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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 261 Session of  
2019

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INTRODUCED BY METZGAR, READSHAW, SNYDER, KAUFFMAN, JAMES,  
BARRAR, IRVIN, OBERLANDER, SAYLOR, DeLUCA, TOPPER, REESE,  
STRUZZI, GOODMAN AND GILLEN, JANUARY 29, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in assault, further providing for the  
3 offense of assault by prisoner, for the offense of aggravated  
4 harassment by prisoner and for the offense of assault by life  
5 prisoner.

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

8 Section 1. Section 2703(b) of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended and the section is amended by  
10 adding a subsection to read:

11 § 2703. Assault by prisoner.

12 \* \* \*

13 (b) Consecutive sentences.--The court shall order that any  
14 sentence imposed for a violation of subsection (a), or any  
15 sentence imposed for a violation of section 2702(a) (relating to  
16 aggravated assault) [where] if the victim is a detention  
17 facility or correctional facility employee, be served  
18 consecutively with the person's current sentence.

19 (c) Parole.--If the victim is a detention facility or

1 correctional facility employee, a person sentenced under this  
2 section shall not be eligible for parole.

3 Section 2. Sections 2703.1 and 2704 of Title 18 are amended  
4 to read:

5 § 2703.1. Aggravated harassment by prisoner.

6 (a) Offense defined.--A person who is confined in or  
7 committed to any local or county detention facility, jail or  
8 prison or any State penal or correctional institution or other  
9 State penal or correctional facility located in this  
10 Commonwealth commits a felony of the third degree if he, while  
11 so confined or committed or while undergoing transportation to  
12 or from such an institution or facility in or to which he was  
13 confined or committed, intentionally or knowingly causes or  
14 attempts to cause another to come into contact with blood,  
15 seminal fluid, saliva, urine or feces by throwing, tossing,  
16 spitting or expelling such fluid or material.

17 (b) Parole.--If the victim is a detention facility or  
18 correctional facility employee, a person sentenced under this  
19 section shall not be eligible for parole.

20 § 2704. Assault by life prisoner.

21 (a) Offense defined.--Every person who has been sentenced to  
22 death or life imprisonment in any penal institution located in  
23 this Commonwealth, and whose sentence has not been commuted, who  
24 commits an aggravated assault with a deadly weapon or instrument  
25 upon another, or by any means of force likely to produce serious  
26 bodily injury, is guilty of a crime, the penalty for which shall  
27 be the same as the penalty for murder of the second degree. A  
28 person is guilty of this offense if he intentionally or  
29 knowingly causes another to come into contact with blood,  
30 seminal fluid, saliva, urine or feces by throwing, tossing,

1 spitting or expelling such fluid or material when, at the time  
2 of the offense, the person knew, had reason to know, should have  
3 known or believed such fluid or material to have been obtained  
4 from an individual, including the person charged under this  
5 section, infected by a communicable disease, including, but not  
6 limited to, human immunodeficiency virus (HIV) or hepatitis B.

7 (b) Mandatory sentencing.--There shall be no authority in  
8 any court to impose on an offender to which this section applies  
9 a lesser sentence than provided for under this section, to place  
10 the offender on probation, parole or work release or to suspend  
11 sentence. Nothing in this section shall prevent the sentencing  
12 court from imposing a sentence greater than provided under this  
13 section. Sentencing guidelines promulgated by the Pennsylvania  
14 Commission on Sentencing shall not supersede the mandatory  
15 sentences provided under this section.

16 Section 3. This act shall take effect in 60 days.