UCLA School of Law Williams Institute

RESEARCH THAT MATTERS

Enforcement of Bodily Fluid Exposure Laws in Pennsylvania

Before and After Legislative Reform

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Jordan Grasso
Will Tentindo
Nathan Cisneros
Brad Sears

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Executive Summary

HIV criminalization refers to laws that impose criminal penalties for conduct based on an individual's HIV-positive status. While many of these laws were enacted during the early years of the HIV/AIDS epidemic, advances in HIV prevention and treatment have significantly reduced the risk of transmission and transformed HIV into a manageable chronic condition for many people. Nevertheless, HIV-related criminal laws remain in effect in many jurisdictions, including Pennsylvania.

HIV criminalization through HIV-related criminal laws in Pennsylvania began in the mid-1990s. These laws punish certain conduct by people living with HIV, such as exposing others to bodily fluids or waste. In 2022, Pennsylvania amended its HIV-specific bodily-fluid exposure offenses, "Assault by Prisoner" and "Assault by Life Prisoner," that apply to incarcerated people. It removed explicit references to HIV and incorporated the laws into a broader communicable disease framework. It also specified that the type of bodily fluid exposure must be one that "can transmit the communicable disease." The same year, Pennsylvania's legislature created a new offense, "Assault of a Law Enforcement Officer," which expanded criminalization of communicable disease-related bodily fluid exposure beyond incarceration settings. Although these reforms removed HIV-specific language from these offenses, Pennsylvania's new legal framework continued to criminalize certain conduct involving HIV-related bodily-fluid exposure.

This report examines the impact of legislative reforms on HIV criminalization in Pennsylvania, with particular attention to bodily-fluid exposure offenses, including Assault by Prisoner, Assault by Life Prisoner, and Assault of a Law Enforcement Officer.

Key Findings

- Replacing HIV-specific language with broader references to communicable diseases and specifying that the method of exposure must be one capable of transmitting the communicable disease had little effect on the enforcement of Pennsylvania's Assault by Prisoner and Assault by Life Prisoner offenses.
- The enactment of a new offense, Assault of a Law Enforcement Officer, resulted in a substantial increase in criminalization and enforcement over time.
- Comparing the two statutes for which we have the most comparable data, after 2022, there were a total of 21 Assault by Prisoner bodily fluid exposure cases involving communicable diseases in 2023 and 2024, compared with 80 Assault of a Law Enforcement Officer cases, an almost four-to-one ratio.

Although we were unable to identify the specific alleged disease exposure in the available data, removing the explicit reference to HIV and expanding the scope of covered diseases did not appear to meaningfully alter enforcement patterns, whereas creating a new criminal offense significantly increased enforcement. Overall, Pennsylvania's HIV-related legislative reforms have resulted in a marked increase in the criminalization of people with communicable diseases in the state as measured by the number of new criminal cases filed.

Introduction

HIV criminalization refers to laws that make otherwise legal behavior a criminal offense or that impose harsher penalties for illegal conduct based on an individual's HIV-positive status.[1] While there is only one federal HIV criminalization law,[2] more than half of states and territories across the United States have HIV-related criminal laws.[3] Most HIV criminal laws, including those in Pennsylvania, do not require actual transmission of HIV or an intent to transmit HIV to sustain a conviction. HIV criminal laws also frequently criminalize conduct that poses no actual risk of transmission, such as spitting or biting.[4] Many states passed laws criminalizing people living with HIV (PLWH) in the early years of the HIV/AIDS epidemic,[5] before treatments became available that allow PLWH to live normal lifespans in good health,[6] and before highly effective methods for preventing transmission of HIV through medical treatment became widely available.[7]

Pennsylvania created its first HIV criminalization law in 1995, a felony enhancement for PLWH convicted of "prostitution," "promoting prostitution," or "patronizing prostitutes."[8] In 1998, the legislature added two additional HIV-related offenses for bodily fluid exposure: "Assault by Prisoner" and "Assault by Life Prisoner."[9] These laws applied only to incarcerated people, for example, in a jail or state prison, and explicitly identified those "infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B."[10]

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[1] Dini Harsono, Carol Galletly, Elaine O'Keffe, & Zita Lazzarini. "Criminalization of HIV Exposure: A Review of Empirical Studies in the United States." *AIDS and Behavior* 21, no. 1 (2017): 27-50.

[2] *See* Centers for Disease Control and Prevention. (2023). *HIV criminalization and ending the HIV epidemic in the U.S.* https://stacks.cdc.gov/view/cdc/124122; 18 U.S.C. § 1122 (2015) (pertaining to the donation or sale of blood or other potentially infectious fluids or tissues).

[3] Center for HIV Law and Policy. (2025). "Mapping HIV Criminalization Laws in the U.S." https://www.hivlawandpolicy.org/maps.

[4] Barré-Sinoussi, F., et al. (2018). "Expert consensus statement on the science of HIV in the context of criminal law." *Journal of the International AIDS Society*, 21(7), 251-261. https://doi.org/10.1002/jia2.25161; and Lehman, J.S., et al. (2014). "Prevalence and public health implications of state laws that criminalize potential HIV exposure in the United States." *AIDS and Behavior*, 18, 997-1006. https://doi.org/10.1007/s10461-014-0724-0.

[5] Harsono, D., Galletly, C., O'Keeffe, E., & Lazzarini, Z. (2017). Criminalization of HIV exposure: A review of empirical studies in the United States. *AIDS and Behavior*, 21(1), 27–50. https://doi.org/10.1007/s10461-016-1540-5; Lehman, J.S., et al. (2014). Prevalence and public health implications of state laws that criminalize potential HIV exposure in the United States. *AIDS and Behavior*, 18, 997–1006. https://doi.org/10.1007/s10461-014-0724-0.

[6] HIV.gov. (n.d.). A timeline of HIV/AIDS. https://files.hiv.gov/s3fs-public/aidsgov-timeline.pdf; Trickey, A., et al. (2017). Survival of HIV-Positive Patients Starting Antiretroviral Therapy Between 1996 and 2013:
A Collaborative Analysis of Cohort Studies. *The Lancet HIV*, 4(8), p. 349-356; "Barré-Sinoussi, F., et al. (2018). Expert consensus statement on the science of HIV in the context of criminal law. *Journal of the International AIDS Society*, 21(7), 251-61; Lehman, J.S., et al. (2014). Prevalence and public health implications of state laws that criminalize potential HIV exposure in the United States. *AIDS and Behavior*, 18, 997-1006.

[7] Vernazza, P., Hirschel, B., Bernasconi, E., & Flepp, M. (2008). HIV-positive individuals without additional sexually transmitted diseases (STDs) and on effective antiretroviral therapy are sexually non-infectious. Bulletin des médecins suisses, 89(5). *See also*, Grant, R. M., Lama, J. R., Anderson, P. L., McMahan, V., Liu, A. Y., Vargas, L., … & iPrEx Study Team. (2010). Preexposure chemoprophylaxis for HIV prevention in men who have sex with men. *The New England Journal of Medicine*, 363(27), 2587–2599. https://doi.org/10.1056/NEJMoa1011205; Rodger, A. J., Cambiano, V., Bruun, T., Vernazza, P., Collins, S., Degen, O., … & PARTNER Study Investigators. (2019). Risk of HIV transmission through condomless sex in serodifferent gay couples with the HIV-positive partner taking suppressive antiretroviral therapy (PARTNER). *The Lancet, 393*(10189), 2428–2438. https://doi.org/10.1016/S0140-6736(19)30418-0.

