

CRIMES CODE (18 PA.C.S.), DOMESTIC RELATIONS CODE (23 PA.C.S.) AND
JUDICIAL CODE (42 PA.C.S.) - AMEND

Act of Mar. 31, 1995, Special Session 1, P.L. 985, No. 10 Cl. 18
Special Session No. 1 of 1995
No. 1995-10

SB 2

AN ACT

Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sexual offenses and the consequences of committing sexual offenses, for incest, for statutory sexual assault, for prostitution and related offenses and for award of custody; further defining "abuse"; further providing for sexual abuse of children, for information relating to prospective child-care personnel and for sentences for offenses against infant persons and for intermediate punishment.

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

Section 1. Sections 3101 and 3102 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3101. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Complainant." An alleged victim of a crime under this chapter.

"Deviate sexual intercourse." Sexual intercourse per os or per anus between human beings [who are not husband and wife, except as provided in section 3128 (relating to spousal sexual assault),] and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

"Forcible compulsion." Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

"Foreign object." Includes any physical object not a part of the actor's body.

"Indecent contact." Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

"Sexual intercourse." In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

§ 3102. Mistake as to age.

[Whenever] **Except as otherwise provided, whenever** in this chapter the criminality of conduct depends on a child being below the age of 14 years, it is no defense that the [actor] **defendant** did not know the age of the child[,] or reasonably believed the child to be the age of 14 years or older. When criminality depends on the child's being below a critical age [other] **older** than 14 years, it

is a defense for the [actor] **defendant** to prove by a preponderance of the evidence that he **or she** reasonably believed the child to be above the critical age.

Section 2. Section 3103 of Title 18 is repealed.

Section 3. Sections 3105, 3106 and 3121 of Title 18 are amended to read:

§ 3105. Prompt complaint.

Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, That nothing in this section shall be construed to prohibit a defendant from introducing evidence of the [alleged victim's] **complainant's** failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence.

§ 3106. Testimony of complainants.

The credibility of [an alleged victim] **a complainant** of an offense under this chapter shall be determined by the same standard as is the credibility of [an alleged victim] **a complainant** of any other crime. The testimony of a [victim] **complainant** need not be corroborated in prosecutions under this chapter. [In any prosecution before a jury for an offense under this chapter, no] **No** instructions shall be given cautioning the jury to view the [alleged victim's] **complainant's** testimony in any other way than that in which all [victims'] **complainants'** testimony is viewed.

§ 3121. Rape.

A person commits a felony of the first degree when he **or she** engages in sexual intercourse with [another person not his spouse] **a complainant**:

- (1) [by] **By** forcible compulsion[;].
- (2) [by] **By** threat of forcible compulsion that would prevent resistance by a person of reasonable resolution[;].
- (3) [who] **Who** is unconscious **or where the person knows that the complainant is unaware that the sexual intercourse is occurring.**[; or
- (4) who is so mentally deranged or deficient that such person is incapable of consent.

Whenever the term "rape" is used in this title or any other title, it is deemed to include spousal sexual assault as further defined in section 3128 (relating to spousal sexual assault).]

(4) **Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.**

(5) **Who suffers from a mental disability which renders the complainant incapable of consent.**

(6) **Who is less than 13 years of age.**

Section 4. Section 3122 of Title 18 is repealed.

Section 5. Title 18 is amended by adding a section to read:

§ 3122.1. Statutory sexual assault.

Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.

Section 6. Section 3123 of Title 18 is amended to read:

§ 3123. Involuntary deviate sexual intercourse.

(a) **Offense defined.--**A person commits a felony of the first degree when he **or she** engages in deviate sexual intercourse with [another person] **a complainant**:

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

(3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;

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

(5) who is less than 16 years of age.]

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

(5) who suffers from a mental disability which renders him or her incapable of consent;

(6) who is less than 13 years of age; or

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

(b) Definition.--As used in this section, the term "forcible compulsion" includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

Section 7. Section 3124 of Title 18 is repealed.

