

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1340 Session of 2011

INTRODUCED BY BLAKE, RAFFERTY, SCHWANK, BREWSTER, YUDICHAK,
BROWNE, WASHINGTON AND FERLO, NOVEMBER 16, 2011

REFERRED TO GAME AND FISHERIES, NOVEMBER 16, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34
2 (Game) of the Pennsylvania Consolidated Statutes, in assault,
3 further providing for the offense of aggravated assault; in
4 enforcement, further providing for interference with officers
5 of the Pennsylvania Game Commission and of the Pennsylvania
6 Fish and Boat Commission; providing for the offense of
7 assaulting an officer; further providing for jurisdiction and
8 penalties and for disposition of fines and penalties; and, in
9 game or wildlife protection, further providing for killing
10 game or wildlife to protect person, for unlawful importation
11 of game or wildlife, for unlawful taking and possession of
12 protected birds, for possession or interference with active
13 nests or eggs of birds, for unlawful sale of protected birds
14 and plumage and for hunting or furtaking prohibited while
15 under influence of alcohol or controlled substance.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 2702(c) of Title 18 of the Pennsylvania
19 Consolidated Statutes is amended to read:

20 § 2702. Aggravated assault.

21 * * *

22 (c) Officers, employees, etc., enumerated.--The officers,
23 agents, employees and other persons referred to in subsection
24 (a) shall be as follows:

- 1 (1) Police officer.
- 2 (2) Firefighter.
- 3 (3) County adult probation or parole officer.
- 4 (4) County juvenile probation or parole officer.
- 5 (5) An agent of the Pennsylvania Board of Probation and
- 6 Parole.
- 7 (6) Sheriff.
- 8 (7) Deputy sheriff.
- 9 (8) Liquor control enforcement agent.
- 10 (9) Officer or employee of a correctional institution,
- 11 county jail or prison, juvenile detention center or any other
- 12 facility to which the person has been ordered by the court
- 13 pursuant to a petition alleging delinquency under 42 Pa.C.S.
- 14 Ch. 63 (relating to juvenile matters).
- 15 (10) Judge of any court in the unified judicial system.
- 16 (11) The Attorney General.
- 17 (12) A deputy attorney general.
- 18 (13) A district attorney.
- 19 (14) An assistant district attorney.
- 20 (15) A public defender.
- 21 (16) An assistant public defender.
- 22 (17) A Federal law enforcement official.
- 23 (18) A State law enforcement official.
- 24 (19) A local law enforcement official.
- 25 (20) Any person employed to assist or who assists any
- 26 Federal, State or local law enforcement official.
- 27 (21) Emergency medical services personnel.
- 28 (22) Parking enforcement officer.
- 29 (23) A magisterial district judge.
- 30 (24) A constable.

1 (25) A deputy constable.

2 (26) A psychiatric aide.

3 (27) A teaching staff member, a school board member or
4 other employee, including a student employee, of any
5 elementary or secondary publicly funded educational
6 institution, any elementary or secondary private school
7 licensed by the Department of Education or any elementary or
8 secondary parochial school while acting in the scope of his
9 or her employment or because of his or her employment
10 relationship to the school.

11 (28) Governor.

12 (29) Lieutenant Governor.

13 (30) Auditor General.

14 (31) State Treasurer.

15 (32) Member of the General Assembly.

16 (33) An employee of the Department of Environmental
17 Protection.

18 (34) An individual engaged in the private detective
19 business as defined in section 2(a) and (b) of the act of
20 August 21, 1953 (P.L.1273, No.361), known as The Private
21 Detective Act of 1953.

22 (35) An employee or agent of a county children and youth
23 social service agency or of the legal representative of such
24 agency.

25 (36) A public utility employee or an employee of an
26 electric cooperative.

27 (37) A wildlife conservation officer or deputy wildlife
28 conservation officer of the Pennsylvania Game Commission.

29 (38) A waterways conservation officer or deputy
30 waterways conservation officer of the Pennsylvania Fish and

1 Boat Commission.

2 * * *

3 Section 2. Section 904(b) of Title 30 is amended to read:

4 § 904. Interference with officers.

5 * * *

6 (b) [Bodily injury.--Any person who intentionally, knowingly
7 or recklessly attempts to cause or causes serious bodily harm to
8 an officer performing duties under the provisions of this title
9 commits a felony of the second degree] Assaulting an officer.--
10 Assaulting an officer as defined in 18 Pa.C.S. §§ 2702 (relating
11 to aggravated assault) and 2702.1 (relating to assault of law
12 enforcement officer) is an offense under this title, and the
13 penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall
14 apply.

15 * * *

16 Section 3. Title 34 is amended by adding a section to read:

17 § 905.1. Assaulting an officer.

18 Assaulting an officer as defined in 18 Pa.C.S. §§ 2702
19 (relating to aggravated assault) and 2702.1 (relating to assault
20 of law enforcement officer) is an offense under this title, and
21 the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall
22 apply.

23 Section 4. Sections 925(a), 927(b), 2141(e) (1), 2163(c) (2),
24 2164(d) (2), 2165(b) (2), 2166(b) (2) and 2501(b) of Title 34 are
25 amended to read:

26 § 925. Jurisdiction and penalties.

27 (a) Jurisdiction.--Notwithstanding the provisions of Title
28 42 (relating to judiciary and judicial procedure), all
29 magisterial district judges shall have jurisdiction for all
30 violations of this title which are classified as summary

1 offenses and may accept guilty pleas and impose sentences for
2 violations of this title classified as ungraded misdemeanors.

3 * * *

4 § 927. Disposition of fines and penalties.

5 * * *

6 (b) Penalty.--A person failing to forward fines in
7 accordance with this section commits a misdemeanor [of the third
8 degree].

9 § 2141. Killing game or wildlife to protect person.

10 * * *

11 (e) Penalties.--A violation of this section relating to:

12 (1) Threatened or endangered species is a misdemeanor
13 [of the third degree].

14 * * *

15 § 2163. Unlawful importation of game or wildlife.

16 * * *

17 (c) Penalties.--

18 * * *

19 (2) A violation of this section relating to any
20 endangered or threatened species is a misdemeanor [of the
21 third degree]. Each bird, egg or game or wildlife involved in
22 the violation constitutes a separate offense.

23 * * *

24 § 2164. Unlawful taking and possession of protected birds.

25 * * *

26 (d) Penalties.--

27 * * *

28 (2) A violation of this section relating to birds which
29 are listed as threatened or endangered is, in addition to any
30 other penalties, a misdemeanor [of the third degree].

1 * * *

2 § 2165. Possession or interference with active nests or eggs of
3 birds.

4 * * *

5 (b) Penalties.--

6 * * *

7 (2) A violation of this section relating to birds which
8 are listed as threatened or endangered is, in addition to any
9 other penalties, a misdemeanor [of the third degree] for each
10 active nest or egg possessed.

11 * * *

12 § 2166. Unlawful sale of protected birds and plumage.

13 * * *

14 (b) Penalties.--

15 * * *

16 (2) A violation of this section relating to birds which
17 are listed as threatened or endangered is, in addition to any
18 other penalties, a misdemeanor [of the third degree] for each
19 bird or part thereof.

20 * * *

21 § 2501. Hunting or furtaking prohibited while under influence
22 of alcohol or controlled substance.

23 * * *

24 (b) Penalty.--A violation of the provisions of this section
25 shall be a misdemeanor [of the third degree]. In addition to any
26 penalty, the violator shall be denied the right to hunt or trap
27 in this Commonwealth, with or without a license, for a period of
28 one year.

29 * * *

30 Section 5. This act shall take effect in 60 days.