

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 REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 27, 2022

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 if a person flees or
16 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

1 violation of this section.

2 (2) A felony of the second degree if a person flees or
3 attempts to evade arrest or detention for an underlying
4 offense that constitutes a felony or misdemeanor and another
5 person suffers death as a direct result of a violation of
6 this section.

7 (3) Except as provided under paragraph (1) or (2), a
8 misdemeanor of the second degree if a person flees or
9 attempts to evade arrest or detention for an underlying
10 offense that constitutes a felony or misdemeanor.

11 (4) Except as provided under paragraph (1), (2) or (3),
12 a summary offense.

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

15 (a) Offense defined.--A person commits an offense if, while
16 engaging in an act prohibited under section 5104 (relating to
17 resisting arrest or other law enforcement), 5104.1 (relating to
18 disarming law enforcement officer) or 5104.2 (relating to
19 evading arrest or detention on foot) OR 75 PA.C.S. § 3733 <--
20 (RELATING TO FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER), the
21 person harms a police animal as defined in section 5531
22 (relating to definitions).

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

24 (1) A felony of the third degree if the police animal
25 suffers death or serious bodily injury.

26 (2) A misdemeanor of the second degree if the police
27 animal suffers bodily injury.

28 (C) RESTITUTION.--IN A CASE IN WHICH A DEFENDANT IS <--
29 CONVICTED OF A VIOLATION UNDER SUBSECTION (A), THE DEFENDANT
30 SHALL BE ORDERED TO MAKE RESTITUTION TO THE AGENCY OR INDIVIDUAL

1 OWNING THE ANIMAL FOR VETERINARY BILLS, FOR REPLACEMENT COSTS OF
2 THE ANIMAL IF IT IS DISABLED OR KILLED AND FOR THE SALARY OF THE
3 ANIMAL'S HANDLER FOR THE PERIOD OF TIME THE HANDLER'S SERVICES
4 ARE LOST TO THE AGENCY.

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