

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 689 Session of  
1997

INTRODUCED BY ARGALL, WALKO, TIGUE, SEMMEL, B. SMITH, PLATTS,  
RUBLEY, M. N. WRIGHT, SHANER, BROWNE, BAKER, GEIST, STURLA,  
SATHER, RAMOS, ITKIN, STERN, BARD, BOSCOLA, FARGO, FORCIER,  
EGOLF, E. Z. TAYLOR, ROSS AND CALTAGIRONE, MARCH 10, 1997

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 24, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for INSTITUTIONAL SEXUAL <—  
3 ASSAULT AND FOR obstructing emergency services; FURTHER <—  
4 PROHIBITING LIVE ANIMALS AS PRIZES; AND PROHIBITING THE  
5 CRIMINAL USE OF COMMUNICATION FACILITIES.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated  
9 Statutes is amended by adding ~~a section~~ SECTIONS to read: <—

10 § 3124.2. INSTITUTIONAL SEXUAL ASSAULT. <—

11 (A) GENERAL RULE.--A PERSON WHO IS AN EMPLOYEE OR AGENT OF  
12 THE DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL AUTHORITY  
13 COMMITTS A MISDEMEANOR OF THE FIRST DEGREE IF THE PERSON ENGAGES  
14 IN SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE OR INDECENT  
15 CONTACT WITH AN INMATE.

16 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "AGENT"  
17 MEANS A PERSON WHO IS ASSIGNED TO WORK IN A STATE OR COUNTY  
18 CORRECTIONAL FACILITY WHO IS EMPLOYED BY ANY STATE AGENCY OR ANY

1 PERSON EMPLOYED BY AN ENTITY PROVIDING CONTRACT SERVICES TO THE  
2 DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL AUTHORITY.

3 § 5112. Obstructing emergency services.

4 (a) Offense defined.--A person commits a ~~summary offense~~ <—  
5 MISDEMEANOR OF THE THIRD DEGREE if he knowingly impedes, <—  
6 obstructs or interferes with emergency services personnel  
7 providing emergency medical services to an injured victim or  
8 performing RESCUE OR firefighting activities. <—

9 (b) Definitions.--As used in this section, the following  
10 words and phrases shall have the meanings given to them in this  
11 subsection:

12 "Emergency medical services." The services utilized in  
13 responding to the needs of an individual for immediate medical  
14 care in order to prevent loss of life or the aggravation of  
15 physiological or psychological illness or injury.

16 ~~"Emergency services personnel." Police, firefighters, <—~~  
17 ~~licensed physicians, registered nurses, emergency medical~~  
18 ~~technicians and technician paramedics and first responders.~~

19 "EMERGENCY SERVICES PERSONNEL." A PERSON, INCLUDING A <—  
20 TRAINED VOLUNTEER OR A MEMBER OF THE ARMED FORCES OF THE UNITED  
21 STATES OR THE NATIONAL GUARD, WHOSE OFFICIAL OR ASSIGNED  
22 RESPONSIBILITIES INCLUDE PERFORMING OR DIRECTLY SUPPORTING THE  
23 PERFORMANCE OF EMERGENCY MEDICAL OR RESCUE SERVICES OR  
24 FIREFIGHTING.

25 "RESCUE." THE ACT OF EXTRICATING PERSONS FROM ENTRAPMENT OR  
26 DANGEROUS SITUATIONS WHICH POSE THE IMMINENT THREAT OF DEATH OR  
27 SERIOUS BODILY INJURY.

28 SECTION 2. SECTION 5511.1(A) AND (B) OF TITLE 18 ARE AMENDED <—  
29 TO READ:

30 § 5511.1. LIVE ANIMALS AS PRIZES PROHIBITED.

1 (A) GENERAL RULE.--NO PERSON SHALL GIVE OR OFFER TO GIVE  
2 AWAY ANY LIVE ANIMAL, EXCEPT FISH, AS A PRIZE IN ANY DRAWING,  
3 LOTTERY, CONTEST, SWEEPSTAKES OR OTHER GAME. NO PERSON OPERATING  
4 ANY DRAWING, LOTTERY, CONTEST, SWEEPSTAKE OR OTHER GAME SHALL  
5 SELL OR OFFER TO SELL ANY LIVE ANIMAL, EXCEPT FISH, IN  
6 CONJUNCTION WITH THE OPERATION OF A DRAWING, LOTTERY, CONTEST,  
7 SWEEPSTAKES OR OTHER GAME.

8 (B) EXCEPTION.--

9 (1) THIS SECTION SHALL NOT APPLY TO ANY DOMESTIC ANIMAL  
10 GIVEN AWAY OR SOLD IN CONNECTION WITH ANY AGRICULTURAL,  
11 EDUCATIONAL OR VOCATIONAL PROGRAM SPONSORED OR SANCTIONED BY  
12 THE DEPARTMENT OF AGRICULTURE.

13 (2) THE DEPARTMENT OF AGRICULTURE SHALL PROMULGATE THE  
14 RULES AND REGULATIONS NECESSARY TO PROVIDE THE CONDITIONS AND  
15 REQUIREMENTS OF LIVE ANIMAL OFFERINGS UNDER THIS SUBSECTION.

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17 SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:  
18 § 7509. CRIMINAL USE OF COMMUNICATION FACILITY.

19 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE THIRD  
20 DEGREE IF THAT PERSON USES A COMMUNICATION FACILITY TO COMMIT,  
21 CAUSE OR FACILITATE THE COMMISSION OR THE ATTEMPT THEREOF OF ANY  
22 CRIME WHICH CONSTITUTES A FELONY UNDER THIS TITLE OR UNDER THE  
23 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED  
24 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT. EVERY INSTANCE WHERE  
25 THE COMMUNICATION FACILITY IS UTILIZED CONSTITUTES A SEPARATE  
26 OFFENSE UNDER THIS SECTION.

27 (B) PENALTY.--A PERSON WHO VIOLATES THIS SECTION SHALL, UPON  
28 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$15,000  
29 OR TO IMPRISONMENT FOR NOT MORE THAN SEVEN YEARS, OR BOTH.

30 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM

1 "COMMUNICATION FACILITY" MEANS A PUBLIC OR PRIVATE  
2 INSTRUMENTALITY USED OR USEFUL IN THE TRANSMISSION OF SIGNS,  
3 SIGNALS, WRITING, IMAGES, SOUNDS, DATA OR INTELLIGENCE OF ANY  
4 NATURE TRANSMITTED, IN WHOLE OR IN PART, INCLUDING, BUT NOT  
5 LIMITED TO, TELEPHONE, WIRE, RADIO, ELECTROMAGNETIC,  
6 PHOTOELECTRONIC OR PHOTO-OPTICAL SYSTEMS OR THE MAIL.

7 SECTION ~~2~~ 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

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