ACLU Pennsylvania

MEMORANDUM

TO: Pennsylvania House Transportation Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: June 16, 2025

RE: OPPOSITION TO HB 1416 P.N. 1642 (DOUGHERTY)

Bill summary: HB 1416 (PN 1642), also known as "Bernard Gribbin's Law", would amend the Vehicle Code (Title 75) to add a new section, § 3725 (Interference with operation or movement of a public transit vehicle), to create a new criminal offense, with five suboffenses, to punish harm or *attempted harm* to public transit operators and others.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1416.

HB 1416 is needlessly and glaringly duplicative, creating new offenses that are nearly identical to several existing crimes.

Below are the elements of the new offense and suboffenses created by HB 1416. ***Each element begins with the grading HB 1416 assigns to it, followed by current offenses that would cover that conduct*.

HB 1416: "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 duty."
    1.1. **Could currently be charged as:** F1 Criminal homicide; F1 Aggravated assault; M2 Reckless endangerment; Attempted murder.
2. **F3:** "Attempts to cause or intentionally or knowingly causes bodily injury to an operator while in the performance of duty."
    2.1. **Could currently be charged as:** F1 Aggravated assault; M2 Simple assault.
3. **F3:** "Intentionally interferes with an operator while in the performance of duty that results in serious bodily injury or death of another person"
    3.1. **Could currently be charged as:** F1 Criminal homicide; F1 Aggravated assault; M2 Reckless endangerment.
4. **M2:** "Intentionally, knowingly or recklessly interferes with an operator while in the performance of duty that results in bodily injury of another person."
    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.

It's worth underscoring that core elements of the new offenses created under HB 1416 are ***already criminalized as first-degree felony aggravated assault***. Aggravated assault against a public transportation employee under subsection (a)(2) is currently graded as a first-degree felony—the same grading provided under HB 1416. Specifically, under 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 [...]."

For reference, here are the relevant definitions and grading of 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).
- 18 § 901. Criminal attempt: A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime. §905: Except as otherwise provided in this title, attempt, solicitation and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted [...].
- 18 § 1102 (c). Sentence for murder—Attempt, solicitation and conspiracy: … [A] person who has been convicted of attempt, solicitation or conspiracy to commit murder, murder of an unborn child or murder of a law enforcement officer where serious bodily injury results may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years. Where serious bodily injury does not result, the person may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 20 years.

Prosecutors already have all the tools they need to punish crimes against transit workers.

There is no need to create a new, duplicative offense to punish crimes against transit workers. In fact, Zhontay Capers, the woman arrested for fatally shooting SEPTA bus driver Bernard Gribbin for whom HB 1416 is named, was charged with five offenses, including murder, reckless endangerment, and firearms violations:

- 18 § 2502. Murder (Life)
- 18 § 6106 (a)(1). Firearms not to be carried without a license (F3)
- 18 § 6108. Carrying firearms on public streets or public property in Philadelphia (M1)
- 18 § 907 (a). Possessing instruments of crime with intent (M1)
- 18 § 2705. Recklessly endangering another person (M2)

The new offense created under HB 1416 properly belongs under Title 18, not Title 75.

The new offense created under HB 1416, even if duplicative, is not appropriate to include under the Vehicle Code. Title 18 (Crimes) is the appropriate title to amend when adding offenses that are ***not directly related to vehicle violations***, even if the people being protected are transit operators performing their duties.

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 House Bill 1416.