

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 109

Session of
1981

INTRODUCED BY MILLER AND MOEHLMANN, JANUARY 19, 1981

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 19, 1981

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, establishing the offenses of rape of
3 the first degree and rape of the second degree.

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

6 Section 1. Sections 1102 and 3121 of Title 18, act of
7 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania
8 Consolidated Statutes, are amended to read:

9 § 1102. Sentence for murder and rape of the first degree.

10 (a) Murder of the first degree.--A person who has been
11 convicted of a murder of the first degree shall be sentenced to
12 death or to a term of life imprisonment in accordance with
13 section 1311(d) [of this title] (relating to sentencing for
14 murder).

15 (b) Murder of the second degree.--A person who has been
16 convicted of murder of the second degree shall be sentenced to a
17 term of life imprisonment.

18 (c) Rape of the first degree.--A person who has been

1 convicted of rape of the first degree may be sentenced to a term
2 of imprisonment up to and including a term of life imprisonment,
3 and said person shall be imprisoned under total confinement and
4 without release for a period of not less than ten years. No
5 person sentenced pursuant to this subsection shall be eligible
6 for parole or release during said time of minimum mandatory
7 confinement herein required unless the conviction of said person
8 is set aside or unless said release is mandated by section 9 of
9 Article IV, of the Constitution of the Commonwealth of
10 Pennsylvania.

11 § 3121. Rape.

12 (a) Rape of the first degree.--A person commits rape of the
13 first degree, a felony of the first degree which shall be
14 punishable as provided in section 1102(c) (relating to sentence
15 for murder and rape of the first degree), if he commits a rape
16 of the second degree and the victim suffered one of the
17 following:

18 (1) A loss of a member of the body.

19 (2) Permanent mutilation or disfigurement.

20 (3) Permanent crippling or permanent deprivation of the
21 use of a bodily member or organ resulting in the impairment
22 of the victim's ability to function as before the rape.

23 (4) Serious bodily injury.

24 (5) A loss of life.

25 (b) Rape of the second degree.--A person commits rape of the
26 second degree, a felony of the first degree, when he engages in
27 sexual intercourse with another person not his spouse:

28 (1) by forcible compulsion;

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

1 (3) who is unconscious; or

2 (4) who is so mentally deranged or deficient that such
3 person is incapable of consent.

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