

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1878 Session of
2009

INTRODUCED BY KILLION, BARRAR, BRENNAN, CHRISTIANA, DALLY,
DePASQUALE, FAIRCHILD, GALLOWAY, GINGRICH, GODSHALL, GROVE,
HARHART, HENNESSEY, MAJOR, MANN, MARKOSEK, MARSHALL,
MICOZZIE, MUSTIO, O'NEILL, PASHINSKI, REICHLEY, SAYLOR,
SIPTROTH, SOLOBAY, STEVENSON, R. TAYLOR, TRUE, VULAKOVICH,
YUDICHAK, CIVERA AND SONNEY, JULY 22, 2009

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 28, 2010

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions and,
3 ~~for the offenses of possession of weapons and aggravated~~
4 ~~assault AND FOR CRIMINAL TRESPASS.~~



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

7 Section 1. Section 103 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 103. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this title which are applicable to specific
12 provisions of this part, the following words and phrases when
13 used in this title shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 * * *

16 "Private residential rehabilitative institution." A facility,

1 other than one operated by a government agency which provides
2 juveniles who are legally committed to the institution or
3 legally committed to a day treatment program at the institution
4 under a proceeding conducted under 42 Pa.C.S. Ch. 63 (relating
5 to juvenile matters), educational services as part of a
6 rehabilitative package, funded, at least in part, through
7 contractual agreements with the county in which each child is a
8 resident, where the institution received an amount per diem for
9 each child who is legally committed to the institution or
10 legally committed to a day treatment program at the institution
11 from the county.

12 * * *

13 Section 2. Sections ~~912(b)~~, 2702(a) and (c) and 3503(d) of
14 Title 18 are amended to read:

15 ~~§ 912. Possession of weapon on school property.~~

16 * * *

17 ~~(b) Offense defined. A person commits a misdemeanor of the~~
18 ~~first degree if he possesses a weapon in the buildings of, on~~
19 ~~the grounds of, or in any conveyance providing transportation to~~
20 ~~or from any elementary or secondary publicly funded educational~~
21 ~~institution, any elementary or secondary private school licensed~~
22 ~~by the Department of Education or any elementary or secondary~~
23 ~~parochial school or private residential rehabilitative~~
24 ~~institution.~~

25 * * *

26 § 2702. Aggravated assault.

27 (a) Offense defined.--A person is guilty of aggravated
28 assault if he:

29 (1) attempts to cause serious bodily injury to another,
30 or causes such injury intentionally, knowingly or recklessly

1 under circumstances manifesting extreme indifference to the
2 value of human life;

3 (2) attempts to cause or intentionally, knowingly or
4 recklessly causes serious bodily injury to any of the
5 officers, agents, employees or other persons enumerated in
6 subsection (c) or to an employee of an agency, company or
7 other entity engaged in public transportation, while in the
8 performance of duty;

9 (3) attempts to cause or intentionally or knowingly
10 causes bodily injury to any of the officers, agents,
11 employees or other persons enumerated in subsection (c), in
12 the performance of duty;

13 (4) attempts to cause or intentionally or knowingly
14 causes bodily injury to another with a deadly weapon;

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

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

29 (7) uses tear or noxious gas as defined in section
30 2708(b) (relating to use of tear or noxious gas in labor

disputes) or uses an electric or electronic incapacitation device against any officer, employee or other person enumerated in subsection (c) while acting in the scope of his employment.

* * *

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

- (1) Police officer.
- (2) Firefighter.
- (3) County adult probation or parole officer.
- (4) County juvenile probation or parole officer.
- (5) An agent of the Pennsylvania Board of Probation and Parole.
- (6) Sheriff.
- (7) Deputy sheriff.
- (8) Liquor control enforcement agent.
- (9) Officer or employee of a correctional institution, county jail or prison, juvenile detention center or any other facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).
- (10) Judge of any court in the unified judicial system.
- (11) The Attorney General.
- (12) A deputy attorney general.
- (13) A district attorney.
- (14) An assistant district attorney.
- (15) A public defender.
- (16) An assistant public defender.
- (17) A Federal law enforcement official.

- 1 (18) A State law enforcement official.
- 2 (19) A local law enforcement official.
- 3 (20) Any person employed to assist or who assists any
4 Federal, State or local law enforcement official.
- 5 (21) Emergency medical services personnel.
- 6 (22) Parking enforcement officer.
- 7 (23) A magisterial district judge.
- 8 (24) A constable.
- 9 (25) A deputy constable.
- 10 (26) A psychiatric aide.
- 11 (27) A teaching staff member, a school board member or
12 other employee, including a student employee, of any
13 elementary or secondary publicly funded educational
14 institution, any elementary or secondary private school
15 licensed by the Department of Education [or] any elementary
16 or secondary parochial school or private residential
17 rehabilitative institution 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 * * *

7 § 3503. Criminal trespass.

8 * * *

9 (d) Definition.--As used in this section, the term "school
10 grounds" means any building or grounds of any elementary or
11 secondary publicly funded educational institution, any
12 elementary or secondary private school licensed by the
13 Department of Education, any elementary or secondary parochial
14 school, any private residential rehabilitative institution, any
15 certified day-care center or any licensed preschool program.

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