

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2070 Session of
2001

INTRODUCED BY J. EVANS, ARGALL, BENNINGHOFF, BOYES, M. BAKER,
BARRAR, BASTIAN, BELARDI, BELFANTI, BROWNE, CAPPELLI,
CASORIO, CLARK, L. I. COHEN, COLEMAN, CORRIGAN, CREIGHTON,
DALEY, DALLY, FAIRCHILD, FEESE, FICHTER, FREEMAN, GEIST,
GEORGE, GRUCELA, HARHAI, HARPER, HASAY, HENNESSEY, HERMAN,
HORSEY, HUTCHINSON, KAISER, LEWIS, MACKERETH, McCALL,
McILHATTAN, S. MILLER, NAILOR, PETRARCA, PETRONE, PHILLIPS,
PIPPY, READSHAW, ROBERTS, RUBLEY, SAINATO, SATHER, SCHULER,
SHANER, B. SMITH, SOLOBAY, STABACK, J. TAYLOR, THOMAS, TIGUE,
TRICH, TURZAI, WATSON, WILT, YOUNGBLOOD, YUDICHAK, ZUG AND
G. WRIGHT, OCTOBER 24, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 20, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for simple assault
3 AND FOR THE CRIME OF RETALIATION AGAINST PROSECUTOR OR <—
4 JUDICIAL OFFICER.

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

7 ~~Section 1. Section 2701 of Title 18 of the Pennsylvania~~ <—
8 ~~Consolidated Statutes, mended June 22, 2001 (P.L.605, No.48), is~~
9 ~~amended to read:-~~

10 SECTION 1. SECTIONS 2701 AND 4953.1(B) OF TITLE 18 OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 2701. Simple assault.

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

14 (1) attempts to cause or intentionally, knowingly or

recklessly causes bodily injury to another;

(2) negligently causes bodily injury to another with a deadly weapon;

(3) attempts by physical menace to put another in fear of imminent serious bodily injury; or

(4) conceals or attempts to conceal a hypodermic needle on his person and intentionally or knowingly penetrates a law enforcement officer or an officer or an employee of a correctional institution, county jail or prison, detention facility or mental hospital, during the course of an arrest or any search of the person.

(b) Grading.--Simple assault is a misdemeanor of the second degree unless committed:

(1) in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree; or

(2) against a child under 12 years of age by an adult 21 years of age or older, in which case it is a misdemeanor of the first degree.

§ 4953.1. RETALIATION AGAINST PROSECUTOR OR JUDICIAL OFFICIAL. <—

* * *

(B) GRADING.--THE OFFENSE IS A FELONY OF THE SECOND DEGREE IF ANY OF THE FOLLOWING APPLY:

(1) THE ACTOR EMPLOYS FORCE, VIOLENCE OR DECEPTION, OR ATTEMPTS OR THREATENS TO EMPLOY FORCE, VIOLENCE OR DECEPTION, UPON THE PROSECUTOR OR JUDICIAL OFFICIAL [OR, WITH THE REQUISITE INTENT OR KNOWLEDGE, UPON ANY OTHER PERSON].

(2) THE ACTOR'S CONDUCT IS IN FURTHERANCE OF A CONSPIRACY TO RETALIATE AGAINST A PROSECUTOR OR JUDICIAL OFFICIAL.

1 (3) THE ACTOR SOLICITS ANOTHER TO OR ACCEPTS OR AGREES
2 TO ACCEPT ANY PECUNIARY OR OTHER BENEFIT TO RETALIATE AGAINST
3 A PROSECUTOR OR JUDICIAL OFFICIAL.

4 (4) THE ACTOR HAS SUFFERED ANY PRIOR CONVICTION FOR ANY
5 VIOLATION OF THIS TITLE OR ANY PREDECESSOR LAW HERETO, OR HAS
6 BEEN CONVICTED, UNDER ANY FEDERAL STATUTE OR STATUTE OF ANY
7 OTHER STATE, OF AN ACT WHICH WOULD BE A VIOLATION OF THIS
8 TITLE IF COMMITTED IN THIS COMMONWEALTH.

9 (5) THE ACTOR CAUSES PROPERTY DAMAGE OR LOSS IN EXCESS
10 OF \$1,000.

11 OTHERWISE THE OFFENSE IS A MISDEMEANOR OF THE FIRST DEGREE.

12 * * *

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