MANDATORY
13 MINIMUM SENTENCE SET FORTH IN SUBSECTION (A), THE PERSON SHALL
14 BE SENTENCED TO AN ADDITIONAL MINIMUM SENTENCE OF AT LEAST TWO
15 YEARS TOTAL CONFINEMENT, NOTWITHSTANDING ANY OTHER PROVISION OF
16 THIS TITLE OR OTHER STATUTE TO THE CONTRARY, IF THE PERSON DID
17 ANY OF THE FOLLOWING:

18 (1) COMMITTED THE OFFENSE WITH THE INTENT TO PROMOTE THE
19 HABITUAL USE OF THE CONTROLLED SUBSTANCE.

20 (2) INTENDED TO ENGAGE THE MINOR IN THE TRAFFICKING,
21 TRANSPORTATION, DELIVERY, MANUFACTURING, SALE OR CONVEYANCE.

22 (3) COMMITTED THE OFFENSE WITHIN 1,000 FEET OF THE REAL
23 PROPERTY ON WHICH IS LOCATED A PUBLIC, PRIVATE OR PAROCHIAL
24 SCHOOL OR A COLLEGE OR UNIVERSITY.

25 (4) COMMITTED THE OFFENSE ON A SCHOOL BUS.

26 (5) COMMITTED THE OFFENSE WITHIN 1,000 FEET OF A SCHOOL
27 BUS STOP.

28 (6) COMMITTED THE OFFENSE WITHIN 1,000 FEET OF THE REAL
29 PROPERTY OF A PUBLIC PLAYGROUND.

30 * * *

1 Section ~~2~~ 4. The amendment of 18 Pa.C.S. §§ 6308(b) and
2 6310.3(b) shall apply to sentences imposed on or after the
3 effective date of this act.

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4 Section ~~3~~ 5. This act shall take effect in 60 days.

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