Section 8. Title 18 is amended by adding a section to read:

§ 3124.1. Sexual assault.

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Section 9. Sections 3125, 3126 and 3127 of Title 18 are amended to read:

§ 3125. Aggravated indecent assault.

Except as provided in sections 3121 (relating to rape), [3122 (relating to statutory rape) and 3123 (relating to involuntary deviate sexual intercourse)], a person commits a felony of the second degree when he] **3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who** engages in penetration, however slight, of the genitals or anus of [another] **a complainant** with a part of the [actor's] **person's** body for **any purpose other than good faith medical, hygienic or law enforcement procedures** commits aggravated indecent assault, a felony of the second degree, if:

[(1) he does so without the consent of the other person;

(2) he knows that the other person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct;

(3) he knows that the other person is unaware that the indecent contact is being committed;

(4) he has substantially impaired the other person's power to appraise or control his or her conduct by administering or employing, without the knowledge of the other, drugs, intoxicants or other means for the purpose of preventing resistance;

(5) the other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him; or

(6) he is over 18 years of age and the other person is under 14 years of age.]

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

(2) the person does so by forcible compulsion;

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

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

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

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

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

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

§ 3126. Indecent assault.

(a) Offense defined.--A person who has indecent contact with [another not his spouse,] **the complainant** or causes [such other] **the complainant** to have indecent contact with [him,] **the person** is guilty of indecent assault if:

[(1) he does so without the consent of the other person;

(2) he knows that the other person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct;

(3) he knows that the other person is unaware that a indecent contact is being committed;

(4) he has substantially impaired the other person's power to appraise or control his or her conduct by administering or employing without the knowledge of the other drugs, intoxicants or other means for the purpose of preventing resistance;

(5) the other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him; or

(6) he is over 18 years of age and the other person is under 14 years of age.]

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

(2) the person does so by forcible compulsion;

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

(4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;

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

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

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

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

(b) Grading.--Indecent assault under subsection (a) [(6)] (7) is a misdemeanor of the first degree. Otherwise, indecent assault is a misdemeanor of the second degree.

§ 3127. Indecent exposure.

(a) Offense defined.--A person commits [a misdemeanor of the second degree if, for the purpose of arousing or gratifying sexual desire of himself or of any person other than his spouse, he] **indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons** under circumstances in which he or she knows [his] or should

know that this conduct is likely to [cause] offend, affront or alarm.

(b) Grading.--If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

Section 10. Section 3128 of Title 18 is repealed.

Section 11. Sections 4302, 4303, 5902(e) and 6312 of Title 18 are amended to read:

§ 4302. Incest.

A person is guilty of incest, a felony of the second degree, if [he] **that person** knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

§ 4303. Concealing death of child [born out of wedlock].

(a) Offense defined.--A person is guilty of a misdemeanor of the [third] **first** degree if he or she endeavors privately, either alone or by the procurement of others, to conceal the death of his or her child [born out of wedlock], so that it may not come to light, whether it was born dead or alive or whether it was murdered or not.

(b) Procedure.--If the same indictment or information charges any person with the murder of his or her child [born out of wedlock], as well as with the offense of the concealment of the death, the jury may acquit or convict him or her of both offenses, or find him or her guilty of one and acquit him or her of the other.

§ 5902. Prostitution and related offenses.

* * *

(e) Patronizing prostitutes.--

(1) A person commits a [summary offense if he] **misdemeanor of the third degree if that person** hires a prostitute or any other person [who is 16 years of age or older] to engage in sexual activity with him[,] **or her** or if [he] **that person** enters or remains in a house of prostitution for the purpose of engaging in sexual activity. [A person commits a misdemeanor of the third degree if the person hires a prostitute or any other person who is under 16 years of age, whether or not the person is aware of the age of the child.]

(2) A person commits a misdemeanor of the third degree if, after being sentenced under paragraph (1), he or she hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the purpose of engaging in sexual activity. Upon conviction under this paragraph, a defendant shall be sentenced to pay a fine of not less than \$300 nor more than \$2,500, plus court costs, and to community service of not less than 75 hours. A court imposing a sentence under this paragraph shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits. As used in this paragraph, court costs include the cost of publishing the sentencing order.

