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JUN 30 2011

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Senate of Pennsylvania

MIKE WAUGH
SENATOR

MEMORANDUM

TO: All Senators

FROM: Senator Michael Waugh **MIKE**

SUBJECT: Co-sponsorship of legislation
Involuntary Manslaughter Offense Upgrade

DATE: June 30, 2011

I am reintroducing legislation that amends section 2504(b) of *Title 18 (Crimes and Offenses)* of *Pennsylvania Consolidated Statutes*. Under this legislation, if a person denies another person medical care - by either act or omission - and this denial results in the other person's death, then the offense of involuntary manslaughter is upgraded to a felony of the second degree.

This legislation was suggested by a constituent whose son died after taking heroin. When her son showed signs of an overdose, his companion promised to take him for medical care. Instead of taking her son to a hospital, however, he abandoned him. If her son had received medical care, his life would, in all probability, have been saved.

The defendant was initially charged with third-degree murder, but he accepted a plea bargain deal for involuntary manslaughter, which is a first-degree misdemeanor. The district attorney was not confident that he could prove all of the elements necessary for third-degree murder beyond a reasonable doubt, which is why he agreed to accept the plea bargain. After speaking with the victim's parents, the district attorney suggested this legislation as a way to address this type of offense, which should be treated more seriously than a first-degree misdemeanor.

This was Senate Bill 316 of the 2009-10 session of the General Assembly. Co-sponsors were Senators Alloway, Leach, Orié, Piccola, Rafferty and Washington.

If you would like to co-sponsor this legislation, please contact Debbie Clark in my office at 787-3817, or at dclark@pasen.gov.