

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1149 Session of
2007

INTRODUCED BY TARTAGLIONE, GREENLEAF, LAVALLE, COSTA, RAFFERTY,
STACK, ERICKSON, WASHINGTON, TOMLINSON, STOUT, LOGAN,
DINNIMAN, KASUNIC, BROWNE AND HUGHES, NOVEMBER 5, 2007

AS AMENDED ON SECOND CONSIDERATION, APRIL 28, 2008

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(b), (c) and (d)~~ 2702(A)(2), (B) AND <—
7 (C) of Title 18 of the Pennsylvania Consolidated Statutes are
8 amended to read:

9 § 2702. Aggravated assault.

10 * * *

11 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AGGRAVATED <—
12 ASSAULT IF HE:

13 * * *

14 (2) ATTEMPTS TO CAUSE OR INTENTIONALLY, KNOWINGLY OR
15 RECKLESSLY CAUSES SERIOUS BODILY INJURY TO ANY OF THE
16 OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS ENUMERATED IN
17 SUBSECTION (C) [OR TO AN EMPLOYEE OF AN AGENCY, COMPANY OR
18 OTHER ENTITY ENGAGED IN PUBLIC TRANSPORTATION], WHILE IN THE

1 PERFORMANCE OF DUTY;

2 * * *

3 (b) Grading.--Aggravated assault under subsection (a)(1)
4 [and] or (2) is a felony of the first degree. Aggravated assault
5 under subsection (a)(3), (4), (5), (6) [and] or (7) is a felony
6 of the second degree.

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

10 (1) Police officer.

11 (2) Firefighter.

12 (3) County adult probation or parole officer.

13 (4) County juvenile probation or parole officer.

14 (5) An agent of the Pennsylvania Board of Probation and
15 Parole.

16 (6) Sheriff.

17 (7) Deputy sheriff.

18 (8) Liquor control enforcement agent.

19 (9) Officer or employee of a correctional institution,
20 county jail or prison, juvenile detention center or any other
21 facility to which the person has been ordered by the court
22 pursuant to a petition alleging delinquency under 42 Pa.C.S.
23 Ch. 63 (relating to juvenile matters).

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

25 (11) The Attorney General.

26 (12) A deputy attorney general.

27 (13) A district attorney.

28 (14) An assistant district attorney.

29 (15) A public defender.

30 (16) An assistant public defender.

1 (17) A Federal law enforcement official.

2 (18) A State law enforcement official.

3 (19) A local law enforcement official.

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

6 (21) Emergency medical services personnel.

7 (22) Parking enforcement officer.

8 (23) A magisterial district judge.

9 (24) A constable.

10 (25) A deputy constable.

11 (26) A psychiatric aide.

12 (27) A teaching staff member, a school board member or
13 other employee, including a student employee, of any
14 elementary or secondary publicly funded educational
15 institution, any elementary or secondary private school
16 licensed by the Department of Education or any elementary or
17 secondary parochial school while acting in the scope of his
18 or her employment or because of his or her employment
19 relationship to the school.

20 (28) Governor.

21 (29) Lieutenant Governor.

22 (30) Auditor General.

23 (31) State Treasurer.

24 (32) Member of the General Assembly.

25 (33) An employee of the Department of Environmental
26 Protection.

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

1 (35) An employee or agent of a county children and youth
2 social service agency or of the legal representative of such
3 agency.

4 (36) A public utility employee or an employee of an
5 electric cooperative.

6 ~~(37) A mass transit employee.~~ <—

7 ~~(d) Definitions. As used in this section, the following~~
8 ~~words and phrases shall have the meanings given to them in this~~
9 ~~subsection:~~

10 ~~"Electric or electronic incapacitation device." A portable~~
11 ~~device which is designed or intended by the manufacturer to be~~
12 ~~used, offensively or defensively, to temporarily immobilize or~~
13 ~~incapacitate persons by means of electric pulse or current,~~
14 ~~including devices operated by means of carbon dioxide~~
15 ~~propellant. The term does not include cattle prods, electric~~
16 ~~fences or other electric devices when used in agricultural,~~
17 ~~animal husbandry or food production activities.~~

18 ~~"Emergency medical services personnel." The term includes,~~
19 ~~but is not limited to, doctors, residents, interns, registered~~
20 ~~nurses, licensed practical nurses, nurse aides, ambulance~~
21 ~~attendants and operators, paramedics, emergency medical~~
22 ~~technicians and members of a hospital security force while~~
23 ~~working within the scope of their employment.~~

24 ~~"Mass transit employee." A driver, operator or other~~
25 ~~attendant of a vehicle, other than a taxicab or limousine,~~
26 ~~designed for carrying 15 or more passengers exclusive of the~~
27 ~~driver and designed and used for the transportation of persons~~
28 ~~for compensation, including, but not limited to, subway cars,~~
29 ~~buses, trolleys, trackless trolleys and railroad passenger cars.~~

30 (37) AN EMPLOYEE OF AN AGENCY, COMPANY OR OTHER ENTITY <—

1 ENGAGED IN PUBLIC TRANSPORTATION.

2 * * *

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