

## No. 1996-7

## AN ACT

HB 569

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault; and prohibiting certain entertainment in specified establishments.

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

Section 1. Section 2702 of Title 18 of the Pennsylvania Consolidated Statutes, amended July 6, 1995 (P.L.238, No.27), is amended to read:

§ 2702. Aggravated assault.

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

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

(2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to [a judge, district justice, sheriff, deputy sheriff, constable, deputy constable, psychiatric aide, police officer, firefighter, county adult probation or parole officer, county juvenile probation or parole officer or an agent of the Pennsylvania Board of Probation and Parole in the performance of duty] *any of the officers, agents, employees or other persons enumerated in subsection (c)* or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty [or to an employee of a county jail, prison, correctional institution, juvenile detention center or any facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters)];

(3) attempts to cause or intentionally or knowingly causes bodily injury to [a judge, district justice, sheriff, deputy sheriff, constable, deputy constable, psychiatric aide, police officer, firefighter or county adult probation or parole officer, county juvenile probation or parole officer or an agent of the Pennsylvania Board of Probation and Parole] *any of the officers, agents, employees or other persons enumerated in subsection (c)*, in the performance of duty [or to an employee of a county jail, prison, correctional institution, juvenile detention center or any facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63];

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

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member, other employee or student of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school[.]; *or*

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

(b) Grading.—Aggravated assault under subsection (a)(1) and (2) is a felony of the first degree. Aggravated assault under subsection (a)(3), (4) [and (5)], (5) and (6) is a felony of the second degree.

*(c) Officers, employees, etc., enumerated.—The officers, agents, employees and other persons referred to in subsection (a) shall be as follows:*

- (1) Police officer.*
- (2) Firefighter.*
- (3) County adult probation or parole officer.*
- (4) County juvenile probation or parole officer.*
- (5) An agent of the Pennsylvania Board of Probation and Parole.*
- (6) Sheriff.*
- (7) Deputy sheriff.*
- (8) Liquor control enforcement agent.*
- (9) Officer or employee of a correctional institution, county jail or prison, juvenile detention center or any other facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).*
- (10) Judge of any court in the unified judicial system.*
- (11) The Attorney General.*
- (12) A deputy attorney general.*
- (13) A district attorney.*
- (14) An assistant district attorney.*
- (15) A public defender.*
- (16) An assistant public defender.*
- (17) A Federal law enforcement official.*
- (18) A State law enforcement official.*
- (19) A local law enforcement official.*
- (20) Any person employed to assist or who assists any Federal, State or local law enforcement official.*
- (21) Emergency medical services personnel.*
- (22) Parking enforcement officer.*
- (23) A district justice.*
- (24) A constable.*
- (25) A deputy constable.*

**(26) A psychiatric aide.**

Section 2. Title 18 is amended by adding a section to read:

**§ 7329. Prohibition of certain types of entertainment on bottle club premises.**

**(a) Offense defined.**—No bottle club operator or servants, agents or employees of the same shall knowingly permit on premises used as a bottle club or in any place operated in connection therewith any lewd, immoral or improper entertainment.

**(b) Penalty for violation.**—Any person who violates subsection (a) commits a summary offense.

**(c) Definitions.**—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**“Bottle club.”** An establishment conforming to the definition set forth in section 7328(c) (relating to operation of certain establishments prohibited without local option).

**“Lewd, immoral or improper entertainment.”** Includes, but is not limited to, the following acts of conduct:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or excretion or any sexual acts which are prohibited by law.

(2) Any person being touched, caressed or fondled on the buttocks, anus, vulva, genitals or female breasts. This paragraph includes simulation.

(3) Scenes wherein a person displays or exposes to view any portion of the pubic area, anus, cleft of the buttocks, vulva, genitals or any portion of the female breast directly or laterally below the top of the areola. This paragraph includes simulation.

(4) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in paragraph (1), (2) or (3).

(5) Employment or use of any person in the sale and service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the anatomy described in paragraph (3).

(6) Employment or use of the services of a person while the person is unclothed or in such attire as to expose to view any portion of the anatomy described in paragraph (3).

(7) Permitting any person on the premises to touch, caress or fondle the buttocks, anus, vulva, genitals or female breasts of any other person.

(8) Permitting any person on the premises while such person is unclothed or in such attire as to expose to view any portion of the anatomy described in paragraph (3).

(9) Permitting any person to wear or use any device or covering exposed to view which simulates the human buttocks, anus, vulva, genitals or female breasts.

*(10) Permitting any person to show, display or exhibit on the premises any film, still picture, electronic reproduction or any other visual reproduction or image the content of which primarily depicts graphic sexual acts as described in paragraphs (1) and (4).*

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

APPROVED—The 23rd day of February, A.D. 1996.

THOMAS J. RIDGE