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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1753** Session of  
1985

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INTRODUCED BY LASHINGER, OCTOBER 15, 1985

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 1985

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the elements of  
3 the offenses of rape, involuntary deviate sexual intercourse  
4 and indecent assault.

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

7 Section 1. Sections 3121, 3123 and 3126 of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3121. Rape.

10 A person commits a felony of the first degree when he engages  
11 in sexual intercourse with 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; or

18 (5) if the accused is a practitioner of a healing art

1     and engages in the treatment or examination of the other  
2     person for the purpose of sexual arousal, gratification or  
3     stimulation.

4 Whenever the term "rape" is used in this title or any other  
5 title, it is deemed to include spousal sexual assault as further  
6 defined in section 3128 (relating to spousal sexual assault).

7 § 3123. Involuntary deviate sexual intercourse.

8 A person commits a felony of the first degree when he engages  
9 in deviate sexual intercourse with another person:

10       (1) by forcible compulsion;

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

13       (3) who is unconscious;

14       (4) who is so mentally deranged or deficient that such  
15 person is incapable of consent; [or]

16       (5) who is less than 16 years of age; or

17       (6) if the accused is a practitioner of a healing art  
18     and engages in the treatment or examination of the other  
19     person for the purpose of sexual arousal, gratification or  
20     stimulation.

21 § 3126. Indecent assault.

22 A person who has indecent contact with another not his  
23 spouse, or causes such other to have indecent contact with him  
24 is guilty of indecent assault, a misdemeanor of the second  
25 degree, if:

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

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

30       (3) he knows that the other person is unaware that [a]

1     an indecent contact is being committed;

2           (4) he has substantially impaired the other person's  
3     power to appraise or control his or her conduct, by  
4     administering or employing without the knowledge of the other  
5     drugs, intoxicants or other means for the purpose of  
6     preventing resistance; [or]

7           (5) the other person is in custody of law or detained in  
8     a hospital or other institution and the actor has supervisory  
9     or disciplinary authority over him; or

10          (6) he is a practitioner of a healing art and engages in  
11     the treatment or examination of the other person for the  
12     purpose of sexual arousal, gratification or stimulation.

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