

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 257 Session of 2019

INTRODUCED BY METZGAR, READSHAW, SNYDER, KAUFFMAN, BARRAR, IRVIN, OBERLANDER, SAYLOR, DeLUCA, TOPPER, REESE, GOODMAN, GILLEN AND MASSER, JANUARY 29, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, further providing for the
3 offense of assault by prisoner.

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

6 Section 1. Section 2703(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by <--
8 adding a subsection to read:

9 § 2703. Assault by prisoner.

10 \* \* \*

11 (a.1) Penalties. A person convicted under subsection (a) or <--
12 section 2702(a) (relating to aggravated assault) where the
13 victim is a detention facility or correctional facility employee
14 shall be sentenced to a term of imprisonment for not less than
15 five years and to pay a fine of \$5,000 against the inmate's
16 account under 61 Pa.C.S. § 3124 (relating to inmates accounts).

17 (b) Consecutive sentences.--The court shall order that any

1 sentence imposed for a violation of subsection (a) [, or any <--  
2 sentence imposed for a violation of section 2702(a) †(relating <--  
3 to aggravated assault)‡ where the victim is a detention facility <--  
4 or correctional facility employee, be served consecutively with  
5 the person's current sentence.] OR ANY OF THE FOLLOWING OFFENSES <--  
6 BY A PERSON WHO IS CONFINED IN OR COMMITTED TO ANY LOCAL OR  
7 COUNTY DETENTION FACILITY, JAIL OR PRISON OR ANY STATE PENAL OR  
8 CORRECTIONAL INSTITUTION OR OTHER STATE PENAL OR CORRECTIONAL  
9 FACILITY LOCATED IN THIS COMMONWEALTH, INCLUDING AN ATTEMPT,  
10 SOLICITATION OR CONSPIRACY TO COMMIT ANY OF THE FOLLOWING  
11 OFFENSES, WHERE THE VICTIM IS A DETENTION FACILITY OR  
12 CORRECTIONAL FACILITY EMPLOYEE BE SERVED CONSECUTIVELY WITH THE  
13 PERSON'S CURRENT SENTENCE:  
14       SECTION 2501 (RELATING TO CRIMINAL HOMICIDE).  
15       SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).  
16       SECTION 2703.1 (RELATING TO AGGRAVATED HARASSMENT BY  
17 PRISONER).  
18       SECTION 2704 (RELATING TO ASSAULT BY LIFE PRISONER).  
19       SECTION 2706 (RELATING TO TERRORISTIC THREATS).  
20       SECTION 2718 (RELATING TO STRANGULATION).  
21       SECTION 3121 (RELATING TO RAPE).  
22       SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
23 INTERCOURSE).  
24       SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).  
25       SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL  
26 ASSAULT).  
27       SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).  
28       SECTION 3126 (RELATING TO INDECENT ASSAULT).  
29       Section 2. This act shall take effect in 60 days.