

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1857 Session of
2017

INTRODUCED BY BURNS, DRISCOLL, BERNSTINE, SAYLOR, MULLERY,
MILLARD, O'NEILL, COX AND D. COSTA, OCTOBER 12, 2017

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 12, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, in obstructing
3 governmental operations, further providing for the offense of
4 resisting arrest or other law enforcement; and, in
5 miscellaneous provisions, further providing for the offense
6 of fleeing or attempting to elude police officer.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 5104 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 5104. Resisting arrest or [other] fleeing law enforcement.

12 [A] (a) General rule.--Except as provided in subsection (b),
13 a person commits a misdemeanor of the second degree if, with the
14 intent of preventing a public servant from effecting a lawful
15 arrest or discharging any other duty, the person creates a
16 substantial risk of bodily injury to the public servant or
17 anyone else, flees or attempts to elude the public servant or
18 employs means justifying or requiring substantial force to
19 overcome the resistance.

20 (b) Serious bodily injury or death.--A person commits a

1 felony of the first degree if, with the intent of preventing a
2 public servant from effecting a lawful arrest or discharging any
3 other duty, causes serious bodily injury or death to the public
4 servant or anyone else.

5 Section 2. Section 3733(a.2) of Title 75 is amended to read:
6 § 3733. Fleeing or attempting to elude police officer.

7 * * *

8 (a.2) Grading.--

9 (1) Except as provided in [paragraph (2)] paragraphs (2)
10 and (3), an offense under subsection (a) constitutes a
11 [misdemeanor of the second degree] felony of the third
12 degree. Any driver upon conviction shall pay an additional
13 fine of \$500. This fine shall be in addition to and not in
14 lieu of all other fines, court expenses, jail sentences or
15 penalties.

16 (2) An offense under subsection (a) constitutes a felony
17 of the [third] second degree if the driver while fleeing or
18 attempting to elude a police officer does any of the
19 following:

20 (i) commits a violation of section 3802 (relating to
21 driving under influence of alcohol or controlled
22 substance);

23 (ii) crosses a State line; [or]

24 (iii) endangers a law enforcement officer or member
25 of the general public due to the driver engaging in a
26 high-speed chase[.]; or

27 (iv) causes bodily injury to a law enforcement
28 officer or member of the general public.

29 (3) An offense under subsection (a) constitutes a felony
30 of the first degree if the driver, while fleeing or

1 attempting to elude a police officer, causes serious bodily
2 injury or death to a law enforcement officer or member of the
3 general public.

4 * * *

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