
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 450 Session of
2007

INTRODUCED BY RAFFERTY, STACK, BOSCOLA, MUSTO, TARTAGLIONE,
PUNT, ORIE, MADIGAN, FOLMER, WAUGH, McILHINNEY, O'PAKE,
FONTANA, PILEGGI, PIPPY, BROWNE, STOUT, RHOADES, BRUBAKER AND
LOGAN, MARCH 14, 2007

REFERRED TO JUDICIARY, MARCH 14, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for criminal
3 homicide; and providing for criminal homicide of a law
4 enforcement officer and for violence against a law
5 enforcement officer.

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

8 Section 1. Section 2501 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 2501. Criminal homicide.

11 (a) Offense defined.--A person is guilty of criminal
12 homicide if he intentionally, knowingly, recklessly or
13 negligently causes the death of another human being.

14 (b) Classification.--Criminal homicide shall be classified
15 as murder, voluntary manslaughter, [or] involuntary manslaughter
16 or criminal homicide of a law enforcement officer.

17 Section 2. Title 18 is amended by adding sections to read:

18 § 2507. Criminal homicide of a law enforcement officer.

1 (a) Offense defined.--A person commits the offense of
2 criminal homicide of a law enforcement officer if he commits an
3 offense under subsection (c), (d) or (e).

4 (b) Classification.--Criminal homicide of a law enforcement
5 officer shall be classified as first degree murder of a law
6 enforcement officer, second degree murder of a law enforcement
7 officer or involuntary manslaughter of a law enforcement
8 officer.

9 (c) First degree murder of a law enforcement officer.--A
10 person commits first degree murder of a law enforcement officer
11 when the person intentionally or knowingly causes the death of a
12 law enforcement officer, while in the performance of duty, and
13 the person knew the victim was a law enforcement officer.

14 (d) Second degree murder of a law enforcement officer.--A
15 person commits second degree murder of a law enforcement officer
16 when the person intends to cause serious bodily injury while
17 committing an act clearly dangerous to human life and causes the
18 death of a law enforcement officer, while in the performance of
19 duty, and the person knew the victim was a law enforcement
20 officer.

21 (e) Involuntary manslaughter of a law enforcement officer.--
22 A person commits involuntary manslaughter of a law enforcement
23 officer when as a direct result of the doing of an unlawful act
24 in a reckless or grossly negligent manner, or the doing of a
25 lawful act in a reckless or grossly negligent manner, the person
26 causes the death of a law enforcement officer, while in the
27 performance of duty, and the person knew or should have known
28 that the victim was a law enforcement officer.

29 (f) Grading and penalties.--

30 (1) A person who has been convicted of first degree

1 murder of a law enforcement officer shall be sentenced under
2 section 1102(a)(1) (relating to sentence for murder and
3 murder of an unborn child) as if convicted of murder of the
4 first degree.

5 (2) A person who has been convicted of second degree
6 murder of a law enforcement officer shall be sentenced under
7 section 1102(b) as if convicted of murder of the second
8 degree.

9 (3) Involuntary manslaughter of a law enforcement
10 officer is a felony of the second degree.

11 (g) Consecutive sentences.--The court shall order that any
12 sentence imposed for an offense under this section be served
13 consecutively with any other sentence imposed for an offense
14 arising from the same criminal episode.

15 (h) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Knowingly." With the intent to cause the death of another.

19 "Law enforcement officer." Any person who by virtue of the
20 person's office or public employment is vested by law with the
21 duty to maintain public order and to make arrests for offenses,
22 whether that duty extends to all offenses or is limited to
23 specific offenses.

24 § 2718. Violence against a law enforcement officer.

25 (a) Offense defined.--A person commits the offense of
26 violence against a law enforcement officer if he commits an
27 offense under section 2702 (relating to aggravated assault) or
28 2705 (relating to recklessly endangering another person) against
29 a law enforcement officer, while in the performance of duty, and
30 the person knows the victim is a law enforcement officer.

1 (b) Grading and penalties.--

2 (1) Except as provided under paragraph (2), an offense
3 under this section shall be classified one degree higher in
4 the classification specified in section 106 (relating to
5 classes of offenses) than the classification of the most
6 serious underlying offense.

7 (2) If the underlying offense is a felony of the first
8 degree, a person convicted of an offense under this section
9 shall be sentenced to a term of imprisonment fixed by the
10 court at not more than 40 years.

11 (c) Consecutive sentences.--The court shall order that any
12 sentence imposed for an offense under this section be served
13 consecutively with any other sentence imposed for an offense
14 arising from the same criminal episode.

15 (d) Definition.--As used in this section, "law enforcement
16 officer" means any person who by virtue of the person's office
17 or public employment is vested by law with the duty to maintain
18 public order and to make arrests for offenses, whether that duty
19 extends to all offenses or is limited to specific offenses.

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