

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 185 Session of 2021

INTRODUCED BY STRUZZI, KAUFFMAN, BOBACK, GUENST, HOHENSTEIN, JOZWIAK, MILLARD, MOUL, NEILSON, SMITH, COX, ZIMMERMAN, SNYDER, SCHLEGEL CULVER, GILLEN AND E. NELSON, JANUARY 21, 2021

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED, SEPTEMBER 20, 2022

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, further providing for the
3 offense of aggravated assault.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 2702(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended, subsection (a) is amended by
8 adding a paragraph and subsection (d) is amended by adding
9 definitions to read:

10 § 2702. Aggravated assault.

11 (a) Offense defined.--A person is guilty of aggravated
12 assault if he:

13 * * *

14 (3.1) attempts to cause or intentionally or knowingly
15 causes bodily injury to an individual ~~with~~ WHOM HE KNOWS OR <--
16 SHOULD KNOW HAS a physical disability, an intellectual

1 disability or an autism spectrum disorder;

2 * * *

3 (b) Grading.--Aggravated assault under subsection (a) (1),
4 (2) and (9) is a felony of the first degree. Aggravated assault
5 under subsection (a) (3), (3.1), (4), (5), (6), (7) and (8) is a
6 felony of the second degree.

7 * * *

8 (d) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection:

11 "Autism spectrum disorder." As defined in 42 Pa.C.S. § 5992
12 (relating to definitions), regardless of the age of the
13 individual.

14 * * *

15 "Intellectual disability." Regardless of the age of the
16 individual, significantly subaverage general intellectual
17 functioning of an individual that is accompanied by significant
18 limitations in adaptive functioning in at least two of the
19 following skill areas:

- 20 (1) Communication.
- 21 (2) Self-care.
- 22 (3) Home living.
- 23 (4) Social and interpersonal.
- 24 (5) Use of community resources.
- 25 (6) Self-direction.
- 26 (7) Functional academic.
- 27 (8) Work.
- 28 (9) Health and safety.

29 "Physical disability." As follows:

- 30 (1) A permanent or irreversible physical impairment,

1 whether congenital or acquired by accident, injury or
2 disease, that substantially limits one or more major life
3 activities of the individual.

4 (2) For purposes of paragraph (1), major life activities
5 include, but are not limited to, caring for oneself,
6 performing manual tasks, seeing, hearing, eating, sleeping,
7 walking, standing, lifting, bending, speaking, breathing and
8 working.

9 * * *

10 Section 2. This act shall take effect in 60 days.