



MEMORANDUM

TO: Pennsylvania House of Representatives

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: June 30, 2025

RE: OPPOSITION TO HOUSE BILL 956 P.N. 1975 (KENYATTA)

Bill summary: [HB 956](#) (PN 1975) would amend Pennsylvania's aggravated assault statute ([18 § 2702](#)) to add a *FORTIETH* category to the list of officers or employees against whom a second-degree misdemeanor simple assault would **automatically** be charged as a **second-degree felony aggravated assault**—employees of “any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality, or municipal authority.” With this one change, **HB 956 would massively expand the crimes code to add tens of thousands of workers as a covered employment class.**

Pennsylvania’s aggravated assault statute has been repeatedly expanded to impose tougher penalties for cases of *simple assault* when the assault was committed against special classes of employment. Originally, this subsection imposed aggravated penalties on someone who committed a less serious, simple assault against a police officer, firefighter, or parole officer. But over the years, the list has ballooned to **39 different types of employees**. It now includes nearly all classes of law enforcement as well as judges, members of the General Assembly, the Governor, and other elected officials. It also includes psychiatric aides, private detectives, waterways conservation officers, DEP employees, parking enforcement officers, liquor control enforcement agents, and public utility employees, among others.

In other words, depending on where you work, if someone assaults you, the defendant could spend **10 or 20 years in prison** for an offense that—if committed against anyone else—would be graded as a second-degree misdemeanor, punishable by up to **2 years in prison**.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 956.

HB 956 would expand the definition of aggravated assault by eliminating the requirement to cause serious bodily injury to trigger a felony charge.

Aggravated assault offenses are designed to impose tougher penalties for actions that cause greater harm, injury, or risk of death (“serious bodily injury”). Pennsylvania law primarily distinguishes simple assault from aggravated assault based on intent and severity of the injury—a distinction intended to ensure that the punishment fits the crime:

- **Simple assault**¹ is [intentionally, knowingly, or recklessly](#)² inflicting [bodily injury](#)³ on another person. Bodily injury is any physical impairment, including physical pain, and typically results in minor, non-permanent injuries like bruises or scratches. Simple assault is a **second-degree misdemeanor**, punishable by up to 2 years incarceration and \$5,000 in fines.

¹ [18 Pa.C.S. § 2701. Simple assault.](#)

² [18 Pa.C.S. § 302. General requirements of culpability.](#)

³ [18 Pa.C.S. § 2301. Definitions.](#)

- **Aggravated assault**⁴ is intentionally, knowingly, or recklessly causing—or attempting to cause—serious bodily injury to another person that causes serious, permanent disfigurement, protracted loss or impairment of a bodily function, or creates a substantial risk of death. An aggravated assault that causes, or attempts to cause, **serious bodily injury** is graded as a **first-degree felony**, punishable by up to 20 years in prison and \$25,000 in fines. In special cases, aggravated assault that **does not involve** serious bodily injury is a **second-degree felony**, punishable by up to 10 years in prison and \$25,000 in fines.

HB 956 (and bills like it) propose arbitrary and overly punitive penalties for offenses that if committed against anyone else, are punished far less severely. In other words, HB 956 would eliminate discretionary charging decisions based on the incident by automatically charging a *simple assault* against a municipal worker as *aggravated*—increasing the penalty from a maximum of 2 years incarceration for a second-degree misdemeanor to up to 10 years in prison for a second-degree felony—**an additional 8 years in prison**.

HB 956 would constitute a massive expansion of the crimes code, adding a minimum of 35,000 workers as a covered class of employees.

There are at least 25,000 municipal employees in Philadelphia, 6,000 county employees in Allegheny, and 3,500 municipal employees in Pittsburgh—and this is just the beginning. Tens of thousands of additional local government employees would be covered by HB 956, resulting in a massive expansion of the crimes code.

HB 956 does nothing to protect municipal workers.

Despite the rhetoric surrounding the bill, **HB 956 does nothing to protect local government employees**. Its only function is to punish anyone who shoves, bruises, cuts, or scrapes a municipal employee with a felony aggravated assault charge—and that includes automatically charging **other municipal workers** with a second-degree felony.

If the goal of the bill is to punish people who assault municipal employees when they are at work, prosecutors and judges already can and do take the individual circumstances of an offense or a victim into account in sentencing. Automatically converting what is otherwise a misdemeanor offense into a felony—with all of the bail, prior record score, and collateral consequences that come with felony offenses—is not protection; it is needlessly and indiscriminately punitive.

HB 956 would further undermine the distinction between types of assault, rendering the offense of simple assault nearly meaningless.

HB 956 would mete out greater punishment based not on the intent or severity of the assault, but rather on **the employment status of the victim**. Continuing to add covered classes of employment to § 2702 undermines the fundamental distinctions between types of assault, distinctions that are intended to determine the reasonableness and severity of the punishment imposed. Serially expanding the aggravated assault statute further dilutes this distinction and risks rendering the offense of simple assault all but meaningless.

Furthermore, this ever-expanding list of employment categories is arbitrary. Only those with political or other clout can get their employment category added to the list of covered classes. There is no rhyme or reason or even objective criteria to determine why some employment categories are included and others are not. It is tantamount to a list of favorites. Taken to the extreme, this subsection ensures that as long as you only assault someone *without a job*, you won't face the same punishment you would if you had assaulted someone *with a job*.

For these reasons, we urge you to oppose House Bill 956.

⁴ 18 Pa.C.S. § 2702. Aggravated assault.