

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 874 Session of
2001

INTRODUCED BY COSTA, MELLOW, MUSTO, BOSCOLA, LOGAN, ROBBINS,
PUNT, RHOADES, WOZNIAK AND STACK, MAY 11, 2001

REFERRED TO JUDICIARY, MAY 11, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing
3 sentences for offenses against infant persons.

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

6 Section 1. Section 9718 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9718. Sentences for offenses against infant persons.

9 (a) Mandatory sentence.--

10 (1) A person convicted of the following offenses when
11 the victim is under 16 years of age shall be sentenced to a
12 mandatory term of imprisonment as follows:

13 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated
14 assault) - not less than two years.

15 18 Pa.C.S. § 3121(1), (2), (3), (4), (5) and (6)
16 (relating to rape) - not less than five years.

17 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
18 intercourse) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. § 3125(1) through (6) (relating to aggravated indecent assault) - not less than two and one-half years.

(a.1) Life imprisonment provision.--Notwithstanding any other provision of law to the contrary, a person convicted of the following offenses shall be sentenced to a term of life imprisonment when the victim is 13 years of age or younger and the offense includes serious bodily injury as defined in 18 Pa.C.S. § 2301 (relating to definitions):

18 Pa.C.S. § 3121.

18 Pa.C.S. § 3123.

(b) Eligibility for parole.--[Parole] Except as provided in subsection (a.1), parole shall not be granted until the minimum term of imprisonment has been served.

(c) Authority of court in sentencing.--There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsections (a) and (a.1) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.--If a sentencing court shall refuse to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the

1 sentencing court. The appellate court shall vacate the sentence
2 and remand the case to the sentencing court for the imposition
3 of a sentence in accordance with this section if it finds that
4 the sentence was imposed in violation of this section.

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