
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1069 Session of
2023

INTRODUCED BY METZGAR, STAATS, STRUZZI AND ZIMMERMAN,
MAY 2, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 2, 2023

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. Section 2703(b) of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended and the section is amended by
10 adding a subsection to read:

11 § 2703. Assault by prisoner.

12 * * *

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

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

3 Section 2. Section 2703.1 of Title 18 is amended to read:
4 § 2703.1. Aggravated harassment by prisoner.

5 (a) Offense defined.--A person who is confined in or
6 committed to any local or county detention facility, jail or
7 prison or any State penal or correctional institution or other
8 State penal or correctional facility located in this
9 Commonwealth commits a felony of the third degree if he, while
10 so confined or committed or while undergoing transportation to
11 or from such an institution or facility in or to which he was
12 confined or committed, intentionally or knowingly causes or
13 attempts to cause another to come into contact with blood,
14 seminal fluid, saliva, urine or feces by throwing, tossing,
15 spitting or expelling such fluid or material.

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

19 Section 3. Section 2704 of Title 18, amended November 3,
20 2022 (P.L.1634, No.99), is amended to read:
21 § 2704. Assault by life prisoner.

22 (a) Offense defined.--Every person who has been sentenced to
23 death or life imprisonment in any penal institution located in
24 this Commonwealth, and whose sentence has not been commuted, who
25 commits an aggravated assault with a deadly weapon or instrument
26 upon another, or by any means of force likely to produce serious
27 bodily injury, is guilty of a crime, the penalty for which shall
28 be the same as the penalty for murder of the second degree. A
29 person is guilty of this offense if:

30 (1) he intentionally or knowingly causes another to come

1 into contact with blood, seminal fluid, saliva, urine or
2 feces by throwing, tossing, spitting or expelling such fluid
3 or material when, at the time of the offense, the person
4 knew, had reason to know, should have known or believed such
5 fluid or material to have been obtained from an individual,
6 including the person charged under this section, infected by
7 a communicable disease declared reportable by regulation
8 authorized by the act of April 23, 1956 (1955 P.L.1510,
9 No.500), known as the Disease Prevention and Control Law of
10 1955; and

11 (2) the communicable disease referenced in paragraph (1)
12 is communicable to another by the method used or attempted to
13 be used to cause another to come into contact with the blood,
14 seminal fluid, saliva, urine or feces.

15 (b) Mandatory sentencing.--There shall be no authority in
16 any court to impose on an offender to which this section applies
17 a lesser sentence than provided for under this section, to place
18 the offender on probation, parole or work release or to suspend
19 sentence. Nothing in this section shall prevent the sentencing
20 court from imposing a sentence greater than provided under this
21 section. Sentencing guidelines promulgated by the Pennsylvania
22 Commission on Sentencing shall not supersede the mandatory
23 sentences provided under this section.

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