

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1316 Session of
1991

INTRODUCED BY WOGAN, GERLACH, BLAUM, KOSINSKI, HAYDEN, O'BRIEN,
HECKLER, CLARK, MAIALE, FARGO, KENNEY, McGEEHAN,
D. W. SNYDER, GEIST, VROON, JOHNSON, SALOOM, BOYES, BUNT,
FAIRCHILD, BELARDI, NOYE, LANGTRY, DEMPSEY, PESCI, FARMER,
DeLUCA, SAURMAN, FOX, GLADECK, SERAFINI, LEH, STEELMAN,
MARSICO, CIVERA, STABACK, J. TAYLOR, TELEK, KRUSZEWSKI,
E. Z. TAYLOR, BILLOW, WOZNIAK, GODSHALL, HASAY AND MICHLOVIC,
MAY 6, 1991

REFERRED TO COMMITTEE ON JUDICIARY, MAY 6, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for penalties for murder and
3 attempt, solicitation or conspiracy to commit murder.

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

6 Section 1. Sections 905, 1101, 1102 and 2502 of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 905. Grading of criminal attempt, solicitation and
9 conspiracy.

10 (a) Grading.--Except as otherwise provided in this section,
11 attempt, solicitation and conspiracy are crimes of the same
12 grade and degree as the most serious offense which is attempted
13 or solicited or is an object of the conspiracy.

14 (b) Exceptions.--

15 (1) An attempt, solicitation or conspiracy to commit

murder [or a felony of the first degree is a felony of the second degree] is punishable by imprisonment of not more than 30 years.

(2) An attempt, solicitation or conspiracy to commit a felony of the first degree is a felony of the second degree.

[(b)] (c) Mitigation.--If the particular conduct charged to constitute a criminal attempt, solicitation or conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither such conduct nor the actor presents a public danger warranting the grading of such offense under this section, the court may dismiss the prosecution.

§ 1101. Fines.

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

(1) \$50,000, when the conviction is of murder or an attempt, solicitation or conspiracy to commit murder.

[(1)] (2) \$25,000, when the conviction is of a felony of the first or second degree.

[(2)] (3) \$15,000, when the conviction is of a felony of the third degree.

[(3)] (4) \$10,000, when the conviction is of a misdemeanor of the first degree.

[(4)] (5) \$5,000, when the conviction is of a misdemeanor of the second degree.

[(5)] (6) \$2,500, when the conviction is of a misdemeanor of the third degree.

[(6)] (7) \$300, when the conviction is of a summary offense for which no higher fine is established.

[(7)] (8) Any higher amount equal to double the pecuniary gain derived from the offense by the offender.

1 [(8)] (9) Any higher or lower amount specifically
2 authorized by statute.

3 § 1102. Sentence for murder.

4 (a) Murder of the first degree.--A person who has been
5 convicted of a murder of the first degree shall be sentenced to
6 death or to a term of life imprisonment in accordance with
7 section 1311(d) of this title (relating to sentencing procedure
8 for murder of the first degree).

9 (b) Murder of the second degree.--A person who has been
10 convicted of murder of the second degree shall be sentenced to a
11 term of life imprisonment.

12 (c) Murder of the third degree.--A person who has been
13 convicted of murder of the third degree shall be sentenced to a
14 term of not more than 30 years.

15 § 2502. Murder.

16 (a) Murder of the first degree.--A criminal homicide
17 constitutes murder of the first degree when it is committed by
18 an intentional killing.

19 (b) Murder of the second degree.--A criminal homicide
20 constitutes murder of the second degree when it is committed
21 while defendant was engaged as a principal or an accomplice in
22 the perpetration of a felony.

23 (c) Murder of the third degree.--All other kinds of murder
24 shall be murder of the third degree. [Murder of the third degree
25 is a felony of the first degree.]

26 (d) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection:

29 "Fireman." Includes any employee or member of a municipal
30 fire department or volunteer fire company.

1 "Hijacking." Any unlawful or unauthorized seizure or
2 exercise of control, by force or violence or threat of force or
3 violence.

4 "Intentional killing." Killing by means of poison, or by
5 lying in wait, or by any other kind of willful, deliberate and
6 premeditated killing.

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.

12 "Principal." A person who is the actor or perpetrator of the
13 crime.

14 Section 2. This act shall take effect in 60 days.