

## No. 1998-159

## AN ACT

HB 1272

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault; and providing for retaliation against prosecutor or judicial official.

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

Section 1. Section 2702(a)(5) and (c) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2702. Aggravated assault.

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

\* \* \*

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member[, ] *or* other employee [or student], *including a student employee*, 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

\* \* \*

(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.
- (27) *A teaching staff member, a school board member or other employee, including a student employee, 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.*

\* \* \*

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

**§ 4953.1. Retaliation against prosecutor or judicial official.**

*(a) Offense defined.—A person commits an offense if he harms or attempts to harm another or the tangible property of another by any unlawful act in retaliation for anything lawfully done in the official capacity of a prosecutor or judicial official.*

*(b) Grading.—The offense is a felony of the second degree if:*

*(1) The actor employs force, violence or deception or attempts or threatens to employ force, violence or deception upon the prosecutor or judicial official or, with the requisite intent or knowledge, upon any other person.*

*(2) The actor's conduct is in furtherance of a conspiracy to retaliate against a prosecutor or judicial official.*

*(3) The actor solicits another to or accepts or agrees to accept any pecuniary or other benefit to retaliate against a prosecutor or judicial official.*

*(4) The actor has suffered any prior conviction for any violation of this title or any predecessor law hereto or has been convicted under any Federal statute or statute of any other state of an act which would be a violation of this title if committed in this Commonwealth.*

*(5) The actor causes property damage or loss in excess of \$1,000. Otherwise, the offense is a misdemeanor of the first degree.*

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

*“Judicial official.” Any person who is a:*

- (1) judge of the court of common pleas;*
- (2) judge of the Commonwealth Court;*
- (3) judge of the Superior Court;*
- (4) justice of the Supreme Court;*
- (5) district justice;*
- (6) judge of the Pittsburgh Magistrate’s Court;*
- (7) judge of the Philadelphia Municipal Court;*
- (8) judge of the Traffic Court of Philadelphia; or*
- (9) master appointed by a judge of a court of common pleas.*

*“Prosecutor.” Any person who is:*

- (1) an Attorney General;*
- (2) a deputy attorney general;*
- (3) a district attorney; or*
- (4) an assistant district attorney.*

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

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE