

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 264 Session of 2007

INTRODUCED BY TRUE, CALTAGIRONE, HICKERNELL, DePASQUALE, BAKER, BARRAR, BASTIAN, BELFANTI, BEYER, BOYD, CAPPELLI, CAUSER, COX, CREIGHTON, CUTLER, DALLY, DeLUCA, FABRIZIO, FAIRCHILD, FREEMAN, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, GRUCELA, HARHART, HARPER, HARRIS, HENNESSEY, HERSHEY, HESS, M. KELLER, KILLION, LEACH, MACKERETH, MAJOR, MANN, MARSICO, McILHATTAN, MILLARD, R. MILLER, MUNDY, MURT, NAILOR, M. O'BRIEN, O'NEILL, PETRARCA, PHILLIPS, PICKETT, RAPP, REICHLEY, ROAE, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, M. SMITH, SONNEY, STABACK, STERN, SWANGER, WALKO, WATSON, WOJNAROSKI, YOUNGBLOOD AND YUDICHAK, FEBRUARY 6, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for the offense of child abuse resulting
4 in death; and further providing for sentences for offenses
5 against infant persons.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 2507. Child abuse resulting in death.

11 (a) Offense defined.--A person commits a felony of the first
12 degree if the person by any act or omission intentionally,
13 knowingly or recklessly:

14 (1) causes the death of a child under 13 years of age by
15 child abuse or neglect; or

1 (2) aids or abets another person in the commission of
2 child abuse or neglect and the child abuse or neglect results
3 in the death of a child under 13 years of age.

4 (b) Sentences.--Notwithstanding the provisions of section
5 1103 (relating to sentence of imprisonment for felony), a person
6 convicted of an offense under the following provisions shall be
7 sentenced as follows:

8 (1) A person who is convicted of an offense under
9 subsection (a)(1) shall be sentenced up to a maximum term of
10 life imprisonment.

11 (2) A person who is convicted of an offense under
12 subsection (a)(2) shall be sentenced up to a term of
13 imprisonment which shall be fixed by the court at not more
14 than 40 years.

15 (c) Definitions.--As used in this section, the phrase "child
16 abuse or neglect" includes any of the following acts or
17 omissions that results in the death of a child:

18 (1) inflicting physical injury upon the child, including
19 injuries sustained as a result of excessive corporal
20 punishment;

21 (2) failing to supply the child with adequate food,
22 clothing, shelter or health care; or

23 (3) abandoning the child.

24 Section 2. Section 9718(a)(2) of Title 42, amended November
25 29, 2006 (P.L.1567, No.178), is amended to read:

26 § 9718. Sentences for offenses against infant persons.

27 (a) Mandatory sentence.--

28 * * *

29 (2) A person convicted of the following offenses when
30 the victim is less than 13 years of age shall be sentenced to

1 a mandatory term of imprisonment as follows:

2 18 Pa.C.S. § 2502(c) (relating to murder) - not less than
3 ten years.

4 18 Pa.C.S. § 2503 (relating to voluntary manslaughter) -
5 not less than five years.

6 18 Pa.C.S. § 2507(a)(1) (relating to child abuse
7 resulting in death) - not less than ten years.

8 18 Pa.C.S. § 2507(a)(2) - not less than five years.

9 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault)
10 - not less than five years.

11 18 Pa.C.S. § 3125(a)(1) through (6) (relating to
12 aggravated indecent assault) - not less than two and one-half
13 years.

14 * * *

15 Section 3. This act shall take effect in 60 days.