[8] 1995 Pa. Legis. Serv. Act 28 (H.B. 247) (West). For more on the enforcement of these laws, see Grasso, J., Cisneros, N., & Tentindo, W. (2025). *HIV criminalization in Pennsylvania: Enforcement of "prostitution and related offenses" crimes*. Williams Institute UCLA School of Law. https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Crim-Prostitution-PA-Oct-2025.pdf

[9] 1998 Pa. Legis. Serv. Act 19 (S.B. 635) (West)

[10] The appendix includes the relevant statutory language for each bodily fluid exposure law.

Pennsylvania's bodily fluid exposure laws underwent three reforms in 2022. First, the state legislature removed specific references to HIV and hepatitis, instead referring to "communicable disease declared reportable by … the act … known as the Disease Prevention and Control Law of 1955." Second, these two laws were amended to specify that bodily fluid exposure must occur via a route capable of transmitting the communicable disease. Third, the legislature added a new bodily fluid exposure crime, "Assault of a Law Enforcement Officer," when exposure is directed at law enforcement officials. Unlike the other offenses, this new offense was not restricted to people in incarceration settings; anyone can be charged with bodily fluid Assault of a Law Enforcement Officer.

Pennsylvania's 2022 Bodily Fluid Exposure Law Reform

- Amendments to the Assault by Prisoner and Assault by Life Prisoner statutes eliminated HIV- and Hepatitis B-specific references, instead adopting a broader framework that criminalizes exposure to "communicable diseases."
- Bodily fluid exposure must occur via a route by which "the communicable disease … is communicable to another by the method used or attempted to be used to cause another to come into contact with the blood, seminal fluid, saliva, urine or feces."
- Introduction of a new offense: "Assault of a Law Enforcement Officer."

This report describes Pennsylvania's 2022 bodily fluid law reform and analyzes changes in enforcement in the three years after reform. Given the recency of the reform and the limited data available, the findings here should be interpreted as early indicators of emerging enforcement patterns.

Pennsylvania's Law Reform

Pennsylvania's Bodily Fluid Exposure Criminal Laws Before 2022 Reform

In 1995, Pennsylvania's legislature created HIV-specific felony enhancements for prostitution-related offenses.[11]

In 1998, the state added two HIV-related criminal laws targeting bodily fluid exposure by incarcerated people: Assault by Prisoner and Assault by Life Prisoner.[12] These bodily fluid exposure laws were included as additions to the already-existing Assault by Prisoner and Assault by Life Prisoner crimes, and equated fluid exposure from persons "infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B" to "assault upon another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury."[13]

The bodily fluid exposure Assault by Prisoner and Assault by Life Prisoner crimes applied to incarcerated individuals. They criminalized the intentional or knowing exposure of others to bodily fluids—such as saliva, blood, semen, urine, or feces—if the person "knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease."[14] However, these laws applied only in correctional settings, meaning enforcement focused on jails, prisons, and other correctional facilities, or during transport to/from them, rather than in the broader community.[15]

In July 2020, Pennsylvania reorganized its Assault by Prisoner law, explicitly delineating two felony crimes, 1) assault with a deadly weapon or instrument and 2) assault involving exposure to bodily fluids by a person with HIV, hepatitis B, or another communicable disease.[16] Before 2020, it was not possible in administrative data to identify which of the two crimes applied to a given Assault by Prisoner criminal case. After the 2020 reform, such distinction was possible. The Assault by Life Prisoner crime, however, stayed the same; both before and after 2020, it is not possible to identify whether a person was charged with a crime under this section for "aggravated assault with a deadly weapon"[17] or the bodily fluid exposure subsection.

[11] 1995 Pa. Legis. Serv. Act 28 (H.B. 247) (West).

[12] 1998 Pa. Legis. Serv. Act 19 (S.B. 635) (West).

[13] The Assault by Life Prisoner statute classified the same behaviors related to communicable diseases as aggravated assault rather than assault. 1998 Pa. Legis. Serv. Act 19 (S.B. 635) (West); 18 Pa. Cons. Stat. § 2704 (2019). The punishments also differed: Assault by Prisoner was a second-degree felony while Assault by Life Prisoner was classed as a crime carrying the same penalty as second-degree murder. 18 Pa. Cons. Stat. § 2703 (2025); 18 Pa. Cons. Stat. § 2704 (2025).

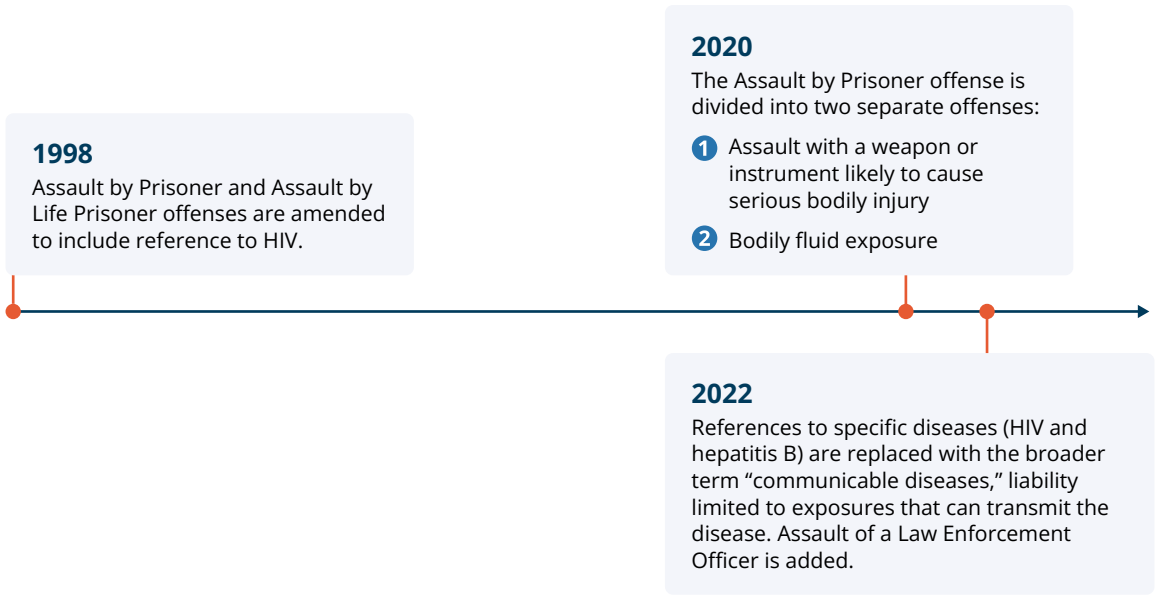
[14] 18 Pa. Cons. Stat. § 2703 (2025); 18 Pa. Cons. Stat. § 2704 (2025).

[15] 18 Pa. Cons. Stat. § 2703 (2025); 18 Pa. Cons. Stat. § 2704 (2025).

[16] 2020 Pa. Legis. Serv. Act 63 (H.B. 256) (West).

[17] The Assault by Life Prisoner statute describes the offenses as "aggravated assault" rather than "assault" which was used in the Assault by Prisoner statute.

Figure 1. Timeline of bodily fluid exposure laws in Pennsylvania



Pennsylvania's Bodily Fluid Exposure Criminal Law After 2022 Reform

In recent years, some legislators and members of the public have expressed interest in reforming the state's approach to HIV criminalization. In October 2021, the Pennsylvania House Democratic Policy Committee held a hearing to discuss decriminalization of HIV, which included testimony from PLWH who had been affected by the state's criminalization laws and various advocacy groups.[18] While no specific pieces of legislation were the focus at the hearing,[19] H.B. 103—which proposed adding two new offenses targeting assaults on law enforcement officers by individuals with communicable diseases—was under review by the legislature at the time.[20]

In November 2022, the Pennsylvania legislature amended its Assault by Prisoner and Assault by Life Prisoner crimes. In both statutes, specific references to HIV and hepatitis B were replaced with broader language: "communicable disease declared reportable by regulation," consistent with the Disease Prevention and Control Law of 1955.[21] This change went into effect on January 3, 2023.[22] The statutes were also amended to specify that only bodily fluid exposures that could transmit the specific disease were applicable under these crimes, i.e., the communicable disease must be "communicable to another by the method [bodily fluid] used or attempted to be used."[23]

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[18] Pa. House Democratic Policy Committee, HIV Decriminalization - Victim and advocates address decriminalizing HIV in PA (Oct. 6, 2021), https://www.pahouse.com/PolicyCommittee/Story/?id=121568. *See also* Frank Pizzoli, Pennsylvania Capital-Star, Oct. 6, 2021, *'HIV is not a crime': Pa. House panel tackles outdated laws targeting those living with the virus*, https://penncapital-star.com/civil-rights-social-justice/hiv-is-not-a-crime-pa-house-panel-tackles-outdated-laws-targeting-those-living-with-the-virus/.

