

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2950 Session of  
1994

INTRODUCED BY HERMAN, TRELLO, CLARK, CESSAR, SAYLOR, FICHTER,  
GEIST, SATHER, EGOLF, SERAFINI, J. TAYLOR AND MERRY,  
JUNE 20, 1994

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 20, 1994

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for aggravated assault; and  
4 providing for sentences for offenses committed with firearms.

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

7 Section 1. Section 2702 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 2702. Aggravated assault.

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

12 (1) attempts to cause serious bodily injury to another,  
13 or causes such injury intentionally, knowingly or recklessly  
14 under circumstances manifesting extreme indifference to the  
15 value of human life;

16 (2) attempts to cause or intentionally, knowingly or  
17 recklessly causes serious bodily injury to a police officer,  
18 firefighter, county adult probation or parole officer, county

1 juvenile probation or parole officer or an agent of the  
2 Pennsylvania Board of Probation and Parole in the performance  
3 of duty or to an employee of an agency, company or other  
4 entity engaged in public transportation, while in the  
5 performance of duty;

6 (3) attempts to cause or intentionally or knowingly  
7 causes bodily injury to a police officer, firefighter or  
8 county adult probation or parole officer, county juvenile  
9 probation or parole officer or an agent of the Pennsylvania  
10 Board of Probation and Parole in the performance of duty;

11 (4) attempts to cause or intentionally or knowingly  
12 causes bodily injury to another with a deadly weapon; [or]

13 (5) attempts to cause or intentionally or knowingly  
14 causes bodily injury to a teaching staff member, school board  
15 member, other employee or student of any elementary or  
16 secondary publicly-funded educational institution, any  
17 elementary or secondary private school licensed by the  
18 Department of Education or any elementary or secondary  
19 parochial school while acting in the scope of his or her  
20 employment or because of his or her employment relationship  
21 to the school[.]; or

22 (6) uses tear or noxious gas, as defined in section  
23 2708(b) (relating to use of tear or noxious gas in labor  
24 disputes), in an offensive manner against any of the  
25 following:

26 (i) police officer;

27 (ii) firefighter;

28 (iii) medical personnel;

29 (iv) prison guard;

30 (v) sheriff;

1           (vi) deputy sheriff;  
2           (vii) correction officer;  
3           (viii) fire police;  
4           (ix) auxiliary police;  
5           (x) county adult probation or parole officer;  
6           (xi) county juvenile probation or parole officer;  
7           (xii) an agent of the Pennsylvania Board of  
8           Probation and Parole in the performance of duty;  
9           (xiii) a teaching staff member, school board member,  
10           other employee or student of any elementary or secondary  
11           publicly funded educational institution, any elementary  
12           or secondary private school licensed by the Department of  
13           Education or any elementary or secondary parochial school  
14           while acting in the scope of his employment or because of  
15           his employment relationship to the school;  
16           (xiv) constable; or  
17           (xv) private detective.

18       (b) Grading.--Aggravated assault under subsection (a)(1) and  
19       (2) is a felony of the first degree. Aggravated assault under  
20       subsection (a)(3), (4) [and], (5) and (6) is a felony of the  
21       second degree.

22       Section 2. The heading of section 9712 of Title 42 is  
23       amended and the section is amended by adding a subsection to  
24       read:

25       § 9712. Sentences for offenses committed with firearms and tear  
26               or noxious gas.

27       \* \* \*

28       (a.1) Mandatory sentence for use of tear or noxious gas.--  
29       Any person who is convicted in any court of this Commonwealth of  
30       murder of the third degree, voluntary manslaughter, rape,

1 involuntary deviate sexual intercourse, robbery, simple assault,  
2 aggravated assault, as defined in 18 Pa.C.S. § 2702(a)(6)  
3 (relating to aggravated assault), or kidnapping, or who is  
4 convicted of attempt to commit any of these crimes, shall, if  
5 the person visibly possessed or used tear or noxious gas, as  
6 defined in 18 Pa.C.S. § 2708(b) (relating to use of tear or  
7 noxious gas in labor disputes), during the commission of the  
8 offense, be sentenced to a minimum sentence of at least two  
9 years of total confinement notwithstanding any other provision  
10 of this title or other statute to the contrary.

11 \* \* \*

12 Section 3. This act shall take effect in 60 days.