

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 256 Session of 2019

INTRODUCED BY METZGAR, READSHAW, SNYDER, KAUFFMAN, JAMES, BARRAR, McNEILL, IRVIN, OBERLANDER, SAYLOR, DeLUCA, TOPPER, ZIMMERMAN, REESE, STRUZZI, GOODMAN, GILLEN AND BENNINGHOFF, JANUARY 29, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 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 and for the offense of assault
 4 by life prisoner.

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

7 Section 1. Sections 2703(a) and 2704 of Title 18 of the
 8 Pennsylvania Consolidated Statutes are amended to read:

9 § 2703. Assault by prisoner.

10 (a) Offense defined.--[A]

11 (1) Except as provided under section 2704 (relating to
 12 assault by life prisoner), a person who is confined in or
 13 committed to any local or county detention facility, jail or
 14 prison or any State penal or correctional institution or
 15 other State penal or correctional facility located in this
 16 Commonwealth is guilty of a felony of the second degree if
 17 he, while so confined or committed or while undergoing
 18 transportation to or from such an institution or facility in

1 or to which he was confined or committed intentionally or
2 knowingly, commits an assault upon any of the following:

3 (i) Except as provided under subparagraph (ii),
4 another with a deadly weapon or instrument, or by any
5 means or force likely to produce serious bodily injury.

6 (ii) A detention facility or correctional facility
7 employee with a deadly weapon or instrument, or by any
8 means or force likely to produce bodily injury.

9 (2) A person is guilty of this offense if he
10 intentionally or knowingly causes another to come into
11 contact with blood, seminal fluid, saliva, urine or feces by
12 throwing, tossing, spitting or expelling such fluid or
13 material when, at the time of the offense, the person knew,
14 had reason to know, should have known or believed such fluid
15 or material to have been obtained from an individual,
16 including the person charged under this section, infected by
17 a communicable disease, including, but not limited to, human
18 immunodeficiency virus (HIV) or hepatitis B.

19 * * *

20 § 2704. Assault by life prisoner.

21 (a) Offense defined.--Every person who has been sentenced to
22 death or life imprisonment in any penal institution located in
23 this Commonwealth, and whose sentence has not been commuted, who
24 commits [an aggravated assault with a deadly weapon or
25 instrument upon another, or by any means of force likely to
26 produce serious bodily injury] any of the following, is guilty
27 of a crime, the penalty for which shall be the same as the
28 penalty for murder of the second degree[.].:

29 (1) An aggravated assault with a deadly weapon or
30 instrument upon another, or by any means of force likely to

1 produce serious bodily injury.

2 (2) An assault with a deadly weapon or instrument upon
3 another, or by any means of force likely to produce bodily
4 injury.

5 (b) Contact.-- A person is guilty of this offense if he
6 intentionally or knowingly causes another to come into contact
7 with blood, seminal fluid, saliva, urine or feces by throwing,
8 tossing, spitting or expelling such fluid or material when, at
9 the time of the offense, the person knew, had reason to know,
10 should have known or believed such fluid or material to have
11 been obtained from an individual, including the person charged
12 under this section, infected by a communicable disease,
13 including, but not limited to, human immunodeficiency virus
14 (HIV) or hepatitis B.

15 Section 2. This act shall take effect in 60 days.