[19] Gabriela Martinez, WITF, Oct. 14, 2021, *People living with HIV ask for 'dehumanizing' state laws to be taken off the books*, https://www.wesa.fm/courts-justice/2021-10-14/people-living-with-hiv-ask-for-dehumanizing-state-laws-to-be-taken-off-the-books.

[20] 2022 Pa. Legis. Serv. Act 99 (H.B. 103) (West); Pa. Gen Assembly., *Bill Information: House Bill 103, 2021-2022 Regular Session* (Nov. 3, 2022), https://www.legis.state.pa.us/cfdocs/billInfo/bill_history.cfm?syear=2021&sind=0&body=H&type=B&bn=103.

[21] 2022 Pa. Legis. Serv. Act 99 (H.B. 103) (West).

[22] 2022 Pa. Legis. Serv. Act 99 (H.B. 103) (West).

[23] 18 Pa. Cons. Stat. § 2703 (2025); 18 Pa. Cons. Stat. § 2704 (2025).

Additionally, a new offense was created that criminalized the same fluid exposure whether or not the person is incarcerated, so long as the victim is a law enforcement officer.[24] The co-sponsorship memorandum for H.B. 103, which added a new "Assault of Law Enforcement Officer" offense, stated that the primary bill sponsor's motive for proposing the legislation was to close a perceived loophole in the law that punished PLWH who expose law enforcement officers to bodily fluids and material only when that PLWH is committed to a correctional facility or is being transported to/from a correctional facility.[25] Similarly, a predecessor bill proposed in the 2013-2014 regular session included a co-sponsorship memo stating its intent to "give police officers the same protections in the law we give to corrections officers."[26] The newly enacted Assault of Law Enforcement Officer mirrored the other two existing laws, requiring that the bodily fluid be "communicable to the law enforcement officer by the method used or attempted to be used" for a conviction.[27]

Many of the 2022 legislative changes were opposed by local and national organizations who argued that the changes ignored established science and guidance from medical and public health experts, would create redundant criminal penalties, would undermine efforts to end the HIV and viral hepatitis epidemics in the state, would increase stigma, and would make Pennsylvania an outlier in the movement to remove health status from criminal law.[28]

Table 1. Pennsylvania's bodily fluid exposure offenses involving communicable disease before and after 2022 reforms

Subject	Before 2022 reforms	After 2022 reforms
Laws affected by the reforms	Assault by Prisoner (§2703) Assault by Life Prisoner (§2704)	Assault by Prisoner (§2703) Assault by Life Prisoner (§2704) Assault of Law Enforcement Officer (§2702.1)
People affected	People living with a communicable disease, including but not limited to HIV and hepatitis B, who are incarcerated or in transit to and from correctional facilities	PLWH or another communicable disease who are incarcerated, in transit to and from correctional facilities, or are outside of correctional facilities when offense is committed against a law enforcement officer
Criminalized behaviors	Exposure to bodily fluids or materials	Exposure to bodily fluids or materials via a route that can transmit the communicable disease

[24] 18 Pa. Cons. Stat. § 2703 (2025); 18 Pa. Cons. Stat. § 2704 (2025).

[25] Memorandum from Rep. Louis Schmitt to All House Members of the Pennsylvania General Assembly, Re: Harassment of Law Enforcement Officer (Former HB2016), Dec. 9, 2020, https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20210&cosponId=33333.

[26] Memorandum from Rep. Keith Gillespie to All House Members of the Pennsylvania General Assembly, Re: Assault of Law Enforcement Officer, Jan. 3, 2013, https://www.legis.state.pa.us//cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20130&cosponId=10503.

[27] 18 Pa. Cons. Stat. § 2702.1 (2025).

[28] AIDS Law Project of Pennsylvania et al., Opposition to HB 103 PN 73 (Schmitt): Remove Penalty Enhancement for People Living with a Communicable Disease, Including HIV and Hepatitis B (2021), https://www.aidslawpa.org/wp-content/uploads/2021/03/Opposition-to-HB-103.pdf; Trent Straube, Pennsylvania Governor Signs "Irresponsible" Law to Criminalize HIV, STIs, POZ (Nov. 17, 2022), https://www.poz.com/article/pennsylvania-governor-signs-irresponsible-law-criminalize-hiv-stis; HB 103 | New Felony Offenses to Expand Special Protection for Police, ACLU of Pa., https://www.aclupa.org/legislation/hb-103-new-felony-offenses-expand-special-protection-police/.

Subject	Before 2022 reforms	After 2022 reforms
Diseases covered	People living with a communicable disease—HIV and hepatitis B are specified as included in the statutory language	Communicable disease declared reportable by regulation (Disease Prevention and Control Law of 1955)—HIV and hepatitis B are still included, but no longer specified in the statutory language
Location of offense	Correctional facilities or during transport to a correctional facility	Correctional facilities, during transport, or in any location outside of correctional facilities when committed against a law enforcement officer

Below we summarize the three body fluid exposure laws as they existed in the second half of 2026.

Assault by Prisoner and Assault by Life Prisoner

Under Pennsylvania's revised Assault by Prisoner statute, a person who is incarcerated and knows or reasonably should know they are infected with a reportable communicable disease commits a second-degree felony if they intentionally or knowingly expose another person to saliva, blood, seminal fluid, urine, or feces through actions such as throwing, tossing, spitting, or otherwise expelling such substances.[29] The fluid exposure must be "communicable to another by the method used or attempted to be used" to sustain a conviction.[30] A violation is punishable by up to 10 years' imprisonment[31] and a fine of up to $25,000,[32] in addition to the individual's original sentence.

Pennsylvania treats people who are not living with a communicable disease, or who are unaware that they are living with a communicable disease, differently for the same behavior. When an incarcerated person does not know or have reason to know that the bodily fluid or material came from someone diagnosed with a reportable communicable disease—in other words, if the person is not living with a communicable disease or does not know they are living with a communicable disease—then it is only a third-degree felony to intentionally or knowingly cause or attempt to cause another to come into contact with blood, seminal fluid, saliva, urine, or feces by throwing, tossing, spitting, or expelling such fluid or material.[33] This offense, "aggravated harassment by a prisoner,"[34] carries a maximum sentence of seven years in prison[35] and a fine of $15,000.[36]

Finally, Pennsylvania treats people living with a communicable disease more severely for the same behaviors if they have previously been sentenced to death or to life imprisonment.[37] Under Pennsylvania law, an incarcerated individual serving such a sentence who knowingly or intentionally exposes another person to bodily fluids, while infected with a reportable communicable disease, commits the offense of "Assault by Life Prisoner." Again, the disease must be "communicable to another by the method used or

[29] 18 Pa. Cons. Stat. § 2703(a)(2) (2025).

[30] 18 Pa. Cons. Stat. § 2703(a)(2)(ii) (2025).

[31] 18 Pa. Cons. Stat. § 1103(2) (2025); 18 Pa. Cons. Stat. § 106(b)(3) (2025).

