

CRIMES CODE (18 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) - DRUG
DELIVERY RESULTING IN DEATH, OFFENSE OF SEXUAL ASSAULT BY SPORTS
OFFICIAL, VOLUNTEER OR EMPLOYEE OF NONPROFIT ASSOCIATION AND
SENTENCES FOR OFFENSES AGAINST INFANT PERSONS

Act of Jun. 18, 2014, P.L. 741, No. 56

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Session of 2014

No. 2014-56

HB 112

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
Judicial Procedure) of the Pennsylvania Consolidated
Statutes, in sexual offenses, further providing for drug
delivery resulting in death; providing for the offense of
sexual assault by sports official, volunteer or employee of
nonprofit association; and, in sentencing, further providing
for sentences for offenses against infant persons.

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

Section 1. Section 2506(b) of Title 18 of the Pennsylvania
Consolidated Statutes is amended to read:
§ 2506. Drug delivery resulting in death.

* * *

(b) Penalty.--

(1) A person convicted under subsection (a) shall be
sentenced to a term of imprisonment which shall be fixed by
the court at not more than 40 years.

(2) Paragraph (1) shall not apply to a person convicted
under section 2502(c) (relating to murder) when the victim
is less than 13 years of age and the conduct arises out of
the same criminal act.

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Section 2. Title 18 is amended by adding a section to read:
§ 3124.3. Sexual assault by sports official, volunteer or
employee of nonprofit association.

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

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

(c) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection unless the context clearly indicates otherwise:

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

"Nonprofit association." As defined in 42 Pa.C.S. § 8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

"Sports official." A person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

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

Section 3. Section 9718(a) of Title 42 is 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] **less than** 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(a)(1), (2), (3), (4) and (5) (relating to rape) - not less than ten years.

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

18 Pa.C.S. § 3125(a)(1) through (6) (relating to aggravated indecent assault) - 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. § 2502(c) (relating to murder) - not less than 15 years.

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

(3) A person convicted of the following offenses shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 3121(c) and (d) - not less than ten years.

18 Pa.C.S. § 3125(a)(7) - not less than five years.

18 Pa.C.S. § 3125(b) - not less than ten years.

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Section 4. This act shall take effect in 60 days.

APPROVED--The 18th day of June, A.D. 2014.

TOM CORBETT