
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, FARGO AND WASHINGTON, MARCH 17, 1999

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 26, 2000

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:

1 § 2902. Unlawful restraint.

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

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

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

8 (b) Grading.--

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

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

14 § 2903. False imprisonment.

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

18 (b) Grading.--

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

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

24 § 5903. Obscene and other sexual materials and performances.

25 * * *

26 (h) Criminal prosecution.--

27 * * *

28 (2) Any person who violates subsection (c) or (d) is
29 guilty of a [misdemeanor] felony of the [first] third degree.
30 Violation of subsection (c) or (d) is a felony of the [third]

1 second degree if the offender has previously been convicted
2 of a violation of subsection (c) or (d).

3 * * *

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

5 § 9718.1. Sexual offender treatment.

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

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

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

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

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

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

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

1 (7) Sexual abuse of children, as defined in section 6312
2 (relating to sexual abuse of children).

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

5 (b) Eligibility for parole.--For an offender required to
6 participate in the program under subsection (a), all of the
7 following apply:

8 (1) The offender shall not be eligible for parole
9 consideration unless the offender has:

10 (i) served the minimum term of imprisonment;

11 (ii) participated in the program under subsection

12 (a); and

13 (iii) agreed to comply with any special conditions
14 of parole imposed for therapy or counseling for sex
15 offenders, including sexually violent predators.

16 (2) Notwithstanding paragraph (1)(iii), an offender who
17 is a sexually violent predator is subject to section
18 9799.4(b) (relating to sexually violent predators).

19 Section 3. The amendment of 18 Pa.C.S. §§ 2902, 2903 and
20 5903(h)(2) and the addition of 42 Pa.C.S. § 9718.1 shall apply
21 to offenses committed on or after the effective date of this
22 act.

23 Section 4. This act shall take effect immediately.

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