[32] 18 Pa. Cons. Stat. § 1101(2) (2025).

[33] 18 Pa. Cons. Stat. § 2703.1 (2025).

[34] 18 Pa. Cons. Stat. § 2703.1 (2025).

[35] 18 Pa. Cons. Stat. § 1103(3) (2025); 18 Pa. Cons. Stat. § 106(b)(4) (2025).

[36] 18 Pa. Cons. Stat. § 1101(3) (2025).

[37] 18 Pa. Cons. Stat. § 2704 (2025).

attempted to be used" to sustain a conviction.[38] Convictions under this statute carry the same penalty as second-degree murder,[39] which was mandatory life imprisonment up to March 2026 and a fine of up to $50,000.[40]

As of July 2026, the penalty for second-degree murder was in flux following a recent Pennsylvania Supreme Court decision in *Commonwealth v. Lee*. This decision determined that mandatory life imprisonment without parole for felony murder,[41] which is statutorily defined as second-degree murder in Pennsylvania,[42] was cruel and unusual punishment in violation of Article I, Section 13 of the Pennsylvania Constitution (which mirrors the federal Constitution's 8th Amendment).[43]

The *Commonwealth v. Lee* decision may affect convictions under the Assault by Life Prisoner statute, which provides a penalty mandatory life imprisonment, the same as second-degree murder. The court held that "[a] mandatory sentence of life without parole for all individuals convicted of second-degree murder cannot be reasonably justified by any of the traditional theories for punishment."[44]

Assault of Law Enforcement Officer

Pennsylvania's legislature also expanded punishments related to assaults against law enforcement officers in the November 2022 reforms.[45] Under the revised statute, an individual committed "assault of law enforcement officer," a second-degree felony, if they intentionally or knowingly caused a law enforcement officer to come into contact with blood, seminal fluid, saliva, urine, or feces by throwing, tossing, spitting, or otherwise expelling such substances and "the person knew, had reason to know, should have known or believed" that they had a communicable disease reportable by the 1955 Disease Prevention and Control Law.[46] The revised statute requires that the defendant 1) knew the victim was a law enforcement officer, 2) that the conduct occurred while the officer was engaged in the performance of official duties, and 3) that the disease be "communicable to the law enforcement officer by the method used or attempted to be used."[47]

As with other second-degree felonies, Assault of Law Enforcement Officer is punishable by up to 10 years' imprisonment[48] and a fine of up to $25,000.[49]

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[38] 18 Pa. Cons. Stat. § 2704(a)(2)(ii) (2025).

[39] 18 Pa. Cons. Stat. § 2704 (2025).

[40] 18 Pa. Cons. Stat. § 1102(b) (2025); 18 Pa. Cons. Stat. § 1101(1) (2025).

[41] Felony murder is generally defined as a homicide that occurs during the commission of another specific felony, thereby lacking the intent to kill but still requiring the specific intent to commit the underlying felony. *See, e.g.*, *Commonwealth v. Lee*, No. 3 WAP 2024, 2026 WL 855614 at *5 (Pa., Mar. 26, 2026) (discussing the history of the felony murder doctrine).

[42] 18 Pa. Cons. Stat. § 2502 (2025). The Pennsylvania Supreme Court used both terms "second-degree murder" and "felony murder" in its recent decision. *Commonwealth v. Lee*, No. 3 WAP 2024, 2026 WL 855614 (Pa., Mar. 26, 2026).

[43] *Commonwealth v. Lee*, 2026 WL 855614 at *28-*34.

[44] *Id.* at *41. The court continued, "While the justifications for punishment may support life-long incarceration for *some* convicted of this crime, such justification cannot support life without parole for all offenders, as individuals who have lessened culpability are less deserving of the most severe punishments, necessitating individualized assessment of culpability."

[45] 2022 Pa. Legis. Serv. Act 99 (H.B. 103) (West)

[46] 18 Pa. Cons. Stat. § 2702.1 (2025).

[47] 18 Pa. Cons. Stat. § 2702.1 (2025).

[48] 18 Pa. Cons. Stat. § 1103(2) (2025); 18 Pa. Cons. Stat. § 106(b)(3) (2025).

[49] 18 Pa. Cons. Stat. § 1101(2) (2025).

If the person accused does not have a reportable communicable disease or has such a disease but is unaware that they have it, then the crime is a lower third-degree felony.[50] In addition, even when the conduct does not fall within these specific provisions, related offenses—such as aggravated assault against a law enforcement officer or other public official—may apply.[51]

Table 2. Elements of Pennsylvania's 2022 bodily fluid exposure offenses

Element	Assault by Prisoner	Assault by Life Prisoner	Assault of Law Enforcement Officer
Criminal code	18 Pa. Cons. Stat. § 2703(A2)	18 Pa. Cons. Stat. § 2704	18 Pa. Cons. Stat. § 2702.1
Offense level	Second-degree felony	Murder in the second degree	Second-degree felony
Punishment	Up to 10 years in prison and a fine of up to $25,000	Up to life imprisonment (see discussion of *Commonwealth v. Lee*, above) and a fine of up to $50,000	Up to 10 years in prison and a fine of up to $25,000
HIV specified in statutory language	No	No	No
PLWH knows their HIV-positive status	Knows or should know they are infected by a reportable disease (including HIV)	Knows or should know they are infected by a reportable disease (including HIV)	Knows or should know they are infected by a reportable disease (including HIV)
Setting	A person in a correctional facility or in transit to a correction facility	A person in a correctional facility or in transit to a correction facility	Anywhere if person exposed to bodily fluid is a law enforcement officer
Criminalized behavior	Intentionally or knowingly exposing another person to bodily fluid infected by a communicable disease	Intentionally or knowingly exposing another person to bodily fluid infected by a communicable disease	Intentionally or knowingly exposing another person to bodily fluid infected by a communicable disease
Method of exposure limited to those that can transmit the disease	Yes – the "communicable disease … is communicable to another by the method used … to cause another to come into contact with the [bodily fluid or material]"	Yes – the "communicable disease … is communicable to another by the method used … to cause another to come into contact with the [bodily fluid or material]"	Yes – the "communicable disease … is communicable to another by the method used … to cause another to come into contact with the [bodily fluid or material]"
Intent to transmit HIV required	No	No	No
Actual transmission of HIV required	No	No	No

[50] 18 Pa. Cons. Stat. § 2702.1(3) (2025).

[51] 18 Pa. Cons. Stat. § 2702 (2025).

Post-Reform Analysis

In this section, we analyze the enforcement of Pennsylvania's bodily fluid exposure laws—Assault by Prisoner, Assault by Life Prisoner, and Assault of a Law Enforcement Officer—with a focus on enforcement patterns before and after the major reforms in July 2020 and November 2022. We look at both cases filed under each law, as well as convictions under those laws.

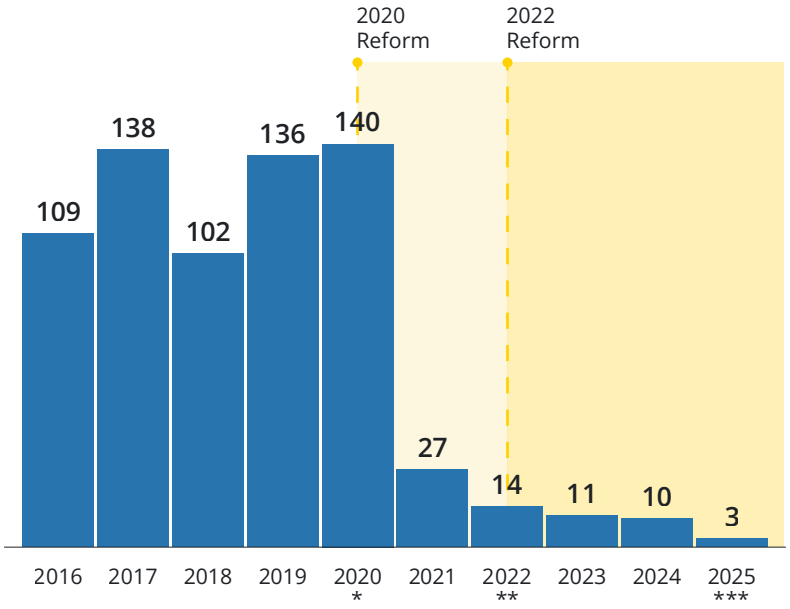
Cases Filed

Assault by Prisoner

Following the statutory changes in 2020 that enabled disease-related Assault by Prisoner cases to be separately identified and disaggregated, the number of Assault by Prisoner cases dropped in the data we analyzed from 140 to 27 in 2021. Thereafter, it declined further to 14 in 2022, 11 in 2023, and 10 in 2024. In the first six months of 2025, for which we have data, three cases involving communicable disease-related Assault by Prisoner offenses had been filed.

