

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 439 Session of
2007

INTRODUCED BY DERMODY, GERGELY, MUNDY, SCAVELLO, GODSHALL,
CALTAGIRONE, HARHAI, JAMES, YOUNGBLOOD, BELFANTI, SAINATO,
WALKO, THOMAS, HORNAMAN, GEIST, JOSEPHS, FRANKEL, CASORIO,
DALEY, FREEMAN AND MYERS, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for the offense of neglect of
4 care-dependent person and for sentencing for that offense.

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

7 Section 1. Section 2713(a) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:
9 § 2713. Neglect of care-dependent person.

10 (a) Offense defined.--A caretaker is guilty of neglect of a
11 care-dependent person if he:

12 * * *

13 (3) Knowingly endangers the welfare of a care-dependent
14 person by violating a duty of care, protection or support.

15 * * *

16 Section 2. Section 9717(a) of Title 42 is amended to read:
17 § 9717. Sentences for offenses against elderly persons.

18 (a) Mandatory sentence.--A person under 60 years of age

1 convicted of the following offenses when the victim is over 60
2 years of age and not a police officer shall be sentenced to a
3 mandatory term of imprisonment as follows:

4 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated
5 assault) - not less than two years.

6 18 Pa.C.S. § 2713 (relating to neglect of care-dependent
7 person) - not less than two years.

8 18 Pa.C.S. § 3121 (relating to rape) - not less than five
9 years.

10 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
11 intercourse) - not less than five years.

12 18 Pa.C.S. § 3922 (relating to theft by deception) - not
13 less than 12 months, but the imposition of the minimum
14 sentence shall be discretionary with the court where the
15 court finds justifiable cause and that finding is written in
16 the opinion.

17 * * *

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