

**JUSTIN SIMMONS, MEMBER
131ST LEGISLATIVE DISTRICT**

PO Box 202131
Harrisburg, PA 17120-2131
Phone: (717) 783-1673
Fax: (717) 705-7012

3606 Route 378 South, Suite A
Bethlehem, PA 18015
Phone: (610) 861-5201
Fax: (610) 861-2069

www.RepSimmons.com




House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES
Education
Human Services
Insurance
PA Community Bank
Operational Committee
Urban Affairs- Secretary

CAUCUSES
East Central Republican
Liberty
Pennsylvania Animal Protection
Property Tax

MEMORANDUM

DATE: July 13, 2011
TO: All House Members
FROM: Representative Justin Simmons 
131st Legislative District
SUBJECT: Co-Sponsorship – Concealing Death of Child

In the near future, I plan to introduce legislation which will amend Title 18 Section 4303, Concealing the Death of a Child, to change the grading of the offense from a misdemeanor of the first degree to a felony of the third degree. Along with making it a felony, this will increase the maximum penalty from the current 5 years and \$10,000 fine to 7 years and a \$15,000 fine. I will also add language to Section 4303 to ensure that the prohibition applies to a natural parent, stepparent, adoptive parent, guardian or custodian of a child.

As you know, during the highly publicized trial of Casey Anthony which recently took place in Florida, the evidence disclosed that Ms. Anthony waited almost a month before reporting her child, Caylee missing. She later claimed that Caylee had drowned accidentally but didn't report it as she was afraid of her family's reaction. Since then, there has been a public outcry over Ms. Anthony's concealment of Caylee's death, even if it were accidental as she claimed.

Pennsylvania law currently would prohibit the failure to report the death of a child who died under any circumstances, but a review of our statute discloses a possible loophole when the person responsible for the child is not the natural parent since Concealing the Death of a Child prohibits a person from concealing the death "of his or her child". Therefore, it could be interpreted to apply only to the biological parents.

Along with increasing penalties, my bill will close that loophole and will make clear that anyone who is in a position of responsibility for a child commits a crime if he or she conceals their death.

If you are interested in co-sponsoring this legislation, please contact my office by calling: 783-1673 or by e-mailing: lmccaustl@pahousegop.com.