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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 140 Session of  
2017

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INTRODUCED BY MOUL, DRISCOLL, BENNINGHOFF, MILLARD, WATSON,  
D. COSTA, FARRY AND GABLER, JANUARY 23, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

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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, in assault, providing for the offense of assault by  
4 knocking out another; and, in juvenile matters, further  
5 providing for definitions and for transfer from criminal  
6 proceedings.

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

9 Section 1. Title 18 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a section to read:

11 § 2701.1. Assault by knocking out another.

12 (a) Offense defined.--A person is guilty of the offense of  
13 assault by knocking out another if the person:

14 (1) attempts to cause or intentionally, knowingly or  
15 recklessly causes bodily injury or serious bodily injury to  
16 another by striking another in the face or on the head with a  
17 hand or fist, without provocation, whether or not the victim  
18 is rendered unconscious; or

19 (2) with the intent of promoting or facilitating the  
20 commission of the offense provided in paragraph (1), the

1 person solicits another to commit the offense or aids or  
2 agrees or attempts to aid the person in planning or  
3 committing the offense.

4 (b) Grading.--Assault by knocking out another under  
5 subsection(a)(1) is a felony of the third degree. Assault by  
6 knocking out another under subsection (a)(2) is a misdemeanor of  
7 the first degree.

8 Section 2. The definition of "delinquent act" in section  
9 6302 of Title 42 is amended to read:

10 § 6302. Definitions.

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

14 \* \* \*

15 "Delinquent act."

16 (1) The term means an act designated a crime under the  
17 law of this Commonwealth, or of another state if the act  
18 occurred in that state, or under Federal law, or under local  
19 ordinances or an act which constitutes indirect criminal  
20 contempt under Chapter 62A (relating to protection of victims  
21 of sexual violence or intimidation) with respect to sexual  
22 violence or 23 Pa.C.S. Ch. 61 (relating to protection from  
23 abuse).

24 (2) The term shall not include:

25 (i) The crime of murder.

26 (ii) Any of the following prohibited conduct where  
27 the child was 15 years of age or older at the time of the  
28 alleged conduct and a deadly weapon as defined in 18  
29 Pa.C.S. § 2301 (relating to definitions) was used during  
30 the commission of the offense which, if committed by an

1 adult, would be classified as:

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

4 (B) Involuntary deviate sexual intercourse as  
5 defined in 18 Pa.C.S. § 3123 (relating to involuntary  
6 deviate sexual intercourse).

7 (C) Aggravated assault as defined in 18 Pa.C.S.  
8 § 2702(a)(1) or (2) (relating to aggravated assault).

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

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

14 (F) Aggravated indecent assault as defined in 18  
15 Pa.C.S. § 3125 (relating to aggravated indecent  
16 assault).

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

19 (H) Voluntary manslaughter.

20 (I) An attempt, conspiracy or solicitation to  
21 commit murder or any of these crimes as provided in  
22 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902  
23 (relating to criminal solicitation) and 903 (relating  
24 to criminal conspiracy).

25 (iii) Any of the following prohibited conduct where  
26 the child was 15 years of age or older at the time of the  
27 alleged conduct and has been previously adjudicated  
28 delinquent of any of the following prohibited conduct  
29 which, if committed by an adult, would be classified as:

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

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

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

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

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

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

10 (G) Voluntary manslaughter.

11 (H) An attempt, conspiracy or solicitation to  
12 commit murder or any of these crimes as provided in  
13 18 Pa.C.S. §§ 901, 902 and 903.

14 (iv) Summary offenses, unless the child fails to  
15 comply with a lawful sentence imposed thereunder, in  
16 which event notice of such fact shall be certified to the  
17 court.

18 (v) A crime committed by a child who has been found  
19 guilty in a criminal proceeding for other than a summary  
20 offense.

21 (vi) Assault by knocking out another as defined in  
22 18 Pa.C.S. § 2701.1 (relating to assault by knocking out  
23 another).

24 \* \* \*

25 Section 3. Section 6322(a) of Title 42 is amended to read:  
26 § 6322. Transfer from criminal proceedings.

27 (a) General rule.--Except as provided in 75 Pa.C.S. § 6303  
28 (relating to rights and liabilities of minors) or in the event  
29 the child is charged with murder or any of the offenses excluded  
30 by paragraph (2)(ii) [or], (iii) or (vi) of the definition of

1 "delinquent act" in section 6302 (relating to definitions) or  
2 has been found guilty in a criminal proceeding, if it appears to  
3 the court in a criminal proceeding that the defendant is a  
4 child, this chapter shall immediately become applicable, and the  
5 court shall forthwith halt further criminal proceedings, and,  
6 where appropriate, transfer the case to the division or a judge  
7 of the court assigned to conduct juvenile hearings, together  
8 with a copy of the accusatory pleading and other papers,  
9 documents, and transcripts of testimony relating to the case. If  
10 it appears to the court in a criminal proceeding charging murder  
11 or any of the offenses excluded by paragraph (2)(ii) [or] (iii)  
12 or (vi) of the definition of "delinquent act" in section 6302,  
13 that the defendant is a child, the case may similarly be  
14 transferred and the provisions of this chapter applied. In  
15 determining whether to transfer a case charging murder or any of  
16 the offenses excluded from the definition of "delinquent act" in  
17 section 6302, the child shall be required to establish by a  
18 preponderance of the evidence that the transfer will serve the  
19 public interest. In determining whether the child has so  
20 established that the transfer will serve the public interest,  
21 the court shall consider the factors contained in section  
22 6355(a)(4)(iii) (relating to transfer to criminal proceedings).

23 \* \* \*

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