

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, FRANKEL, DENLINGER,
CRAHALLA, SCHRODER AND MELIO, MARCH 29, 2005

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 6, 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 RESULTING IN DEATH; and further providing for sentences <—
5 for offenses 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 § 2507. CHILD ABUSE RESULTING IN DEATH. <—

12 (a) Offense defined.--A person commits a felony of the first
13 degree if the person by any act or omission ~~manifesting an~~ <—

14 ~~extreme indifference to human life:~~ INTENTIONALLY, KNOWINGLY OR <—

15 RECKLESSLY:

1 (1) causes the death of a child under 13 years of age by
2 child abuse or neglect; or

3 (2) knowingly aids or abets another person in the <—
4 commission of child abuse or neglect and the child abuse or
5 neglect results in the death of a child under 13 years of
6 age.

7 ~~(b) Grading. An offense under this section shall be graded~~ <—
8 ~~as follows:~~

9 (B) SENTENCES.--NOTWITHSTANDING THE PROVISIONS OF SECTION <—
10 1103 (RELATING TO SENTENCE OF IMPRISONMENT FOR FELONY), A PERSON
11 CONVICTED OF AN OFFENSE UNDER THE FOLLOWING PROVISIONS SHALL BE
12 SENTENCED AS FOLLOWS:

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

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

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

23 (1) inflicting physical injury upon the child, including
24 injuries sustained as a result of excessive corporal
25 punishment;

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

28 (3) abandoning the child.

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

1 § 9718. Sentences for offenses against infant persons.

2 (a) Mandatory sentence.--

3 * * *

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

7 18 Pa.C.S. § 2502(c) (relating to murder) - not less than
8 ten years.

9 18 Pa.C.S. § 2503 (relating to voluntary manslaughter) -
10 not less than five years.

11 18 Pa.C.S. § 2507(a)(1) (relating to ~~homicide by child~~ <—
12 ~~abuse~~ CHILD ABUSE RESULTING IN DEATH) - not less than ~~twenty~~ <—
13 TEN years. <—

14 18 Pa.C.S. § 2507(a)(2) (~~relating to homicide by child~~ <—
15 ~~abuse~~) - not less than ~~ten~~ FIVE years. <—

16 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault)
17 - not less than five years.

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

21 * * *

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