

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1462** Session of  
1985

INTRODUCED BY CIMINI, JUNE 19, 1985

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 19, 1985

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, increasing certain penalties; and providing minimum  
4 terms for certain sexual offenses.

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

7 Section 1. Sections 3122, 3126 and 3127 of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3122. Statutory rape.

10 A person who is 18 years of age or older commits statutory  
11 rape, a felony of the [second] first degree, when he engages in  
12 sexual intercourse with another person not his spouse who is  
13 less than 14 years of age. The minimum term of imprisonment for  
14 a first offense shall be five years and for a second or  
15 subsequent offense shall be life imprisonment.

16 § 3126. Indecent assault.

17 A person who has indecent contact with another not his  
18 spouse[, ] or causes such other to have indecent contact with him

1 is guilty of indecent assault, a misdemeanor of the second  
2 degree unless the other person is less than 16 years of age in  
3 which case it is a felony of the first degree, if:

4 (1) he does so without the consent of the other person;

5 (2) he knows that the other person suffers from a mental  
6 disease or defect which renders him or her incapable of  
7 appraising the nature of his or her conduct;

8 (3) he knows that the other person is unaware that a  
9 indecent contact is being committed;

10 (4) he has substantially impaired the other person's  
11 power to appraise or control his or her conduct, by  
12 administering or employing without the knowledge of the other  
13 drugs, intoxicants or other means for the purpose of  
14 preventing resistance; or

15 (5) the other person is in custody of law or detained in  
16 a hospital or other institution and the actor has supervisory  
17 or disciplinary authority over him.

18 § 3127. Indecent exposure.

19 A person commits a misdemeanor of the second degree if, for  
20 the purpose of arousing or gratifying sexual desire of himself  
21 or of any person other than his spouse, he exposes his genitals  
22 under circumstances in which he knows his conduct is likely to  
23 cause affront or alarm unless the person to whom he exposes  
24 himself is less than 16 years of age in which case the person  
25 commits a felony of the second degree.

26 Section 2. Section 9718 of Title 42 is amended to read:

27 § 9718. Sentences for offenses against infant persons.

28 (a) Mandatory sentence.--A person convicted of the following  
29 offenses when the victim is under 16 years of age or, in the  
30 case of statutory rape, under 14 years of age shall be sentenced

1 to a mandatory term of imprisonment as follows:

2 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated  
3 assault) - not less than two years.

4 18 Pa.C.S. § 3121 (relating to rape) - not less than five  
5 years.

6 18 Pa.C.S. § 3122 (relating to statutory rape) - not less  
7 than five years for a first offense and life imprisonment for  
8 a second or subsequent offense.

9 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual  
10 intercourse) - not less than five years for a first offense  
11 and life imprisonment for a second or subsequent offense.

12 18 Pa.C.S. § 3126 (relating to indecent assault) - not  
13 less than five years for a first offense and life  
14 imprisonment for a second or subsequent offense.

15 18 Pa.C.S. § 3127 (relating to indecent exposure) - not  
16 less than five years for a second or subsequent offense.

17 (b) Eligibility for parole.--Parole shall not be granted  
18 until the minimum term of imprisonment has been served.

19 Section 3. This act shall take effect in 60 days.