
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of
2021

INTRODUCED BY SCHMITT, BOBACK, MIZGORSKI, IRVIN, JAMES, ROTHMAN,
STRUZZI, MILLARD, CIRESI, BROOKS, KAUFFMAN, ZIMMERMAN,
GAYDOS, HERSHEY, MOUL, JOZWIAK, SANKEY, B. MILLER, RIGBY,
E. NELSON, ECKER, SCHLEGEL CULVER, ARMANINI, WHITE AND
DAVANZO, JANUARY 11, 2021

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 20, 2022

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <--
 2 ~~Consolidated Statutes, in assault, providing for the offense~~
 3 ~~of harassment of law enforcement officer; and imposing~~
 4 ~~penalties.~~
 5 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND <--
 6 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED
 7 STATUTES, IN ASSAULT, FURTHER PROVIDING FOR THE OFFENSE OF
 8 ASSAULT OF LAW ENFORCEMENT OFFICER, FOR THE OFFENSE OF
 9 ASSAULT BY PRISONER AND FOR THE OFFENSE OF ASSAULT BY LIFE
 10 PRISONER; AND, IN SENTENCING, FURTHER PROVIDING FOR SENTENCES
 11 FOR SECOND AND SUBSEQUENT OFFENSES AND FOR SENTENCES FOR
 12 OFFENSES COMMITTED AGAINST LAW ENFORCEMENT OFFICER.

13 The General Assembly of the Commonwealth of Pennsylvania
 14 hereby enacts as follows:

15 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <--
 16 ~~Statutes is amended by adding a section to read:~~
 17 ~~§ 2703.2 Harassment of law enforcement officer.~~
 18 ~~(a) Offense defined. Except as provided in sections 2703~~
 19 ~~(relating to assault by prisoner), 2703.1 (relating to~~
 20 ~~aggravated harassment by prisoner) and 2704 (relating to assault~~

~~1 by life prisoner), a person is guilty of harassment of law
2 enforcement officer if the person intentionally or knowingly
3 causes or attempts to cause a law enforcement officer to come
4 into contact with blood, seminal fluid, saliva, urine or feces
5 by throwing, tossing, spitting or expelling such fluid or
6 material.~~

~~7 (b) Grading. An offense under this section is a felony of
8 the third degree if, at the time of the offense, the person
9 knew, had reason to know, should have known or believed such
10 fluid or material to have been obtained from an individual,
11 including the person charged under this section, infected by a
12 communicable disease, including, but not limited to, human
13 immunodeficiency virus (HIV) or hepatitis B. Otherwise, the
14 offense constitutes a misdemeanor of the first degree.~~

~~15 (c) Definition. As used in this section, the term "law
16 enforcement officer" shall have the same meaning as the term
17 "peace officer" is given under section 501 (relating to
18 definitions).~~

~~19 Section 2. This act shall take effect in 60 days.~~

20 SECTION 1. SECTIONS 2702.1(A) AND (B), 2703(A)(2) AND 2704 <--
21 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE
22 AMENDED TO READ:

23 § 2702.1. ASSAULT OF LAW ENFORCEMENT OFFICER.

24 (A) ASSAULT OF A LAW ENFORCEMENT OFFICER [IN THE FIRST
25 DEGREE].--

26 (1) A PERSON COMMITS A FELONY OF THE FIRST DEGREE WHO
27 ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY CAUSES BODILY
28 INJURY TO A LAW ENFORCEMENT OFFICER, WHILE IN THE PERFORMANCE
29 OF DUTY AND WITH KNOWLEDGE THAT THE VICTIM IS A LAW
30 ENFORCEMENT 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, WHILE IN THE PERFORMANCE
7 OF DUTY AND WITH KNOWLEDGE THAT THE VICTIM IS A LAW
8 ENFORCEMENT OFFICER, TO COME INTO CONTACT WITH BLOOD, SEMINAL
9 FLUID, SALIVA, URINE OR FECES BY THROWING, TOSSING, SPITTING
10 OR EXPELLING THE FLUID OR MATERIAL.

11 (3) A PERSON WHO COMMITS AN OFFENSE UNDER PARAGRAPH (2)
12 SHALL BE GUILTY OF A FELONY OF THE SECOND DEGREE IF:

13 (I) THE PERSON KNEW, HAD REASON TO KNOW, SHOULD HAVE
14 KNOWN OR BELIEVED THE FLUID OR MATERIAL TO HAVE BEEN
15 OBTAINED FROM AN INDIVIDUAL, INCLUDING THE PERSON CHARGED
16 UNDER THIS SECTION, INFECTED BY A COMMUNICABLE DISEASE
17 DECLARED REPORTABLE BY REGULATION AUTHORIZED BY THE ACT
18 OF APRIL 23, 1956 (1955 P.L.1510, NO.500), KNOWN AS THE
19 DISEASE PREVENTION AND CONTROL LAW OF 1955; AND

20 (II) THE COMMUNICABLE DISEASE REFERENCED IN
21 SUBPARAGRAPH (I) IS COMMUNICABLE TO THE LAW ENFORCEMENT
22 OFFICER BY THE METHOD USED OR ATTEMPTED TO BE USED TO
23 CAUSE THE LAW ENFORCEMENT OFFICER TO COME INTO CONTACT
24 WITH THE BLOOD, SEMINAL FLUID, SALIVA, URINE OR FECES.

