

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1618 Session of 2011

INTRODUCED BY GILLESPIE, BAKER, BENNINGHOFF, CAUSER, DALEY,
DELOZIER, FARRY, GEIST, GINGRICH, GRELL, GROVE, HEFFLEY,
HICKERNELL, KILLION, KORTZ, LONGIETTI, MILLARD, MILNE,
MULLERY, READSHAW, SABATINA, SAINATO, SAYLOR, STERN, TALLMAN,
VULAKOVICH, MILLER, FLECK, CREIGHTON, SWANGER, SONNEY, MURT,
GILLEN, MOUL AND ROCK, JUNE 2, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 14, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 assault of law enforcement officer.

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

6 ~~Section 1. Section 2702.1 of Title 18 of the Pennsylvania~~ ←
7 ~~Consolidated Statutes is amended by adding a subsection to read:~~

8 SECTION 1. SECTION 2702.1(A) OF TITLE 18 OF THE PENNSYLVANIA ←

9 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
10 ADDING SUBSECTIONS TO READ:

11 § 2702.1. Assault of law enforcement officer.

12 * * * ←

13 (A) ASSAULT OF A LAW ENFORCEMENT OFFICER IN THE FIRST ←
14 DEGREE.--A PERSON COMMITS A FELONY OF THE FIRST DEGREE WHO
15 [ATTEMPTS TO CAUSE OR] INTENTIONALLY OR KNOWINGLY CAUSES OR
16 ATTEMPTS TO CAUSE BODILY INJURY TO A LAW ENFORCEMENT OFFICER,

1 WHILE IN THE PERFORMANCE OF DUTY AND WITH KNOWLEDGE THAT THE
2 VICTIM IS A LAW ENFORCEMENT OFFICER, BY DISCHARGING A FIREARM.

3 (a.1) Assault of law enforcement officer in the second
4 degree.--A person commits a felony of the second degree if he
5 intentionally or knowingly causes or attempts to cause a law
6 enforcement officer, while in the performance of his duty AND ←
7 WITH KNOWLEDGE THAT THE VICTIM IS A LAW ENFORCEMENT OFFICER, to
8 come into contact with blood, seminal fluid, saliva, urine or
9 feces by throwing, tossing, spitting or expelling such fluid or
10 material when, at the time of the offense, the person knew, had
11 reason to know, should have known or believed such fluid or
12 material to have been obtained from an individual, including the
13 person charged under this subsection, infected by a communicable
14 disease, including, but not limited to, human immunodeficiency
15 virus (HIV) or hepatitis B.

16 (A.2) ASSAULT OF LAW ENFORCEMENT OFFICER IN THE THIRD ←
17 DEGREE.--A PERSON COMMITS A FELONY OF THE THIRD DEGREE IF HE
18 INTENTIONALLY OR KNOWINGLY CAUSES OR ATTEMPTS TO CAUSE A LAW
19 ENFORCEMENT OFFICER, WHILE IN THE PERFORMANCE OF HIS DUTY AND
20 WITH KNOWLEDGE THAT THE VICTIM IS A LAW ENFORCEMENT OFFICER, TO
21 COME INTO CONTACT WITH BLOOD, SEMINAL FLUID, SALIVA, URINE OR
22 FECES BY THROWING, TOSSING, SPITTING OR EXPELLING SUCH FLUID OR
23 MATERIAL.

24 * * *

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