The November 2022 reform removed stigmatizing HIV- and hepatitis-specific language but continued to criminalize the same conduct under the statute's broader "communicable diseases language." The reform also required that the alleged exposure involve a method capable of transmitting the disease. Unlike the 2020 reform, the 2022 reform did not produce a large change in the number of criminal cases brought under the disease subsection of the Assault by Prisoner statute.

Figure 2. Number of Assault by Prisoner cases filed in Pennsylvania, by year of offense



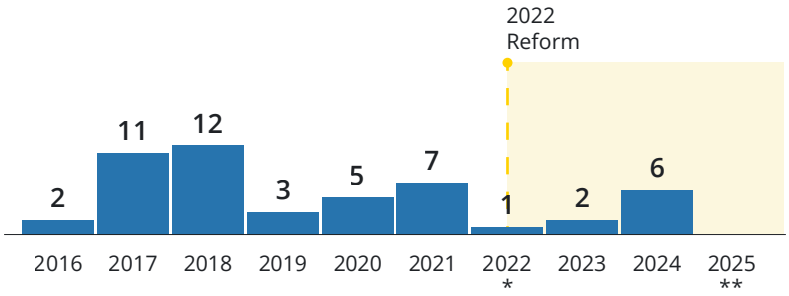
Note: *In 2020, the Assault by Prisoner offense was divided into two distinct offenses: one addressing assault generally and another specifically addressing assault involving exposure to bodily fluids. These categories cannot be disaggregated in data prior to the 2020 reform. As a result, we do not know how many pre-2020 cases involved alleged disease exposure.
**The 2022 reform took effect in November and removed explicit references to HIV and hepatitis B, leaving in place modified but still broader reference to reportable communicable diseases. It also required that the relevant communicable disease be communicable to another by the method of exposure for the bodily fluid that the allegedly defendant used.
***Data on Assault by Prisoner cases filed are available through June 2025.

Assault by Life Prisoner

Assault by Life Prisoner cases are much fewer in number, and in contrast to Assault by Prisoner, do not show a strong time trend. The lower numbers may reflect the limited circumstances under which the offense can be charged, as it applies only to individuals serving life sentences when they commit the offense against correctional officers in correctional settings. Prior to the 2022 reform, filings averaged slightly more than six cases per year. However, we cannot determine how many of these cases involved exposure to bodily fluids. In the two years following the reform, the average decreased to approximately four cases annually; we likewise are unable to determine how many of these cases involved exposure to bodily fluids specifically.

The 2022 reforms removed stigmatizing HIV and hepatitis-specific language but continued to criminalize these diseases under the broader "communicable diseases" framework, which from 2022 required that the exposure be one that could in fact transmit the disease. Before and after the reform we cannot say whether the cases we analyzed were HIV-related.

Figure 3. Number of Assault by Life Prisoner cases filed in Pennsylvania, by year of offense



Note: *The 2022 reform took effect in November and removed explicit references to HIV and hepatitis B, leaving in place modified but still broader reference to reportable communicable diseases. It also required that the relevant communicable disease be communicable to another by the method of exposure for the bodily fluid that the allegedly defendant used.
**Data on Assault by Life Prisoner cases filed are available through March 31, 2025.

Law enforcement officer exposure

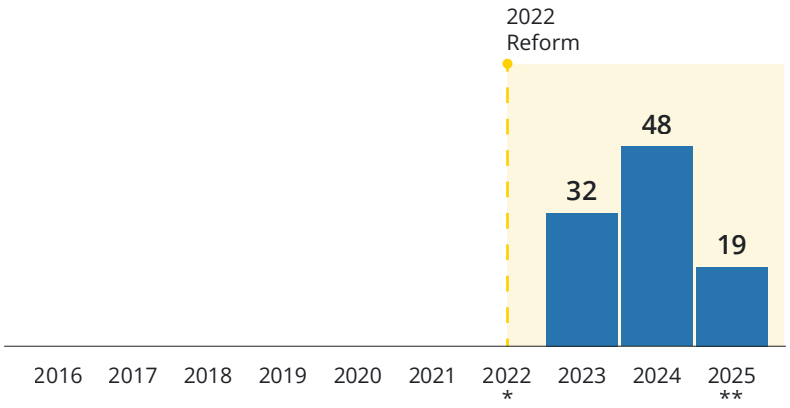
Pennsylvania created a new exposure to bodily fluids offense in 2022: Assault of a Law Enforcement Officer, extending criminal liability for exposure beyond correctional settings to any setting if the person exposed was a law enforcement officer. The offense is upgraded from a third-degree felony to a second-degree felony when "the person knew, had reason to know, should have known or believed the fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease."[52]

Since 2022, a total of 755 cases have been filed under both provisions of this statute, including 99 graded as second-degree felonies, which we use to indicate that the case involved a communicable disease enhancement. The volume of these cases far exceeds that of Assault by Prisoner and Assault by Life

[52] 18 Pa. Cons. Stat. § 2702.1

Prisoner offenses. For example, in 2023 and 2024, there were a total of 80 disease-related Assault of a Law Enforcement Officer cases, compared with a total of 21 disease-related Assault by Prisoner cases—a ratio of nearly four to one. The greater frequency of Assault of a Law Enforcement Officer cases may reflect the broader scope of the law, which applies to assault against law enforcement officers more generally, rather than assault against correctional officers in correctional settings.

Figure 4. Number of Assault of a Law Enforcement Officer cases filed in Pennsylvania, by year of offense



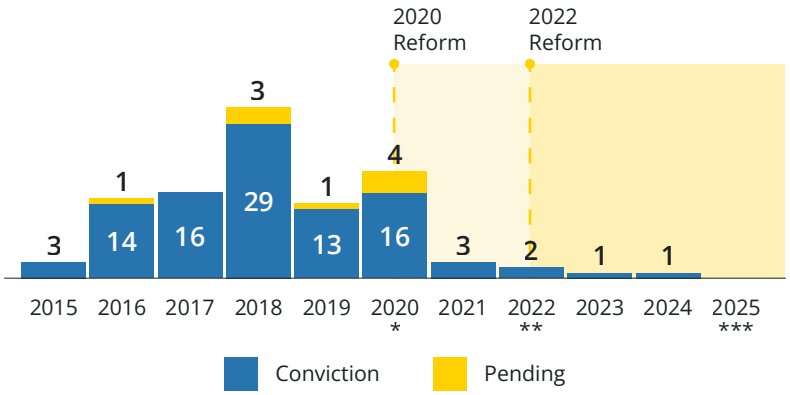
Note: *The 2022 reform created a new offense for Assault of a Law Enforcement Officer; accordingly, no cases exist for this offense prior to its enactment.
**Data on Assault of a Law Enforcement Officer offenses are available through July 2025.

