

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1646 Session of 2011

INTRODUCED BY D. COSTA, O'NEILL, B. BOYLE, K. BOYLE, BRADFORD, CONKLIN, CREIGHTON, DEASY, DeLUCA, FABRIZIO, FRANKEL, GEIST, GOODMAN, HARKINS, HORNAMAN, MAHONEY, MANN, MATZIE, MICOZZIE, MILLER, MURPHY, MURT, PAYNE, PRESTON, PYLE, READSHAW, SANTARSIERO, STABACK, SWANGER, YOUNGBLOOD, BRIGGS, V. BROWN, M. O'BRIEN, RAVENSTAHL, McGEEHAN, BOBACK, BRENNAN, DAVIS, GIBBONS, PASHINSKI AND KORTZ, JUNE 8, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 21, 2011

AN ACT

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

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

6 Section 1. Section 2702(a)(5) and (c)(2) and (27) of Title
7 18 of the Pennsylvania Consolidated Statutes are amended AND
8 SUBSECTION (D) IS AMENDED BY ADDING A DEFINITION to read:

9 § 2702. Aggravated assault.

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

12 * * *

13 (5) attempts to cause or intentionally or knowingly
14 causes bodily injury to a teaching staff member, school board
15 member or other employee, including a student employee, of

1 any elementary or secondary publicly-funded educational
2 institution, any elementary or secondary private school
3 licensed by the Department of Education or any elementary or
4 secondary parochial school while acting in the scope of his
5 or her employment or because of his or her employment
6 relationship to the school, or a crossing guard while acting
7 in the scope of his or her official capacity as designated by
8 a political subdivision, school entity or police department;

9 * * *

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

13 * * *

14 (2) Firefighter, including volunteer firefighters and
15 special fire police.

16 * * *

17 (27) A teaching staff member, a school board member or
18 other employee, including a student employee, of any
19 elementary or secondary publicly funded educational
20 institution, any elementary or secondary private school
21 licensed by the Department of Education or any elementary or
22 secondary parochial school while acting in the scope of his
23 or her employment or because of his or her employment
24 relationship to the school, or a crossing guard while acting
25 in the scope of his or her official capacity as designated by
26 a political subdivision, school entity or police department.

27 * * *

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

29 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
30 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION:

2 * * *

3 "PUBLIC UTILITY EMPLOYEE OR AN EMPLOYEE OF AN ELECTRIC
4 COOPERATIVE." THE TERM INCLUDES ALL OF THE FOLLOWING:

5 (1) AN EMPLOYEE OF A PUBLIC UTILITY.

6 (2) AN EMPLOYEE OF A MUNICIPALLY OWNED UTILITY.

7 (3) AN EMPLOYEE OF A CABLE TELEVISION COMPANY.

8 (4) AN EMPLOYEE OF AN ELECTRIC DISTRIBUTION COMPANY.

9 (5) AN EMPLOYEE OF AN ELECTRIC GENERATION COMPANY.

10 (6) AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE OF AN
11 INDEPENDENT CONTRACTOR WORKING ON BEHALF OF A CABLE
12 TELEVISION COMPANY, A PUBLIC UTILITY, A MUNICIPALLY OWNED
13 UTILITY, AN ELECTRIC DISTRIBUTION COMPANY, AN ELECTRIC
14 GENERATION COMPANY OR AN ELECTRIC COOPERATIVE.

15 (7) AN EMPLOYEE OF A TELECOMMUNICATIONS CARRIER.

16 (8) AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE OF AN
17 INDEPENDENT CONTRACTOR WORKING ON BEHALF OF A
18 TELECOMMUNICATIONS CARRIER.

19 (9) AN EMPLOYEE OF A TELEPHONE OR TELECOMMUNICATIONS
20 COOPERATIVE.

21 (10) AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE OF AN
22 INDEPENDENT CONTRACTOR WORKING ON BEHALF OF A TELEPHONE OR
23 TELECOMMUNICATIONS COOPERATIVE.

24 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

25 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
26 IMMEDIATELY:

27 (I) THE ADDITION OF THE DEFINITION OF "PUBLIC
28 UTILITY EMPLOYEE OR AN EMPLOYEE OF AN ELECTRIC
29 COOPERATIVE" IN 18 PA.C.S. § 2702(D) .

30 (II) THIS SECTION.

1 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
2 DAYS.