

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 569 Session of
1995

INTRODUCED BY O'BRIEN, MAYERNIK, DENT, HENNESSEY, CLARK, WOGAN,
CORRIGAN, TIGUE, ROONEY, GEIST, FLICK, KELLER, WAUGH, TRELLO,
NAILOR, RAYMOND, BLAUM, E. Z. TAYLOR, MERRY, L. I. COHEN,
MARSICO, J. TAYLOR, BARD, EGOLF AND KENNEY, FEBRUARY 2, 1995

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 19, 1995

AN ACT

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

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

6 ~~Section 1. Section 2702 of Title 18 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended to read:~~

8 ~~§ 2702. Aggravated assault.~~

9 ~~(a) Offense defined. A person is guilty of aggravated~~
10 ~~assault if he:~~

11 ~~(1) attempts to cause serious bodily injury to another,~~
12 ~~or causes such injury intentionally, knowingly or recklessly~~
13 ~~under circumstances manifesting extreme indifference to the~~
14 ~~value of human life;~~

15 ~~(2) attempts to cause or intentionally, knowingly or~~
16 ~~recklessly causes serious bodily injury to [a police officer,~~

1 ~~firefighter, county adult probation or parole officer, county~~
2 ~~juvenile probation or parole officer or an agent of the~~
3 ~~Pennsylvania Board of Probation and Parole in the performance~~
4 ~~of duty or to] any of the officers, agents, employees or~~
5 ~~other persons enumerated in subsection (c) or to an employee~~
6 ~~of an agency, company or other entity engaged in public~~
7 ~~transportation, while in the performance of duty;~~

8 ~~(3) attempts to cause or intentionally or knowingly~~
9 ~~causes bodily injury to [a police officer, firefighter or~~
10 ~~county adult probation or parole officer, county juvenile~~
11 ~~probation or parole officer or an agent of the Pennsylvania~~
12 ~~Board of Probation and Parole] any of the officers, agents,~~
13 ~~employees or other persons enumerated in subsection (c), in~~
14 ~~the performance of duty;~~

15 ~~(4) attempts to cause or intentionally or knowingly~~
16 ~~causes bodily injury to another with a deadly weapon; [or]~~

17 ~~(5) attempts to cause or intentionally or knowingly~~
18 ~~causes bodily injury to a teaching staff member, school board~~
19 ~~member, other employee or student of any elementary or~~
20 ~~secondary publicly funded educational institution, any~~
21 ~~elementary or secondary private school licensed by the~~
22 ~~Department of Education or any elementary or secondary~~
23 ~~parochial school while acting in the scope of his or her~~
24 ~~employment or because of his or her employment relationship~~
25 ~~to the school[.]; or~~

26 ~~(6) attempts by physical menace to put any of the~~
27 ~~officers, agents, employees or other persons enumerated in~~
28 ~~subsection (c), while in the performance of duty, in fear of~~
29 ~~imminent serious bodily injury.~~

30 ~~(b) Grading.—Aggravated assault under subsection (a)(1) and~~

1 ~~(2) is a felony of the first degree. Aggravated assault under~~
2 ~~subsection (a)(3), (4) [and (5)], (5) and (6) is a felony of the~~
3 ~~second degree.~~

4 SECTION 1. SECTION 2702 OF TITLE 18 OF THE PENNSYLVANIA <—
5 CONSOLIDATED STATUTES, AMENDED JULY 6, 1995 (P.L.238, NO.27), IS
6 AMENDED TO READ:

7 § 2702. AGGRAVATED ASSAULT.

8 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AGGRAVATED
9 ASSAULT IF HE:

10 (1) ATTEMPTS TO CAUSE SERIOUS BODILY INJURY TO ANOTHER,
11 OR CAUSES SUCH INJURY INTENTIONALLY, KNOWINGLY OR RECKLESSLY
12 UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE
13 VALUE OF HUMAN LIFE;

14 (2) ATTEMPTS TO CAUSE OR INTENTIONALLY, KNOWINGLY OR
15 RECKLESSLY CAUSES SERIOUS BODILY INJURY TO [A JUDGE, DISTRICT
16 JUSTICE, SHERIFF, DEPUTY SHERIFF, CONSTABLE, DEPUTY
17 CONSTABLE, PSYCHIATRIC AIDE, POLICE OFFICER, FIREFIGHTER,
18 COUNTY ADULT PROBATION OR PAROLE OFFICER, COUNTY JUVENILE
19 PROBATION OR PAROLE OFFICER OR AN AGENT OF THE PENNSYLVANIA
20 BOARD OF PROBATION AND PAROLE IN THE PERFORMANCE OF DUTY] ANY
21 OF THE OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS
22 ENUMERATED IN SUBSECTION (C) OR TO AN EMPLOYEE OF AN AGENCY,
23 COMPANY OR OTHER ENTITY ENGAGED IN PUBLIC TRANSPORTATION,
24 WHILE IN THE PERFORMANCE OF DUTY OR TO AN EMPLOYEE OF A
25 COUNTY JAIL, PRISON, CORRECTIONAL INSTITUTION, JUVENILE
26 DETENTION CENTER OR ANY FACILITY TO WHICH THE PERSON HAS BEEN
27 ORDERED BY THE COURT PURSUANT TO A PETITION ALLEGING
28 DELINQUENCY UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE
29 MATTERS);

