

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2170 Session of
2024

INTRODUCED BY PIELLI, PROBST, DONAHUE, SCHLOSSBERG, SANCHEZ,
BURNS, CONKLIN, DALEY, SHUSTERMAN, GREEN, VENKAT, HILL-EVANS,
KENYATTA, KINSEY AND CURRY, MARCH 28, 2024

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 28, 2024

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 30 (Fish), 34 (Game)
2 and 42 (Judiciary and Judicial Procedure) of the Pennsylvania
3 Consolidated Statutes, in assault, further providing for
4 assault of law enforcement officer; and making editorial
5 changes.

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

8 Section 1. Section 2702.1 heading, (a) and (c) of Title 18
9 of the Pennsylvania Consolidated Statutes are amended to read:

10 § 2702.1. Assault of law enforcement officer or hospital
11 security officer.

12 (a) Assault of a law enforcement officer or hospital
13 security officer.--

14 (1) A person commits a felony of the first degree who
15 attempts to cause or intentionally or knowingly causes bodily
16 injury to a law enforcement officer or hospital security
17 officer, while in the performance of duty and with knowledge
18 that the victim is a law enforcement officer or hospital
19 security officer, by discharging a firearm.

1 (2) Except as provided under sections 2703 (relating to
2 assault by prisoner), 2703.1 (relating to aggravated
3 harassment by prisoner) and 2704 (relating to assault by life
4 prisoner), a person is guilty of a felony of the third degree
5 if the person intentionally or knowingly causes or attempts
6 to cause a law enforcement officer or hospital security
7 officer, while in the performance of duty and with knowledge
8 that the victim is a law enforcement officer or hospital
9 security officer, to come into contact with blood, seminal
10 fluid, saliva, urine or feces by throwing, tossing, spitting
11 or expelling the fluid or material.

12 (3) A person who commits an offense under paragraph (2)
13 shall be guilty of a felony of the second degree if:

14 (i) the person knew, had reason to know, should have
15 known or believed the fluid or material to have been
16 obtained from an individual, including the person charged
17 under this section, infected by a communicable disease
18 declared reportable by regulation authorized by the act
19 of April 23, 1956 (1955 P.L.1510, No.500), known as the
20 Disease Prevention and Control Law of 1955; and

21 (ii) the communicable disease referenced in
22 subparagraph (i) is communicable to the law enforcement
23 officer or hospital security officer by the method used
24 or attempted to be used to cause the law enforcement
25 officer or hospital security officer to come into contact
26 with the blood, seminal fluid, saliva, urine or feces.

27 * * *

28 (c) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection:

1 "Hospital security officer." An employee of a hospital
2 charged with maintaining the safety and security of the property
3 of the hospital and the individuals on the property.

4 "Law enforcement officer." The term shall have the same
5 meaning as the term "peace officer" is given under section 501
6 (relating to definitions).

7 "Firearm." As defined under 42 Pa.C.S. § 9712(e) (relating
8 to sentences for offenses committed with firearms).

9 Section 2. Section 904(b) of Title 30 is amended to read:

10 § 904. Interference with officers.

11 * * *

12 (b) Assaulting an officer.--A violation of 18 Pa.C.S. §§
13 2702 (relating to aggravated assault), that involves a person
14 listed under 18 Pa.C.S. § 2702(c) (38), and 2702.1 (relating to
15 assault of law enforcement officer or hospital security officer)
16 is an offense under this title, and the penalties set forth in
17 18 Pa.C.S. §§ 2702 and 2702.1 shall apply.

18 * * *

19 Section 3. Section 905.1 of Title 34 is amended to read:

20 § 905.1. Assaulting an officer.

21 A violation of 18 Pa.C.S. § 2702 (relating to aggravated
22 assault), that involves a person listed under 18 Pa.C.S. §§
23 2702(c) (37), and 2702.1 (relating to assault of law enforcement
24 officer or hospital security officer) is an offense under this
25 title, and the penalties set forth in 18 Pa.C.S. §§ 2702 and
26 2702.1 shall apply.

27 Section 4. Sections 9714(g) and 9719.1 heading and (a) of
28 Title 42 are amended to read:

29 § 9714. Sentences for second and subsequent offenses.

30 * * *

1 (g) Definition.--As used in this section, the term "crime of
2 violence" means murder of the third degree, voluntary
3 manslaughter, manslaughter of a law enforcement officer as
4 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
5 homicide of law enforcement officer), murder of the third degree
6 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
7 (relating to murder of unborn child), aggravated assault of an
8 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
9 aggravated assault of unborn child), aggravated assault as
10 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
11 aggravated assault), assault of law enforcement officer as
12 defined in 18 Pa.C.S. § 2702.1(a)(1) (relating to assault of law
13 enforcement officer or hospital security officer), use of
14 weapons of mass destruction as defined in 18 Pa.C.S. § 2716(b)
15 (relating to weapons of mass destruction), terrorism as defined
16 in 18 Pa.C.S. § 2717(b)(2) (relating to terrorism),
17 strangulation when the offense is graded as a felony as defined
18 in 18 Pa.C.S. § 2718 (relating to strangulation), trafficking of
19 persons when the offense is graded as a felony of the first
20 degree as provided in 18 Pa.C.S. § 3011 (relating to trafficking
21 in individuals), rape, involuntary deviate sexual intercourse,
22 aggravated indecent assault, incest, sexual assault, arson
23 endangering persons or aggravated arson as defined in 18 Pa.C.S.
24 § 3301(a) or (a.1) (relating to arson and related offenses),
25 ecoterrorism as classified in 18 Pa.C.S. § 3311(b)(3) (relating
26 to ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S.
27 § 3502(a)(1) (relating to burglary), robbery as defined in 18
28 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
29 robbery of a motor vehicle, drug delivery resulting in death as
30 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery

1 resulting in death), or criminal attempt, criminal conspiracy or
2 criminal solicitation to commit murder or any of the offenses
3 listed above, or an equivalent crime under the laws of this
4 Commonwealth in effect at the time of the commission of that
5 offense or an equivalent crime in another jurisdiction.

6 § 9719.1. Sentences for offenses committed against law
7 enforcement officer or hospital security officer.

8 (a) Mandatory sentence.--A person convicted of the following
9 offense shall be sentenced to a mandatory term of imprisonment
10 as follows:

11 18 Pa.C.S. § 2702.1(a)(1) (relating to assault of law
12 enforcement officer or hospital security officer) - not less
13 than 20 years.

14 * * *

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