

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1872** Session of  
1977

INTRODUCED BY GOEBEL, NOVEMBER 16, 1977

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 16, 1977

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 consolidated Statutes, further providing for rape.

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

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

8 § 3121. Rape.

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

12 (1) by forcible compulsion;

13 (2) by threat of forcible compulsion that would prevent  
14 resistance by a person of reasonable resolution;

15 (3) who is unconscious; or

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

18 (b) Special sentencing provisions.--A person who inflicts

1 serious bodily injury during the commission of a rape for which  
2 he is found guilty pursuant to subsection (a) shall be  
3 imprisoned under total confinement for a term which shall be  
4 fixed by the court at not less than ten years. No person  
5 sentenced pursuant to this subsection shall be eligible for  
6 parole or release during said term of minimum mandatory  
7 confinement as herein provided unless the conviction of said  
8 person is set aside or unless said person receives a pardon  
9 pursuant to Article IV, section 9 of the Constitution of the  
10 Commonwealth of Pennsylvania. Nothing in this subsection shall  
11 be construed to prohibit the imposition of a more severe  
12 sentence than the term of minimum mandatory confinement  
13 prescribed herein provided such sentence does not exceed the  
14 maximum sentence that may be imposed for the commission of a  
15 felony of the first degree.

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