

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1485

Session of  
1977

INTRODUCED BY MESSRS. ZORD, MRKONIC, CESSAR, BITTINGER, DAVIES,  
SCHEAFFER, POTT, GARZIA, LEHR, SCHMITT, HASKELL, BRANDT,  
POLITE, WENGER, KNEPPER, PRATT, CIMINI, FISHER, GIAMMARCO,  
NOYE, REED, WILT, BROWN, PARKER, HOPKINS, SALVATORE AND  
HALVERSON, JULY 12, 1977

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 14, 1978

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, ~~requiring certain persons convicted of~~ <—  
3 ~~rape to be sentenced to life imprisonment.~~ ESTABLISHING THE <—  
4 OFFENSES OF RAPE OF THE FIRST DEGREE AND RAPE OF THE SECOND  
5 DEGREE.

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

8 ~~Section 1. Title 18, act of November 25, 1970 (P.L.707,~~ <—  
9 ~~No.230), known as the Pennsylvania Consolidated Statutes, is~~  
10 ~~amended by adding a section to read:~~  
11 ~~§ 1313. Sentencing for rape with aggravating circumstances.~~  
12 ~~A person convicted of rape, wherein the victim has suffered a~~  
13 ~~loss of a member of the body, permanent mutilation or~~  
14 ~~disfigurement, permanent crippling or permanent deprivation of a~~  
15 ~~bodily member resulting in the impairment of the person's~~  
16 ~~ability to function as before the rape, shall be sentenced to~~  
17 ~~life imprisonment without parole, commutation of sentence,~~

~~probation or any release from confinement.~~

SECTION 1. SECTIONS 1102 AND 3121 OF TITLE 18, ACT OF  
NOVEMBER 25, 1970 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA  
CONSOLIDATED STATUTES, ARE AMENDED TO READ:

§ 1102. SENTENCE FOR MURDER AND RAPE OF THE FIRST DEGREE.

(A) MURDER OF THE FIRST DEGREE.--A PERSON WHO HAS BEEN  
CONVICTED OF A MURDER OF THE FIRST DEGREE SHALL BE SENTENCED TO  
DEATH OR TO A TERM OF LIFE IMPRISONMENT IN ACCORDANCE WITH  
SECTION 1311(D) [OF THIS TITLE] (RELATING TO SENTENCING FOR  
MURDER).

(B) MURDER OF THE SECOND DEGREE.--A PERSON WHO HAS BEEN  
CONVICTED OF MURDER OF THE SECOND DEGREE SHALL BE SENTENCED TO A  
TERM OF [LIFE] IMPRISONMENT, UP TO AND INCLUDING A TERM OF LIFE  
IMPRISONMENT.

(C) RAPE OF THE FIRST DEGREE.--A PERSON WHO HAS BEEN  
CONVICTED OF RAPE OF THE FIRST DEGREE MAY BE SENTENCED TO A TERM  
OF LIFE IMPRISONMENT.

§ 3121. RAPE.

(A) RAPE OF THE FIRST DEGREE.--A PERSON COMMITS RAPE OF THE  
FIRST DEGREE, A FELONY OF THE FIRST DEGREE WHICH MAY BE  
PUNISHABLE AS PROVIDED IN SECTION 1102(C) (RELATING TO SENTENCE  
FOR MURDER AND RAPE OF THE FIRST DEGREE), IF HE COMMITS A RAPE  
OF THE SECOND DEGREE AND THE VICTIM SUFFERED ONE OF THE  
FOLLOWING:

(1) A LOSS OF A MEMBER OF THE BODY.

(2) PERMANENT MUTILATION OR DISFIGUREMENT.

(3) PERMANENT CRIPPLING OR PERMANENT DEPRIVATION OF THE  
USE OF A BODILY MEMBER OR ORGAN RESULTING IN THE IMPAIRMENT  
OF THE VICTIM'S ABILITY TO FUNCTION AS BEFORE THE RAPE.

(B) RAPE OF THE SECOND DEGREE.--A PERSON COMMITS RAPE OF THE

1 SECOND DEGREE, A FELONY OF THE FIRST DEGREE, WHEN HE ENGAGES IN  
2 SEXUAL INTERCOURSE WITH ANOTHER PERSON NOT HIS SPOUSE:

3 (1) BY FORCIBLE COMPULSION;

4 (2) BY THREAT OF FORCIBLE COMPULSION THAT WOULD PREVENT  
5 RESISTANCE BY A PERSON OF REASONABLE RESOLUTION;

6 (3) WHO IS UNCONSCIOUS; OR

7 (4) WHO IS SO MENTALLY DERANGED OR DEFICIENT THAT SUCH  
8 PERSON IS INCAPABLE OF CONSENT.

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