

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 256 Session of 2019

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 2019

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 and for the offense of assault <--
4 by life prisoner.

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

7 Section 1. Sections 2703(a) and 2704 of Title 18 of the <--
8 Pennsylvania Consolidated Statutes are amended to read:

9 SECTION 1. SECTION 2703(A) OF TITLE 18 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS AMENDED TO READ:

11 § 2703. Assault by prisoner.

12 (a) Offense defined.--[A]

13 (1) Except as provided under section 2704 (relating to
14 assault by life prisoner), a person who is confined in or
15 committed to any local or county detention facility, jail or
16 prison or any State penal or correctional institution or
17 other State penal or correctional facility located in this

1 Commonwealth is guilty of a felony of the second degree if  
2 he, while so confined or committed or while undergoing  
3 transportation to or from such an institution or facility in  
4 or to which he was confined or committed intentionally or  
5 knowingly, commits an assault upon any of the following:

6 (i) Except as provided under subparagraph (ii),  
7 another with a deadly weapon or instrument, or by any  
8 means or force likely to produce serious bodily injury.

9 (ii) A detention facility or correctional facility  
10 employee with a deadly weapon or instrument, or by any  
11 means or force likely to produce bodily injury.

12 (2) A person is guilty of this offense if he  
13 intentionally or knowingly causes another to come into  
14 contact with blood, seminal fluid, saliva, urine or feces by  
15 throwing, tossing, spitting or expelling such fluid or  
16 material when, at the time of the offense, the person knew,  
17 had reason to know, should have known or believed such fluid  
18 or material to have been obtained from an individual,  
19 including the person charged under this section, infected by  
20 a communicable disease, including, but not limited to, human  
21 immunodeficiency virus (HIV) or hepatitis B.

22 \* \* \*

23 ~~§ 2704. Assault by life prisoner.~~ <--

24 ~~(a) Offense defined. Every person who has been sentenced to~~  
25 ~~death or life imprisonment in any penal institution located in~~  
26 ~~this Commonwealth, and whose sentence has not been commuted, who~~  
27 ~~commits [an aggravated assault with a deadly weapon or~~  
28 ~~instrument upon another, or by any means of force likely to~~  
29 ~~produce serious bodily injury] any of the following, is guilty~~  
30 ~~of a crime, the penalty for which shall be the same as the~~

1 ~~penalty for murder of the second degree[.]~~:

2 ~~(1) An aggravated assault with a deadly weapon or~~  
3 ~~instrument upon another, or by any means of force likely to~~  
4 ~~produce serious bodily injury.~~

5 ~~(2) An assault with a deadly weapon or instrument upon~~  
6 ~~another, or by any means of force likely to produce bodily~~  
7 ~~injury.~~

8 ~~(b) Contact.— A person is guilty of this offense if he~~  
9 ~~intentionally or knowingly causes another to come into contact~~  
10 ~~with blood, seminal fluid, saliva, urine or feces by throwing,~~  
11 ~~tossing, spitting or expelling such fluid or material when, at~~  
12 ~~the time of the offense, the person knew, had reason to know,~~  
13 ~~should have known or believed such fluid or material to have~~  
14 ~~been obtained from an individual, including the person charged~~  
15 ~~under this section, infected by a communicable disease,~~  
16 ~~including, but not limited to, human immunodeficiency virus~~  
17 ~~(HIV) or hepatitis B.~~

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