
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2731 Session of
2018

INTRODUCED BY METZGAR, RAPP, IRVIN, WATSON, REESE, SNYDER,
BURNS, GROVE, B. O'NEILL, BERNSTINE, TOPPER, A. HARRIS,
MILLARD, HANNA, DOWLING, DeLUCA, SAYLOR, WARD, GOODMAN,
MARSHALL, SCHLEGEL CULVER, SANKEY, GILLEN, MASSER AND DUSH,
OCTOBER 17, 2018

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2018

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. Sections 2703, 2703.1 and 2704 of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 2703. Assault by prisoner.

11 (a) Offense defined.--A person who is confined in or
12 committed to any local or county detention facility, jail or
13 prison or any State penal or correctional institution or other
14 State penal or correctional facility located in this
15 Commonwealth is guilty of a felony of the second degree if he,
16 while so confined or committed or while undergoing
17 transportation to or from such an institution or facility in or
18 to which he was confined or committed intentionally or

1 knowingly, commits an assault upon another with a deadly weapon
2 or instrument, or by any means or force likely to produce
3 serious bodily injury. A person is guilty of this offense if he
4 intentionally or knowingly causes another to come into contact
5 with blood, seminal fluid, saliva, urine or feces by throwing,
6 tossing, spitting or expelling such fluid or material when, at
7 the time of the offense, the person knew, had reason to know,
8 should have known or believed such fluid or material to have
9 been obtained from an individual, including the person charged
10 under this section, infected by a communicable disease,
11 including, but not limited to, human immunodeficiency virus
12 (HIV) or hepatitis B.

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

22 § 2703.1. Aggravated harassment by prisoner.

23 (a) Offense defined.--A person who is confined in or
24 committed to any local or county detention facility, jail or
25 prison or any State penal or correctional institution or other
26 State penal or correctional facility located in this
27 Commonwealth commits a felony of the third degree if he, while
28 so confined or committed or while undergoing transportation to
29 or from such an institution or facility in or to which he was
30 confined or committed, intentionally or knowingly causes or

1 attempts to cause another to come into contact with blood,
2 seminal fluid, saliva, urine or feces by throwing, tossing,
3 spitting or expelling such fluid or material.

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

7 § 2704. Assault by life prisoner.

8 (a) Offense defined.--Every person who has been sentenced to
9 death or life imprisonment in any penal institution located in
10 this Commonwealth, and whose sentence has not been commuted, who
11 commits an aggravated assault with a deadly weapon or instrument
12 upon another, or by any means of force likely to produce serious
13 bodily injury, is guilty of a crime, the penalty for which shall
14 be the same as the penalty for murder of the second degree. A
15 person is guilty of this offense if he intentionally or
16 knowingly causes another to come into contact with blood,
17 seminal fluid, saliva, urine or feces by throwing, tossing,
18 spitting or expelling such fluid or material when, at the time
19 of the offense, the person knew, had reason to know, should have
20 known or believed such fluid or material to have been obtained
21 from an individual, including the person charged under this
22 section, infected by a communicable disease, including, but not
23 limited to, human immunodeficiency virus (HIV) or hepatitis B.

24 (b) Mandatory sentencing.--There shall be no authority in
25 any court to impose on an offender to which this section is
26 applicable a lesser sentence than provided for under this
27 section or to place the offender on probation, parole or work
28 release or to suspend sentence. Nothing in this section shall
29 prevent the sentencing court from imposing a sentence greater
30 than provided under this section. Sentencing guidelines

1 promulgated by the Pennsylvania Commission on Sentencing shall
2 not supersede the mandatory sentences provided under this
3 section.

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