

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 529 Session of
2023

INTRODUCED BY BREWSTER, BROOKS, FONTANA, KANE, COSTA AND
STEFANO, MARCH 15, 2023

REFERRED TO JUDICIARY, MARCH 15, 2023

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 failure to provide
4 reasonable assistance to persons subject to grave physical
5 harm.

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 a section to read:

10 § 5113. Failure to provide reasonable assistance to persons
11 subject to grave physical harm.

12 (a) Offense defined.--Except as provided under subsection

13 (b), a person commits an offense if the person:

14 (1) knows that another person is exposed to or has
15 suffered grave physical harm at the scene of an emergency
16 event or crime; and

17 (2) fails to provide reasonable assistance to the other
18 person.

19 (b) Exception.--Subsection (a) shall not apply to a person

1 who cannot provide reasonable assistance to another person
2 without being subject to danger or peril or subjecting another
3 person to danger or peril.

4 (c) Grading.--A violation of subsection (a) constitutes a
5 misdemeanor of the third degree.

6 (d) Immunity from prosecution.--A person who provides or
7 obtains or attempts to provide or obtain assistance for a victim
8 of a personal injury crime or an attempted personal injury crime
9 at the scene of the personal injury crime or attempted personal
10 injury crime shall not be subject to prosecution under this
11 section as a result of an act or omission in providing or
12 obtaining or attempting to provide or obtain assistance, except
13 in the case of an act or omission intentionally designed to harm
14 or an act or omission that constitutes gross negligence or
15 willful, wanton or reckless conduct.

16 (e) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Emergency services personnel." Federal, State or local
20 emergency public safety personnel, emergency medical service
21 personnel, law enforcement officers, trained volunteers or
22 members of the armed forces of the United States or the National
23 Guard, whose official or assigned responsibilities include
24 performing or directly supporting the performance of emergency
25 medical and rescue services or firefighting, or any other
26 personnel from an agency or authority with a duty to respond to
27 an emergency.

28 "Grave physical harm." Any of the following:

29 (1) Bodily injury, serious bodily injury or death.

30 (2) Imminent danger of bodily injury, serious bodily

1 injury or death.

2 "Law enforcement officer." A person who by virtue of the
3 person's office or public employment is vested by law with a
4 duty to maintain public order or to make arrests for offenses,
5 whether that duty extends to all offenses or is limited to
6 specific offenses, or a person on active State duty under 51
7 Pa.C.S. § 508 (relating to active duty for emergency).

8 "Personal injury crime." As defined in section 103 of the
9 act of November 24, 1998 (P.L.882, No.111), known as the Crime
10 Victims Act.

11 "Reasonable assistance." The term includes, but is not
12 limited to, obtaining or attempting to obtain aid from an
13 emergency services personnel.

14 "Victim." As defined in section 103 of the Crime Victims
15 Act.

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