

## **Aggravated Circumstances - Parental Conviction of Specified Crimes**

### **1. Criminal Homicide (18 Pa. C.S. Ch. 25):**

A person is guilty of criminal homicide (§2501) if he intentionally, knowingly, recklessly or negligently causes the death of another human being. Criminal homicide shall be classified as murder, voluntary manslaughter, or involuntary manslaughter.

Murder (§2502) is first degree when it is committed by an intentional killing; second degree when it is committed while the perpetrator was engaged as a perpetrator or an accomplice in the perpetration of a felony; or third degree for all other kinds of murder. “Perpetration of a felony” is the act of the perpetrator in engaging in or being an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit robbery, rape, or deviate sexual intercourse by force or threat of force, arson, burglary or kidnapping.

Voluntary manslaughter (§2503) occurs when a perpetrator who kills a person without lawful justification if, at the time of the killing, he is acting under a sudden and intense passion resulting from serious provocations: by the individual killed or from another whom the perpetrator endeavors to kill, but the perpetrator negligently or accidentally causes the death of the individual killed. Voluntary manslaughter can also occur when a perpetrator intentionally or knowingly kills an individual while holding the unreasonable belief that the killing is justified.

Involuntary manslaughter (§2504) occurs when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, the perpetrator causes the death of another person.

Causing or aiding suicide (§2505) is criminal homicide if the perpetrator causes another to commit suicide if the perpetrator intentionally causes such suicide by force, duress or deception.

Drug delivery resulting in death (§2506) is criminal homicide when a perpetrator administers, dispenses, delivers, gives, prescribes, sells or distributes any controlled substance or counterfeit controlled substance in violation of section 13(a)(14) or (30) of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and another person dies as a result of using the substance.

## 2. Felony under Aggravated Assault (18 Pa. C.S. 2702):

1. Attempting to cause serious bodily injury to another, or causing such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
2. Attempting to cause or intentionally, knowingly or recklessly causing serious bodily injury to any of the officers, agents, employees or other persons enumerated below or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;
3. Attempting to cause or intentionally or knowingly causing bodily injury to any officers, agents, employees or other persons enumerated below in the performance of duty;
4. Attempting to cause or intentionally or knowingly causing bodily injury to another with a deadly weapon;
5. Attempting to cause or intentionally or knowingly causing bodily injury to a teaching staff member, school board member, other employee or student of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school;
6. Attempting by physical menace to put any of the officers, agents, employees or other persons enumerated below, while in the performance of duty, in fear of imminent serious bodily injury.

The officers, agents, employees and other persons referred to above are as follows:

- Police Officer
- Firefighter
- County adult probation or parole officer
- County juvenile probation or parole officer
- An agent of the Pennsylvania Board of Probation and Parole
- Sheriff
- Deputy sheriff
- Liquor control enforcement agent
- Officer or employee of a correctional institution, county jail or prison, juvenile detention center or any other facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42. Pa.C.S. Ch. 63 (relating to juvenile matters).
- Judge of any court in the unified judicial system
- The Attorney General
- A deputy attorney general
- A district attorney
- An assistant district attorney

- A public defender
- An assistant public defender
- A Federal law enforcement official
- A State law enforcement official
- A local law enforcement official
- Any person employed to assist or who assists any Federal, State or local law enforcement official
- Emergency medical services personnel – This includes, but is not limited to, doctors, residents, interns, registered nurses, licensed practical nurses, nurse aides, ambulance attendants and operators, paramedics, emergency medical technicians and members of a hospital security force while working within the scope of their employment.
- Parking enforcement officer
- A district justice
- A constable
- A deputy constable
- A psychiatric aide

**3. Felony under the following Sexual Offenses:**

- Rape (18 Pa. C.S. 3121)
- Statutory Sexual Assault (18 Pa. C.S. 3122.1)
- Involuntary Deviate Sexual Intercourse (18 Pa.C.S. 3123)
- Sexual Assault (18 Pa. C.S. 3124.1)
- Aggravated Indecent Assault (18 Pa.C.S. 3125)

**4. Misdemeanor under Indecent Assault (18 Pa. C.S. 3126).**

**5. An equivalent crime in another jurisdiction.**

**6. The attempt, solicitation or conspiracy to commit any of these offenses.**