



MEMORANDUM

TO: The Pennsylvania Senate

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: December 11, 2023

RE: OPPOSITION TO SB 977 P.N. 1224 (FARRY)

Bill summary: [SB 977](#) (PN 1224) would amend the Vehicle Code ([Title 75](#)) to add a new section, § 3724 (Interference with operation or movement of a public transit vehicle), to create a new criminal offense, with five suboffenses, to punish harm caused to public transportation operators. All of the conduct criminalized under this new section is currently covered under numerous offenses in the Crimes Code ([Title 18](#)). Moreover, the offense created under SB 977, even if duplicative, is not appropriate to include under the Vehicle Code. Title 18 is the appropriate title to amend when adding offenses that are **not directly related to vehicle violations**, even if the persons being protected are transportation "operators" performing their duties.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose Senate Bill 977.

SB 977 is not only unnecessary and duplicative, in some cases its provisions are nearly identical to existing statute.

Below are the elements of the new offense and suboffenses created by SB 977. ***Each element begins with the grading SB 977 assigns to it, followed by current offenses that would cover that conduct.*

“Offense defined.--A person is guilty of interference with the operation or movement of a public transit vehicle if the person”:

1. **F1:** Attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury or death to an operator while in the performance of the operator's duty.
 - 1.1. **Could currently be charged as:** F1-M1 Criminal homicide; F1 Aggravated assault; M2 Reckless endangerment.
2. **F3:** Attempts to cause or intentionally or knowingly causes bodily injury to an operator while in the performance of the operator's duty.
 - 2.1. **Could currently be charged as:** F1 Aggravated assault; M2 Simple assault.
3. **F1:** Attempts to interfere or intentionally, knowingly or recklessly interferes with an operator while in the performance of the operator's duty that results in serious bodily injury or death of another individual.
 - 3.1. **Could currently be charged as:** F1 Criminal homicide; F1 Aggravated assault; M2 Reckless endangerment.
4. **F3:** Attempts to interfere or intentionally, knowingly or recklessly interferes with an operator while in the performance of the operator's duty that results in bodily injury of another individual.
 - 4.1. **Could currently be charged as:** M2 Reckless endangerment; M2 Simple assault.
5. **F3:** Attempts by physical menace to put an operator, while in the performance of the operator's duty, in fear of imminent serious bodily injury or death.
 - 5.1. **Could currently be charged as:** M2 Reckless endangerment; M2 Simple assault.

For reference, here are the relevant provisions of and grading for the offenses mentioned above:

- [18 § 2705. Recklessly endangering another person](#): A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.
- [18 § 2701. Simple assault](#): A person is guilty of assault if he: (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another; (2) negligently causes bodily injury to another with a deadly weapon; (3) attempts by physical menace to put another in fear of imminent serious bodily injury [...]. Simple assault is a misdemeanor of the second degree.
- [18 § 2702. Aggravated assault](#): 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 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* [...]. Aggravated assault under subsection (a)(1), (2) and (9) is a felony of the first degree.
- [18 § 2501. Criminal homicide](#): A person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being. Criminal homicide shall be classified as murder, voluntary manslaughter (F1), or involuntary manslaughter (M1).

Creating duplicative offenses is the primary driver of the [statehouse-to-prison pipeline](#). Punishing the same behavior already criminalized under current law corrupts the integrity of Pennsylvania's criminal law and allows prosecutors to stack multiple charges for the same action, resulting in overly punitive prison terms.

For these reasons, we urge you to oppose Senate Bill 977.