



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 103

PRINTERS NO. 3500

PRIME SPONSOR: Schmitt

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	See Fiscal Impact	

SUMMARY:

House Bill 103 amends the Crimes Code (Title 18) concerning the assault of law enforcement officers and assaults by prisoners. It also amends the Judicial Code (Title 42) concerning sentences for second and subsequent offenses and offenses committed against law enforcement officers. It would take effect in 60 days.

ANALYSIS:

HB 103 amends the Crimes Code to provide that a person is guilty of assault of a law enforcement officer if the person intentionally or knowingly causes or attempts to cause 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. If at the time of the offense the person knew or had reason to know that the fluid or material was infected by a communicable virus, and the disease is communicable to the law enforcement officer by the method used or attempted, the person commits a felony of the second degree. Otherwise, the offense committed will result in a felony of the third degree.

This bill also makes several technical changes to the offenses of assault by prisoner and assault by a life prisoner in the Crimes Code.

HB 103 amends the Judicial Code concerning sentences for second and subsequent offenses by adding bodily fluids assaults on law enforcement officers to the definition of a violent offense. It also amends the Judicial Code concerning sentences for offenses committed against law enforcement officers to clarify that only persons convicted of assaulting a law enforcement officer by discharging a firearm will be sentenced to a mandatory term of imprisonment of not less than 20 years.

FISCAL IMPACT:

The new offense added to assault of a law enforcement officer would have an unknown fiscal impact on Commonwealth funds. Any fiscal impact resulting from additional arrests, convictions and sentences due to violations of this new offense is indeterminable. A person convicted of a felony of the second degree may be sentenced to a term of imprisonment, the maximum of which is not more than ten years, and a person convicted of a felony of the third degree may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.

The other changes made by this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: October 26, 2022

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