

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, MILLER, O'NEILL, READSHAW, SANTARSIERO, SAYLOR, SCHLOSSBERG, SIMMONS, TOOHIL, YOUNGBLOOD AND MULLERY, JANUARY 15, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 15, 2013

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) Sports official.--Except as provided in section 3121
 12 (relating to rape), 3122.1 (relating to statutory sexual
 13 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

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

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

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

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

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

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

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

1 association negligence standard).

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