30 (3) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY

1 CAUSES BODILY INJURY TO [A JUDGE, DISTRICT JUSTICE, SHERIFF,
2 DEPUTY SHERIFF, CONSTABLE, DEPUTY CONSTABLE, PSYCHIATRIC
3 AIDE, POLICE OFFICER, FIREFIGHTER OR COUNTY ADULT PROBATION
4 OR PAROLE OFFICER, COUNTY JUVENILE PROBATION OR PAROLE
5 OFFICER OR AN AGENT OF THE PENNSYLVANIA BOARD OF PROBATION
6 AND PAROLE] ANY OF THE OFFICERS, AGENTS, EMPLOYEES OR OTHER
7 PERSONS ENUMERATED IN SUBSECTION (C), IN THE PERFORMANCE OF
8 DUTY OR TO AN EMPLOYEE OF A COUNTY JAIL, PRISON, CORRECTIONAL
9 INSTITUTION, JUVENILE DETENTION CENTER OR ANY FACILITY TO
10 WHICH THE PERSON HAS BEEN ORDERED BY THE COURT PURSUANT TO A
11 PETITION ALLEGING DELINQUENCY UNDER 42 PA.C.S. CH. 63;

12 (4) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY
13 CAUSES BODILY INJURY TO ANOTHER WITH A DEADLY WEAPON; [OR]

14 (5) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY
15 CAUSES BODILY INJURY TO A TEACHING STAFF MEMBER, SCHOOL BOARD
16 MEMBER, OTHER EMPLOYEE OR STUDENT OF ANY ELEMENTARY OR
17 SECONDARY PUBLICLY-FUNDED EDUCATIONAL INSTITUTION, ANY
18 ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
19 DEPARTMENT OF EDUCATION OR ANY ELEMENTARY OR SECONDARY
20 PAROCHIAL SCHOOL WHILE ACTING IN THE SCOPE OF HIS OR HER
21 EMPLOYMENT OR BECAUSE OF HIS OR HER EMPLOYMENT RELATIONSHIP
22 TO THE SCHOOL[.]; OR

23 (6) ATTEMPTS BY PHYSICAL MENACE TO PUT ANY OF THE
24 OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS ENUMERATED IN
25 SUBSECTION (C), WHILE IN THE PERFORMANCE OF DUTY, IN FEAR OF
26 IMMINENT SERIOUS BODILY INJURY.

27 (B) GRADING.--AGGRAVATED ASSAULT UNDER SUBSECTION (A)(1) AND
28 (2) IS A FELONY OF THE FIRST DEGREE. AGGRAVATED ASSAULT UNDER
29 SUBSECTION (A)(3), (4) [AND (5)], (5) AND (6) IS A FELONY OF THE
30 SECOND DEGREE.

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

- 4 (1) Police officer.
5 (2) Firefighter.
6 (3) County adult probation or parole officer.
7 (4) County juvenile probation or parole officer.
8 (5) An agent of the Pennsylvania Board of Probation and
9 Parole.
10 (6) Sheriff.
11 (7) Deputy sheriff.
12 (8) Liquor control enforcement agent.
13 (9) Officer or employee of a correctional institution.
14 (10) Judge of any court in the unified judicial system.
15 (11) The Attorney General.
16 (12) A deputy attorney general.
17 (13) A district attorney.
18 (14) An assistant district attorney.
19 (15) A public defender.
20 (16) An assistant public defender.
21 (17) A Federal law enforcement official.
22 (18) A State law enforcement official.
23 (19) A local law enforcement official.
24 (20) Any person employed to assist or who assists any
25 Federal, State or local law enforcement official.
26 (21) Emergency medical services personnel.
27 (22) Parking enforcement officer.
28 (23) A DISTRICT JUSTICE.
29 (24) A CONSTABLE.
30 (25) A DEPUTY CONSTABLE.

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1 (26) A PSYCHIATRIC AIDE.

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