

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2987 Session of  
2002

INTRODUCED BY O'BRIEN, M. BAKER, BARRAR, BEBKO-JONES, BROOKS,  
CALTAGIRONE, CAPPELLI, CORRIGAN, COSTA, COY, CRUZ, FRANKEL,  
GEIST, HARHAI, HENNESSEY, KELLER, LAUGHLIN, McNAUGHTON,  
MYERS, PERZEL, PRESTON, ROONEY, SATHER, SCAVELLO, SCHRODER,  
SOLOBAY, STERN, E. Z. TAYLOR, J. TAYLOR, THOMAS, WALKO,  
WATSON, WILT, G. WRIGHT AND YOUNGBLOOD, NOVEMBER 19, 2002

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 19, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for aggravated  
3 indecent assault.

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

6 Section 1. Section 3125 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 3125. Aggravated indecent assault.

9 Except as provided in sections 3121 (relating to rape),  
10 3122.1 (relating to statutory sexual assault), 3123 (relating to  
11 involuntary deviate sexual intercourse) and 3124.1 (relating to  
12 sexual assault), a person who engages in touching of a person's  
13 sexual or intimate parts with the mouth or the sexual or  
14 intimate parts of the actor or in penetration, however slight,  
15 of the genitals or anus of a complainant with a part of the  
16 person's body for any purpose other than good faith medical,

1   hygienic or law enforcement procedures commits aggravated  
2   indecent assault, a felony of the second degree, if:

3           (1)   the person does so without the complainant's  
4   consent;

5           (2)   the person does so by forcible compulsion;

6           (3)   the person does so by threat of forcible compulsion  
7   that would prevent resistance by a person of reasonable  
8   resolution;

9           (4)   the complainant is unconscious or the person knows  
10   that the complainant is unaware that the penetration is  
11   occurring;

12          (5)   the person has substantially impaired the  
13   complainant's power to appraise or control his or her conduct  
14   by administering or employing, without the knowledge of the  
15   complainant, drugs, intoxicants or other means for the  
16   purpose of preventing resistance;

17          (6)   the complainant suffers from a mental disability  
18   which renders him or her incapable of consent;

19          (7)   the complainant is less than 13 years of age; or

20          (8)   the complainant is less than 16 years of age and the  
21   person is four or more years older than the complainant and  
22   the complainant and the person are not married to each other.

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