

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 474 Session of 2013

INTRODUCED BY KILLION, D. COSTA, HARHART, FABRIZIO, KORTZ, FLECK, BARRAR, DENLINGER, MICOZZIE, MURT, MARSICO AND HACKETT, JANUARY 30, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 23, 2013

AN ACT

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

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

6 Section 1. Section 103 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a definition to read:

8 § 103. Definitions.

9 Subject to additional definitions contained in subsequent
10 provisions of this title which are applicable to specific
11 provisions of this part, the following words and phrases when
12 used in this title shall have, unless the context clearly
13 indicates otherwise, the meanings given to them in this section:

14 * * *

15 "Private residential rehabilitative institution." The term
16 shall have the same meaning as given to it in section 914.1-A(c)
17 of the act of March 10, 1949 (P.L.30, No.14), known as the

1 Public School Code of 1949.

2 * * *

3 Section 2. Section 2702(a) ~~and (e)~~, (C) AND (D) of Title 18, <--
4 amended October 24, 2012 (P.L.1205, No.150), are amended to
5 read:

6 § 2702. Aggravated assault.

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

9 (1) attempts to cause serious bodily injury to another,
10 or causes such injury intentionally, knowingly or recklessly
11 under circumstances manifesting extreme indifference to the
12 value of human life;

13 (2) attempts to cause or intentionally, knowingly or
14 recklessly causes serious bodily injury to any of the
15 officers, agents, employees or other persons enumerated in
16 subsection (c) or to an employee of an agency, company or
17 other entity engaged in public transportation, while in the
18 performance of duty;

19 (3) attempts to cause or intentionally or knowingly
20 causes bodily injury to any of the officers, agents,
21 employees or other persons enumerated in subsection (c), in
22 the performance of duty;

23 (4) attempts to cause or intentionally or knowingly
24 causes bodily injury to another with a deadly weapon;

25 [(5) attempts to cause or intentionally or knowingly <--
26 causes bodily injury to a teaching staff member, school board
27 member or other employee, including a student employee, of
28 any elementary or secondary publicly-funded educational
29 institution, any elementary or secondary private school
30 licensed by the Department of Education ~~for~~z any elementary <--

1 or secondary parochial school ~~or private residential~~ <--
2 ~~rehabilitative institution~~ while acting in the scope of his
3 or her employment or because of his or her employment
4 relationship to the school;] <--

5 (6) attempts by physical menace to put any of the
6 officers, agents, employees or other persons enumerated in
7 subsection (c), while in the performance of duty, in fear of
8 imminent serious bodily injury; or

9 (7) uses tear or noxious gas as defined in section
10 2708(b) (relating to use of tear or noxious gas in labor
11 disputes) or uses an electric or electronic incapacitation
12 device against any officer, employee or other person
13 enumerated in subsection (c) while acting in the scope of his
14 employment.

15 * * *

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

19 (1) Police officer.

20 (2) Firefighter, INCLUDING A VOLUNTEER FIREFIGHTER AND <--
21 SPECIAL FIRE POLICE.

22 (3) County adult probation or parole officer.

23 (4) County juvenile probation or parole officer.

24 (5) An agent of the Pennsylvania Board of Probation and
25 Parole.

26 (6) Sheriff.

27 (7) Deputy sheriff.

28 (8) Liquor control enforcement agent.

29 (9) Officer or employee of a correctional institution,
30 county jail or prison, juvenile detention center or any other

1 facility to which the person has been ordered by the court
2 pursuant to a petition alleging delinquency under 42 Pa.C.S.
3 Ch. 63 (relating to juvenile matters).

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

5 (11) The Attorney General.

6 (12) A deputy attorney general.

7 (13) A district attorney.

8 (14) An assistant district attorney.

9 (15) A public defender.

10 (16) An assistant public defender.

11 (17) A Federal law enforcement official.

12 (18) A State law enforcement official.

13 (19) A local law enforcement official.

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

16 (21) Emergency medical services personnel.

17 (22) Parking enforcement officer.

18 (23) A magisterial district judge.

19 (24) A constable.

20 (25) A deputy constable.

21 (26) A psychiatric aide.

22 (27) AS FOLLOWS:

<--

23 (I) A teaching staff member, a school board member
24 or other employee, including a student employee, of any
25 elementary or secondary publicly funded educational
26 institution, any elementary or secondary private school
27 licensed by the Department of Education [or], any
28 elementary or secondary parochial school or private
29 residential rehabilitative institution while acting in
30 the scope of his or her employment or because of his or

1 her employment relationship to the school.

2 (II) A CROSSING GUARD WHILE ACTING WITHIN THE SCOPE <--
3 OF HIS OR HER OFFICIAL CAPACITY AS DESIGNATED BY A
4 POLITICAL SUBDIVISION, SCHOOL ENTITY OR POLICE
5 DEPARTMENT.

6 (28) Governor.

7 (29) Lieutenant Governor.

8 (30) Auditor General.

9 (31) State Treasurer.

10 (32) Member of the General Assembly.

11 (33) An employee of the Department of Environmental
12 Protection.

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

17 (35) An employee or agent of a county children and youth
18 social service agency or of the legal representative of such
19 agency.

20 (36) A public utility employee or an employee of an
21 electric cooperative.

22 (37) A wildlife conservation officer or deputy wildlife
23 conservation officer of the Pennsylvania Game Commission.

24 (38) A waterways conservation officer or deputy
25 waterways conservation officer of the Pennsylvania Fish and
26 Boat Commission.

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

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

9 "EMERGENCY MEDICAL SERVICES PERSONNEL." THE TERM INCLUDES,
10 BUT IS NOT LIMITED TO, DOCTORS, RESIDENTS, INTERNS, REGISTERED
11 NURSES, LICENSED PRACTICAL NURSES, NURSE AIDES, AMBULANCE
12 ATTENDANTS AND OPERATORS, PARAMEDICS, EMERGENCY MEDICAL
13 TECHNICIANS AND MEMBERS OF A HOSPITAL SECURITY FORCE WHILE
14 WORKING WITHIN THE SCOPE OF THEIR EMPLOYMENT.

15 "PUBLIC UTILITY EMPLOYEE OR AN EMPLOYEE OF AN ELECTRIC
16 COOPERATIVE." THE TERM INCLUDES ALL OF THE FOLLOWING:

- 17 (1) AN EMPLOYEE OF A PUBLIC UTILITY.
18 (2) AN EMPLOYEE OF A MUNICIPALLY-OWNED UTILITY.
19 (3) AN EMPLOYEE OF A CABLE TELEVISION COMPANY.
20 (4) AN EMPLOYEE OF AN ELECTRIC DISTRIBUTION COMPANY.
21 (5) AN EMPLOYEE OF AN ELECTRIC GENERATION COMPANY.
22 (6) AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE OF AN
23 INDEPENDENT CONTRACTOR WORKING ON BEHALF OF A CABLE
24 TELEVISION COMPANY, A PUBLIC UTILITY, A MUNICIPALLY-OWNED
25 UTILITY, AN ELECTRIC DISTRIBUTION COMPANY, AN ELECTRIC
26 GENERATION COMPANY OR AN ELECTRIC COOPERATIVE.
27 (7) AN EMPLOYEE OF A TELECOMMUNICATIONS CARRIER.
28 (8) AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE OF AN
29 INDEPENDENT CONTRACTOR WORKING ON BEHALF OF A
30 TELECOMMUNICATIONS CARRIER.

