

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 47

Session of
1999

INTRODUCED BY L. I. COHEN, BEBKO-JONES, BELFANTI, BISHOP,
BROWNE, CHADWICK, CIVERA, CLARK, CORRIGAN, CURRY, DALEY,
DeLUCA, GEIST, HARHAI, HENNESSEY, HERMAN, JAMES, LAUGHLIN,
LEDERER, MARSICO, McCALL, MCGILL, MELIO, MYERS, ORIE, RAMOS,
READSHAW, ROBERTS, ROBINSON, ROEBUCK, RUFFING, SAINATO,
SATHER, SAYLOR, SEYFERT, SOLOBAY, STABACK, STEELMAN, STERN,
STURLA, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, MAHER,
TRUE, WILLIAMS AND FARGO, MARCH 17, 1999

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 8, 1999

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for unlawful restraint, for false
4 imprisonment and for obscenity; and providing for sex
5 offender treatment.

6 It is the intent of the General Assembly to protect our most
7 vulnerable and precious citizens, the Commonwealth's children,
8 from the ravages of sexual abuse. Because sexual crimes
9 committed against children are among the most heinous
10 imaginable, the General Assembly declares it to be in the public
11 interest to enact this act.

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

14 Section 1. Sections 2902, 2903 and 5903(h)(2) of Title 18 of
15 the Pennsylvania Consolidated Statutes are amended to read:

16 § 2902. Unlawful restraint.

1 (a) Offense defined.--A person commits [a misdemeanor of the
2 first degree] an offense if he knowingly:

3 (1) restrains another unlawfully in circumstances
4 exposing him to risk of serious bodily injury; or

5 (2) holds another in a condition of involuntary
6 servitude.

7 (b) Grading.--

8 (1) Except as provided in paragraph (2), an offense
9 under subsection (a) is a misdemeanor of the first degree.

10 (2) If the victim of the offense is an individual under
11 18 years of age, an offense under subsection (a) is a felony
12 of the second degree.

13 § 2903. False imprisonment.

14 (a) Offense defined.--A person commits [a misdemeanor of the
15 second degree] an offense if he knowingly restrains another
16 unlawfully so as to interfere substantially with his liberty.

17 (b) Grading.--

18 (1) Except as provided in paragraph (2), an offense
19 under subsection (a) is a misdemeanor of the second degree.

20 (2) If the victim of the offense is an individual under
21 18 years of age, an offense under subsection (a) is a felony
22 of the second degree.

23 § 5903. Obscene and other sexual materials and performances.

24 * * *

25 (h) Criminal prosecution.--

26 * * *

27 (2) Any person who violates subsection (c) or (d) is
28 guilty of a [misdemeanor] felony of the [first] third degree.
29 Violation of subsection (c) or (d) is a felony of the [third]
30 second degree if the offender has previously been convicted

of a violation of subsection (c) or (d).

* * *

Section 2. Title 42 is amended by adding a section to read:

§ 9718.1. Sexual offender treatment.

(a) General rule.--A person, including an offender designated as a "sexually violent predator" as defined in section 9792 (relating to definitions), shall attend and participate in a Department of Corrections program of counseling or therapy designed for incarcerated sex offenders if the person is incarcerated in a State institution for any of the following provisions under 18 Pa.C.S. (relating to crimes and offenses):

(1) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses), if the offense involved a minor under 18 years of age.

(2) Section 4304 (relating to endangering welfare of children), if the offense involved sexual contact with the victim.

(3) Section 6301 (relating to corruption of minors), if the offense involved sexual contact with the victim.

(4) Open lewdness, as defined in section 5901 (relating to open lewdness), if the offense involved a minor under 18 years of age.

(5) Prostitution, as defined in section 5902 (relating to prostitution and related offenses), if the offense involved a minor under 18 years of age.

(6) Obscene and other sexual materials and performances, as defined in section 5903 (relating to obscene and other sexual materials and performances), if the offense involved a minor under 18 years of age.

(7) Sexual abuse of children, as defined in section 6312

1 (relating to sexual abuse of children).

2 (8) An attempt or solicitation to commit any of the
3 offenses listed in this subsection.

4 (b) Eligibility for parole.--For an offender required to
5 participate in the program under subsection (a), parole shall
6 not be granted unless the offender has done all of the
7 following:

8 (1) Served the minimum term of imprisonment.

9 (2) Participated in the program under subsection (a).

10 (3) Made arrangements to continue, as a condition of
11 parole, therapy or counseling for sex offenders.

12 This subsection does not apply to an offender who is a "sexually <—
13 SUBJECT TO SECTION 9799.4(B) (RELATING TO SEXUALLY violent <—
14 predator," as defined in section 9792 PREDATORS). <—

15 Section 3. The amendment of 18 Pa.C.S. §§ 2902, 2903 and
16 5903(h)(2) and the addition of 42 Pa.C.S. § 9718.1 shall apply
17 to offenses committed on or after the effective date of this
18 act.

19 Section 4. This act shall take effect immediately.