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§ 6312. Sexual abuse of children.

(a) Definition.--As used in this section, "prohibited sexual act" means sexual intercourse[, anal intercourse, masturbation, bestiality, sadism, masochism, fellatio, cunnilingus,] **as defined in section 3101 (relating to definitions), masturbation, sadism, masochism, bestiality, fellatio, cunnilingus,** lewd exhibition of

the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction.

(b) Photographing, **videotaping, depicting on computer** or filming sexual acts.--Any person who causes or knowingly permits a child under the age of [17] **18** years to engage in a prohibited sexual act or in the simulation of such act is guilty of a felony of the second degree if such person knows, has reason to know or intends that such act may be photographed, **videotaped, depicted on computer** or filmed. Any person who knowingly photographs, **videotapes, depicts on computer** or films a child under the age of [17] **18** years engaging in a prohibited sexual act or in the simulation of such an act is guilty of a felony of the second degree.

(c) Dissemination of photographs, **videotapes, computer depictions** and films.--Any person who knowingly sells, distributes, delivers, disseminates, transfers, displays or exhibits to others, or who possesses for the purpose of sale, distribution, delivery, dissemination, transfer, display or exhibition to others, any book, magazine, pamphlet, slide, photograph, film, videotape, **computer depiction** or other material depicting a child under the age of [17] **18** years engaging in a prohibited sexual act or in the simulation of such act is guilty of a felony of the third degree.

(d) Possession of child pornography.--Any person who knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, **computer depiction** or other material depicting a child under the age of [17] **18** years engaging in a prohibited sexual act or in the simulation of such act is guilty of a felony of the third degree.

(e) Evidence of age.--In the event a person involved in a prohibited sexual act is alleged to be a child under the age of [17] **18** years, competent expert testimony shall be sufficient to establish the age of said person.

(e.1) Mistake as to age.--Under subsection (b) only, it is no defense that the defendant did not know the age of the child. Neither a misrepresentation of age by the child nor a bona fide belief that the person is over the specified age shall be a defense.

(f) Exceptions.--This section does not apply to any material that is possessed, controlled, brought or caused to be brought into this Commonwealth, or presented for a bona fide educational, scientific, governmental or judicial purpose.

Section 12. Section 5303(b) of Title 23 is amended to read:
§ 5303. Award of custody, partial custody or visitation.

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(b) Consideration of criminal conviction.--If a parent has been convicted of or has pleaded guilty or no contest to an offense as set forth below, the court shall consider such criminal conduct and shall determine that the parent does not pose a threat of harm to the child before making an order of custody, partial custody or visitation to that parent:

- (1) 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
- (2) 18 Pa.C.S. § 2901 (relating to kidnapping);
- (3) 18 Pa.C.S. § 2902 (relating to unlawful restraint);
- (4) 18 Pa.C.S. § 3121 (relating to rape);
- [(5) 18 Pa.C.S. § 3122 (relating to statutory rape);]
- (5) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault);**
- (6) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
- (7) 18 Pa.C.S. § 3124.1 (relating to sexual assault);**
- (8) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);**
- [(7)] **(9) 18 Pa.C.S. § 3126 (relating to indecent assault);**

(10) 18 Pa.C.S. § 3127 (relating to indecent exposure);
[(8)] (11) 18 Pa.C.S. § 4302 (relating to incest);
[(9)] (12) 18 Pa.C.S. § 4304 (relating to endangering
welfare of children);
[(10)] (13) 18 Pa.C.S. § 5902(b) (relating to prostitution
and related offenses); or
[(11)] (14) 18 Pa.C.S. § 6312 (relating to sexual abuse
of children).

* * *

Section 13. The definition of "abuse" in section 6102 of Title 23, amended October 6, 1994 (P.L.574, No.85), is amended to read:
§ 6102. Definitions.

