

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2544 Session of
1994

INTRODUCED BY MANDERINO, JAMES, JOSEPHS, O'BRIEN, TRICH,
GORDNER, STERN, FARGO, HERSHEY, STURLA, MIHALICH, DeLUCA,
L. I. COHEN, MASLAND, CARONE, LEVDANSKY, STABACK, RITTER,
RUBLEY, DALEY, D. W. SNYDER, CARN, MELIO, SCHEETZ, DRUCE,
LEDERER, SERAFINI AND ADOLPH, FEBRUARY 8, 1994

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 1994

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for sentencing for
3 attempted murder and murder of the second and third degree.

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

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

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

11 (a) Grading.--Except as otherwise provided in this section,
12 attempt, solicitation and conspiracy are crimes of the same
13 grade and degree as the most serious offense which is attempted
14 or solicited or is an object of the conspiracy. [An] Except as
15 provided in subsection (c), an attempt, solicitation or
16 conspiracy to commit murder or a felony of the first degree is a
17 felony of the second degree.

(b) 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.

(c) Sentence for attempted murder.--A person who has been convicted of attempted murder shall be sentenced for a term fixed by the court at not more than 40 years.

§ 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 attempted murder.

(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.

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

1 § 1102. Sentence for murder.

2 (a) Murder of the first degree.--A person who has been
3 convicted of a murder of the first degree shall be sentenced to
4 death or to a term of life imprisonment in accordance with
5 [section 1311(d) of this title] 42 Pa.C.S. § 9711(d) (relating
6 to sentencing procedure for murder of the first degree).

7 (b) Murder of the second degree.--A person who has been
8 convicted of murder of the second degree shall be sentenced to a
9 term of [life] imprisonment from 20 years to life.

10 (c) Murder of the third degree.--A person who has been
11 convicted of murder of the third degree shall be sentenced to a
12 term fixed by the court of not more than 40 years.

13 § 2502. Murder.

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

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

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

24 * * *

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