

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1959 Session of
1985

INTRODUCED BY SWEET, RUDY, PICCOLA AND BORTNER, DECEMBER 10,
1985

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 10, 1985

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the crime of
3 rape.

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

6 Section 1. Section 3121 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3121. Rape.

9 (a) First degree.--A person commits [a felony of] rape in
10 the first degree when he engages in sexual intercourse with
11 another person not his spouse:

12 (1) by forcible compulsion;

13 (2) by threat of forcible compulsion that would prevent
14 resistance by a person of reasonable resolution;

15 (3) who is unconscious; or

16 (4) who is so mentally deranged or deficient that such
17 person is incapable of consent.

18 (b) Second degree.--A person commits rape in the second

1 degree when he engages in sexual intercourse with another person
2 not his spouse if he compels her to submit sexually by a threat
3 that would prevent resistance by a person of ordinary
4 sensibility and resolution.

5 (c) Grading.--Rape in the first degree is a felony of the
6 first degree. Rape in the second degree is a felony of the
7 second degree.

8 (d) Definition.--Whenever the term "rape" is used in this
9 title or any other title, it is deemed to include spousal sexual
10 assault as further defined in section 3128 (relating to spousal
11 sexual assault).

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