

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 924 Session of
2011

INTRODUCED BY STEPHENS, CLYMER, CUTLER, GEIST, GINGRICH, GROVE,
KILLION, KNOWLES, MALONEY, MURT, SONNEY, VEREB AND WATSON,
MARCH 3, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 3, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 institutional sexual assault.

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

6 Section 1. Section 3124.2 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3124.2. Institutional sexual assault.

9 (a) General rule.--Except as provided in sections 3121
10 (relating to rape), 3122.1 (relating to statutory sexual
11 assault), 3123 (relating to involuntary deviate sexual
12 intercourse), 3124.1 (relating to sexual assault) and 3125
13 (relating to aggravated indecent assault), a person who is an
14 employee or agent of the Department of Corrections or a county
15 correctional authority, youth development center, youth forestry
16 camp, State or county juvenile detention facility, other
17 licensed residential facility serving children and youth, or
18 mental health or mental retardation facility or institution

1 commits a felony of the third degree when that person engages in
2 sexual intercourse, deviate sexual intercourse or indecent
3 contact with an inmate, detainee, patient or resident.

4 (a.1) Schools.--

5 (1) Except as provided in sections 3121, 3122.1, 3123,
6 3124.1 and 3125, a person who is a volunteer or an employee
7 of a school commits a felony of the third degree when he
8 engages in sexual intercourse, deviate sexual intercourse or
9 indecent contact with a student of any school. A conviction
10 under this subsection shall also constitute a bar to
11 employment under section 111 of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949.

13 (2) As used in this subsection, the term "employee"
14 shall include a teacher, substitute teacher, janitor,
15 cafeteria worker, counselor, coach, athletic trainer or
16 independent contractor, except those independent contractors
17 who have no direct contact with students.

18 (a.2) Child-care.--Except as provided in sections 3121,
19 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an
20 employee of a center for children commits a felony of the third
21 degree when he engages in sexual intercourse, deviate sexual
22 intercourse or indecent contact with a child who is receiving
23 services at the center.

24 (b) [Definition.--As used in this section, the term "agent"
25 means a person who is assigned to work in a State or county
26 correctional or juvenile detention facility, a youth development
27 center, youth forestry camp, other licensed residential facility
28 serving children and youth, or mental health or mental
29 retardation facility or institution who is employed by any State
30 or county agency or any person employed by an entity providing

1 contract services to the agency.] Definitions.--As used in this
2 section, the following words and phrases shall have the meanings
3 given to them in this subsection unless the context clearly
4 indicates otherwise:

5 "Agent." A person who is assigned to work in a State or
6 county correctional or juvenile detention facility, a youth
7 development center, youth forestry camp, other licensed
8 residential facility serving children and youth or mental health
9 or mental retardation facility or institution, who is employed
10 by any State or county agency or any person employed by an
11 entity providing contract services to the agency.

12 "Center for children." Includes a child day-care center,
13 group and family day-care home, boarding home for children, a
14 center providing early intervention and drug and alcohol
15 services for children or other facility which provides child-
16 care services which are subject to approval, licensure,
17 registration or certification by the Department of Public
18 Welfare or a county social services agency or which are provided
19 pursuant to a contract with the department or a county social
20 services agency. The term does not include a youth development
21 center, youth forestry camp, State or county juvenile detention
22 facility and other licensed residential facility serving
23 children and youth.

24 "Independent contractor." A person who has a contract with a
25 school for the purpose of performing a service for the school.

26 "School." A public or private school, intermediate unit or
27 area vocational-technical school.

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