



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 56

PRINTERS NO. 3111

PRIME SPONSOR: Gillespie

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	Minimal	Minimal

SUMMARY: House Bill 56 amends the Crimes Code concerning Assault of a Law Enforcement Officer. It would take effect in 60 days.

ANALYSIS: This legislation adds two new offenses to the section of the Crimes Code concerning Assault of a Law Enforcement Officer. "Assault by bodily fluid" is committed when a person intentionally or knowingly causes or attempts to cause a law enforcement officer, while in the performance of his duty and with knowledge that the victim is a law enforcement officer, to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material. Such conduct is classified as a felony of the second degree.

The other offense, "assault by bodily fluid with communicable disease," involves the same conduct described above when the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the perpetrator, infected by a communicable disease, such as human immunodeficiency virus or hepatitis B. Such conduct is classified as a felony of the first degree.

FISCAL IMPACT: Enactment of this legislation is expected to have only a minimal impact on Commonwealth funds. Under current law the conduct described in these "new" offenses is usually prosecuted as an aggravated assault against a law enforcement officer, which is already a felony of the first or second degree depending on the circumstances of the assault. Also under current law, these actions are considered a felony if performed by a prisoner against a law enforcement officer, but only when the prisoner is confined in or being transported to a penal institution. This legislation provides prosecutors with a more specific legal charge when the assault on a police officer involves bodily fluids, and regardless of whether or not the individual committing the assault is a prisoner confined in a penal institution.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: March 18, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.