25 (B) PENALTIES.--NOTWITHSTANDING SECTION 1103(1) (RELATING TO
26 SENTENCE OF IMPRISONMENT FOR FELONY), A PERSON CONVICTED UNDER
27 SUBSECTION [(A)] (A) (1) SHALL BE SENTENCED TO A TERM OF
28 IMPRISONMENT FIXED BY THE COURT AT NOT MORE THAN 40 YEARS.

29 * * *

30 § 2703. ASSAULT BY PRISONER.

1 (A) OFFENSE DEFINED.--

2 * * *

3 (2) A PERSON IS GUILTY OF THIS OFFENSE IF:

4 (I) HE INTENTIONALLY OR KNOWINGLY CAUSES ANOTHER TO
5 COME INTO CONTACT WITH BLOOD, SEMINAL FLUID, SALIVA,
6 URINE OR FECES BY THROWING, TOSSING, SPITTING OR
7 EXPELLING SUCH FLUID OR MATERIAL WHEN, AT THE TIME OF THE
8 OFFENSE, THE PERSON KNEW, HAD REASON TO KNOW, SHOULD HAVE
9 KNOWN OR BELIEVED SUCH FLUID OR MATERIAL TO HAVE BEEN
10 OBTAINED FROM AN INDIVIDUAL, INCLUDING THE PERSON CHARGED
11 UNDER THIS SECTION, INFECTED BY A COMMUNICABLE DISEASE[,
12 INCLUDING, BUT NOT LIMITED TO, HUMAN IMMUNODEFICIENCY
13 VIRUS (HIV) OR HEPATITIS B.] DECLARED REPORTABLE BY
14 REGULATION AUTHORIZED BY THE ACT OF APRIL 23, 1956 (1955
15 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION AND
16 CONTROL LAW OF 1955; AND

17 (II) THE COMMUNICABLE DISEASE REFERENCED IN
18 SUBPARAGRAPH (I) IS COMMUNICABLE TO ANOTHER BY THE METHOD
19 USED OR ATTEMPTED TO BE USED TO CAUSE ANOTHER TO COME
20 INTO CONTACT WITH THE BLOOD, SEMINAL FLUID, SALIVA, URINE
21 OR FECES.

22 * * *

23 § 2704. ASSAULT BY LIFE PRISONER.

24 EVERY PERSON WHO HAS BEEN SENTENCED TO DEATH OR LIFE
25 IMPRISONMENT IN ANY PENAL INSTITUTION LOCATED IN THIS
26 COMMONWEALTH, AND WHOSE SENTENCE HAS NOT BEEN COMMUTED, WHO
27 COMMITS AN AGGRAVATED ASSAULT WITH A DEADLY WEAPON OR INSTRUMENT
28 UPON ANOTHER, OR BY ANY MEANS OF FORCE LIKELY TO PRODUCE SERIOUS
29 BODILY INJURY, IS GUILTY OF A CRIME, THE PENALTY FOR WHICH SHALL
30 BE THE SAME AS THE PENALTY FOR MURDER OF THE SECOND DEGREE. A

1 PERSON IS GUILTY OF THIS OFFENSE IF:

2 (1) HE INTENTIONALLY OR KNOWINGLY CAUSES ANOTHER TO COME
3 INTO CONTACT WITH BLOOD, SEMINAL FLUID, SALIVA, URINE OR
4 FECES BY THROWING, TOSSING, SPITTING OR EXPELLING SUCH FLUID
5 OR MATERIAL WHEN, AT THE TIME OF THE OFFENSE, THE PERSON
6 KNEW, HAD REASON TO KNOW, SHOULD HAVE KNOWN OR BELIEVED SUCH
7 FLUID OR MATERIAL TO HAVE BEEN OBTAINED FROM AN INDIVIDUAL,
8 INCLUDING THE PERSON CHARGED UNDER THIS SECTION, INFECTED BY
9 A COMMUNICABLE DISEASE[, INCLUDING, BUT NOT LIMITED TO, HUMAN
10 IMMUNODEFICIENCY VIRUS (HIV) OR HEPATITIS B.] DECLARED
11 REPORTABLE BY REGULATION AUTHORIZED BY THE ACT OF APRIL 23,
12 1956 (1955 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION
13 AND CONTROL LAW OF 1955; AND

14 (2) THE COMMUNICABLE DISEASE REFERENCED IN PARAGRAPH (1)
15 IS COMMUNICABLE TO ANOTHER BY THE METHOD USED OR ATTEMPTED TO
16 BE USED TO CAUSE ANOTHER TO COME INTO CONTACT WITH THE BLOOD,
17 SEMINAL FLUID, SALIVA, URINE OR FECES.

