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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1417 Session of  
2011

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INTRODUCED BY STABACK, CARROLL, D. COSTA, DENLINGER, DeWEESE,  
EVERETT, GABLER, GERGELY, GIBBONS, GILLESPIE, GRELL, HARHAI,  
HARKINS, HARRIS, HESS, KAVULICH, KOTIK, KULA, MAHONEY, MANN,  
MILLARD, MILLER, MULLERY, MURT, MYERS, PAYNE, PEIFER,  
PETRARCA, PYLE, READSHAW, K. SMITH, SWANGER, TALLMAN,  
VULAKOVICH AND WHITE, APRIL 28, 2011

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REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 28, 2011

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AN ACT

1 Amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34  
2 (Game) of the Pennsylvania Consolidated Statutes, in assault,  
3 further providing for the offense of aggravated assault; in  
4 enforcement, further providing for interference with officers  
5 of the Pennsylvania Game Commission and of the Pennsylvania  
6 Fish and Boat Commission; providing for the offense of  
7 assaulting an officer; further providing for jurisdiction and  
8 penalties and for disposition of fines and penalties; and, in  
9 game or wildlife protection, further providing for killing  
10 game or wildlife to protect person, for unlawful importation  
11 of game or wildlife and for unlawful taking and possession of  
12 protected birds.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 2702(c) of Title 18 of the Pennsylvania  
16 Consolidated Statutes is amended to read:

17 § 2702. Aggravated assault.

18 \* \* \*

19 (c) Officers, employees, etc., enumerated.--The officers,  
20 agents, employees and other persons referred to in subsection  
21 (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) A wildlife conservation officer or deputy wildlife  
28 conservation officer of the Pennsylvania Game Commission.

29 (38) A waterways conservation officer or deputy  
30 waterways conservation officer of the Pennsylvania Fish and

1 Boat Commission.

2 \* \* \*

3 Section 2. Section 904(b) of Title 30 is amended to read:

4 § 904. Interference with officers.

5 \* \* \*

6 (b) [Bodily injury.--Any person who intentionally, knowingly  
7 or recklessly attempts to cause or causes serious bodily harm to  
8 an officer performing duties under the provisions of this title  
9 commits a felony of the second degree] Assaulting an officer.--  
10 Assaulting an officer as defined in 18 Pa.C.S. §§ 2702 (relating  
11 to aggravated assault) and 2702.1 (relating to assault of law  
12 enforcement officer) is an offense under this title and the  
13 penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall  
14 apply.

15 \* \* \*

16 Section 3. Title 34 is amended by adding a section to read:

17 § 905.1. Assaulting an officer.

18 Assaulting an officer as defined in 18 Pa.C.S. §§ 2702  
19 (relating to aggravated assault) and 2702.1 (relating to assault  
20 of law enforcement officer) is an offense under this title and  
21 the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall  
22 apply.

23 Section 4. Sections 925(a), 927(b), 2141(e) (1), 2163(c) (2)  
24 and 2164(d) (2) of Title 34 are amended to read:

25 § 925. Jurisdiction and penalties.

26 (a) Jurisdiction.--Notwithstanding the provisions of Title  
27 42 (relating to judiciary and judicial procedure), all  
28 magisterial district judges shall have jurisdiction for all  
29 violations of this title which are classified as summary  
30 offenses and may accept guilty pleas and impose sentences for

1 violations of this title classified as ungraded misdemeanors.

2 \* \* \*

3 § 927. Disposition of fines and penalties.

4 \* \* \*

5 (b) Penalty.--A person failing to forward fines in  
6 accordance with this section commits a misdemeanor [of the third  
7 degree].

8 § 2141. Killing game or wildlife to protect person.

9 \* \* \*

10 (e) Penalties.--A violation of this section relating to:

11 (1) Threatened or endangered species is a misdemeanor  
12 [of the third degree].

13 \* \* \*

14 § 2163. Unlawful importation of game or wildlife.

15 \* \* \*

16 (c) Penalties.--

17 \* \* \*

18 (2) A violation of this section relating to any  
19 endangered or threatened species is a misdemeanor [of the  
20 third degree]. Each bird, egg or game or wildlife involved in  
21 the violation constitutes a separate offense.

22 \* \* \*

23 § 2164. Unlawful taking and possession of protected birds.

24 \* \* \*

25 (d) Penalties.--

26 \* \* \*

27 (2) A violation of this section relating to birds which  
28 are listed as threatened or endangered is, in addition to any  
29 other penalties, a misdemeanor [of the third degree].

30 \* \* \*

1 Section 5. This act shall take effect in 60 days.