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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 731      Session of  
2003

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INTRODUCED BY BOSCOLA, GREENLEAF, COSTA, O'PAKE, MUSTO,  
TARTAGLIONE, KITCHEN, LOGAN, RHOADES AND A. WILLIAMS,  
MAY 12, 2003

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REFERRED TO JUDICIARY, MAY 12, 2003

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further defining  
3 "delinquent act."

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

6 Section 1. The definition of "delinquent act" in section  
7 6302 of Title 42 of the Pennsylvania Consolidated Statutes is  
8 amended to read:

9 § 6302. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have, unless the context clearly indicates otherwise, the  
12 meanings given to them in this section:

13 \* \* \*

14 "Delinquent act."

15 (1) The term means an act designated a crime under the  
16 law of this Commonwealth, or of another state if the act  
17 occurred in that state, or under Federal law, or under local  
18 ordinances or an act which constitutes indirect criminal

1 contempt under 23 Pa.C.S. Ch. 61 (relating to protection from  
2 abuse).

3 (2) The term shall not include:

4 (i) The crime of murder.

5 (ii) Any of the following prohibited conduct where  
6 the child was 15 years of age or older at the time of the  
7 alleged conduct and a deadly weapon as defined in 18  
8 Pa.C.S. § 2301 (relating to definitions) was used during  
9 the commission of the offense which, if committed by an  
10 adult, would be classified as:

11 [(A) Rape as defined in 18 Pa.C.S. § 3121  
12 (relating to rape).

13 (B) Involuntary deviate sexual intercourse as  
14 defined in 18 Pa.C.S. § 3123 (relating to involuntary  
15 deviate sexual intercourse).]

16 (C) Aggravated assault as defined in 18 Pa.C.S.  
17 § 2702(a)(1) or (2) (relating to aggravated assault).

18 (D) Robbery as defined in 18 Pa.C.S. §  
19 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

20 (E) Robbery of motor vehicle as defined in 18  
21 Pa.C.S. § 3702 (relating to robbery of motor  
22 vehicle).

23 (F) Aggravated indecent assault as defined in 18  
24 Pa.C.S. § 3125 (relating to aggravated indecent  
25 assault).

26 (G) Kidnapping as defined in 18 Pa.C.S. § 2901  
27 (relating to kidnapping).

28 (H) Voluntary manslaughter.

29 (I) An attempt, conspiracy or solicitation to  
30 commit murder or any of these crimes as provided in

1 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902  
2 (relating to criminal solicitation) and 903 (relating  
3 to criminal conspiracy).

4 (iii) Any of the following prohibited conduct where  
5 the child was 15 years of age or older at the time of the  
6 alleged conduct and has been previously adjudicated  
7 delinquent of any of the following prohibited conduct  
8 which, if committed by an adult, would be classified as:

9 [(A) Rape as defined in 18 Pa.C.S. § 3121.

10 (B) Involuntary deviate sexual intercourse as  
11 defined in 18 Pa.C.S. § 3123.]

12 (C) Robbery as defined in 18 Pa.C.S. §  
13 3701(a)(1)(i), (ii) or (iii).

14 (D) Robbery of motor vehicle as defined in 18  
15 Pa.C.S. § 3702.

16 (E) Aggravated indecent assault as defined in 18  
17 Pa.C.S. § 3125.

18 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

19 (G) Voluntary manslaughter.

20 (H) An attempt, conspiracy or solicitation to  
21 commit murder or any of these crimes as provided in  
22 18 Pa.C.S. §§ 901, 902 and 903.

23 (iv) Summary offenses, unless the child fails to  
24 comply with a lawful sentence imposed thereunder, in  
25 which event notice of such fact shall be certified to the  
26 court.

27 (v) A crime committed by a child who has been found  
28 guilty in a criminal proceeding for other than a summary  
29 offense.

30 (vi) The crime of rape as defined in 18 Pa.C.S. §

1           3121 (relating to rape).

2           (vii) The crime of involuntary deviate sexual  
3           intercourse as defined in 18 Pa.C.S. § 3123 (relating to  
4           involuntary deviate sexual intercourse).

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