

## No. 1995-3 (SS1)

## AN ACT

## SB 16

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for attempted murder and for sentencing.

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

Section 1. Sections 905, 1101 and 1102 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 905. Grading of criminal attempt, solicitation and conspiracy.

(a) Grading.—Except as otherwise provided in this [section] *title*, attempt, solicitation and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted or solicited or is an object of the conspiracy. [An attempt, solicitation or conspiracy to commit murder or a felony of the first degree is a felony of the second degree.]

(b) Mitigation.—If the particular conduct charged to constitute a criminal attempt, solicitation or conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither such conduct nor the actor presents a public danger warranting the grading of such offense under this section, the court may dismiss the prosecution.

§ 1101. Fines.

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

(1) *\$50,000, when the conviction is of murder or attempted murder.*

(2) \$25,000, when the conviction is of a felony of the first or second degree.

[(2)] (3) \$15,000, when the conviction is of a felony of the third degree.

[(3)] (4) \$10,000, when the conviction is of a misdemeanor of the first degree.

[(4)] (5) \$5,000, when the conviction is of a misdemeanor of the second degree.

[(5)] (6) \$2,500, when the conviction is of a misdemeanor of the third degree.

[(6)] (7) \$300, when the conviction is of a summary offense for which no higher fine is established.

[(7)] (8) Any higher amount equal to double the pecuniary gain derived from the offense by the offender.

[(8)] (9) Any higher or lower amount specifically authorized by statute.

§ 1102. Sentence for murder.

(a) Murder of the first degree.—A person who has been convicted of a murder of the first degree shall be sentenced to death or to a term of life imprisonment in accordance with [section 1311(d) of this title] 42 Pa.C.S. § 9711 (relating to sentencing procedure for murder of the first degree).

(b) Murder of the second degree.—A person who has been convicted of murder of the second degree shall be sentenced to a term of life imprisonment.

*(c) Attempt, solicitation and conspiracy to commit murder.—Notwithstanding section 1103(1) (relating to sentence of imprisonment for felony), a person who has been convicted of attempt, solicitation or conspiracy to commit murder where serious bodily injury results may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years. Where serious bodily injury does not result, the person may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 20 years.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of March, A.D. 1995.

THOMAS J. RIDGE