
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 652 Session of
2019

INTRODUCED BY MOUL, RYAN, JAMES, MURT, READSHAW, BARRAR,
MILLARD, SAYLOR, DeLUCA, WHEELAND, JONES, HILL-EVANS AND
FARRY, MARCH 1, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 1, 2019

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 provided 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, amended June 28, 2018 (P.L.361, No.49), is
11 amended to read:

12 § 6302. Definitions.

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

16 * * *

17 "Delinquent act."

18 (1) The term means an act designated a crime under the
19 law of this Commonwealth, or of another state if the act
20 occurred in that state, or under Federal law, or an act which
21 constitutes indirect criminal contempt under Chapter 62A
22 (relating to protection of victims of sexual violence or
23 intimidation) with respect to sexual violence or 23 Pa.C.S.
24 Ch. 61 (relating to protection from abuse) or the failure of
25 a child to comply with a lawful sentence imposed for a
26 summary offense, in which event notice of the fact shall be
27 certified to the court.

28 (2) The term shall not include:

29 (i) The crime of murder.

30 (ii) Any of the following prohibited conduct where

1 the child was 15 years of age or older at the time of the
2 alleged conduct and a deadly weapon as defined in 18
3 Pa.C.S. § 2301 (relating to definitions) was used during
4 the commission of the offense which, if committed by an
5 adult, would be classified as:

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

8 (B) Involuntary deviate sexual intercourse as
9 defined in 18 Pa.C.S. § 3123 (relating to involuntary
10 deviate sexual intercourse).

11 (C) Aggravated assault as defined in 18 Pa.C.S.
12 § 2702(a)(1) or (2) (relating to aggravated assault).

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

15 (E) Robbery of motor vehicle as defined in 18
16 Pa.C.S. § 3702 (relating to robbery of motor
17 vehicle).

18 (F) Aggravated indecent assault as defined in 18
19 Pa.C.S. § 3125 (relating to aggravated indecent
20 assault).

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

23 (H) Voluntary manslaughter.

24 (I) An attempt, conspiracy or solicitation to
25 commit murder or any of these crimes as provided in
26 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
27 (relating to criminal solicitation) and 903 (relating
28 to criminal conspiracy).

29 (iii) Any of the following prohibited conduct where
30 the child was 15 years of age or older at the time of the

1 alleged conduct and has been previously adjudicated
2 delinquent of any of the following prohibited conduct
3 which, if committed by an adult, would be classified as:

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

5 (B) Involuntary deviate sexual intercourse as
6 defined in 18 Pa.C.S. § 3123.

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

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

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

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

14 (G) Voluntary manslaughter.

15 (H) An attempt, conspiracy or solicitation to
16 commit murder or any of these crimes as provided in
17 18 Pa.C.S. §§ 901, 902 and 903.

18 (iv) Summary offenses.

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

22 (vi) Assault by knocking out another as defined in
23 18 Pa.C.S. § 2701.1 (relating to assault by knocking out
24 another).

25 * * *

26 Section 3. Section 6322(a) of Title 42 is amended to read:
27 § 6322. Transfer from criminal proceedings.

28 (a) General rule.--Except as provided in 75 Pa.C.S. § 6303
29 (relating to rights and liabilities of minors) or in the event
30 the child is charged with murder or any of the offenses excluded

1 by paragraph (2)(ii) [~~or~~], (iii) or (vi) of the definition of
2 "delinquent act" in section 6302 (relating to definitions) or
3 has been found guilty in a criminal proceeding, if it appears to
4 the court in a criminal proceeding that the defendant is a
5 child, this chapter shall immediately become applicable, and the
6 court shall forthwith halt further criminal proceedings, and,
7 where appropriate, transfer the case to the division or a judge
8 of the court assigned to conduct juvenile hearings, together
9 with a copy of the accusatory pleading and other papers,
10 documents, and transcripts of testimony relating to the case. If
11 it appears to the court in a criminal proceeding charging murder
12 or any of the offenses excluded by paragraph (2)(ii) [~~or~~], (iii)
13 or (vi) of the definition of "delinquent act" in section 6302,
14 that the defendant is a child, the case may similarly be
15 transferred and the provisions of this chapter applied. In
16 determining whether to transfer a case charging murder or any of
17 the offenses excluded from the definition of "delinquent act" in
18 section 6302, the child shall be required to establish by a
19 preponderance of the evidence that the transfer will serve the
20 public interest. In determining whether the child has so
21 established that the transfer will serve the public interest,
22 the court shall consider the factors contained in section
23 6355(a)(4)(iii) (relating to transfer to criminal proceedings).

24 * * *

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