

## AMENDMENTS TO HOUSE BILL NO. 103

Sponsor: SENATOR REGAN

Printer's No. 73

1 Amend Bill, page 1, lines 1 through 4, by striking out all of  
2 said lines and inserting

3 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
4 Judicial Procedure) of the Pennsylvania Consolidated  
5 Statutes, in assault, further providing for the offense of  
6 assault of law enforcement officer, for the offense of  
7 assault by prisoner and for the offense of assault by life  
8 prisoner; and, in sentencing, further providing for sentences  
9 for second and subsequent offenses and for sentences for  
10 offenses committed against law enforcement officer.

11 Amend Bill, page 1, lines 7 through 18; page 2, lines 1  
12 through 13; by striking out all of said lines on said pages and  
13 inserting

14 Section 1. Section 2702.1(a) and (b) of Title 18 of the  
15 Pennsylvania Consolidated Statutes are amended to read:  
16 § 2702.1. Assault of law enforcement officer.

17 (a) Assault of a law enforcement officer [in the first  
18 degree].--

19 (1) A person commits a felony of the first degree who  
20 attempts to cause or intentionally or knowingly causes bodily  
21 injury to a law enforcement officer, while in the performance  
22 of duty and with knowledge that the victim is a law  
23 enforcement officer, by discharging a firearm.

24 (2) Except as provided under sections 2703 (relating to  
25 assault by prisoner), 2703.1 (relating to aggravated  
26 harassment by prisoner) and 2704 (relating to assault by life  
27 prisoner), a person is guilty of a felony of the third degree  
28 if the person intentionally or knowingly causes or attempts  
29 to cause a law enforcement officer, while in the performance  
30 of duty and with knowledge that the victim is a law  
31 enforcement officer, to come into contact with blood, seminal  
32 fluid, saliva, urine or feces by throwing, tossing, spitting  
33 or expelling the fluid or material.

34 (3) A person who commits an offense under paragraph (2)  
35 shall be guilty of a felony of the second degree if:

1       (i) the person knew, had reason to know, should have  
2       known or believed the fluid or material to have been  
3       obtained from an individual, including the person charged  
4       under this section, infected by a communicable disease  
5       declared reportable by regulation authorized by the act  
6       of April 23, 1956 (1955 P.L.1510, No.500), known as the  
7       Disease Prevention and Control Law of 1955; and

8       (ii) the communicable disease referenced in  
9       subparagraph (i) is communicable to the law enforcement  
10      officer by the method used or attempted to be used to  
11      cause the law enforcement officer to come into contact  
12      with the blood, seminal fluid, saliva, urine or feces.

13      (b) Penalties.--Notwithstanding section 1103(1) (relating to  
14 sentence of imprisonment for felony), a person convicted under  
15 subsection [(a)] (a)(1) shall be sentenced to a term of  
16 imprisonment fixed by the court at not more than 40 years.

17      \* \* \*

18      Section 2. Sections 2703(a)(2) and 2704 of Title 18 are  
19 amended to read:

20      § 2703. Assault by prisoner.

21      (a) Offense defined.--

22      \* \* \*

23      (2) A person is guilty of this offense if:

24      (i) he intentionally or knowingly causes another to  
25      come into contact with blood, seminal fluid, saliva,  
26      urine or feces by throwing, tossing, spitting or  
27      expelling such fluid or material when, at the time of the  
28      offense, the person knew, had reason to know, should have  
29      known or believed such fluid or material to have been  
30      obtained from an individual, including the person charged  
31      under this section, infected by a communicable disease[,  
32      including, but not limited to, human immunodeficiency  
33      virus (HIV) or hepatitis B.] declared reportable by  
34      regulation authorized by the act of April 23, 1956 (1955  
35      P.L.1510, No.500), known as the Disease Prevention and  
36      Control Law of 1955; and

37      (ii) the communicable disease referenced in  
38      subparagraph (i) is communicable to another by the method  
39      used or attempted to be used to cause another to come  
40      into contact with the blood, seminal fluid, saliva, urine  
41      or feces.

