

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 245 Session of
2007

INTRODUCED BY GODSHALL, S. H. SMITH, BAKER, BOYD, CAPPELLI,
CARROLL, CASORIO, CAUSER, CLYMER, COX, CUTLER, DALEY, DeLUCA,
DERMODY, FABRIZIO, FAIRCHILD, FLECK, FRANKEL, GALLOWAY,
GEIST, GIBBONS, GOODMAN, GRELL, GRUCELA, HALUSKA, HARHAI,
HARRIS, HENNESSEY, HERSHEY, HESS, HORNAMAN, KAUFFMAN,
M. KELLER, KULA, MACKERETH, MARSHALL, MARSICO, McILHATTAN,
MELIO, MILLARD, R. MILLER, MOUL, MOYER, NAILOR AND
D. O'BRIEN, FEBRUARY 6, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for personal
3 injuries sustained by perpetrators of criminal conduct.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8320.1 Personal injuries sustained by perpetrator of criminal
9 conduct.

10 (a) Assumption of risk.--A perpetrator shall be deemed to
11 have assumed the risk of loss, injury or death resulting from or
12 arising out of a course of criminal conduct committed by the
13 perpetrator or accomplice as defined in 18 Pa.C.S. § 306(c)
14 (relating to liability for conduct of another; complicity).

15 (b) Immunity.--The victim shall be immune from civil

1 liability for any personal injuries sustained by a perpetrator
2 of criminal conduct and caused by the acts or omissions of the
3 victim during the course of the criminal conduct. This
4 subsection shall not apply if the victim failed to use
5 reasonable force during the course of the criminal conduct.

6 (c) Attorney fees and costs.--If the perpetrator does not
7 prevail in a civil action subject to this section, the court
8 shall award reasonable expenses, including, but not limited to,
9 attorney fees and disbursements, to the victim.

10 (d) Stay of civil action.--Except to the extent necessary to
11 preserve evidence, a civil action in which the provisions of
12 this section are raised as a defense shall be stayed by the
13 court on motion of the perpetrator during the pendency of any
14 criminal action against the perpetrator based on the same course
15 of criminal conduct.

16 (e) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Convicted." A finding of guilt, regardless of whether the
20 adjudication of guilt is stayed or executed, an unwithdrawn
21 judicial admission of guilt or guilty plea, a no contest plea, a
22 judgment of conviction or an adjudication as a delinquent child.

23 "Course of criminal conduct." The term includes the acts or
24 omissions of a victim in resisting criminal conduct.

25 "Perpetrator." A person who has engaged in criminal conduct,
26 including, but not limited to, a person convicted of a crime.

27 "Victim." A person who is the object of another person's
28 criminal conduct, including, but not limited to, a person at the
29 scene of an emergency who gives reasonable assistance to another
30 person who is exposed to or has suffered grave physical harm.

1 Section 2. This act shall apply to civil actions commenced
2 on or after the effective date of this act.
3 Section 3. This act shall take effect in 60 days.