18 SECTION 2. SECTIONS 9714(G) AND 9719.1(A) OF TITLE 42 ARE
19 AMENDED TO READ:

20 § 9714. SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES.

21 * * *

22 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CRIME OF
23 VIOLENCE" MEANS MURDER OF THE THIRD DEGREE, VOLUNTARY
24 MANSLAUGHTER, MANSLAUGHTER OF A LAW ENFORCEMENT OFFICER AS
25 DEFINED IN 18 PA.C.S. § 2507(C) OR (D) (RELATING TO CRIMINAL
26 HOMICIDE OF LAW ENFORCEMENT OFFICER), MURDER OF THE THIRD DEGREE
27 INVOLVING AN UNBORN CHILD AS DEFINED IN 18 PA.C.S. § 2604(C)
28 (RELATING TO MURDER OF UNBORN CHILD), AGGRAVATED ASSAULT OF AN
29 UNBORN CHILD AS DEFINED IN 18 PA.C.S. § 2606 (RELATING TO
30 AGGRAVATED ASSAULT OF UNBORN CHILD), AGGRAVATED ASSAULT AS

1 DEFINED IN 18 PA.C.S. § 2702(A)(1) OR (2) (RELATING TO
2 AGGRAVATED ASSAULT), ASSAULT OF LAW ENFORCEMENT OFFICER AS
3 DEFINED IN 18 PA.C.S. § [2702.1] 2702.1(A)(1) (RELATING TO
4 ASSAULT OF LAW ENFORCEMENT OFFICER), USE OF WEAPONS OF MASS
5 DESTRUCTION AS DEFINED IN 18 PA.C.S. § 2716(B) (RELATING TO
6 WEAPONS OF MASS DESTRUCTION), TERRORISM AS DEFINED IN 18 PA.C.S.
7 § 2717(B)(2) (RELATING TO TERRORISM), STRANGULATION WHEN THE
8 OFFENSE IS GRADED AS A FELONY AS DEFINED IN 18 PA.C.S. § 2718
9 (RELATING TO STRANGULATION), TRAFFICKING OF PERSONS WHEN THE
10 OFFENSE IS GRADED AS A FELONY OF THE FIRST DEGREE AS PROVIDED IN
11 18 PA.C.S. § 3011 (RELATING TO TRAFFICKING IN INDIVIDUALS),
12 RAPE, INVOLUNTARY DEVIATE SEXUAL INTERCOURSE, AGGRAVATED
13 INDECENT ASSAULT, INCEST, SEXUAL ASSAULT, ARSON ENDANGERING
14 PERSONS OR AGGRAVATED ARSON AS DEFINED IN 18 PA.C.S. § 3301(A)
15 OR (A.1) (RELATING TO ARSON AND RELATED OFFENSES), ECOTERRORISM
16 AS CLASSIFIED IN 18 PA.C.S. § 3311(B)(3) (RELATING TO
17 ECOTERRORISM), KIDNAPPING, BURGLARY AS DEFINED IN 18 PA.C.S. §
18 3502(A)(1) (RELATING TO BURGLARY), ROBBERY AS DEFINED IN 18
19 PA.C.S. § 3701(A)(1)(I), (II) OR (III) (RELATING TO ROBBERY), OR
20 ROBBERY OF A MOTOR VEHICLE, DRUG DELIVERY RESULTING IN DEATH AS
21 DEFINED IN 18 PA.C.S. § 2506(A) (RELATING TO DRUG DELIVERY
22 RESULTING IN DEATH), OR CRIMINAL ATTEMPT, CRIMINAL CONSPIRACY OR
23 CRIMINAL SOLICITATION TO COMMIT MURDER OR ANY OF THE OFFENSES
24 LISTED ABOVE, OR AN EQUIVALENT CRIME UNDER THE LAWS OF THIS
25 COMMONWEALTH IN EFFECT AT THE TIME OF THE COMMISSION OF THAT
26 OFFENSE OR AN EQUIVALENT CRIME IN ANOTHER JURISDICTION.
27 § 9719.1. SENTENCES FOR OFFENSES COMMITTED AGAINST LAW
28 ENFORCEMENT OFFICER.

29 (A) MANDATORY SENTENCE.--A PERSON CONVICTED OF THE FOLLOWING
30 OFFENSE SHALL BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT

1 AS FOLLOWS:

2 18 PA.C.S. § [2702.1(A)] 2702.1(A)(1) (RELATING TO
3 ASSAULT OF LAW ENFORCEMENT OFFICER) - NOT LESS THAN 20 YEARS.

4 * * *

5 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.