42      \* \* \*

43      § 2704. Assault by life prisoner.

44      Every person who has been sentenced to death or life  
45 imprisonment in any penal institution located in this  
46 Commonwealth, and whose sentence has not been commuted, who  
47 commits an aggravated assault with a deadly weapon or instrument  
48 upon another, or by any means of force likely to produce serious  
49 bodily injury, is guilty of a crime, the penalty for which shall  
50 be the same as the penalty for murder of the second degree. A  
51 person is guilty of this offense if:

1       (1) he intentionally or knowingly causes another to come  
2 into contact with blood, seminal fluid, saliva, urine or  
3 feces by throwing, tossing, spitting or expelling such fluid  
4 or material when, at the time of the offense, the person  
5 knew, had reason to know, should have known or believed such  
6 fluid or material to have been obtained from an individual,  
7 including the person charged under this section, infected by  
8 a communicable disease[, including, but not limited to, human  
9 immunodeficiency virus (HIV) or hepatitis B.] declared  
10 reportable by regulation authorized by the act of April 23,  
11 1956 (1955 P.L.1510, No.500), known as the Disease Prevention  
12 and Control Law of 1955; and

13       (2) the communicable disease referenced in paragraph (1)  
14 is communicable to another by the method used or attempted to  
15 be used to cause another to come into contact with the blood,  
16 seminal fluid, saliva, urine or feces.

17 Section 3. Sections 9714(g) and 9719.1(a) of Title 42 are  
18 amended to read:

19 § 9714. Sentences for second and subsequent offenses.

20 \* \* \*

21 (g) Definition.--As used in this section, the term "crime of  
22 violence" means murder of the third degree, voluntary  
23 manslaughter, manslaughter of a law enforcement officer as  
24 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal  
25 homicide of law enforcement officer), murder of the third degree  
26 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)  
27 (relating to murder of unborn child), aggravated assault of an  
28 unborn child as defined in 18 Pa.C.S. § 2606 (relating to  
29 aggravated assault of unborn child), aggravated assault as  
30 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to  
31 aggravated assault), assault of law enforcement officer as  
32 defined in 18 Pa.C.S. § [2702.1] 2702.1(a)(1) (relating to  
33 assault of law enforcement officer), use of weapons of mass  
34 destruction as defined in 18 Pa.C.S. § 2716(b) (relating to  
35 weapons of mass destruction), terrorism as defined in 18 Pa.C.S.  
36 § 2717(b)(2) (relating to terrorism), strangulation when the  
37 offense is graded as a felony as defined in 18 Pa.C.S. § 2718  
38 (relating to strangulation), trafficking of persons when the  
39 offense is graded as a felony of the first degree as provided in  
40 18 Pa.C.S. § 3011 (relating to trafficking in individuals),  
41 rape, involuntary deviate sexual intercourse, aggravated  
42 indecent assault, incest, sexual assault, arson endangering  
43 persons or aggravated arson as defined in 18 Pa.C.S. § 3301(a)  
44 or (a.1) (relating to arson and related offenses), ecoterrorism  
45 as classified in 18 Pa.C.S. § 3311(b)(3) (relating to  
46 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §  
47 3502(a)(1) (relating to burglary), robbery as defined in 18  
48 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or  
49 robbery of a motor vehicle, drug delivery resulting in death as  
50 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery  
51 resulting in death), or criminal attempt, criminal conspiracy or

1 criminal solicitation to commit murder or any of the offenses  
2 listed above, or an equivalent crime under the laws of this  
3 Commonwealth in effect at the time of the commission of that  
4 offense or an equivalent crime in another jurisdiction.  
5 § 9719.1. Sentences for offenses committed against law  
6 enforcement officer.

7 (a) Mandatory sentence.--A person convicted of the following  
8 offense shall be sentenced to a mandatory term of imprisonment  
9 as follows:

10 18 Pa.C.S. § [2702.1(a)] 2702.1(a)(1) (relating to  
11 assault of law enforcement officer) - not less than 20 years.

12 \* \* \*

13 Section 4. This act shall take effect in 60 days.