

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1313 Session of  
1995

INTRODUCED BY TOMLINSON, MUSTO, SALVATORE, HELFRICK, O'PAKE,  
PORTERFIELD, GERLACH, STAPLETON, BELL, RHOADES, BRIGHTBILL,  
KASUNIC, WENGER, HECKLER, MADIGAN, WILLIAMS, ULIANA AND  
JUBELIRER, NOVEMBER 21, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 18, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for aggravated  
3 assault on emergency medical health care workers.

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

6 Section 1. Section 2702 of Title 18 of the Pennsylvania  
7 Consolidated Statutes, AMENDED FEBRUARY 23, 1996 (P.L.17, NO.7), <—  
8 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~~

1 ~~recklessly causes serious bodily injury to a judge, district~~  
2 ~~justice, sheriff, deputy sheriff, constable, deputy~~  
3 ~~constable, psychiatric aide, police officer, firefighter,~~  
4 ~~county adult probation or parole officer, county juvenile~~  
5 ~~probation or parole officer or an agent of the Pennsylvania~~  
6 ~~Board of Probation and Parole in the performance of duty or~~  
7 ~~to an employee of an agency, company or other entity engaged~~  
8 ~~in public transportation, while in the performance of duty or~~  
9 ~~to an employee of a county jail, prison, correctional~~  
10 ~~institution, juvenile detention center or any facility to~~  
11 ~~which the person has been ordered by the court pursuant to a~~  
12 ~~petition alleging delinquency under 42 Pa.C.S. Ch. 63~~  
13 ~~(relating to juvenile matters);~~

14 ~~(3) attempts to cause or intentionally or knowingly~~  
15 ~~causes bodily injury to a judge, district justice, sheriff,~~  
16 ~~deputy sheriff, constable, deputy constable, psychiatric~~  
17 ~~aide, police officer, firefighter or county adult probation~~  
18 ~~or parole officer, county juvenile probation or parole~~  
19 ~~officer or an agent of the Pennsylvania Board of Probation~~  
20 ~~and Parole in the performance of duty or to an employee of a~~  
21 ~~county jail, prison, correctional institution, juvenile~~  
22 ~~detention center or any facility to which the person has been~~  
23 ~~ordered by the court pursuant to a petition alleging~~  
24 ~~delinquency under 42 Pa.C.S. Ch. 63;~~

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

27 ~~(5) attempts to cause or intentionally or knowingly~~  
28 ~~causes bodily injury to a teaching staff member, school board~~  
29 ~~member, other employee or student of any elementary or~~  
30 ~~secondary publicly funded educational institution, any~~

~~elementary or secondary private school licensed by the  
Department of Education or any elementary or secondary  
parochial school while acting in the scope of his or her  
employment or because of his or her employment relationship  
to the school[.]; or~~

~~(6) attempts to cause or intentionally or knowingly  
causes bodily injury to any professional or nonprofessional  
emergency medical health care worker acting in the scope of  
employment. For purposes of this paragraph, the phrase  
"emergency medical health care worker" includes, but is not  
limited to, doctors, residents, interns, registered nurses,  
licensed practical nurses, nurse aides, ambulance attendants  
and operators, paramedics, emergency medical technicians and  
members of a hospital security force.~~

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

§ 2702. AGGRAVATED ASSAULT.

(A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AGGRAVATED  
ASSAULT IF HE:

(1) ATTEMPTS TO CAUSE SERIOUS BODILY INJURY TO ANOTHER,  
OR CAUSES SUCH INJURY INTENTIONALLY, KNOWINGLY OR RECKLESSLY  
UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE  
VALUE OF HUMAN LIFE;

(2) ATTEMPTS TO CAUSE OR INTENTIONALLY, KNOWINGLY OR  
RECKLESSLY CAUSES SERIOUS BODILY INJURY TO ANY OF THE  
OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS ENUMERATED IN  
SUBSECTION (C) OR TO AN EMPLOYEE OF AN AGENCY, COMPANY OR  
OTHER ENTITY ENGAGED IN PUBLIC TRANSPORTATION, WHILE IN THE

PERFORMANCE OF DUTY;

(3) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY CAUSES BODILY INJURY TO ANY OF THE OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS ENUMERATED IN SUBSECTION (C), IN THE PERFORMANCE OF DUTY;

(4) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY CAUSES BODILY INJURY TO ANOTHER WITH A DEADLY WEAPON;

