

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 629 Session of
2005INTRODUCED BY TARTAGLIONE, KASUNIC, ERICKSON, MUSTO, LOGAN,
LAVALLE, COSTA, STACK AND KITCHEN, APRIL 18, 2005

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, SEPTEMBER 20, 2005

AN ACT

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

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

6 Section 1. Section 2702(b) ~~and (c)~~, (C) AND (D) of Title 18 <—
7 of the Pennsylvania Consolidated Statutes, amended November 29,
8 2004 (P.L.1349, No.173) and November 30, 2004 (P.L.1618,
9 No.207), are amended to read:

10 § 2702. Aggravated assault.

11 * * *

12 (b) Grading.--Aggravated assault under subsection (a)(1) and
13 (2) is a felony of the first degree. Aggravated assault under
14 subsection (a)(3), (4), (5), (6) [and] or (7) is a felony of the
15 second degree.

16 (c) Officers, employees, etc., enumerated.--The officers,
17 agents, employees and other persons referred to in subsection
18 (a) shall be as follows:

- 1 (1) Police officer.
- 2 (2) Firefighter.
- 3 (3) County adult probation or parole officer.
- 4 (4) County juvenile probation or parole officer.
- 5 (5) An agent of the Pennsylvania Board of Probation and
- 6 Parole.
- 7 (6) Sheriff.
- 8 (7) Deputy sheriff.
- 9 (8) Liquor control enforcement agent.
- 10 (9) Officer or employee of a correctional institution,
- 11 county jail or prison, juvenile detention center or any other
- 12 facility to which the person has been ordered by the court
- 13 pursuant to a petition alleging delinquency under 42 Pa.C.S.
- 14 Ch. 63 (relating to juvenile matters).
- 15 (10) Judge of any court in the unified judicial system.
- 16 (11) The Attorney General.
- 17 (12) A deputy attorney general.
- 18 (13) A district attorney.
- 19 (14) An assistant district attorney.
- 20 (15) A public defender.
- 21 (16) An assistant public defender.
- 22 (17) A Federal law enforcement official.
- 23 (18) A State law enforcement official.
- 24 (19) A local law enforcement official.
- 25 (20) Any person employed to assist or who assists any
- 26 Federal, State or local law enforcement official.
- 27 (21) Emergency medical services personnel.
- 28 (22) Parking enforcement officer.
- 29 (23) A magisterial district judge.
- 30 (24) A constable.

1 (25) A deputy constable.

2 (26) A psychiatric aide.

3 (27) A teaching staff member, a school board member or
4 other employee, including a student employee, of any
5 elementary or secondary publicly funded educational
6 institution, any elementary or secondary private school
7 licensed by the Department of Education or any elementary or
8 secondary parochial school while acting in the scope of his
9 or her employment or because of his or her employment
10 relationship to the school.

11 (28) Governor.

12 (29) Lieutenant Governor.

13 (30) Auditor General.

14 (31) State Treasurer.

15 (32) Member of the General Assembly.

16 (33) An employee of the Department of Environmental
17 Protection.

18 (34) An individual engaged in the private detective
19 business as defined in section 2(a) and (b) of the act of
20 August 21, 1953 (P.L.1273, No.361), known as The Private
21 Detective Act of 1953.

22 (35) An employee or agent of a county children and youth
23 social service agency or of the legal representative of such
24 agency.

25 (36) A public utility employee or an employee of an
26 electric cooperative.

27 (37) Any employee of a city, borough, incorporated town
28 or township.

29 * * *

30 (38) A MASS TRANSIT EMPLOYEE.

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(D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"ELECTRIC OR ELECTRONIC INCAPACITATION DEVICE." A PORTABLE DEVICE WHICH IS DESIGNED OR INTENDED BY THE MANUFACTURER TO BE USED, OFFENSIVELY OR DEFENSIVELY, TO TEMPORARILY IMMOBILIZE OR INCAPACITATE PERSONS BY MEANS OF ELECTRIC PULSE OR CURRENT, INCLUDING DEVICES OPERATED BY MEANS OF CARBON DIOXIDE PROPELLANT. THE TERM DOES NOT INCLUDE CATTLE PRODS, ELECTRIC FENCES OR OTHER ELECTRIC DEVICES WHEN USED IN AGRICULTURAL, ANIMAL HUSBANDRY OR FOOD PRODUCTION ACTIVITIES.

"EMERGENCY MEDICAL SERVICES PERSONNEL." THE TERM 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 WHILE WORKING WITHIN THE SCOPE OF THEIR EMPLOYMENT.

"MASS TRANSIT EMPLOYEE." A DRIVER, OPERATOR OR OTHER ATTENDANT OF A VEHICLE, OTHER THAN A TAXICAB OR LIMOUSINE, DESIGNED FOR CARRYING 15 OR MORE PASSENGERS EXCLUSIVE OF THE DRIVER AND DESIGNED AND USED FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION, INCLUDING, BUT NOT LIMITED TO, SUBWAY CARS, BUSES, TROLLEYS, TRACKLESS TROLLEYS AND RAILROAD PASSENGER CARS.

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