
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1932 Session of
1999

INTRODUCED BY RUFFING, YUDICHAK, SOLOBAY, DeWEESE, BEBKO-JONES,
BELARDI, BELFANTI, BROWNE, BUNT, CASORIO, M. COHEN, COSTA,
DeLUCA, DERMODY, FAIRCHILD, FRANKEL, GIGLIOTTI, GRUCELA,
HARHAI, KAISER, LAUGHLIN, MANN, MARKOSEK, MELIO, MICHLOVIC,
R. MILLER, PETRARCA, PLATTS, PRESTON, READSHAW, ROONEY,
SCHRODER, SEYFERT, SHANER, STABACK, STEELMAN, E. Z. TAYLOR,
J. TAYLOR, TRELLO, VAN HORNE, WALKO, WILLIAMS, WOJNAROSKI AND
YOUNGBLOOD, OCTOBER 6, 1999

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 6, 1999

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 of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3124.1. Sexual assault.

9 Except as provided in section 3121 (relating to rape) or 3123
10 (relating to involuntary deviate sexual intercourse), a person
11 commits a felony of the second degree when that person engages
12 in sexual intercourse or deviate sexual intercourse with a
13 complainant without the complainant's consent. Sexual assault
14 committed upon a care-dependent person as defined in section
15 2713 (relating to neglect of care-dependent person) is a felony

1 of the first degree.

2 § 3126. Indecent assault.

3 (a) Offense defined.--A person who has indecent contact with
4 the complainant or causes the complainant to have indecent
5 contact with the person is guilty of indecent assault if:

6 (1) the person does so without the complainant's
7 consent;

8 (2) the person does so by forcible compulsion;

9 (3) the person does so by threat of forcible compulsion
10 that would prevent resistance by a person of reasonable
11 resolution;

12 (4) the complainant is unconscious or the person knows
13 that the complainant is unaware that the indecent contact is
14 occurring;

15 (5) the person has substantially impaired the
16 complainant's power to appraise or control his or her conduct
17 by administering or employing, without the knowledge of the
18 complainant, drugs, intoxicants or other means for the
19 purpose of preventing resistance;

20 (6) the complainant suffers from a mental disability
21 which renders him or her incapable of consent;

22 (7) the complainant is less than 13 years of age; [or]

23 (8) the complainant is less than 16 years of age and the
24 person is four or more years older than the complainant and
25 the complainant and the person are not married to each other;
26 or

27 (9) the complainant is a care-dependent person as
28 defined in section 2713 (relating to neglect of care-
29 dependent person).

30 (b) Grading.--Indecent assault under subsection (a)(7) [is a

1 misdemeanor] and (9) are misdemeanors of the first degree.
2 Otherwise, indecent assault is a misdemeanor of the second
3 degree.
4 Section 2. This act shall take effect in 60 days.