

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1417 Session of
2011

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, WHITE, MALONEY AND KORTZ, APRIL 28, 2011

SENATOR ALLOWAY, GAME AND FISHERIES, IN SENATE, AS AMENDED,
OCTOBER 25, 2011

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, for unlawful taking and possession of
12 protected birds, for possession or interference with active
13 nests or eggs of birds, for unlawful sale of protected birds
14 and plumage and for hunting or furtaking prohibited while
15 under influence of alcohol or controlled substance.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

20 § 2702. Aggravated assault.

21 * * *

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

4 (1) Police officer.

5 (2) Firefighter.

6 (3) County adult probation or parole officer.

7 (4) County juvenile probation or parole officer.

8 (5) An agent of the Pennsylvania Board of Probation and
9 Parole.

10 (6) Sheriff.

11 (7) Deputy sheriff.

12 (8) Liquor control enforcement agent.

13 (9) Officer or employee of a correctional institution,
14 county jail or prison, juvenile detention center or any other
15 facility to which the person has been ordered by the court
16 pursuant to a petition alleging delinquency under 42 Pa.C.S.
17 Ch. 63 (relating to juvenile matters).

18 (10) Judge of any court in the unified judicial system.

19 (11) The Attorney General.

20 (12) A deputy attorney general.

21 (13) A district attorney.

22 (14) An assistant district attorney.

23 (15) A public defender.

24 (16) An assistant public defender.

25 (17) A Federal law enforcement official.

26 (18) A State law enforcement official.

27 (19) A local law enforcement official.

28 (20) Any person employed to assist or who assists any
29 Federal, State or local law enforcement official.

30 (21) Emergency medical services personnel.

- 1 (22) Parking enforcement officer.
- 2 (23) A magisterial district judge.
- 3 (24) A constable.
- 4 (25) A deputy constable.
- 5 (26) A psychiatric aide.
- 6 (27) A teaching staff member, a school board member or
7 other employee, including a student employee, of any
8 elementary or secondary publicly funded educational
9 institution, any elementary or secondary private school
10 licensed by the Department of Education or any elementary or
11 secondary parochial school while acting in the scope of his
12 or her employment or because of his or her employment
13 relationship to the school.
- 14 (28) Governor.
- 15 (29) Lieutenant Governor.
- 16 (30) Auditor General.
- 17 (31) State Treasurer.
- 18 (32) Member of the General Assembly.
- 19 (33) An employee of the Department of Environmental
20 Protection.
- 21 (34) An individual engaged in the private detective
22 business as defined in section 2(a) and (b) of the act of
23 August 21, 1953 (P.L.1273, No.361), known as The Private
24 Detective Act of 1953.
- 25 (35) An employee or agent of a county children and youth
26 social service agency or of the legal representative of such
27 agency.
- 28 (36) A public utility employee or an employee of an
29 electric cooperative.
- 30 (37) A wildlife conservation officer or deputy wildlife

1 conservation officer of the Pennsylvania Game Commission.

2 (38) A waterways conservation officer or deputy
3 waterways conservation officer of the Pennsylvania Fish and
4 Boat Commission.

5 * * *

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

7 § 904. Interference with officers.

8 * * *

9 (b) [Bodily injury.--Any person who intentionally, knowingly
10 or recklessly attempts to cause or causes serious bodily harm to
11 an officer performing duties under the provisions of this title
12 commits a felony of the second degree] Assaulting an officer.--
13 Assaulting an officer as defined in A VIOLATION OF 18 Pa.C.S. §§ ←
14 2702 (relating to aggravated assault) THAT INVOLVES A PERSON ←
15 LISTED UNDER § 2702(C)(38) and 2702.1 (relating to assault of
16 law enforcement officer) is an offense under this title and the
17 penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall
18 apply.

19 * * *

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

21 § 905.1. Assaulting an officer.

22 Assaulting an officer as defined in A VIOLATION OF 18 Pa.C.S. ←
23 §§ 2702 (relating to aggravated assault) THAT INVOLVES A PERSON ←
24 LISTED UNDER § 2702(C)(37) and 2702.1 (relating to assault of
25 law enforcement officer) is an offense under this title and the
26 penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall
27 apply.

28 Section 4. Sections 925(a), 927(b), 2141(e)(1), 2163(c)(2) ,
29 2164(d)(2), 2165(b)(2), 2166(b)(2) and 2501(b) of Title 34 are
30 amended to read:

1 § 925. Jurisdiction and penalties.

2 (a) Jurisdiction.--Notwithstanding the provisions of Title
3 42 (relating to judiciary and judicial procedure), all
4 magisterial district judges shall have jurisdiction for all
5 violations of this title which are classified as summary
6 offenses and may accept guilty pleas and impose sentences for
7 violations of this title classified as ungraded misdemeanors.

8 * * *

9 § 927. Disposition of fines and penalties.

10 * * *

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

14 § 2141. Killing game or wildlife to protect person.

15 * * *

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

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

19 * * *

20 § 2163. Unlawful importation of game or wildlife.

21 * * *

22 (c) Penalties.--

23 * * *

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

28 * * *

29 § 2164. Unlawful taking and possession of protected birds.

30 * * *

1 (d) Penalties.--

2 * * *

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

6 * * *

7 § 2165. Possession or interference with active nests or eggs of
8 birds.

9 * * *

10 (b) Penalties.--

11 * * *

12 (2) A violation of this section relating to birds which
13 are listed as threatened or endangered is, in addition to any
14 other penalties, a misdemeanor [of the third degree] for each
15 active nest or egg possessed.

16 * * *

17 § 2166. Unlawful sale of protected birds and plumage.

18 * * *

19 (b) Penalties.--

20 * * *

21 (2) A violation of this section relating to birds which
22 are listed as threatened or endangered is, in addition to any
23 other penalties, a misdemeanor [of the third degree] for each
24 bird or part thereof.

25 * * *

26 § 2501. Hunting or furtaking prohibited while under influence
27 of alcohol or controlled substance.

28 * * *

29 (b) Penalty.--A violation of the provisions of this section
30 shall be a misdemeanor [of the third degree]. In addition to any

1 penalty, the violator shall be denied the right to hunt or trap
2 in this Commonwealth, with or without a license, for a period of
3 one year.

4 * * *

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