

**§ 106. Classes of offenses.**

(a) **General rule.**--An offense defined by this title for which a sentence of death or of imprisonment is authorized constitutes a crime. The classes of crime are:

- (1) Murder of the first degree, of the second degree or of the third degree, first degree murder of an unborn child, second degree murder of an unborn child or third degree murder of an unborn child.
- (2) Felony of the first degree.
- (3) Felony of the second degree.
- (4) Felony of the third degree.
- (5) Misdemeanor of the first degree.
- (6) Misdemeanor of the second degree.
- (7) Misdemeanor of the third degree.

(b) **Classification of crimes.**--

(1) A crime is a murder of the first degree, of the second degree or of the third degree if it is so designated in this title or if a person convicted of criminal homicide may be sentenced in accordance with the provisions of section 1102 (relating to sentence for murder and murder of an unborn child). A crime is first degree murder of an unborn child, second degree murder of an unborn child or third degree murder of an unborn child if it is so designated in this title or if a person convicted of criminal homicide of an unborn child may be sentenced in accordance with the provisions of section 1102.

(2) A crime is a felony of the first degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is more than ten years.

(3) A crime is a felony of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than ten years.

(4) A crime is a felony of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.

(5) A crime declared to be a felony, without specification of degree, is of the third degree.

(6) A crime is a misdemeanor of the first degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than five years.

(7) A crime is a misdemeanor of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than two years.

(8) A crime is a misdemeanor of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than one year.

(9) A crime declared to be a misdemeanor, without specification of degree, is of the third degree.

(c) **Summary offenses.**--An offense defined by this title constitutes a summary offense if:

(1) it is so designated in this title, or in a statute other than this title; or

(2) if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 90 days.

(d) **Other crimes.**--Any offense declared by law to constitute a crime, without specification of the class thereof, is a

misdemeanor of the second degree, if the maximum sentence does not make it a felony under this section.

**(e) Section applicable to other statutes.**--An offense hereafter defined by any statute other than this title shall be classified as provided in this section.

(Mar. 26, 1974, P.L.213, No.46, eff. imd.; Oct. 2, 1997, P.L.379, No.44, eff. 180 days)

**1997 Amendment.** Act 44 amended subsecs. (a)(1) and (b)(1).

**Cross References.** Section 106 is referred to in sections 305, 2710, 2717, 3311 of this title; sections 1725.3, 1725.5, 9762 of Title 42 (Judiciary and Judicial Procedure).