

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1397 Session of
2011

INTRODUCED BY VEREB, MURT, RAPP, MULLERY, BEAR, BOBACK, BOYD,
BRIGGS, COHEN, D. COSTA, DAVIS, DONATUCCI, J. EVANS, FARRY,
GILLEN, GILLESPIE, GINGRICH, HARHART, HESS, HORNAMAN,
JOHNSON, KAVULICH, MCGEEHAN, MILLARD, PYLE, READSHAW,
YOUNGBLOOD AND CALTAGIRONE, APRIL 27, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 5, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of sexual
3 assault by sports official, VOLUNTEER OR EMPLOYEE OF
4 NONPROFIT ASSOCIATION. ←

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 3124.3. Sexual assault by sports official, VOLUNTEER OR ←
10 EMPLOYEE OF NONPROFIT ASSOCIATION.

11 (a) ~~General rule~~ SPORTS OFFICIAL.--Except as provided in ←
12 section 3121 (relating to rape), 3122.1 (relating to statutory
13 sexual assault), 3123 (relating to involuntary deviate sexual
14 intercourse), 3124.1 (relating to sexual assault) and 3125
15 (relating to aggravated indecent assault), a person who serves
16 as a sports official in a sports program of a nonprofit
17 association or a for-profit association commits a felony of the

third degree when that person engages in sexual intercourse,
deviate sexual intercourse or indecent contact with a child
under 18 years of age who is participating in a sports program
of the nonprofit association or for-profit association.

(B) VOLUNTEER OR EMPLOYEE OF NONPROFIT ASSOCIATION.--EXCEPT
AS PROVIDED IN SECTIONS 3121, 3122.1, 3123, 3124.1 AND 3125, A
VOLUNTEER OR AN EMPLOYEE OF A NONPROFIT ASSOCIATION HAVING
DIRECT CONTACT WITH A CHILD UNDER 18 YEARS OF AGE WHO
PARTICIPATES IN A PROGRAM OR ACTIVITY OF THE NONPROFIT
ASSOCIATION COMMITS A FELONY OF THE THIRD DEGREE IF THE
VOLUNTEER OR EMPLOYEE ENGAGES IN SEXUAL INTERCOURSE, DEVIATE
SEXUAL INTERCOURSE OR INDECENT CONTACT WITH THAT CHILD.

~~(b)~~ (C) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection unless the context clearly indicates otherwise:

"DIRECT CONTACT." CARE, SUPERVISION, GUIDANCE OR CONTROL.

"Nonprofit association." As defined in 42 Pa.C.S. § 8332.1
(relating to manager, coach, umpire or referee and nonprofit
association negligence standard).

"Sports official." A person who supervises children
participating in a sports program of a nonprofit association or
a for-profit association, including, but not limited to, a
coach, assistant coach, athletic trainer, team attendant, game
manager, instructor or a person at a sports program who enforces
the rules of a sporting event sponsored by a sports program of a
nonprofit association or a for-profit association, including,
but not limited to, an umpire or referee, whether receiving
remuneration or holding the position as a volunteer.

"Sports program." As defined in 42 Pa.C.S. § 8332.1
(relating to manager, coach, umpire or referee and nonprofit

1 association negligence standard).

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