

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, R. MILLER, O'NEILL, READSHAW, SANTARSIERO, SAYLOR, SCHLOSSBERG, SIMMONS, TOOHIL, YOUNGBLOOD, MULLERY, MURT, GILLEN, COHEN, DAY, GRELL, BRADFORD, NEILSON, QUINN AND FARRY, JANUARY 15, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 3, 2014

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 42 (JUDICIARY <--  
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated  
3 Statutes, IN SEXUAL OFFENSES, FURTHER PROVIDING FOR DRUG <--  
4 DELIVERY RESULTING IN DEATH; providing for the offense of  
5 sexual assault by sports official, volunteer or employee of  
6 nonprofit association; AND, IN SENTENCING, FURTHER PROVIDING <--  
7 FOR SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Title 18 of the Pennsylvania Consolidated <--  
11 Statutes is amended by adding a section to read:~~

12 SECTION 1. SECTION 2506(B) OF TITLE 18 OF THE PENNSYLVANIA <--  
13 CONSOLIDATED STATUTES IS AMENDED TO READ:

14 § 2506. DRUG DELIVERY RESULTING IN DEATH.

15 \* \* \*

16 (B) PENALTY.--

17 (1) A PERSON CONVICTED UNDER SUBSECTION (A) SHALL BE  
18 SENTENCED TO A TERM OF IMPRISONMENT WHICH SHALL BE FIXED BY

1 THE COURT AT NOT MORE THAN 40 YEARS.

2 (2) PARAGRAPH (1) SHALL NOT APPLY TO A PERSON CONVICTED  
3 UNDER SECTION 2502(C) (RELATING TO MURDER) WHEN THE VICTIM IS  
4 LESS THAN 13 YEARS OF AGE AND THE CONDUCT ARISES OUT OF THE  
5 SAME CRIMINAL ACT.

6 \* \* \*

7 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

8 § 3124.3. Sexual assault by sports official, volunteer or  
9 employee of nonprofit association.

10 (a) Sports official.--Except as provided in section 3121  
11 (relating to rape), 3122.1 (relating to statutory sexual  
12 assault), 3123 (relating to involuntary deviate sexual  
13 intercourse), 3124.1 (relating to sexual assault) and 3125  
14 (relating to aggravated indecent assault), a person who serves  
15 as a sports official in a sports program of a nonprofit  
16 association or a for-profit association commits a felony of the  
17 third degree when that person engages in sexual intercourse,  
18 deviate sexual intercourse or indecent contact with a child  
19 under 18 years of age who is participating in a sports program  
20 of the nonprofit association or for-profit association.

21 (b) Volunteer or employee of nonprofit association.--Except  
22 as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a  
23 volunteer or an employee of a nonprofit association having  
24 direct contact with a child under 18 years of age who  
25 participates in a program or activity of the nonprofit  
26 association commits a felony of the third degree if the  
27 volunteer or employee engages in sexual intercourse, deviate  
28 sexual intercourse or indecent contact with that child.

29 (c) Definitions.--As used in this section, the following  
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

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

3 "Nonprofit association." As defined in 42 Pa.C.S. § 8332.1

4 (relating to manager, coach, umpire or referee and nonprofit

5 association negligence standard).

6 "Sports official." A person who supervises children

7 participating in a sports program of a nonprofit association or

8 a for-profit association, including, but not limited to, a

9 coach, assistant coach, athletic trainer, team attendant, game

10 manager, instructor or a person at a sports program who enforces

11 the rules of a sporting event sponsored by a sports program of a

12 nonprofit association or a for-profit association, including,

13 but not limited to, an umpire or referee, whether receiving

14 remuneration or holding the position as a volunteer.

15 "Sports program." As defined in 42 Pa.C.S. § 8332.1

16 (relating to manager, coach, umpire or referee and nonprofit

17 association negligence standard).

18 SECTION ~~2~~ 3. SECTION 9718(A) OF TITLE 42 IS AMENDED TO READ: <--

19 § 9718. SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

20 (A) MANDATORY SENTENCE.--

21 (1) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN

22 THE VICTIM IS [UNDER] LESS THAN 16 YEARS OF AGE SHALL BE

23 SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

24 18 PA.C.S. § 2702(A) (1) AND (4) (RELATING TO AGGRAVATED

25 ASSAULT) - NOT LESS THAN TWO YEARS.

26 18 PA.C.S. § 3121(A) (1), (2), (3), (4) AND (5) (RELATING

27 TO RAPE) - NOT LESS THAN TEN YEARS.

28 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL

29 INTERCOURSE) - NOT LESS THAN TEN YEARS.

30 18 PA.C.S. § 3125(A) (1) THROUGH (6) (RELATING TO

1 AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN FIVE YEARS.

2 (2) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN  
3 THE VICTIM IS LESS THAN 13 YEARS OF AGE SHALL BE SENTENCED TO  
4 A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

5 18 PA.C.S. § 2502(C) (RELATING TO MURDER) - NOT LESS THAN  
6 15 YEARS.

7 18 PA.C.S. § 2702(A) (1) - NOT LESS THAN FIVE YEARS.

8 (3) A PERSON CONVICTED OF THE FOLLOWING OFFENSES SHALL  
9 BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

10 18 PA.C.S. § 3121(C) AND (D) - NOT LESS THAN TEN YEARS.

11 18 PA.C.S. § 3125(A) (7) - NOT LESS THAN FIVE YEARS.

12 18 PA.C.S. § 3125(B) - NOT LESS THAN TEN YEARS.

13 \* \* \*

14 ~~SECTION 3. SECTION 2506(B) OF TITLE 18 IS REPEALED INSOFAR <--~~  
15 ~~AS IT IS INCONSISTENT WITH THIS ACT.~~

16 Section 2 4. This act shall take effect in 60 days. <--