

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1498** Session of  
1978

INTRODUCED BY HESS AND HOPPER, JUNE 1, 1978

REFERRED TO JUDICIARY, JUNE 1, 1978

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing a mandatory sentence for  
3 rape.

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

6 Section 1. Title 18, act of November 25, 1970 (P.L.707,  
7 No.230), known as the Pennsylvania Consolidated Statutes, is  
8 amended by adding a section to read:

9 § 1363. Second and subsequent offenses.

10 (a) Mandatory sentences.--Any person convicted in any court  
11 of this Commonwealth of rape shall, notwithstanding any other  
12 provision of this title or other statute, be sentenced to not  
13 less than a minimum term of ten years imprisonment. The maximum  
14 term of the sentence shall be set at not less than 20 years. In  
15 such cases, there shall be no authority in any court to impose  
16 any lesser sentence or to place the defendant on probation or to  
17 suspend sentence.

18 (b) Appeal by Commonwealth.--Should a sentencing court  
19 determine that this section is inapplicable in any case or

1 refuse to apply this section where applicable, the Commonwealth  
2 shall have the right to appellate review of the action of the  
3 sentencing court. Any order entered in violation of this section  
4 shall be null and void and, if appealed, the appellate court  
5 which hears the case shall remand for imposition of sentence in  
6 accordance with law.

7 Section 2. This act shall take effect immediately.