

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1113 Session of
2005

INTRODUCED BY TRUE, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN,
BEBKO-JONES, BOYD, CALTAGIRONE, CAPPELLI, CREIGHTON, CRUZ,
DALLY, FORCIER, FREEMAN, GEIST, GILLESPIE, GINGRICH,
GODSHALL, GOOD, GOODMAN, GRELL, HARRIS, HENNESSEY, HERSHEY,
HICKERNELL, M. KELLER, KILLION, LEACH, LEDERER, LEH,
McILHATTAN, S. MILLER, O'BRIEN, O'NEILL, PHILLIPS, PICKETT,
REICHLEY, SATHER, SCAVELLO, SHAPIRO, STABACK, STERN,
R. STEVENSON, E. Z. TAYLOR, WALKO, WATERS, WATSON,
WOJNAROSKI, YOUNGBLOOD, HESS, TIGUE AND FRANKEL,
MARCH 29, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 29, 2005

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 homicide by child
4 abuse; 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. Homicide by child abuse.

11 (a) Offense defined.--A person commits a felony of the first
12 degree if the person by any act or omission manifesting an
13 extreme indifference to human life:

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) Grading.--An offense under this section shall be graded
5 as follows:

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

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

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

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

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

21 (3) abandoning the child.

22 Section 2. Section 9718(a)(2) of Title 42, amended November
23 30, 2004 (P.L.1703, No.217), is amended to read:

24 § 9718. Sentences for offenses against infant persons.

25 (a) Mandatory sentence.--

26 * * *

27 (2) A person convicted of the following offenses when
28 the victim is less than 13 years of age shall be sentenced to
29 a mandatory term of imprisonment as follows:

30 18 Pa.C.S. § 2502(c) (relating to murder) - not less than

1 ten years.

2 18 Pa.C.S. § 2503 (relating to voluntary manslaughter) -
3 not less than five years.

4 18 Pa.C.S. § 2507(a)(1) (relating to homicide by child
5 abuse) - not less than twenty years.

6 18 Pa.C.S. § 2507(a)(2) (relating to homicide by child
7 abuse) - not less than ten years.

8 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault)
9 - not less than five years.

10 18 Pa.C.S. § 3125(a)(1) through (6) (relating to
11 aggravated indecent assault) - not less than two and one-half
12 years.

13 * * *

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