Convicted Cases and Charges

Assault by Prisoner

Convictions for Assault by Prisoner declined over time. We identified one case in 2023 and one in 2024. As with the analysis of cases in the subsection above, convictions before the 2020 reform, which allowed us to directly identify disease-related convictions, may have been under the general assault offenses rather than cases specifically involving bodily fluid exposure by PLWH or other reportable communicable diseases; we are unable to determine which involved disease exposure. In total, we were able to affirmatively identify seven disease-related Assault by Prisoner convictions from 2021 onward.

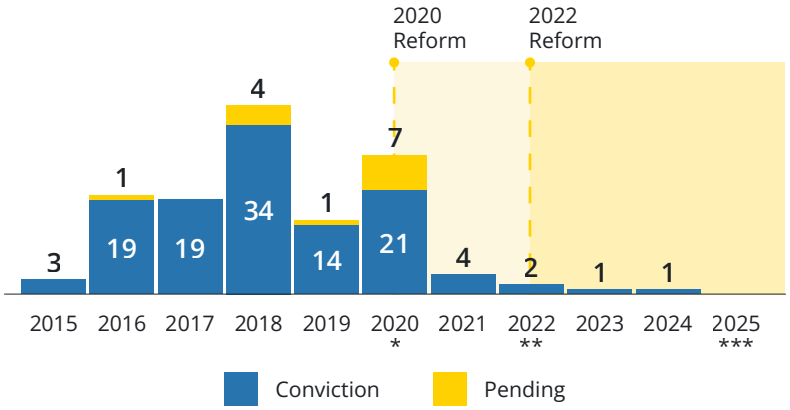
Figure 5. Number of Assault by Prisoner convicted cases in Pennsylvania, by year of offense



Note: *In 2020, the Assault by Prisoner offense was divided into two distinct offenses: one addressing assault generally and another specifically addressing assault involving exposure to bodily fluids. These categories cannot be disaggregated in the data we received prior to the 2020 reform.
**The 2022 reform took effect in November and removed explicit references to HIV and hepatitis B, leaving in place modified but still broader reference to reportable communicable diseases. It also required that the relevant communicable disease be communicable to another by the method of exposure for the bodily fluid that the allegedly defendant used.
***Data on Assault by Prisoner convictions are available through February 2025.

We also looked at individual charges resulting in convictions. The data show little variation over time, suggesting that each case with a conviction had only one charge with a conviction. Following the statutory changes, there were four convicted charges specifically related to bodily fluid exposure under the Assault by Prisoner offense in 2021 and two in 2022. This number declined further to one convicted charge in each of 2023 and 2024, with none recorded as of February 2025. We were not able to identify in the available data a connection between removing stigmatizing language that singled out PLWH and those living with hepatitis and the number of criminal cases involving alleged disease exposure.

Figure 6. Total number of Assault by Prisoner convicted charges in Pennsylvania, by year of offense

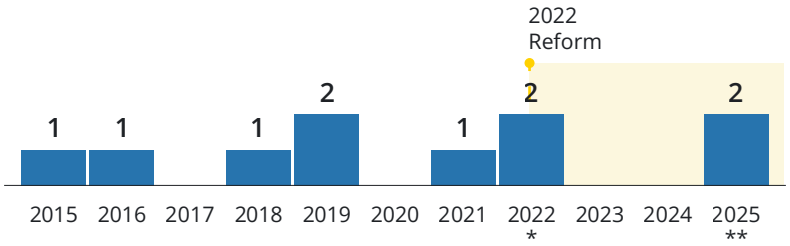


Note: *In 2020, the Assault by Prisoner offense was divided into two distinct offenses: one addressing assault generally and another specifically addressing assault involving exposure to bodily fluids. These categories cannot be disaggregated in the data we received prior to the 2020 reform.
**The 2022 reform took effect in November and removed explicit references to HIV and hepatitis B, leaving in place modified but still broader reference to reportable communicable diseases. It also required that the relevant communicable disease be communicable to another by the method of exposure for the bodily fluid that the allegedly defendant used.
***Data on Assault by Prisoner convictions are available through February 2025.

Assault by Life Prisoner

Cases resulting in convictions for Assault by Life Prisoner offenses remained relatively infrequent during the decade from 2015 to 2025, ranging from zero to two cases annually. Although convictions were infrequent throughout the period—which may be related to the limited circumstances in which the offense can be charged—enforcement of the offense continued after the 2022 reform, with convictions still recorded in subsequent years. Importantly, we cannot disaggregate general assault convictions from those involving bodily fluid exposure to communicable diseases.

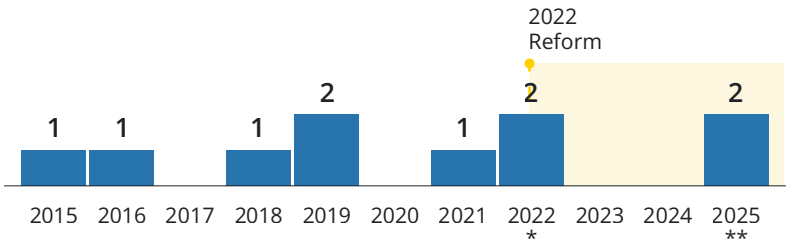
Figure 7. Number of Assault by Life Prisoner convicted cases in Pennsylvania, by year of offense



Note: No cases were pending at the time of data collection.
*The 2022 reform took effect in November and removed explicit references to HIV and hepatitis B, leaving in place modified but still broader reference to reportable communicable diseases. It also required that the relevant communicable disease be communicable to another by the method of exposure for the bodily fluid that the allegedly defendant used. We cannot distinguish between general assault and assault involving a bodily fluid before or after 2022.
**Data on Assault by Life Prisoner convictions are available through February 2025.

We also examined charges resulting in convictions. The counts were identical to the annual number of convicted cases, suggesting each convicted case involved a single convicted charge.

Figure 8. Number of Assault by Life Prisoner convicted charges in Pennsylvania, by offense date



Note: No cases were pending at the time of data collection.
*The 2022 reform took effect in November and removed explicit references to HIV and hepatitis B, leaving in place modified but still broader reference to reportable communicable diseases. It also required that the relevant communicable disease be communicable to another by the method of exposure for the bodily fluid that the allegedly defendant used. We cannot distinguish between general assault and assault involving a bodily fluid before or after 2022.
**Data on Assault by Life Prisoner convictions are available through February 2025.

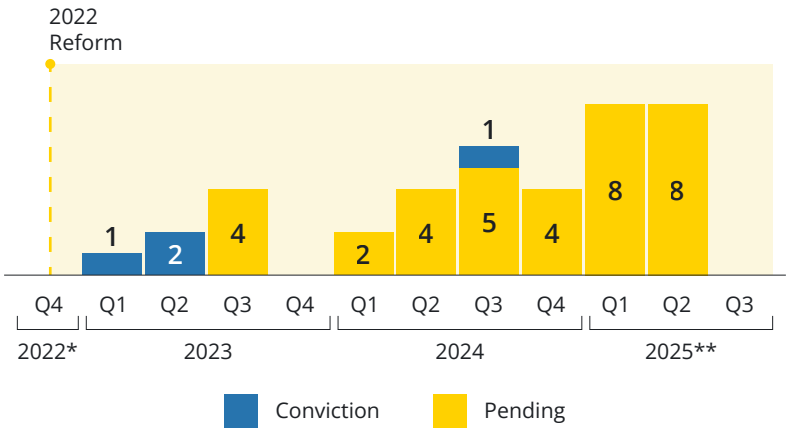
While the inability to disaggregate the bodily fluids exposure cases, the limited years of data, and the very low levels of Assault by Life Prisoner cases limit strong conclusions, the data suggest one important trend: the 2022 reforms do not appear to have a meaningful impact on cases with convictions, and they continue, at very low levels, despite the 2022 reforms.

