

## No. 131

## AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," providing that committing an aggravated assault and battery upon a police officer shall constitute a felony.

The Penal Code. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 314, act of June 24, 1939, P. L. 872, amended May 21, 1943, P. L. 306, further amended.

Section 1. Section 314, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended May 21, 1943 (P. L. 306), is amended to read:

Section 314. Obstructing *an* Officer in the Execution of Process or in the Performance of His Duties.—Whoever knowingly, wilfully and forcibly obstructs, resists or opposes any officer or other person duly authorized, in serving or attempting to serve or execute any legal process or order, or in making a lawful arrest without warrant, or assaults or beats any officer or person, duly authorized, in serving or executing any such legal process or order or for and because of having served or executed the same; or in making a lawful arrest without warrant; or rescues another in legal custody; or whoever being required by any officer, neglects or refuses to assist him in the execution of his office in any criminal case, or in the preservation of the peace, or in apprehending and securing any person for a breach of the peace, is guilty of a misdemeanor, and on conviction, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars (\$500), or both.

Act amended by adding a new section 314.1.

Section 2. The act is amended by adding, after section 314, a new section to read:

*Section 314.1. Committing an Aggravated Assault and Battery upon a Police Officer.—Whoever commits an aggravated assault and battery upon a police officer making or attempting to make a lawful arrest is guilty of a felony, and on conviction, shall be sentenced to pay a fine not exceeding two thousand dollars (\$2,000) or to undergo imprisonment not exceeding five (5) years, or both.*

APPROVED—The 11th day of July, A. D. 1963.

WILLIAM W. SCRANTON