

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1858 Session of
2011

INTRODUCED BY CONKLIN, HARKINS, BOBACK, BURNS, CALTAGIRONE,
D. COSTA, DALEY, DEASY, DeLUCA, DONATUCCI, FABRIZIO, FREEMAN,
GERGELY, GIBBONS, GINGRICH, GOODMAN, HARHAI, W. KELLER,
KORTZ, KULA, MAHONEY, MANN, MOUL, MURT, M. O'BRIEN, PETRARCA,
READSHAW, ROAE, SANTONI, SCHRODER, K. SMITH, M. SMITH,
SWANGER, THOMAS, VULAKOVICH AND YOUNGBLOOD,
SEPTEMBER 22, 2011

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 22, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the criminal
3 activity of concealing the death of a child.

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

6 Section 1. Section 4303 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4303. Concealing death of child.

9 (a) Offense defined.--

10 (1) A person is guilty of a [misdemeanor of the first
11 degree] criminal offense if he or she endeavors privately,
12 either alone or by the procurement of others, to
13 intentionally or knowingly conceal the death of [his or her]
14 a child for whom the person is a parent, guardian or
15 caretaker of the child, so that it may not come to light,
16 whether it was born dead or alive or whether it was murdered

1 or not[.] regardless of the age of the child.

2 (2) A person is guilty of a criminal offense if he or
3 she endeavors privately, either alone or by the procurement
4 of others, to fail to report the death or absence of a child
5 for whom the person is a parent, guardian or caretaker of the
6 child to law enforcement authorities if the child has been
7 missing for at least 24 hours.

8 (b) Procedure.--If the same indictment or information
9 charges any person with the murder of his or her child, as well
10 as with the offense of the concealment of the death, the jury
11 may acquit or convict him or her of both offenses, or find him
12 or her guilty of one and acquit him or her of the other.

13 (c) Grading.--

14 (1) An offense under subsection (a)(1) shall be graded
15 as a felony of the third degree.

16 (2) An offense under subsection (a)(2) shall be graded
17 as a misdemeanor of the first degree. A second or subsequent
18 offense under subsection (a)(2) shall be graded as a felony
19 of the third degree.

20 Section 2. This act shall apply to all actions occurring
21 after the effective date of this act.

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