

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 953 Session of 2013

INTRODUCED BY CRUZ, YOUNGBLOOD, MILLARD, BIZZARRO, CLAY,
F. KELLER, BARRAR, TOOIL, GALLOWAY, V. BROWN, D. COSTA,
THOMAS, GINGRICH AND QUINN, MARCH 12, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in authorized disposition of
3 offenders, further providing for sentence for murder, murder
4 of unborn child and murder of law enforcement officer; and,
5 in crimes against unborn child, further providing for the
6 offenses of murder of unborn child and voluntary manslaughter
7 of unborn child.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1102(a) of Title 18 of the Pennsylvania
11 Consolidated Statutes, amended October 25, 2012 (P.L.1655,
12 No.204), is amended to read:

13 § 1102. Sentence for murder, murder of unborn child and murder
14 of law enforcement officer.

15 (a) First degree.--

16 (1) Except as provided under section 1102.1 (relating to
17 sentence of persons under the age of 18 for murder, murder of
18 an unborn child and murder of a law enforcement officer), a
19 person who has been convicted of a murder of the first degree
20 [or] of murder of a law enforcement officer of the first

1 degree or of murder of an unborn child of the first degree
2 shall be sentenced to death or to a term of life imprisonment
3 in accordance with 42 Pa.C.S. § 9711 (relating to sentencing
4 procedure for murder of the first degree).

5 [(2) The sentence for a person who has been convicted of
6 first degree murder of an unborn child shall be the same as
7 the sentence for murder of the first degree, except that the
8 death penalty shall not be imposed. This paragraph shall not
9 affect the determination of an aggravating circumstance under
10 42 Pa.C.S. § 9711(d)(17) for the killing of a pregnant
11 woman.]

12 * * *

13 Section 2. Sections 2604 and 2605(a) of Title 18 are amended
14 to read:

15 § 2604. Murder of unborn child.

16 (a) First degree murder of unborn child.--

17 (1) A criminal homicide of an unborn child constitutes
18 first degree murder of an unborn child when [it]:

19 (i) It is committed by an intentional killing.

20 (ii) A person who commits murder in the first degree
21 of a pregnant woman thereby causes the death of an unborn
22 child. An offense under this subparagraph does not
23 require proof that the person engaging in the conduct had
24 knowledge or should have had knowledge that the victim of
25 the underlying offense was pregnant or that the defendant
26 intended to cause the death of the unborn child.

27 (2) The penalty for first degree murder of an unborn
28 child shall be [imposed in accordance with section 1102(a)(2)
29 (relating to sentence for murder and murder of an unborn
30 child)] the same as for murder of the first degree.

1 (b) Second degree murder of unborn child.--

2 (1) A criminal homicide of an unborn child constitutes
3 second degree murder of an unborn child when [it]:

4 (i) It is committed while the defendant was engaged
5 as a principal or an accomplice in the perpetration of a
6 felony.

7 (ii) A person who commits murder in the second
8 degree of a pregnant woman thereby causes the death of an
9 unborn child. An offense under this subparagraph does not
10 require proof that the person engaging in the conduct had
11 knowledge or should have had knowledge that the victim of
12 the underlying offense was pregnant or that the defendant
13 intended to cause the death of the unborn child.

14 (2) The penalty for second degree murder of an unborn
15 child shall be the same as for murder of the second degree.

16 (c) Third degree murder of unborn child.--

17 (1) All other kinds of murder of an unborn child shall
18 be third degree murder of an unborn child.

19 (1.1) A person who commits murder in the third degree of
20 a pregnant woman and thereby causes the death of an unborn
21 child commits third degree murder of an unborn child. An
22 offense under this paragraph does not require proof that the
23 person engaging in the conduct had knowledge or should have
24 had knowledge that the victim of the underlying offense was
25 pregnant or that the defendant intended to cause the death of
26 the unborn child.

27 (2) The penalty for third degree murder of an unborn
28 child is the same as the penalty for murder of the third
29 degree.

30 § 2605. Voluntary manslaughter of unborn child.

1 (a) Offense defined.--A person who kills an unborn child
2 without lawful justification commits voluntary manslaughter of
3 an unborn child if [at]:

4 (1) At the time of the killing he is acting under a
5 sudden and intense passion resulting from serious provocation
6 by:

7 [(1)] (i) the mother of the unborn child whom the
8 actor endeavors to kill, but he negligently or
9 accidentally causes the death of the unborn child; or

10 [(2)] (ii) another whom the actor endeavors to
11 kill, but he negligently or accidentally causes the death
12 of the unborn child.

13 (2) The person commits voluntary manslaughter of a
14 pregnant woman and thereby causes the death of an unborn
15 child. An offense under this paragraph does not require proof
16 that the person engaging in the conduct had knowledge or
17 should have had knowledge that the victim of the underlying
18 offense was pregnant or that the defendant intended to cause
19 the death of the unborn child.

20 * * *

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