

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,
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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 AND SCHRODER, MARCH 29, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 9, 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

(2) KNOWINGLY aids or abets another person in the commission of child abuse or neglect and the child abuse or neglect results in the death of a child under 13 years of age.

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

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

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

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

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

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

(3) abandoning the child.

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

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.--

* * *

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

1 18 Pa.C.S. § 2502(c) (relating to murder) - not less than
2 ten years.

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

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

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

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

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

14 * * *

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