

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 112 Session of
2013

INTRODUCED BY VEREB, RAPP, BISHOP, BOBACK, K. BOYLE, V. BROWN,
D. COSTA, DAVIS, DEASY, GINGRICH, GROVE, HESS, HICKERNELL,
KORTZ, MACKENZIE, MAJOR, MCGEEHAN, MILLARD, R. MILLER,
O'NEILL, READSHAW, SANTARSIERO, SAYLOR, SCHLOSSBERG, SIMMONS,
TOOHIL, YOUNGBLOOD, MULLERY, MURT, GILLEN, COHEN, DAY, GRELL,
BRADFORD, NEILSON, QUINN AND FARRY, JANUARY 15, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 2, 2014

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 42 (JUDICIARY <--
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated
3 Statutes, IN SEXUAL OFFENSES, providing for the offense of <--
4 sexual assault by sports official, volunteer or employee of
5 nonprofit association; AND, IN SENTENCING, FURTHER PROVIDING <--
6 FOR SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

11 \$ 3124.3. Sexual assault by sports official, volunteer or
12 employee of nonprofit association.

13 (a) Sports official.--Except as provided in section 3121
14 (relating to rape), 3122.1 (relating to statutory sexual
15 assault), 3123 (relating to involuntary deviate sexual
16 intercourse), 3124.1 (relating to sexual assault) and 3125
17 (relating to aggravated indecent assault), a person who serves

1 as a sports official in a sports program of a nonprofit
2 association or a for-profit association commits a felony of the
3 third degree when that person engages in sexual intercourse,
4 deviate sexual intercourse or indecent contact with a child
5 under 18 years of age who is participating in a sports program
6 of the nonprofit association or for-profit association.

7 (b) Volunteer or employee of nonprofit association.--Except
8 as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a
9 volunteer or an employee of a nonprofit association having
10 direct contact with a child under 18 years of age who
11 participates in a program or activity of the nonprofit
12 association commits a felony of the third degree if the
13 volunteer or employee engages in sexual intercourse, deviate
14 sexual intercourse or indecent contact with that child.

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

18 "Direct contact." Care, supervision, guidance or control.

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

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

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

4 SECTION 2. SECTION 9718(A) OF TITLE 42 IS AMENDED TO READ: <--
5 § 9718. SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

6 (A) MANDATORY SENTENCE.--

7 (1) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN
8 THE VICTIM IS [UNDER] LESS THAN 16 YEARS OF AGE SHALL BE
9 SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

10 18 PA.C.S. § 2702(A)(1) AND (4) (RELATING TO AGGRAVATED
11 ASSAULT) - NOT LESS THAN TWO YEARS.

12 18 PA.C.S. § 3121(A)(1), (2), (3), (4) AND (5) (RELATING
13 TO RAPE) - NOT LESS THAN TEN YEARS.

14 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
15 INTERCOURSE) - NOT LESS THAN TEN YEARS.

16 18 PA.C.S. § 3125(A)(1) THROUGH (6) (RELATING TO
17 AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN FIVE YEARS.

18 (2) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN
19 THE VICTIM IS LESS THAN 13 YEARS OF AGE SHALL BE SENTENCED TO
20 A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

21 18 PA.C.S. § 2502(C) (RELATING TO MURDER) - NOT LESS THAN
22 15 YEARS.

23 18 PA.C.S. § 2702(A)(1) - NOT LESS THAN FIVE YEARS.

24 (3) A PERSON CONVICTED OF THE FOLLOWING OFFENSES SHALL
25 BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

26 18 PA.C.S. § 3121(C) AND (D) - NOT LESS THAN TEN YEARS.

27 18 PA.C.S. § 3125(A)(7) - NOT LESS THAN FIVE YEARS.

28 18 PA.C.S. § 3125(B) - NOT LESS THAN TEN YEARS.

29 * * *

30 SECTION 3. SECTION 2506(B) OF TITLE 18 IS REPEALED INsofar

1 AS IT IS INCONSISTENT WITH THIS ACT.

2 Section ~~2~~ 4. This act shall take effect in 60 days.

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