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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1681 Session of  
2015

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INTRODUCED BY MENTZER, GREINER, ROZZI, BAKER, PICKETT,  
B. MILLER, MILLARD, ZIMMERMAN, CUTLER, GROVE, READSHAW, FEE,  
KAUFFMAN, A. HARRIS, HICKERNELL, MURT AND DeLUCA,  
NOVEMBER 5, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 5, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in general provisions relating to  
3 offenses involving danger to the person, further providing  
4 for definitions; and, in assault, further providing for the  
5 offense of aggravated assault.

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

8 Section 1. Sections 2301 and 2702(a) and (b) of Title 18 of  
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 2301. Definitions.

11 Subject to additional definitions contained in subsequent  
12 provisions of this article which are applicable to specific  
13 chapters or other provisions of this article, the following  
14 words and phrases, when used in this article shall have, unless  
15 the context clearly indicates otherwise, the meanings given to  
16 them in this section:

17 "Bodily injury." Impairment of physical condition or  
18 substantial pain.

1 "Deadly weapon." Any firearm, whether loaded or unloaded, or  
2 any device designed as a weapon and capable of producing death  
3 or serious bodily injury, or any other device or instrumentality  
4 which, in the manner in which it is used or intended to be used,  
5 is calculated or likely to produce death or serious bodily  
6 injury.

7 "Serious bodily injury." Bodily injury which creates a  
8 substantial risk of death or which causes serious, permanent  
9 disfigurement, or protracted loss or impairment of the function  
10 of any bodily member or organ.

11 "Serious provocation." Conduct sufficient to excite an  
12 intense passion in a reasonable person.

13 "Substantial bodily injury." Bodily injury which is not life  
14 threatening, but which results in protracted impairment of a  
15 person's physical condition, protracted and substantial pain or  
16 protracted disfigurement to the face.

17 § 2702. Aggravated assault.

18 (a) Offense defined.--A person is guilty of aggravated  
19 assault if he:

20 (1) attempts to cause serious bodily injury to another,  
21 or causes such injury intentionally, knowingly or recklessly  
22 under circumstances manifesting extreme indifference to the  
23 value of human life;

24 (2) attempts to cause or intentionally, knowingly or  
25 recklessly causes serious bodily injury to any of the  
26 officers, agents, employees or other persons enumerated in  
27 subsection (c) or to an employee of an agency, company or  
28 other entity engaged in public transportation, while in the  
29 performance of duty;

30 (3) attempts to cause or intentionally or knowingly

1 causes bodily injury to any of the officers, agents,  
2 employees or other persons enumerated in subsection (c), in  
3 the performance of duty;

4 (3.1) attempts to cause or intentionally or knowingly  
5 causes substantial bodily injury to another;

6 (4) attempts to cause or intentionally or knowingly  
7 causes bodily injury to another with a deadly weapon;

8 (5) attempts to cause or intentionally or knowingly  
9 causes bodily injury to a teaching staff member, school board  
10 member or other employee, including a student employee, of  
11 any elementary or secondary publicly-funded educational  
12 institution, any elementary or secondary private school  
13 licensed by the Department of Education or any elementary or  
14 secondary parochial school while acting in the scope of his  
15 or her employment or because of his or her employment  
16 relationship to the school;

17 (6) attempts by physical menace to put any of the  
18 officers, agents, employees or other persons enumerated in  
19 subsection (c), while in the performance of duty, in fear of  
20 imminent serious bodily injury;

21 (7) uses tear or noxious gas as defined in section  
22 2708(b) (relating to use of tear or noxious gas in labor  
23 disputes) or uses an electric or electronic incapacitation  
24 device against any officer, employee or other person  
25 enumerated in subsection (c) while acting in the scope of his  
26 employment;

27 (8) attempts to cause or intentionally, knowingly or  
28 recklessly causes bodily injury to a child less than six  
29 years of age, by a person 18 years of age or older; or

30 (9) attempts to cause or intentionally, knowingly or

1       recklessly causes serious bodily injury to a child less than  
2       13 years of age, by a person 18 years of age or older.

3       (b) Grading.--

4           (1) Aggravated assault under subsection (a)(1), (2) and  
5       (9) is a felony of the first degree.

6           (2) Aggravated assault under subsection (a)(3), (4),  
7       (5), (6), (7) and (8) is a felony of the second degree.

8           (3) Aggravated assault under subsection (a)(3.1) is a  
9       felony of the third degree, unless committed against a child  
10      under 12 years of age by a person 18 years of age or older,  
11      in which case the offense is a felony of the second degree.

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