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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2053 Session of  
2014

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INTRODUCED BY CRUZ, DONATUCCI, YOUNGBLOOD, SAINATO, KAVULICH,  
ENGLISH, KINSEY, BISHOP, MILLARD, READSHAW, D. COSTA, COX,  
COHEN, BENNINGHOFF, SWANGER, KIRKLAND, WATSON AND MURT,  
FEBRUARY 26, 2014

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2014

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for aggravated assault and for  
4 grading; and further providing for definitions.

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

7 Section 1. Section 2702(a) and (b) of Title 18 of the  
8 Pennsylvania Consolidated Statutes, amended December 18, 2013  
9 (P.L.1198, No.118), are amended to read:

10 § 2702. Aggravated assault.

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

13 (1) attempts to cause serious bodily injury to another,  
14 or causes such injury intentionally, knowingly or recklessly  
15 under circumstances manifesting extreme indifference to the  
16 value of human life;

17 (2) attempts to cause or intentionally, knowingly or  
18 recklessly causes serious bodily injury to any of the

1 officers, agents, employees or other persons enumerated in  
2 subsection (c) or to an employee of an agency, company or  
3 other entity engaged in public transportation, while in the  
4 performance of duty;

5 (3) attempts to cause or intentionally or knowingly  
6 causes bodily injury to any of the officers, agents,  
7 employees or other persons enumerated in subsection (c), in  
8 the performance of duty;

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

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

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

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

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

1 recklessly causes bodily injury to a child less than six  
2 years of age, by a person 18 years of age or older; [or]  
3 (9) attempts to cause or intentionally, knowingly or  
4 recklessly causes serious bodily injury to a child less than  
5 13 years of age, by a person 18 years of age or older[.]; or

6 (10) intentionally or knowingly causes another to lose  
7 consciousness by a single punch, kick or other singular  
8 striking motion for the sole purpose of bringing about the  
9 loss of consciousness.

10 (b) Grading.--Aggravated assault under subsection (a) (1),  
11 (2) and (9) is a felony of the first degree. Aggravated assault  
12 under subsection (a) (3), (4), (5), (6), (7) [and (8)], (8) and  
13 (10) is a felony of the second degree.

14 \* \* \*

15 Section 2. The definition of "delinquent act" in section  
16 6302 of Title 42 is amended to read:

17 § 6302. Definitions.

18 The following words and phrases when used in this chapter  
19 shall have, unless the context clearly indicates otherwise, the  
20 meanings given to them in this section:

21 \* \* \*

22 "Delinquent act."

23 (1) The term means an act designated a crime under the  
24 law of this Commonwealth, or of another state if the act  
25 occurred in that state, or under Federal law, or under local  
26 ordinances or an act which constitutes indirect criminal  
27 contempt under 23 Pa.C.S. Ch. 61 (relating to protection from  
28 abuse).

29 (2) The term shall not include:

30 (i) The crime of murder.

1           (ii) Any of the following prohibited conduct where  
2 the child was 15 years of age or older at the time of the  
3 alleged conduct and a deadly weapon as defined in 18  
4 Pa.C.S. § 2301 (relating to definitions) was used during  
5 the commission of the offense which, if committed by an  
6 adult, would be classified as:

7           (A) Rape as defined in 18 Pa.C.S. § 3121  
8 (relating to rape).

9           (B) Involuntary deviate sexual intercourse as  
10 defined in 18 Pa.C.S. § 3123 (relating to involuntary  
11 deviate sexual intercourse).

12           (C) Aggravated assault as defined in 18 Pa.C.S.  
13 § 2702(a)(1) [or (2)], (2) or (10) (relating to  
14 aggravated assault).

15           (D) Robbery as defined in 18 Pa.C.S. § 3701(a)  
16 (1)(i), (ii) or (iii) (relating to robbery).

17           (E) Robbery of motor vehicle as defined in 18  
18 Pa.C.S. § 3702 (relating to robbery of motor  
19 vehicle).

20           (F) Aggravated indecent assault as defined in 18  
21 Pa.C.S. § 3125 (relating to aggravated indecent  
22 assault).

23           (G) Kidnapping as defined in 18 Pa.C.S. § 2901  
24 (relating to kidnapping).

25           (H) Voluntary manslaughter.

26           (I) An attempt, conspiracy or solicitation to  
27 commit murder or any of these crimes as provided in  
28 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902  
29 (relating to criminal solicitation) and 903 (relating  
30 to criminal conspiracy).

1           (iii) Any of the following prohibited conduct where  
2 the child was 15 years of age or older at the time of the  
3 alleged conduct and has been previously adjudicated  
4 delinquent of any of the following prohibited conduct  
5 which, if committed by an adult, would be classified as:

6           (A) Rape as defined in 18 Pa.C.S. § 3121.

7           (B) Involuntary deviate sexual intercourse as  
8 defined in 18 Pa.C.S. § 3123.

9           (C) Robbery as defined in 18 Pa.C.S. § 3701(a)  
10 (1) (i), (ii) or (iii).

11           (D) Robbery of motor vehicle as defined in 18  
12 Pa.C.S. § 3702.

13           (E) Aggravated indecent assault as defined in 18  
14 Pa.C.S. § 3125.

15           (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

16           (G) Voluntary manslaughter.

17           (H) An attempt, conspiracy or solicitation to  
18 commit murder or any of these crimes as provided in  
19 18 Pa.C.S. §§ 901, 902 and 903.

20           (iv) Summary offenses, unless the child fails to  
21 comply with a lawful sentence imposed thereunder, in  
22 which event notice of such fact shall be certified to the  
23 court.

24           (v) A crime committed by a child who has been found  
25 guilty in a criminal proceeding for other than a summary  
26 offense.

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