

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 814 Session of 2021

INTRODUCED BY YUDICHAK, FLYNN, REGAN, STEFANO, BROWNE, LANGERHOLC, AUMENT, BAKER, BREWSTER, BOSCOLA, SANTARSIERO AND PHILLIPS-HILL, JULY 8, 2021

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 26, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in obstructing governmental
3 operations, providing for the offense of evading arrest or
4 detention on foot and for the offense of harming a police
5 animal while evading arrest or detention.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections to read:

10 § 5104.2. Evading arrest or detention on foot.

11 (a) Offense defined.--A person commits an offense if the
12 person knowingly and intentionally flees on foot from a public
13 servant attempting to lawfully arrest or detain that person.

14 (b) Grading.--An offense under this section is:

15 (1) A felony of the third degree ~~where~~ IF A PERSON FLEES <--
16 OR ATTEMPTS TO EVADE ARREST OR DETENTION FOR AN UNDERLYING
17 OFFENSE THAT CONSTITUTES A FELONY OR MISDEMEANOR AND another
18 person suffers serious bodily injury as a direct result of a
19 violation of this section.

1 (2) A felony of the ~~first~~ SECOND degree if A PERSON <--
2 FLEES OR ATTEMPTS TO EVADE ARREST OR DETENTION FOR AN
3 UNDERLYING OFFENSE THAT CONSTITUTES A FELONY OR MISDEMEANOR
4 AND another person suffers death as a direct result of a
5 violation of this section.

6 (3) Except as provided under paragraph (1) or (2), a
7 misdemeanor of the second degree. IF A PERSON FLEES OR <--
8 ATTEMPTS TO EVADE ARREST OR DETENTION FOR AN UNDERLYING
9 OFFENSE THAT CONSTITUTES A FELONY OR MISDEMEANOR.

10 (4) EXCEPT AS PROVIDED UNDER PARAGRAPH (1), (2) OR (3),
11 A SUMMARY OFFENSE.

12 § 5104.3. Harming a police animal while evading arrest or
13 detention.

14 (a) Offense defined.--A person commits an offense if, while
15 engaging in an act prohibited under section 5104 (relating to
16 resisting arrest or other law enforcement), 5104.1 (relating to
17 disarming law enforcement officer) or 5104.2 (relating to
18 evading arrest or detention on foot), the person harms a police
19 animal as defined in section 5531 (relating to definitions).

20 (b) Grading.--An offense under this section is:

21 (1) A felony of the ~~second~~ THIRD degree if the police <--
22 animal suffers DEATH OR serious bodily injury. <--

23 (2) A ~~felony~~ MISDEMEANOR of the ~~third~~ SECOND degree if <--
24 the police animal suffers bodily injury.

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