While no convictions were recorded in the two years immediately following the 2022 reform, two charges across two separate cases resulted in convictions in January 2025. All convictions for this offense potentially faced mandatory life imprisonment when sentenced (up to life imprisonment as of March 2026), equivalent to second-degree murder. However, after the Pennsylvania Supreme Court's decision in *Commonwealth v. Lee*, there may be new leeway in sentencing.[53]

Assault of a Law Enforcement Officer

The 2022 reforms created a new offense for Assault of Law Enforcement Officer. In 2023, three cases resulted in convictions under this offense for bodily fluid exposure involving those with known communicable diseases, while one conviction was recorded in 2024. However, as shown in Figure 9, several cases remained pending at the time of data collection, including some filed in 2023.

Figure 9. Number of Assault of Law Enforcement Officer convicted cases involving communicable disease exposure in Pennsylvania, by offense date

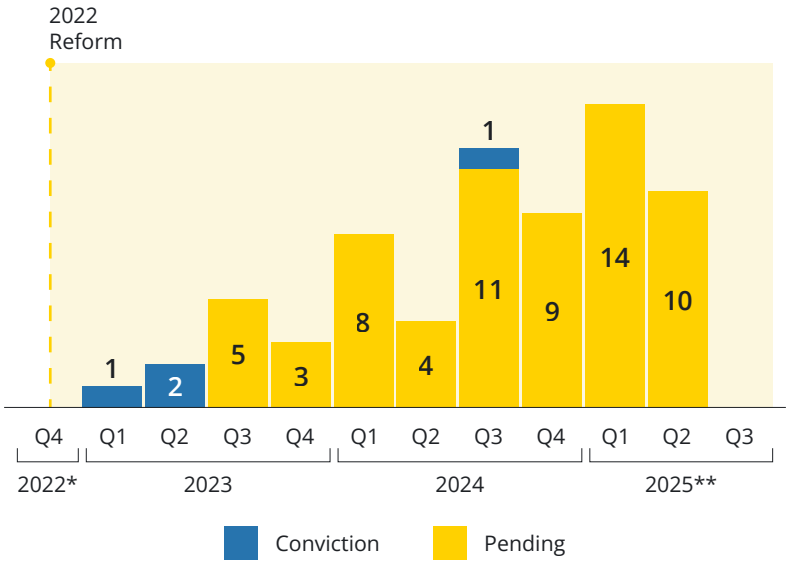


Note: *The 2022 reform created a new offense for Assault of a Law Enforcement Officer; accordingly, no cases exist for this offense prior to its enactment.
**Data on Assault of a Law Enforcement Officer convicted offenses are available through July 2025.

We also examined charges that resulted in convictions or are currently pending under the new offense for bodily fluid exposure involving those with known communicable diseases. The number of convicted charges was identical to the number of convicted cases, suggesting that each case-level conviction was associated with a single convicted charge for the offense. As with case filings, a substantial number of charges remained pending at the time of data collection, suggesting the number of convictions may increase as those cases are resolved.

[53] See full discussion of *Commonwealth v. Lee* in the section discussion legal changes to Assault by Prisoner and Assault by Live Prisoner.

Figure 10. Total number of Assault of Law Enforcement Officer convicted charges involving communicable disease exposure in Pennsylvania, by offense date



Note: *The 2022 reform created a new offense for Assault of a Law Enforcement Officer; accordingly, no cases exist for this offense prior to its enactment.
**Data on Assault of a Law Enforcement Officer convicted offenses are available through July 2025.

Given the limited data available related to the new offense, it is difficult to draw firm conclusions about trends in case outcomes. Although filings appear to be increasing, as reflected in the steady growth in the combined number of convicted and pending cases and charges on a quarterly basis, the final disposition of many cases remained unknown at the time of writing.

Conclusion

In 2022, the Pennsylvania legislature overhauled its HIV-related fluid exposure laws. One reform removed specific statutory mentions of HIV and viral hepatitis and added a requirement of a causal connection between the alleged mode of exposure and the risk of transmission. However, the reform also made clear that a number of other communicable diseases are also included under the scope of the bodily fluid exposure law. That same year, the state created a new Assault of a Law Enforcement Officer offense, extending criminal liability beyond correctional settings to interactions with law enforcement in the community. Many advocates and organizations opposed these reforms, fearing they would expand pathways to criminalization and stigma, and arguing they ran counter to national decriminalization trends and established medical and public health guidance.

The recency of these reforms limits the ability to draw firm conclusions. However, analysis here shows that enforcement under all three statutes continues. The observed patterns differ, however, depending on the nature of the reform. To date, replacing HIV- and hepatitis-specific language with broader communicable disease provisions appears to have had little measurable effect on enforcement patterns. In contrast, the creation of a new offense has resulted in a marked increase in enforcement activity against people with communicable diseases, which includes those living with HIV and viral hepatitis.

For the Assault by Prisoner statute, assessing the impact of reform is challenging. Statutory changes in 2020 separated general Assault by Prisoner offenses from bodily fluid exposure offenses. We therefore have only a short baseline period with which to compare trends before and after the 2022 reforms that removed HIV-specific language. Since 2022, approximately a dozen cases have been filed annually, with continued enforcement observed through 2025. Convictions have remained rare, with one case each in 2023 and 2024 and none in the first half of 2025.

For Assault by Life Prisoner, assessing the impact of reform is also challenging—in particular because it is not possible to disaggregate the bodily fluid exposure cases from the more general assault cases for any year. We could not identify a clear enforcement pattern for Assault by Life Prisoner offenses. We did not observe a meaningful change related to the 2022 reform. This may be in part due to the narrow circumstances under which the offense can be charged. Case filings fluctuated over time, and yearly convictions were consistently low—averaging just under one convicted case per year.

In contrast, the introduction of the new Assault of a Law Enforcement Officer statute represented a clear expansion of criminalization. This law allowed individuals outside of correctional settings to be charged, and early data indicate a steady quarterly increase in enforcement. Early evidence suggests that, in contrast to changes in statutory language, the creation of a new offense drove increased enforcement in Pennsylvania, though convictions remained infrequent.

Our analysis demonstrates that criminalization based on communicable disease status—including through criminal charges and convictions—continues in Pennsylvania. The findings also reveal a clear pattern associated with changes that expanded the reach of the criminal law: the creation of new offenses was followed by increased enforcement and greater contact with the criminal legal system. These patterns illustrate the distinction between reforms that modify the language or elements of existing offenses and statutory changes that expand the range of conduct subject to criminalization.

Methods

In March and June 2025, the Williams Institute obtained data from the Administrative Office of Pennsylvania Courts on individuals who had criminal cases within the state's Magisterial District Judge system or Courts of Common Pleas under Pennsylvania's HIV-related statutes. The data included aggregate case counts by year for cases filed with the courts involving offenses related to Assault by Prisoner,[54] Assault by Life Prisoner,[55] and Assault of a Law Enforcement Officer,[56] as well as incident-level data for cases resulting in convictions.[57]

Under Pennsylvania's clean slate laws, cases that do not result in a conviction are sealed from public access, though they remain available within the judicial system and are available to analyze at the aggregate level. Additionally, the Administrative Office of Pennsylvania Courts retains case information for only ten years, after which it is no longer accessible.[58] These data are available as aggregate annual counts.

In our analysis, we examined 1) aggregate counts for all bodily fluid or material exposure criminal cases filed with the courts, and 2) detailed incident-level data for criminal cases with convictions for bodily fluid or material exposure. We received aggregate data for offenses filed between April 1, 2015, and March 31, 2025, while conviction data cover the period from January 1, 2015, to December 31, 2024.[59]

Prior to the 2020 statutory reforms, prosecutions under the Assault by Prisoner statute involving alleged exposure to HIV or hepatitis B through bodily fluids could not be distinguished from prosecutions involving the use of a deadly weapon, instrument, or other force resulting in serious bodily injury. Following the 2020 reforms, cases alleging exposure to a communicable disease under the Assault by Prisoner statute can be identified separately from other assault offenses. However, we were unable to determine if the communicable disease exposure involved HIV specifically or another communicable disease.