(a) General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abuse." The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, [spousal sexual assault or] involuntary deviate sexual intercourse, **sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest** with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

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Section 14. The definition of "sexual abuse or exploitation" in section 6303(a) of Title 23, amended December 16, 1994 (P.L.1292, No.151), is amended to read:
§ 6303. Definitions.

(a) General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Sexual abuse or exploitation." The employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, **including photographing, videotaping, computer depicting or filming**, of any sexually explicit conduct or the rape, **sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault**, molestation, incest, **indecent exposure**, prostitution, **statutory sexual assault** or other form of sexual exploitation of children.

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Section 15. Section 6344(c) of Title 23, amended December 16, 1994 (P.L.1292, No.151), is amended to read:
§ 6344. Information relating to prospective child-care personnel.

* * *

(c) Grounds for denying employment.--In no case shall an administrator hire an applicant where the department has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse committed within the five-year period immediately preceding verification pursuant to this section. In no case shall an administrator hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709 (relating to harassment and stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

[Section 3122 (relating to statutory rape).]

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child [born out of wedlock]).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

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Section 16. Section 5552(b) of Title 42 is amended to read:
§ 5552. Other offenses.

* * *

(b) Major offenses.--A prosecution for any of the following offenses must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 911 (relating to corrupt organizations).

Section 2706 (relating to terroristic threats).

Section 2901 (relating to kidnapping).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 3921 (relating to theft by unlawful taking or disposition) through section 3931 (relating to theft of unpublished dramas and musical compositions).

Section 4101 (relating to forgery).

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4302 (relating to incest).

Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).

Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

Section 6312 (relating to sexual abuse of children).

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L.233, No.64), known as ["The Controlled Substance, Drug, Device and Cosmetic Act.["]

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.

(4) Under the act of June 13, 1967 (P.L.31, No.21), known as the ["Public Welfare Code.["]

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Section 17. Sections 9718 and 9729(c) of Title 42 are amended to read:

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.--

(1) A person convicted of the following offenses when the victim is under 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121(1), (2), (3), (4), (5) and (6) (relating to rape) - not less than five years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. § 3125(1) through (6) (relating to aggravated indecent assault) - not less than two and one-half years.

(b) Eligibility for parole.--Parole shall not be granted until the minimum term of imprisonment has been served.

§ 9729. Intermediate punishment.

* * *

(c) Ineligibility.--

(1) A person convicted of any of the following offenses shall be ineligible for sentencing under this section:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2702 (relating to aggravated assault).

18 Pa.C.S. § 2703 (relating to assault by prisoner).

18 Pa.C.S. § 2704 (relating to assault by life prisoner).

18 Pa.C.S. § 2901 (relating to kidnapping).

18 Pa.C.S. § 3121 (relating to rape).

[18 Pa.C.S. § 3122 (relating to statutory rape).]

18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

18 Pa.C.S. § 3124.1 (relating to sexual assault).

18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

18 Pa.C.S. § 3126 (relating to indecent assault).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. § 3701 (relating to robbery).

18 Pa.C.S. § 3923 (relating to theft by extortion).

18 Pa.C.S. § 4302 (relating to incest).

18 Pa.C.S. § 5121 (relating to escape).

(2) An offense under this subsection also includes a conviction under 18 Pa.C.S. § 3502 (relating to burglary) where the grading of the offense was a felony of the first degree under section 3502(c)(1).

(3) A person sentenced under 18 Pa.C.S. § 6314 (relating to sentencing and penalties for trafficking drugs to minors) or 7508 (relating to drug trafficking sentencing and penalties) shall be ineligible for sentencing under this section.

Section 18. The amendment or addition of 18 Pa.C.S. §§ 3101, 3102, 3105, 3106, 3121, 3122.1, 3123, 3124.1, 3125, 3126, 3127, 4302, 4303, 5902(e) and 6312 shall apply to offenses committed on or after the effective date of this act.

Section 19. This act shall take effect in 60 days.

APPROVED--The 31st day of March, A. D. 1995.

THOMAS J. RIDGE