
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 450 Session of
2021

INTRODUCED BY DeLUCA, McNEILL, DRISCOLL AND SOLOMON,
FEBRUARY 8, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in general provisions relating to
3 offenses involving danger to the person, further providing
4 for definitions; and, in assault, further providing for the
5 offense of simple assault and for the offense of aggravated
6 assault.

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

9 Section 1. Section 2301 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a definition to read:

11 § 2301. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this article which are applicable to specific
14 chapters or other provisions of this article, the following
15 words and phrases, when used in this article shall have, unless
16 the context clearly indicates otherwise, the meanings given to
17 them in this section:

18 * * *

19 "Substantial bodily injury." Bodily injury which is not life
20 threatening, but which results in protracted impairment of a

1 person's physical condition, protracted and substantial pain or
2 protracted disfigurement to the face.

3 Section 2. Sections 2701 heading and (b) introductory
4 paragraph and 2702(a) and (b) of Title 18 are amended to read:

5 § 2701. [Simple assault] Assault.

6 * * *

7 (b) Grading.--[Simple assault] Assault is a misdemeanor of
8 the second degree unless committed:

9 * * *

10 § 2702. Aggravated assault.

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

13 (1) attempts to cause serious bodily injury to another,
14 or causes such injury intentionally, knowingly or recklessly
15 under circumstances manifesting extreme indifference to the
16 value of human life;

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

23 (3) attempts to cause or intentionally or knowingly
24 causes bodily injury to any of the officers, agents,
25 employees or other persons enumerated in subsection (c), in
26 the performance of duty;

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

29 (5) attempts to cause or intentionally or knowingly
30 causes bodily injury to a teaching staff member, school board

1 member or other employee, including a student employee, of
2 any elementary or secondary publicly-funded educational
3 institution, any elementary or secondary private school
4 licensed by the Department of Education or any elementary or
5 secondary parochial school while acting in the scope of his
6 or her employment or because of his or her employment
7 relationship to the school;

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

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

18 (8) attempts to cause or intentionally, knowingly or
19 recklessly causes bodily injury to a child less than six
20 years of age, by a person 18 years of age or older; [or]

21 (9) attempts to cause or intentionally, knowingly or
22 recklessly causes serious bodily injury to a child less than
23 13 years of age, by a person 18 years of age or older[.];

24 (10) attempts to cause or intentionally, knowingly or
25 recklessly causes bodily injury to any person who is:

26 (i) blind;

27 (ii) physically or intellectually disabled;

28 (iii) pregnant; or

29 (iv) 60 years of age or older; or

30 (11) attempts to cause or intentionally or knowingly

1 causes substantial bodily injury to another.

2 (b) Grading.--Aggravated assault under subsection (a)(1),

3 (2) [~~and~~], (9) and (10) is a felony of the first degree.

4 Aggravated assault under subsection (a)(3), (4), (5), (6), (7)

5 and (8) is a felony of the second degree. Aggravated assault

6 under subsection (a)(11) is a felony of the third degree.

7 * * *

8 Section 3. A reference in statute or regulation to "simple

9 assault" shall be deemed a reference to "assault."

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