

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 357

PRINTER NO. 351

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 15, 2017

PRIME SPONSOR

Senator Tomlinson

DESCRIPTION

Senate Bill 357 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of aggravated assault by a person in custody.

This legislation amends Title 18 by adding a new §2703.2 (relating to aggravated assault by person in custody). A person commits an offense if the person is in the custody of the police or other law enforcement agency and while in custody, intentionally or knowingly causes or attempts to cause another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material.

The offense is graded as a felony of the third degree, punishable by a maximum term of imprisonment of not more than seven (7) years and/or a fine not exceeding \$15,000.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania State Police, Troopers generally charge an offender with §2702(a)(2) (relating to aggravated assault) whenever a 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.

It is assumed that the number of offenders will not change, but rather will as a result of this bill be charged with this new statute, §2703.2 (relating to aggravated assault by person in custody) rather than §2702(a)(2) (relating to aggravated assault).

Therefore, enactment of this legislation will have no fiscal impact on Commonwealth funds.