

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 438 Session of
2003

INTRODUCED BY RUFFING, WALKO, WOJNAROSKI, BELARDI, BEBKO-JONES,
BELFANTI, BROWNE, CAPPELLI, CAWLEY, COY, CURRY, DeLUCA,
FABRIZIO, GODSHALL, HARHAI, KIRKLAND, KOTIK, LAUGHLIN, LEACH,
LEDERER, LEH, McGEEHAN, MELIO, R. MILLER, MYERS, PALLONE,
PISTELLA, READSHAW, ROHRER, ROONEY, SHANER, SOLOBAY, STABACK,
TANGRETTI, TIGUE, WATSON, J. WILLIAMS AND YOUNGBLOOD,
FEBRUARY 25, 2003

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 25, 2003

AN ACT

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

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

6 Section 1. Sections 3124.1 and 3126(b) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3124.1. Sexual assault.

9 (a) Offense defined.--Except as provided in section 3121
10 (relating to rape) or 3123 (relating to involuntary deviate
11 sexual intercourse), a person commits [a felony of the second
12 degree] an offense when that person engages in sexual
13 intercourse or deviate sexual intercourse with a complainant
14 without the complainant's consent.

15 (b) Grading.--

16 (1) Except as provided in paragraph (2), an offense

1 under subsection (a) is a felony of the second degree.

2 (2) If the victim of the offense is a care-dependent
3 person, as defined in section 2713 (relating to neglect of
4 care-dependent person), an offense under subsection (a) is a
5 felony of the first degree.

6 § 3126. Indecent assault.

7 * * *

8 (b) Grading.--

9 (1) Except as otherwise provided in this subsection,
10 indecent assault is a misdemeanor of the second degree.

11 (2) Indecent assault under any provision of subsection
12 (a), other than subsection (a)(7), is a misdemeanor of the
13 first degree if the complainant is a care-dependent person,
14 as defined in section 2713 (relating to neglect of care-
15 dependent person).

16 (3) Indecent assault under subsection (a)(7) is a
17 misdemeanor of the first degree. [Otherwise, indecent assault
18 is a misdemeanor of the second degree.]

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