

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 578 Session of 1995

INTRODUCED BY EGOLF, GRUPPO, BIRMELIN, VANCE, PICCOLA, PITTS, SANTONI, STERN, BROWN, FLEAGLE, GEIST, YOUNGBLOOD, L. I. COHEN, MARKOSEK, STISH, DONATUCCI, SATHER, BATTISTO, BUNT, CLARK, DENT, DEMPSEY, FICHTER, FARGO, ZUG, BAKER, MASLAND, PETTIT, MELIO, READSHAW, COY, FAIRCHILD, KING, DRUCE, MAITLAND, ARMSTRONG, STEIL, BLAUM, PLATTS, LaGROTTA, ROONEY, FAJT, SERAFINI, J. TAYLOR, MILLER, STEELMAN, HENNESSEY, NAILOR, STABACK, KENNEY, STURLA, E. Z. TAYLOR, TRUE, WAUGH, LEH, LAUGHLIN, HESS, DeLUCA, BARD, MARSICO, SHANER, HORSEY, MUNDY, BISHOP, ROHRER, DURHAM, SAYLOR, SEMMEL, TIGUE, TRELLO, MERRY, ADOLPH, CIVERA, RAYMOND, HUTCHINSON, PISTELLA AND TRICH, FEBRUARY 2, 1995

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, further providing for murder and for
 3 endangering the welfare of children; defining offenses of
 4 murder by child abuse and murder of a child; and providing
 5 penalties.

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

8 Section 1. Section 2502(c) of Title 18 of the Pennsylvania
 9 Consolidated Statutes is amended and the definition of
 10 "perpetration of a felony" in subsection (d) is amended to read:

11 § 2502. Murder.

12 * * *

13 (c) Murder of the third degree.--All other kinds of murder,
 14 including an offense under section 2502.1 (relating to murder of

1 a child), shall be murder of the third degree. Murder of the
2 third degree is a felony of the first degree.

3 (d) Definitions.--As used in this section the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 * * *

7 "Perpetration of a felony." The act of the defendant in
8 engaging in or being an accomplice in the commission of, or an
9 attempt to commit, or flight after committing, or attempting to
10 commit robbery, rape, or deviate sexual intercourse by force or
11 threat of force, arson, burglary [or], kidnapping[.] or the
12 felony offense of endangering the welfare of a child.

13 * * *

14 Section 2. Title 18 is amended by adding a section to read:
15 § 2502.1. Murder of a child.

16 A parent, guardian or other person supervising the welfare of
17 a child under 18 years of age commits the offense of murder of a
18 child if the person recklessly causes the death of the child.

19 Section 3. Section 4304 of Title 18 is amended to read:
20 § 4304. Endangering welfare of children.

21 (a) Offense defined.--A parent, guardian, or other person
22 supervising the welfare of a child under 18 years of age commits
23 [a misdemeanor of the first degree] an offense if he knowingly
24 endangers the welfare of the child by violating a duty of care,
25 protection or support.

26 (b) Grading.--An offense under this section constitutes a
27 misdemeanor of the first degree. However, where there is a
28 pattern or there are multiple incidents of endangering the
29 welfare of a child, the offense constitutes a felony of the
30 third degree.

1 Section 4. This act shall take effect in 60 days.