

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2056 Session of 2019

INTRODUCED BY STRUZZI, BERNSTINE, BROOKS, ECKER, HERSHEY, HILL- EVANS, HOHENSTEIN, JAMES, MILLARD, MOUL, MULLERY, ROEBUCK, SCHMITT, TOEPEL, NEILSON, KEEFER, RAVENSTAHL, MARSHALL, DeLUCA, GAYDOS, MIZGORSKI, KORTZ, DUSH AND FARRY, DECEMBER 2, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 19, 2020

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in assault, further providing for the  
3 offense of aggravated assault.

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

6 Section 1. Section 2702(b) of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended, subsection (a) is amended by  
8 adding a paragraph and subsection (d) is amended by adding  
9 definitions to read:

10 § 2702. Aggravated assault.

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

13 \* \* \*

14 (3.1) attempts to cause or intentionally or knowingly  
15 causes bodily injury to an individual with a physical  
16 disability or intellectual disability, AN INTELLECTUAL <--

1 DISABILITY OR AN AUTISM SPECTRUM DISORDER;

2 \* \* \*

3 (b) Grading.--Aggravated assault under subsection (a) (1),  
4 (2) and (9) is a felony of the first degree. Aggravated assault  
5 under subsection (a) (3), (3.1), (4), (5), (6), (7) and (8) is a  
6 felony of the second degree.

7 \* \* \*

8 (d) Definitions.--As used in this section, the following  
9 words and phrases shall have the meanings given to them in this  
10 subsection:

11 "AUTISM SPECTRUM DISORDER." AS DEFINED IN 42 PA.C.S. § 5992 <--  
12 (RELATING TO DEFINITIONS), REGARDLESS OF THE AGE OF THE  
13 INDIVIDUAL.

14 \* \* \*

15 "Intellectual disability." As follows: <--

16 (1) Regardless of the age of the individual,  
17 significantly subaverage general intellectual functioning of  
18 an individual that is accompanied by significant limitations  
19 in adaptive functioning in at least two of the following  
20 skill areas:

- 21 (i) Communication.
- 22 (ii) Self care.
- 23 (iii) Home living.
- 24 (iv) Social and interpersonal.
- 25 (v) Use of community resources.
- 26 (vi) Self direction.
- 27 (vii) Functional academic.
- 28 (viii) Work.
- 29 (ix) Health and safety.

30 (2) The term includes an autism spectrum disorder,

1 ~~regardless of the age of the individual.~~

2 "INTELLECTUAL DISABILITY." REGARDLESS OF THE AGE OF THE <--  
3 INDIVIDUAL, SIGNIFICANTLY SUBAVERAGE GENERAL INTELLECTUAL  
4 FUNCTIONING OF AN INDIVIDUAL THAT IS ACCOMPANIED BY SIGNIFICANT  
5 LIMITATIONS IN ADAPTIVE FUNCTIONING IN AT LEAST TWO OF THE  
6 FOLLOWING SKILL AREAS:

7 (1) COMMUNICATION.

8 (2) SELF-CARE.

9 (3) HOME LIVING.

10 (4) SOCIAL AND INTERPERSONAL.

11 (5) USE OF COMMUNITY RESOURCES.

12 (6) SELF-DIRECTION.

13 (7) FUNCTIONAL ACADEMIC.

14 (8) WORK.

15 (9) HEALTH AND SAFETY.

16 "Physical disability." As follows:

17 (1) A permanent or irreversible physical impairment,  
18 whether congenital or acquired by accident, injury or  
19 disease, that substantially limits one or more major life  
20 activities of the individual.

21 (2) For purposes of paragraph (1), major life activities  
22 include, but are not limited to, caring for oneself,  
23 performing manual tasks, seeing, hearing, eating, sleeping,  
24 walking, standing, lifting, bending, speaking, breathing and  
25 working.

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