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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1301 Session of  
2015

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INTRODUCED BY MOUL, SAINATO, PICKETT, BISHOP, MILLARD, BAKER,  
PASHINSKI, M. K. KELLER, BARRAR, KAUFFMAN, MURT, READSHAW,  
TALLMAN, ZIMMERMAN, COHEN AND KORTZ, JUNE 8, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 8, 2015

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in assault, providing for the offense of assault by  
4 knocking out another; and, in juvenile matters, further  
5 providing for definitions and for transfer from criminal  
6 proceedings.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 18 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a section to read:

11 § 2701.1. Assault by knocking out another.

12 (a) Offense defined.--A person is guilty of the offense of  
13 assault by knocking out another if the person:

14 (1) attempts to cause or intentionally, knowingly or  
15 recklessly causes bodily injury or serious bodily injury to  
16 another by striking another in the face or on the head with a  
17 hand or fist, without provocation, whether or not the victim  
18 is rendered unconscious; or

19 (2) with the intent of promoting or facilitating the

1 commission of the offense set forth in paragraph (1), the  
2 person solicits another to commit the offense or aids or  
3 agrees or attempts to aid the person in planning or  
4 committing the offense.

5 (b) Grading.--Assault by knocking out another under  
6 subsection(a) (1) is a felony of the third degree. Assault by  
7 knocking out another under subsection (a) (2) is a misdemeanor of  
8 the first degree.

9 Section 2. The definition of "delinquent act" in section  
10 6302 of Title 42 is amended to read:

11 § 6302. Definitions.

12 The following words and phrases when used in this chapter  
13 shall have, unless the context clearly indicates otherwise, the  
14 meanings given to them in this section:

15 \* \* \*

16 "Delinquent act."

17 (1) The term means an act designated a crime under the  
18 law of this Commonwealth, or of another state if the act  
19 occurred in that state, or under Federal law, or under local  
20 ordinances or an act which constitutes indirect criminal  
21 contempt under 23 Pa.C.S. Ch. 61 (relating to protection from  
22 abuse).

23 (2) The term shall not include:

24 (i) The crime of murder.

25 (ii) Any of the following prohibited conduct where  
26 the child was 15 years of age or older at the time of the  
27 alleged conduct and a deadly weapon as defined in 18  
28 Pa.C.S. § 2301 (relating to definitions) was used during  
29 the commission of the offense which, if committed by an  
30 adult, would be classified as:

1 (A) Rape as defined in 18 Pa.C.S. § 3121  
2 (relating to rape).

3 (B) Involuntary deviate sexual intercourse as  
4 defined in 18 Pa.C.S. § 3123 (relating to involuntary  
5 deviate sexual intercourse).

6 (C) Aggravated assault as defined in 18 Pa.C.S.  
7 § 2702(a)(1) or (2) (relating to aggravated assault).

8 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)  
9 (1)(i), (ii) or (iii) (relating to robbery).

10 (E) Robbery of motor vehicle as defined in 18  
11 Pa.C.S. § 3702 (relating to robbery of motor  
12 vehicle).

13 (F) Aggravated indecent assault as defined in 18  
14 Pa.C.S. § 3125 (relating to aggravated indecent  
15 assault).

16 (G) Kidnapping as defined in 18 Pa.C.S. § 2901  
17 (relating to kidnapping).

18 (H) Voluntary manslaughter.

19 (I) An attempt, conspiracy or solicitation to  
20 commit murder or any of these crimes as provided in  
21 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902  
22 (relating to criminal solicitation) and 903 (relating  
23 to criminal conspiracy).

24 (iii) Any of the following prohibited conduct where  
25 the child was 15 years of age or older at the time of the  
26 alleged conduct and has been previously adjudicated  
27 delinquent of any of the following prohibited conduct  
28 which, if committed by an adult, would be classified as:

29 (A) Rape as defined in 18 Pa.C.S. § 3121.

30 (B) Involuntary deviate sexual intercourse as

1 defined in 18 Pa.C.S. § 3123.

2 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)  
3 (1)(i), (ii) or (iii).

4 (D) Robbery of motor vehicle as defined in 18  
5 Pa.C.S. § 3702.

6 (E) Aggravated indecent assault as defined in 18  
7 Pa.C.S. § 3125.

8 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

9 (G) Voluntary manslaughter.

10 (H) An attempt, conspiracy or solicitation to  
11 commit murder or any of these crimes as provided in  
12 18 Pa.C.S. §§ 901, 902 and 903.

13 (iv) Summary offenses, unless the child fails to  
14 comply with a lawful sentence imposed thereunder, in  
15 which event notice of such fact shall be certified to the  
16 court.

17 (v) A crime committed by a child who has been found  
18 guilty in a criminal proceeding for other than a summary  
19 offense.

20 (vi) Assault by knocking out another as defined in  
21 18 Pa.C.S. § 2701.1 (relating to assault by knocking out  
22 another).

23 \* \* \*

24 Section 3. Section 6322(a) of Title 42 is amended to read:  
25 § 6322. Transfer from criminal proceedings.

26 (a) General rule.--Except as provided in 75 Pa.C.S. § 6303  
27 (relating to rights and liabilities of minors) or in the event  
28 the child is charged with murder or any of the offenses excluded  
29 by paragraph (2)(ii) [or], (iii) or (vi) of the definition of  
30 "delinquent act" in section 6302 (relating to definitions) or

1 has been found guilty in a criminal proceeding, if it appears to  
2 the court in a criminal proceeding that the defendant is a  
3 child, this chapter shall immediately become applicable, and the  
4 court shall forthwith halt further criminal proceedings, and,  
5 where appropriate, transfer the case to the division or a judge  
6 of the court assigned to conduct juvenile hearings, together  
7 with a copy of the accusatory pleading and other papers,  
8 documents, and transcripts of testimony relating to the case. If  
9 it appears to the court in a criminal proceeding charging murder  
10 or any of the offenses excluded by paragraph (2)(ii) [or] (iii)  
11 or (vi) of the definition of "delinquent act" in section 6302,  
12 that the defendant is a child, the case may similarly be  
13 transferred and the provisions of this chapter applied. In  
14 determining whether to transfer a case charging murder or any of  
15 the offenses excluded from the definition of "delinquent act" in  
16 section 6302, the child shall be required to establish by a  
17 preponderance of the evidence that the transfer will serve the  
18 public interest. In determining whether the child has so  
19 established that the transfer will serve the public interest,  
20 the court shall consider the factors contained in section  
21 6355(a)(4)(iii) (relating to transfer to criminal proceedings).

22 \* \* \*

23 Section 4. This act shall take effect in 60 days.