
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2734 Session of
2018

INTRODUCED BY METZGAR, RAPP, BURNS, IRVIN, WATSON, REESE,
SNYDER, GROVE, B. O'NEILL, TOPPER, BERNSTINE, A. HARRIS,
MILLARD, HANNA, DOWLING, DeLUCA, SAYLOR, WARD, GOODMAN,
SCHWEYER, MARSHALL, KEEFER, SCHLEGEL CULVER, SANKEY, GILLEN,
ZIMMERMAN, MASSER AND DUSH, OCTOBER 17, 2018

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, further providing for the
3 offense of assault by prisoner and for the offense of assault
4 by life prisoner.

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

7 Section 1. Sections 2703(a) and 2704 of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 2703. Assault by prisoner.

10 (a) Offense defined.--[A]

11 (1) Except as provided under section 2704 (relating to
12 assault by life prisoner), a person who is confined in or
13 committed to any local or county detention facility, jail or
14 prison or any State penal or correctional institution or
15 other State penal or correctional facility located in this
16 Commonwealth is guilty of a felony of the second degree if
17 he, while so confined or committed or while undergoing

1 transportation to or from such an institution or facility in
2 or to which he was confined or committed intentionally or
3 knowingly, commits an assault upon any of the following:

4 (i) Except as provided under subparagraph (ii),
5 another with a deadly weapon or instrument, or by any
6 means or force likely to produce serious bodily injury.

7 (ii) A detention facility or correctional facility
8 employee with a deadly weapon or instrument, or by any
9 means or force likely to produce bodily injury.

10 (2) A person is guilty of this offense if he
11 intentionally or knowingly causes another to come into
12 contact with blood, seminal fluid, saliva, urine or feces by
13 throwing, tossing, spitting or expelling such fluid or
14 material when, at the time of the offense, the person knew,
15 had reason to know, should have known or believed such fluid
16 or material to have been obtained from an individual,
17 including the person charged under this section, infected by
18 a communicable disease, including, but not limited to, human
19 immunodeficiency virus (HIV) or hepatitis B.

20 * * *

21 § 2704. Assault by life prisoner.

22 (a) Offense defined.--Every person who has been sentenced to
23 death or life imprisonment in any penal institution located in
24 this Commonwealth, and whose sentence has not been commuted, who
25 commits [an aggravated assault with a deadly weapon or
26 instrument upon another, or by any means of force likely to
27 produce serious bodily injury] any of the following, is guilty
28 of a crime, the penalty for which shall be the same as the
29 penalty for murder of the second degree[.]:

30 (1) An aggravated assault with a deadly weapon or

1 instrument upon another, or by any means of force likely to
2 produce serious bodily injury.

3 (2) An assault with a deadly weapon or instrument upon
4 another, or by any means of force likely to produce bodily
5 injury.

6 (b) Contact.--A person is guilty of this offense if he
7 intentionally or knowingly causes another to come into contact
8 with blood, seminal fluid, saliva, urine or feces by throwing,
9 tossing, spitting or expelling such fluid or material when, at
10 the time of the offense, the person knew, had reason to know,
11 should have known or believed such fluid or material to have
12 been obtained from an individual, including the person charged
13 under this section, infected by a communicable disease,
14 including, but not limited to, human immunodeficiency virus
15 (HIV) or hepatitis B.

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