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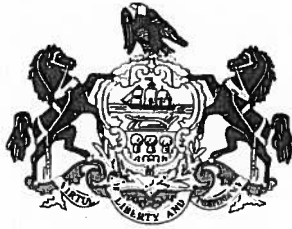
TO: Colleagues in the House

FROM: Rep. Kathy Watson



DATE: March 11, 2011

SUBJECT: Establish a Penalty for People in Police Custody who Harass Law Enforcement Officers (**HB1466 of 2007-2008 Session**)



House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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I am planning to re-introduce legislation which will amend the Crimes Code (Title 18) to establish a penalty for persons in police custody who harass law enforcement officers.

My bill will create a new section in the Crimes Code, entitled "Aggravated harassment by a person in custody." This provision will establish that it is a third degree felony for a person who is in the custody of the police or another law enforcement agency to knowingly or intentionally cause or attempt 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.

This new section is patterned on existing law which establishes the same penalty for prisoners who behave in this manner toward guards and other law enforcement or prison administrative personnel (Section 2703.1, Aggravated harassment by prisoner).

I believe this criminal behavior must be strongly discouraged due to possible negative health consequences which may result from contact with foreign bodily fluids, and I also feel strongly that we have a duty to protect our law enforcement personnel from this type of harassment.

The "silence" in the law and the inability of law enforcement to charge an individual who deliberately behaves in this manner was brought to my attention by the Chief of Appeals in the Bucks County District Attorney's Office.

Previous sponsors include: MUSTIO, W. KELLER, ROCK, MILLER, BARRAR, BEYER, BOYD, CARROLL, CLYMER, CREIGHTON, CRUZ, DENLINGER, FLECK, GEIST, GINGRICH, GOODMAN, HESS, KORTZ, MILNE, PAYNE, QUINN, READSHAW, ROAE, SIPTROTH, SOLOBAY AND STERN, MARCH 5, 2009.

If you would like to co-sponsor this legislation, please contact Meredith Schuler in my office at 7-5452 or via email at mschuler@pahousegop.com. Thank you.

KMW/cm
