

## No. 402

## AN ACT

To add section seven hundred ten point one to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it a felony for any person sentenced for any term of years to commit an assault by any means likely to produce great bodily injury, and fixing the penalty therefor.

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

"The Penal Code."

Section 1. The act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," is hereby amended by adding, immediately following section seven hundred ten thereof, a new section to read as follows:

Act of June 24, 1939, P. L. 872, amended by adding, immediately following section 710 thereof, a new section numbered 710.1.

*Section 710.1. Assault by Prisoner.—Every person who has been sentenced to imprisonment for any term of years in any penal or correctional institution located in this Commonwealth who, while undergoing imprisonment, with malice aforethought, commits an assault upon another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, is guilty of a felony, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars (\$5000), or undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years, or both.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

## No. 403

## AN ACT

To add section \*seven hundred ten point two to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it a felony for any person sentenced to life imprisonment to commit an assault by any means likely to produce great bodily injury, and fixing the penalty therefor at death.

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

"The Penal Code."

\* "710.1" in original.

Act of June 24, 1939, P. L. 872, amended by adding, immediately following section 710.1 thereof, a new section numbered 710.2.

Section 1. The act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," is hereby amended by adding, immediately following section seven hundred ten \*point one thereof, a new section to read as follows:

*Section \*\*710.2 Assault by Life Prisoner.—Every person who has been sentenced to imprisonment for life in any penal institution located in this Commonwealth, and whose sentence has not been commuted, who commits an assault with intent to kill upon another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, is guilty of a felony, and, upon conviction thereof, shall be sentenced to suffer death in the manner provided by law, or to undergo imprisonment for life, at the discretion of the jury trying the case, which shall fix the penalty by its verdict. The court shall impose the sentence so fixed as in other cases. In cases of pleas of guilty, the court shall, at its discretion, impose sentence of death or imprisonment for life. The clerk of the court wherein such conviction takes place shall, within ten (10) days after such sentence of death, transmit a full and complete record of the trial and conviction to the Governor. In the event the jury shall fix the penalty at death, said punishment shall be inflicted in accordance with the provisions of the act, approved the nineteenth day of June, one thousand nine hundred thirteen (Pamphlet Laws 528), relating to death sentences imposed for the crime of murder of the first degree.*

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

No. 404

AN ACT

To repeal the act, approved the seventh day of April, one thousand nine hundred twenty-five (Pamphlet Laws 188), entitled "An act authorizing and empowering the Department of Welfare to sell surplus products of prison industries to the Government of the United States, including all departments, bureaus, commissions, and other agencies thereof existing under acts of the Congress of the United States; and to the Government of any state or commonwealth of the United States; and to any county, city, borough, township, or other organized subdivision

\*"point one" omitted in original.

\*\* "710.1" in original.