

Aggravated Circumstances - Crimes

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 Rape (18 Pa. C.S. 3121)

Engaging in sexual intercourse with a child:

- by forcible compulsion;
- by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- who is unconscious or where the perpetrator knows that the child is unaware that the sexual intercourse is occurring;
- where the alleged perpetrator has substantially impaired the child's power to appraise or control his or her conduct by administering or employing, without the knowledge of the child, drugs, intoxicants or other means for the purpose of preventing resistance;
- who suffers from a mental disability which renders the child incapable of consent; or
- who is less than 13 years of age.

4. Felony under Statutory Sexual Assault (18 Pa. C.S. 3122.1)

Except as provided for in §3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.

5. Felony under Involuntary Deviate Sexual Intercourse (18 Pa.C.S. 3123)

Engages in deviate sexual intercourse:

- by forcible compulsion (compulsion includes, but is not limited to, compulsion in another person's death, whether the death occurred before, during or after the sexual intercourse);
- by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- who is unconscious or where the perpetrator knows that the victim is unaware that the sexual intercourse is occurring;
- where the perpetrator has substantially impaired the victim's power to appraise or control his or her conduct by administering or employing, without the knowledge of the victim, drugs, intoxicants or other means for the purpose of preventing resistance;
- who is less than 13 years of age; or
- who is less than 16 years of age and the person is four or more years older than the victim and the victim and perpetrator are not married to each other,

6. Felony under Sexual Assault (18 Pa. C.S. 3124.1)

Except as provided for in section 3121 (relating to rape) or in section 3123 (relating to involuntary deviate sexual intercourse), a perpetrator commits a felony when the perpetrator engages in sexual intercourse or deviate sexual intercourse with a victim without the victim's consent.

7. Felony under Aggravated Indecent Assault (18 Pa.C.S. 3125)

Except as provided for in sections 3121 (relating to rape). 3122.1 (relating to statutory sexual intercourse). 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a perpetrator who engages in the penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical hygienic or law enforcement procedures commits felony aggravated indecent assault, if:

- the perpetrator does so without the victim's consent;
- the perpetrator does so by forcible compulsion;
- the perpetrator does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- the perpetrator has substantially impaired the victim's power to appraise or control his or her conduct by administering or employing, without the knowledge of the victim, drugs, intoxicants or other means for the purpose of preventing resistance;
- the victim suffers from a mental disability which renders him or her incapable of consent;
- the victim is less than 13 years of age; or
- the victim is less than 16 years of age and the perpetrator is four or more years older than the victim and the victim and the perpetrator are not married to each other.

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

A perpetrator who has indecent contact with the victim or causes the victim to have indecent contact with the perpetrator is guilty of indecent assault if:

- the perpetrator does so without the victim's consent;
- the perpetrator does so by forcible compulsion;
- the perpetrator does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- the victim is unconscious or the perpetrator knows that the victim is unaware that the indecent contact is occurring;
- the perpetrator has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the victim, drugs, intoxicants or other means for the purpose of preventing resistance;
- the victim suffers from a mental disability which renders him or her incapable of consent;
- the victim is less than 13 years of age; or

- the victim is less than 16 years of age and the perpetrator is four or more years older than the victim and the victim and the perpetrator are not married to each other.

An equivalent crime in another jurisdiction.

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