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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 771**      Session of  
2007

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INTRODUCED BY ORIE, RAFFERTY, PICCOLA, REGOLA, PILEGGI, LOGAN,  
FOLMER, STACK, KITCHEN, PIPPY, BROWNE, SCARNATI AND RHOADES,  
APRIL 20, 2007

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REFERRED TO JUDICIARY, APRIL 20, 2007

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for sentencing for rape and for  
4 involuntary deviate sexual intercourse; providing for the  
5 offense of loitering and prowling by sexual offenders; and  
6 further providing for the use of global positioning system  
7 technology.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 3121(e) and 3123(d) of Title 18 of the  
11 Pennsylvania Consolidated Statutes are amended and the sections  
12 are amended by adding subsections to read:

13 § 3121. Rape.

14 \* \* \*

15 (e) Sentences.--Notwithstanding the provisions of section  
16 1103 (relating to sentence of imprisonment for felony), except  
17 as set forth in subsection (f), a person convicted of an offense  
18 under:

19 (1) Subsection (c) shall be sentenced to a term of  
20 imprisonment which shall be fixed by the court at not less

1 than 25 years nor more than [40] 50 years.

2 (2) Subsection (d) shall be sentenced [up] to a minimum  
3 term of 50 years and a maximum term of life imprisonment.

4 (f) Multiple victims.--A consecutive term of imprisonment  
5 shall be imposed for each victim of an offense under subsection  
6 (c) or (d).

7 § 3123. Involuntary deviate sexual intercourse.

8 \* \* \*

9 (d) Sentences.--Notwithstanding the provisions of section  
10 1103 (relating to sentence of imprisonment for felony), a person  
11 convicted of an offense under:

12 (1) Subsection (b) shall be sentenced to a term of  
13 imprisonment which shall be fixed by the court at not less  
14 than 25 years nor more than [40] 50 years.

15 (2) Subsection (c) shall be sentenced [up] to a minimum  
16 term of 50 years and to a maximum term of life imprisonment.

17 (d.1) Multiple victims.--A consecutive term of imprisonment  
18 shall be imposed for each victim of an offense under subsection  
19 (b) or (c).

20 \* \* \*

21 Section 2. Title 18 is amended by adding a section to read:

22 § 5506.1. Loitering and prowling by sexual offenders.

23 A person subject to registration under 42 Pa.C.S. § 9795.1  
24 (relating to registration) and who intentionally loiters or  
25 maliciously prowls within 1,000 feet of a school, playground,  
26 school bus stop or day-care center when children are present  
27 commits a misdemeanor of the third degree.

28 Section 3. Section 9798.3 of Title 42, added November 29,  
29 2006 (P.L.1567, No.178), is amended to read:

30 § 9798.3. Global positioning system technology.

1        (a) General rule.--The Pennsylvania Board of Probation and  
2 Parole and county probation authorities may impose supervision  
3 conditions that include offender tracking through global  
4 positioning system technology (GPS).

5        (b) Construction.--Nothing in this title shall be construed  
6 to prohibit law enforcement and State and county probation and  
7 parole officials from working with local governments to use GPS  
8 technology to create child protective zones and predator alert  
9 systems which would be activated when an offender illegally  
10 removes a GPS monitoring device or enters a zone established  
11 around schools, day-care centers, playgrounds and bus stops.

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