In contrast, case filings and convictions under the Assault by Life Prisoner statute that involve alleged exposure to a communicable disease remain indistinguishable from cases involving the use of a deadly weapon, instrument, or other force, because all such conduct is reported under the same offense. We could not determine if a specific case involved alleged communicable disease exposure or not.

For Assault of a Law Enforcement Officer offenses, we were able to distinguish between communicable disease-related bodily fluid exposure offenses and bodily fluid exposure offenses that do not involve a communicable disease in both case-filing and conviction data because those involving alleged disease exposure are classed as second-degree felonies. Again, however, we were unable to determine if the communicable disease exposure specifically involved HIV.

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[54] 18 Pa. Cons. Stat. § 2703

[55] 18 Pa. Cons. Stat. § 2704

[56] 18 Pa. Cons. Stat. § 2702.1

[57] Conviction data do not capture *all* convictions, as Pennsylvania law allows certain offenses to be expunged from records, and some cases may be automatically removed under the state's Clean Slate law. Therefore, the numbers presented here should not be considered fully inclusive of all convictions under these statutes.

[58] According to J. Mankoski (personal communication, December 12, 2024).

[59] Aggregate and incident-level data were requested and received separately, resulting in a discrepancy of the time-period covered by each dataset.

Table 3. Summary of availability to separate bodily fluid exposure offenses involving communicable diseases from other bodily fluid exposure offenses in Pennsylvania administrative data

Statute	Able to Disaggregate Communicable Disease Offenses from Other Assault Offenses?	Able to Identify HIV-Related Offenses Specifically?
Assault by Prisoner (§2703)	Yes, for cases (both filed and convicted) after the 2020 reforms because the sectioning changed.	No
Assault by Life Prisoner (§2704)	No. The offense category includes assault offenses both with and without a communicable disease element both before and after 2022 reform.	No
Assault on Law Enforcement Officer (§2702.1)	Yes. Cases with second-degree felony charges involve alleged disease exposure.	No

Limitations

The available data upon which the analysis presented here was based have several limitations. First, the data do not indicate whether the alleged conduct involved a method capable of transmitting a communicable disease. We therefore cannot assess whether the statutory reforms changed how these laws were applied in practice, including whether cases continued to be brought for conduct that posed little or no possibility of transmission. Second, the data do not indicate whether HIV or another communicable disease exposure occurred, and the data say nothing about alleged actual transmission. Third, the data do not identify the specific communicable disease associated with each incident. The statutes encompass a broader range of communicable diseases, including but not limited to HIV. We do not know if the cases analyzed specifically criminalized alleged HIV or hepatitis exposure. Finally, for Assault by Prisoner before 2022 and Assault by Life Prisoner during the entire study period, we are unable to separate out general assault cases and charges from bodily fluid exposure cases and charges.

Authors

Jordan Grasso, Ph.D., is an Assistant Professor of Ethics, Law, and Social Justice in the Interdisciplinary Studies in the Liberal Arts Department at Cal Poly San Luis Obispo.

Will Tentindo, J.D., is the staff attorney at the Williams Institute.

Nathan Cisneros, M.S., is the HIV Criminalization Director at the Williams Institute.

Brad Sears, J.D., is the former Rand Schrader Distinguished Scholar of Law and Policy at the Williams Institute.

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The Williams Institute, UCLA School of Law
williamsinstitute@law.ucla.edu
williamsinstitute.law.ucla.edu

RESEARCH THAT MATTERS

Appendix

Assault of a Law Enforcement Officer

Amended	Relevant Statutory Language (18 PA. CONS. STAT. ANN. § 2702.1)
2022	(a) Assault of a Law Enforcement Officer.— (2) Except as provided under sections 2703 (relating to Assault by Prisoner), 2703.1 (relating to aggravated harassment by prisoner) and 2704 (relating to), a person is guilty of a felony of the third degree if the person intentionally or knowingly causes or attempts to cause a law enforcement officer, while in the performance of duty and with knowledge that the victim is a law enforcement officer, to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling the fluid or material. (3) A person who commits an offense under paragraph (2) shall be guilty of a felony of the second degree if: (i) the person knew, had reason to know, should have known or believed the fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease declared reportable by regulation authorized by the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955; and (ii) the communicable disease referenced in subparagraph (i) is communicable to the law enforcement officer by the method used or attempted to be used to cause the law enforcement officer to come into contact with the blood, seminal fluid, saliva, urine or feces.

Assault by Prisoner

Amended	Relevant Statutory Language (18 PA. CONS. STAT. ANN. § 2703)
February 1998	(a) Offense defined.—A person who is confined in or committed to any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility located in this Commonwealth is guilty of a felony of the second degree if he, while so confined or committed or while undergoing transportation to or from such an institution or facility in or to which he was confined or committed intentionally or knowingly, commits an assault upon another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury. A person is guilty of this offense if he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B. (b) Consecutive sentences.—The court shall order that any sentence imposed for a violation of subsection (a), or any sentence imposed for a violation of section 2702(a) (relating to aggravated assault) where the victim is a detention facility or correctional facility employee, be served consecutively with the person's current sentence.

Amended	Relevant Statutory Language (18 PA. CONS. STAT. ANN. § 2703)
July 2020	Offense defined.—[A] (1) Except as provided under section 2704 (relating to), a person who is confined in or committed to any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility located in this Commonwealth is guilty of a felony of the second degree if he, while so confined or committed or while undergoing transportation to or from such an institution or facility in or to which he was confined or committed intentionally or knowingly, commits an assault upon any of the following: (i) Except as provided under subparagraph (ii) another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury. (ii) A detention facility or correctional facility employee with a deadly weapon or instrument, or by any means or force likely to produce bodily injury. (2) A person is guilty of this offense if he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B. (3) Except as provided under section 2704, a person who is confined in or committed to any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility located in this Commonwealth is guilty of a felony of the first degree if he, while so confined or committed or while undergoing transportation to or from an institution or facility in or to which he was confined or committed, intentionally or knowingly, commits an assault upon a detention facility or correctional facility employee with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury.
November 2022	(a) Offense defined.— * * * (2) A person is guilty of this offense if: (i) he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease declared reportable by regulation authorized by the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955; and (ii) the communicable disease referenced in subparagraph (i) is communicable to another by the method used or attempted to be used to cause another to come into contact with the blood, seminal fluid, saliva, urine or feces.

Assault by Life Prisoner

Amended	Relevant Statutory Language (18 PA. CONS. STAT. ANN. § 2704)
February 1998	Every person who has been sentenced to death or life imprisonment in any penal institution located in this Commonwealth, and whose sentence has not been commuted, who commits an aggravated assault with a deadly weapon or instrument upon another, or by any means of force likely to produce serious bodily injury, is guilty of a crime, the penalty for which shall be the same as the penalty for murder of the second degree. A person is guilty of this offense if he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.
November 2022	Every person who has been sentenced to death or life imprisonment in any penal institution located in this Commonwealth, and whose sentence has not been commuted, who commits an aggravated assault with a deadly weapon or instrument upon another, or by any means of force likely to produce serious bodily injury, is guilty of a crime, the penalty for which shall be the same as the penalty for murder of the second degree. A person is guilty of this offense if: (1) he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease declared reportable by regulation authorized by the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955; and (2) the communicable disease referenced in paragraph (1) is communicable to another by the method used or attempted to be used to cause another to come into contact with the blood, seminal fluid, saliva, urine or feces.