

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2179

Session of
1978

INTRODUCED BY GRAY, GIAMMARCO, WISE, GARZIA, TENAGLIO,
ZITTERMAN, BORSKI, SHUMAN, SALVATORE, LETTERMAN, STUBAN,
BROWN, SHUPNIK, ZELLER, CASSIDY, JONES, CIANCIULLI, STEWART,
KELLY, D. M. O'BRIEN, REED, RUGGIERO, KERNICK, SCHEAFFER,
COWELL, MISCEVICH, GILLETTE, ABRAHAM, W. W. FOSTER, DUFFY,
GAMBLE, RAVENSTAHL, LOGUE, TRELLO, NOVAK, CALTAGIRONE, COLE,
CIMINI, KOWALYSHYN, O'KEEFE, DONATUCCI, VROON, KLINGAMAN,
O'DONNELL, MCINTYRE, SCANLON, HARPER, HONAMAN, VALICENTI,
MADIGAN, MOWERY, GRIECO, PYLES, GOEBEL, CESSAR, ZORD,
J. L. WRIGHT JR., NOYE, FISCHER, E. Z. TAYLOR, PICCOLA,
MANMILLER, WAGNER, LEVI AND STAIRS, MARCH 15, 1978

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 1978

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for minimum sentences for
3 rape.

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

6 Section 1. Section 3121 of Title 18, act of November 25,
7 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
8 Statutes is amended to read:

9 § 3121. Rape.

10 (a) General rule.--A person commits a felony of the first
11 degree when he engages in sexual intercourse with another person
12 not his spouse:

13 (1) by forcible compulsion;

14 (2) by threat of forcible compulsion that would prevent

1 resistance by a person of reasonable resolution;

2 (3) who is unconscious; or

3 (4) who is so mentally deranged or deficient that such
4 person is incapable of consent.

5 (b) Minimum sentence.--A person who is found guilty of an
6 offense under subsection (a) shall for the first offense be
7 sentenced to imprisonment to a minimum term of 10 years and for
8 a second or subsequent offense under subsection (a) shall be
9 sentenced to imprisonment for a term of 20 years. Nothing in
10 this subsection shall be construed to prohibit the imposition of
11 a term for a greater period of time or to impose a fine in
12 addition to imprisonment as otherwise provided in this Title.

13 Section 2. This act shall take effect immediately.