(5) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY CAUSES BODILY INJURY TO A TEACHING STAFF MEMBER, SCHOOL BOARD MEMBER, OTHER EMPLOYEE OR STUDENT OF ANY ELEMENTARY OR SECONDARY PUBLICLY-FUNDED EDUCATIONAL INSTITUTION, ANY ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE DEPARTMENT OF EDUCATION OR ANY ELEMENTARY OR SECONDARY PAROCHIAL SCHOOL WHILE ACTING IN THE SCOPE OF HIS OR HER EMPLOYMENT OR BECAUSE OF HIS OR HER EMPLOYMENT RELATIONSHIP TO THE SCHOOL; OR

(6) ATTEMPTS BY PHYSICAL MENACE TO PUT ANY OF THE OFFICERS, AGENTS, EMPLOYEES OR OTHER PERSONS ENUMERATED IN SUBSECTION (C), WHILE IN THE PERFORMANCE OF DUTY, IN FEAR OF IMMINENT SERIOUS BODILY INJURY.

(B) GRADING.--AGGRAVATED ASSAULT UNDER SUBSECTION (A)(1) AND (2) IS A FELONY OF THE FIRST DEGREE. AGGRAVATED ASSAULT UNDER SUBSECTION (A)(3), (4), (5) AND (6) IS A FELONY OF THE SECOND DEGREE.

(C) OFFICERS, EMPLOYEES, ETC., ENUMERATED.--THE OFFICERS, AGENTS, EMPLOYEES AND OTHER PERSONS REFERRED TO IN SUBSECTION (A) SHALL BE AS FOLLOWS:

(1) POLICE OFFICER.

(2) FIREFIGHTER.

(3) COUNTY ADULT PROBATION OR PAROLE OFFICER.

- 1           (4) COUNTY JUVENILE PROBATION OR PAROLE OFFICER.
- 2           (5) AN AGENT OF THE PENNSYLVANIA BOARD OF PROBATION AND
- 3 PAROLE.
- 4           (6) SHERIFF.
- 5           (7) DEPUTY SHERIFF.
- 6           (8) LIQUOR CONTROL ENFORCEMENT AGENT.
- 7           (9) OFFICER OR EMPLOYEE OF A CORRECTIONAL INSTITUTION,
- 8 COUNTY JAIL OR PRISON, JUVENILE DETENTION CENTER OR ANY OTHER
- 9 FACILITY TO WHICH THE PERSON HAS BEEN ORDERED BY THE COURT
- 10 PURSUANT TO A PETITION ALLEGING DELINQUENCY UNDER 42 PA.C.S.
- 11 CH. 63 (RELATING TO JUVENILE MATTERS).
- 12          (10) JUDGE OF ANY COURT IN THE UNIFIED JUDICIAL SYSTEM.
- 13          (11) THE ATTORNEY GENERAL.
- 14          (12) A DEPUTY ATTORNEY GENERAL.
- 15          (13) A DISTRICT ATTORNEY.
- 16          (14) AN ASSISTANT DISTRICT ATTORNEY.
- 17          (15) A PUBLIC DEFENDER.
- 18          (16) AN ASSISTANT PUBLIC DEFENDER.
- 19          (17) A FEDERAL LAW ENFORCEMENT OFFICIAL.
- 20          (18) A STATE LAW ENFORCEMENT OFFICIAL.
- 21          (19) A LOCAL LAW ENFORCEMENT OFFICIAL.
- 22          (20) ANY PERSON EMPLOYED TO ASSIST OR WHO ASSISTS ANY
- 23 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT OFFICIAL.
- 24          (21) EMERGENCY MEDICAL SERVICES PERSONNEL.
- 25          (22) PARKING ENFORCEMENT OFFICER.
- 26          (23) A DISTRICT JUSTICE.
- 27          (24) A CONSTABLE.
- 28          (25) A DEPUTY CONSTABLE.
- 29          (26) A PSYCHIATRIC AIDE.

30       (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM

1 "EMERGENCY MEDICAL SERVICES PERSONNEL" INCLUDES, BUT IS NOT  
2 LIMITED TO, DOCTORS, RESIDENTS, INTERNS, REGISTERED NURSES,  
3 LICENSED PRACTICAL NURSES, NURSE AIDES, AMBULANCE ATTENDANTS AND  
4 OPERATORS, PARAMEDICS, EMERGENCY MEDICAL TECHNICIANS AND MEMBERS  
5 OF A HOSPITAL SECURITY FORCE WHILE WORKING WITHIN THE SCOPE OF  
6 THEIR EMPLOYMENT.

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