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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 569 Session of  
1995

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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

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 6, 1996

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for aggravated  
3 assault; AND PROHIBITING CERTAIN ENTERTAINMENT IN SPECIFIED <—  
4 ESTABLISHMENTS.

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

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

9 ~~§ 2702. Aggravated assault.~~

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

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

16 ~~(2) attempts to cause or intentionally, knowingly or~~  
17 ~~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, <—  
9 CORRECTIONAL INSTITUTION, JUVENILE DETENTION CENTER OR ANY  
10 FACILITY TO WHICH THE PERSON HAS BEEN ORDERED BY THE COURT  
11 PURSUANT TO A PETITION ALLEGING DELINQUENCY UNDER 42 PA.C.S.  
12 CH. 63]; <—

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

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

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

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

1 SECOND DEGREE.

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

5 (1) Police officer.

6 (2) Firefighter.

7 (3) County adult probation or parole officer.

8 (4) County juvenile probation or parole officer.

9 (5) An agent of the Pennsylvania Board of Probation and  
10 Parole.

11 (6) Sheriff.

12 (7) Deputy sheriff.

13 (8) Liquor control enforcement agent.

14 (9) Officer or employee of a correctional institution, <—

15 COUNTY JAIL OR PRISON, JUVENILE DETENTION CENTER OR ANY OTHER  
16 FACILITY TO WHICH THE PERSON HAS BEEN ORDERED BY THE COURT  
17 PURSUANT TO A PETITION ALLEGING DELINQUENCY UNDER 42 PA.C.S.  
18 CH. 63 (RELATING TO JUVENILE MATTERS).

19 (10) Judge of any court in the unified judicial system.

20 (11) The Attorney General.

21 (12) A deputy attorney general.

22 (13) A district attorney.

23 (14) An assistant district attorney.

24 (15) A public defender.

25 (16) An assistant public defender.

26 (17) A Federal law enforcement official.

27 (18) A State law enforcement official.

28 (19) A local law enforcement official.

29 (20) Any person employed to assist or who assists any  
30 Federal, State or local law enforcement official.

1           (21) Emergency medical services personnel.

2           (22) Parking enforcement officer.

3           (23) A DISTRICT JUSTICE.

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4           (24) A CONSTABLE.

5           (25) A DEPUTY CONSTABLE.

6           (26) A PSYCHIATRIC AIDE.

7           SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

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8   § 7329. PROHIBITION OF CERTAIN TYPES OF ENTERTAINMENT ON BOTTLE  
9           CLUB PREMISES.

10       (A) OFFENSE DEFINED.--NO BOTTLE CLUB OPERATOR, OR SERVANTS,  
11 AGENTS OR EMPLOYEES OF THE SAME, SHALL KNOWINGLY PERMIT ON  
12 PREMISES USED AS A BOTTLE CLUB OR IN ANY PLACE OPERATED IN  
13 CONNECTION THEREWITH ANY LEWD, IMMORAL OR IMPROPER  
14 ENTERTAINMENT.

15       (B) PENALTY FOR VIOLATION.--ANY PERSON WHO VIOLATES  
16 SUBSECTION (A) COMMITS A SUMMARY OFFENSE.

17       (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
19 SUBSECTION:

20       "BOTTLE CLUB." AN ESTABLISHMENT CONFORMING TO THE DEFINITION  
21 SET FORTH IN SECTION 7328(C) (RELATING TO OPERATION OF CERTAIN  
22 ESTABLISHMENTS PROHIBITED WITHOUT LOCAL OPTION).

23       "LEWD, IMMORAL OR IMPROPER ENTERTAINMENT." INCLUDES, BUT IS  
24 NOT LIMITED TO, THE FOLLOWING ACTS OF CONDUCT:

25           (1) ACTS OR SIMULATED ACTS OF SEXUAL INTERCOURSE,  
26 MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION,  
27 FLAGELLATION OR EXCRETION OR ANY SEXUAL ACTS WHICH ARE  
28 PROHIBITED BY LAW.

29           (2) ANY PERSON BEING TOUCHED, CARESSED OR FONDLED ON THE  
30 BUTTOCKS, ANUS, VULVA, GENITALS OR FEMALE BREASTS. THIS

1 PARAGRAPH INCLUDES SIMULATION.

2 (3) SCENES WHEREIN A PERSON DISPLAYS OR EXPOSES TO VIEW  
3 ANY PORTION OF THE PUBIC AREA, ANUS, CLEFT OF THE BUTTOCKS,  
4 VULVA, GENITALS OR ANY PORTION OF THE FEMALE BREAST DIRECTLY  
5 OR Laterally BELOW THE TOP OF THE AREOLA. THIS PARAGRAPH  
6 INCLUDES SIMULATION.

7 (4) SCENES WHEREIN ARTIFICIAL DEVICES OR INANIMATE  
8 OBJECTS ARE EMPLOYED TO PORTRAY ANY OF THE PROHIBITED  
9 ACTIVITIES DESCRIBED IN PARAGRAPH (1), (2) OR (3).

10 (5) EMPLOYMENT OR USE OF ANY PERSON IN THE SALE AND  
11 SERVICE OF ALCOHOLIC BEVERAGES WHILE SUCH PERSON IS UNCLOTHED  
12 OR IN SUCH ATTIRE, COSTUME OR CLOTHING AS TO EXPOSE TO VIEW  
13 ANY PORTION OF THE ANATOMY DESCRIBED IN PARAGRAPH (3).

14 (6) EMPLOYMENT OR USE OF THE SERVICES OF A PERSON WHILE  
15 THE PERSON IS UNCLOTHED OR IN SUCH ATTIRE AS TO EXPOSE TO  
16 VIEW ANY PORTION OF THE ANATOMY DESCRIBED IN PARAGRAPH (3).

17 (7) PERMITTING ANY PERSON ON THE PREMISES TO TOUCH,  
18 CARESS OR FONDLE THE BUTTOCKS, ANUS, VULVA, GENITALS OR  
19 FEMALE BREASTS OF ANY OTHER PERSON.

20 (8) PERMITTING ANY PERSON ON THE PREMISES WHILE SUCH  
21 PERSON IS UNCLOTHED OR IN SUCH ATTIRE AS TO EXPOSE TO VIEW  
22 ANY PORTION OF THE ANATOMY DESCRIBED IN PARAGRAPH (3).

23 (9) PERMITTING ANY PERSON TO WEAR OR USE ANY DEVICE OR  
24 COVERING EXPOSED TO VIEW WHICH SIMULATES THE HUMAN BUTTOCKS,  
25 ANUS, VULVA, GENITALS OR FEMALE BREASTS.

26 (10) PERMITTING ANY PERSON TO SHOW, DISPLAY OR EXHIBIT  
27 ON THE PREMISES ANY FILM, STILL PICTURE, ELECTRONIC  
28 REPRODUCTION OR ANY OTHER VISUAL REPRODUCTION OR IMAGE THE  
29 CONTENT OF WHICH PRIMARILY DEPICTS GRAPHIC SEXUAL ACTS AS  
30 DESCRIBED IN PARAGRAPHS (1) AND (4).

1       Section ~~2~~ 3.   This act shall take effect in 60 days.

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