

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1122 Session of
1989

INTRODUCED BY McVERRY, CALTAGIRONE, CESSAR, BURD, S. H. SMITH,
ARGALL, HERSHEY, PISTELLA, COLAIZZO, TRELLO, COY, TIGUE,
REBER, FAIRCHILD, MARSICO, ROBINSON, DURHAM, GLADECK,
PETRARCA, OLASZ, RAYMOND, GIGLIOTTI, SAURMAN, GODSHALL,
SCHEETZ, CIVERA, TANGRETTI, B. D. CLARK, VEON, WOGAN,
CORNELL, CLYMER, JOHNSON, FARMER, J. TAYLOR, G. SNYDER,
GRUPPO, WOZNIAK, MRKONIC, HASAY, BELFANTI, BLAUM, LANGTRY,
SERAFINI, FLICK, CORRIGAN, NOYE, MICHLOVIC, JAMES, BELARDI
AND FOX, APRIL 11, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 11, 1989

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for an offense against children
4 and sentencing for the offense.

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

7 Section 1. Sections 1102 and 2501(b) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 1102. Sentence for murder and murder by child abuse.

10 (a) Murder of the first degree.--A person who has been
11 convicted of a murder of the first degree shall be sentenced to
12 death or to a term of life imprisonment in accordance with
13 section 1311(d) [of this title] (relating to sentencing
14 procedure for murder of the first degree).

15 (b) Murder of the second degree.--A person who has been

convicted of murder of the second degree shall be sentenced to a term of life imprisonment.

(c) Murder by child abuse.--A person who has been convicted of murder by child abuse who knowingly caused the death of the child shall be sentenced to a term of life imprisonment. A person who has been convicted of murder by child abuse who recklessly caused the death of the child shall be sentenced in accordance with the sentencing provisions for a felony of the first degree under section 1103(1) (relating to sentence of imprisonment for felony).

§ 2501. Criminal homicide.

* * *

(b) Classification.--Criminal homicide shall be classified as murder, voluntary manslaughter, [or] involuntary manslaughter or murder by child abuse.

Section 2. Title 18 is amended by adding a section to read:

§ 2506. Murder by child abuse.

A person commits murder by child abuse if:

(1) he knowingly or recklessly causes the death of a child:

(i) by physical assault, suffocation or drowning; or

(ii) if the person is the parent or caregiver, by depriving the child of necessary food, clothing, reasonable medical care or shelter, or by placing the child in or failing to remove the child from a situation that may endanger the child's life or health;

(2) the person is 21 years of age or older, or is the parent of the child, or is the caregiver of the child at the time of death; and

(3) the child is under 12 years of age.

1 Section 3. Section 9718 of Title 42 is amended to read:

2 § 9718. Sentences for offenses against infant persons.

3 (a) Mandatory sentence.--A person convicted of the following
4 offenses when the victim is under 16 years of age shall be
5 sentenced to a mandatory term of imprisonment as follows:

6 18 Pa.C.S. § 2506 (relating to murder by child abuse)
7 when the child's death was caused recklessly - not less than
8 five years.

9 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated
10 assault) - not less than two years.

11 18 Pa.C.S. § 3121 (relating to rape) - not less than five
12 years.

13 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
14 intercourse) - not less than five years.

15 (b) Eligibility for parole.--Parole shall not be granted
16 until the minimum term of imprisonment has been served.

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