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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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MEMORANDUM

To: All House Members

From: Representative Keith J. Gillespie
45 East Wing 

Subject: Assault of law Enforcement Officer

In the near future, I will introduce legislation to amend 18Pa.C.S. 2702.1 Assault of Law Enforcement Officer; to address the circumstance of an offender knowingly or intentionally causing the officer to come into contact with blood, seminal fluid, saliva, urine or feces when the offender knew or had reason to know the offender was infected with a communicable disease, including HIV or hepatitis B.

Currently, the offense of Assault of Law Enforcement Officer applies to an offender who knowingly or intentionally causes bodily injury to the law enforcement officer while in the performance of his duties. The statute does not include officer's being bitten by an offender who knows he is infected with HIV or hepatitis B, for example.

The legislation I will introduce is modeled upon an existing provision of the Crimes Code, that of Assault by Prisoner. Under Assault by Prisoner, it is unlawful for a person confined in a correctional institution to intentionally or knowingly cause a corrections officer to come into contact with blood, seminal fluid, saliva, urine or feces when the offender knew or had reason to know the offender was infected with a communicable disease, including HIV or hepatitis B. The offense is graded a felony of the second degree.

To my mind, we should give police officers the same protections in the law we give to corrections officers. Consequently, the legislation carries the same grading as the offense of Assault by Prisoner, that of felony of the second degree.

If you would like to join me in co-sponsoring this legislation, please contact Cheryl Gruber at 705-7167 or by email cgruber@pahousegop.com. Thank you.